



# Ringfencing and the General Assembly

A briefing by Blue Smoke exploring General Assembly action on the issue of monopolies on top UN roles

## About this briefing

Blue Smoke is a small working group created in 2022 to shine a light on elections and appointments to senior positions within the United Nations. The working group consists of UNA-UK, Plataforma CIPÓ and Strategy for Humanity and relies on the expertise of a wide network of experts, advisors and sources. We support multilateralism. We see the UN, for all its flaws, as the most legitimate body humanity has at present to bring states, civil society and other stakeholders together under the principles of the Organisation to stand up for human rights, sustainable development and peace.

This briefing was written by Fred Carver with support from Ben Donaldson, Enyseh Teimory and Maiara Folly in May 2023.

Cover image: All eyes on the UN: Photographers in UN Headquarters look on at delegates during high-level week of the seventy-seventh session of the United Nations General Assembly. UN Photo/Manuel Elias

## Intro

Ringfencing - the continued practice of appointing individuals from specific states to specific roles - damages the credibility of the United Nations, severely limits the pool of talent available, and fuels ongoing resentments from many nations that the organisation only represents powerful states. It is also in clear contravention of both the general provisions of the UN Charter and specific decisions of the General Assembly.

Ringfencing has long blighted the UN system. With minor and inconsequential changes the same roles that were ringfenced well over 15 years ago are still ringfenced today. It's one of the UN's worst kept secrets that you must be American to get the job of running the prestigious Political and Peacebuilding Affairs office; that you need to be Chinese to get the Department of Economic and Social Affairs, British to get the humanitarian affairs office, Russian to get the Office of Counter-Terrorism and French to get UN Peacekeeping. The Secretary-General ringfences these roles for the powerful — often for powerful men — even though the General Assembly states that a national of a member state should not succeed a national of that same state.

And yet while the General Assembly would have every right to be outraged that successive Secretaries-General have continued to ignore their repeatedly stated directions (on a matter which the UN Charter expressly gives the General Assembly authority), and while it is clear that many states are indeed outraged, recent General Assembly resolutions have shown far greater deference and timidity with respect to the Secretary General on this matter than their predecessors.

This year's [Ad Hoc Working Group](#) resolution is a golden opportunity to address the issue more forcefully. We know from the chronicle below that states wanting to push this issue should include specific demands: for states to refrain from lobbying for their nationals to receive specific senior roles, and for the Secretary-General to explain, publicly and promptly, each and every time there is a deviation from the General Assembly's clear position on this issue.

**15+ RESOLUTIONS**

SINCE 1980 MORE THAN 15 GENERAL ASSEMBLY RESOLUTIONS HAVE CALLED FOR AN END TO RINGFENCING.

## The legal position

The UN Charter states that

**ARTICLE 101 (1):** The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

**ARTICLE 101 (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.**

The most recent set of staff regulations ([ST/SGB/2023/1](#)) codifies this requirement under Staff Regulation 4.2:

The paramount consideration in the appointment, transfer or promotion of the staff 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

Relevant General Assembly resolutions, including those we go on to discuss, can and should also be considered a form of “regulations established by the General Assembly” as provided for in the UN Charter, and thus as binding on the Secretary-General.

It should be noted that [General Assembly Resolution 51/226](#) gives the Secretary-General “discretionary power .... of appointment and promotion **outside the established procedures [for posts within] his Executive Office and the under-secretary-general and Assistant Secretary-General levels, as well as special envoys at all levels**”. In the UN Appeals Tribunal case [Bertucci v Secretary-General](#) the Secretary-General’s legal team described this discretionary power as “vast” and allowing the Secretary-General to exempt themselves from staff regulations.

But it should be noted that in the UN Charter, and thus overruling both regulations and the Secretary-General’s discretion, is the following:

**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**

Such action may reasonably be considered to include a pattern of recruitment of individuals from specific nations.

## Chronicle of General Assembly action on ringfencing

Powerful states have sought to monopolise certain roles from the earliest days of the UN and doubtless the General Assembly has objected from the earliest days of the UN.

The modern history of General Assembly's formal objections to ringfencing starts in **1980** with General Assembly Resolution [35/210](#):

3. Reaffirms that **no post should be considered the exclusive preserve of any member state**, or group of states, and requests the Secretary-General to ensure that this principle is applied faithfully in accordance with the principle of equitable geographic distribution.

The General Assembly next took it up in **1986** in [41/206 B](#):

1. Requests the Secretary-General, in order to preserve the principle of equitable geographic distribution, and the **need for rotation in the composition of the upper echelons of the secretariat**, to ensure that equal opportunity is given to nationals of all Member States when making appointments to all posts at the levels of Under-Secretary-General and Assistant Secretary General

2. Calls upon the Secretary-General in making appointments at the levels of Under-Secretary-General and Assistant Secretary General **to strive to appoint only a national of a country other than that of the incumbent** to be replaced in order to reinforce the principle of rotation in the upper echelons of the Secretariat unless the Secretary-General considers that there are exceptional circumstances, in light of article 101 paragraph 3 of the UN Charter.

In **1989** this was reiterated in [44/185](#) as:

3. Requests the Secretary-General to take every available measure to ensure, at the senior and policy formulating levels of the secretariat, the equitable representation of member states, in particular of developing countries and other member states with inadequate representation at those levels, in accordance with the relevant resolutions at the General Assembly and to report thereon to the assembly at its forty fifth session, **bearing in mind that no post should be considered the exclusive preserve of any member state**, or group of states and with due regard to the principle of equitable geographic distribution

In **1990** [45/239 A 1](#) reordered the paragraph slightly and caveated it as:

8. **Reaffirms that no post should be considered the exclusive preserve of any member state**, or group of states and accordingly requests the Secretary-General, when making appointments to high level and policy formulating posts to give equal opportunity to all member states through the announcement of such posts to the extent possible, with due regard to the principles of the highest standards of efficiency competence and integrity and of equitable geographic distribution, bearing in mind that appointments are to be made at the discretion of the Secretary-General against specific selection criteria in accordance with Article 101 of the charter.

This was further reworked and slightly strengthened in **1992** under [46/232](#) as:

3(e). Ensuring a more effective appreciation of the principle that the

recruitment of staff should be on as wide a geographical basis as possible and that, as a general rule, no national of a Member State should succeed a national of that State in a senior post and there should be no monopoly on senior posts by nationals of any State or group of States;

**1997** then saw a simple reiteration under [51/226 B](#) in the form:

1. Reaffirms that no post should be considered the exclusive preserve of any Member State or group of States, including at the highest level;

In **1999** we then saw [53/221](#) which consolidated the wording of the 1989, 1990 and 1992 resolutions in the form:

6. Reaffirms that no post should be considered the exclusive preserve of any Member State or group of States, including at the highest levels, and requests the Secretary-General to ensure that, as a general rule, no national of a Member State succeeds a national of that State in a senior post and that there is no monopoly on senior posts by nationals of any State or group of States;

The wording above (from [53/221](#)) is then repeated verbatim in **2001** (in [55/258](#)) and then in **2003** in [57/305](#) the text is repeated again with the addition of a critical final line:

...and to report thereon to the General Assembly at its [xx] session

This formula, with the addition of the extra line requiring a report back is then repeated twice more:

- In **2005** in [59/266](#)
- In **2007** in [61/244](#)

When the General Assembly considered the matter in the **63rd** session in **2009** (in [63/250](#)) they took a different approach which aimed to push diversity more broadly, without specific regard to ringfencing, as part of an attempt to push the Secretary-General to comprehensively rethink his approach:

17. Recognizes that considerable change has taken place in the composition and the number of staff of the global United Nations Secretariat in the past two decades, recalls the reports of the Secretary-General, and requests him to submit to the General-Assembly, at its sixty-fifth session, proposals for a comprehensive review of the system of desirable ranges, with a view to **establishing a more effective tool to ensure equitable geographical distribution** in relation to the total number of staff of the global United Nations Secretariat;

In response to that report back in **2011** (in [65/247](#)) the General Assembly firmly told the Secretary-General that he had further work to do:

Comprehensive assessment of the system of geographical distribution

63. Recalls paragraph 17 of section IX of its resolution 63/250, and requests the Secretary-General to report thereon to the General Assembly at the sixty-seventh session;

64. Reiterates its requests to the Secretary-General to present proposals to effectively increase the representation of developing countries in the Secretariat and to report thereon to the General Assembly at its sixty-seventh session;

They didn't even wait for the report back

before stressing the point further in **2012** (in [66/234](#))

1. Reiterates its request to the Secretary-General to continue his ongoing efforts to ensure the attainment of equitable geographical distribution in the Secretariat and to also ensure as wide a geographical distribution of staff as possible in all departments, offices and levels, including at the Director and higher levels, of the Secretariat, and in that regard reiterates its request contained in paragraph 64 of resolution 65/247;

And when the report back finally happened in **2013** (in [67/255](#)) they were not happy:

44. Reiterates that the principle of equitable geographical distribution in the composition of the Secretariat does not conflict with the paramount consideration in the employment of staff, namely, the necessity of securing the highest standards of efficiency, competence and integrity, as set out in Article 101, paragraph 3, of the Charter of the United Nations;

46. Also recalls paragraph 54 of the report of the Advisory Committee, **regrets in this regard that the Secretary-General has once again failed** to present proposals for a comprehensive review of the system of desirable ranges, and requests the Secretary-General to present to the General Assembly, no later than at its sixty-ninth session, proposals with a view to establishing a more effective tool for ensuring equitable geographical distribution in relation to the posts financed through the regular budget;

47. Further recalls paragraph 64 of its resolution 65/247, and reiterates its requests to the Secretary-General that he

present proposals to effectively increase the representation of developing countries in the Secretariat and report on the progress thereon to the General Assembly at its sixty-ninth session;

But at the **69th** session in **2015** the General Assembly did not follow up on this. There was no biennial human resources resolution that year, as had been the tradition, and instead the matter was taken up under the topic of “revitalisation of the role of the General Assembly” where it has resided ever since. But in [69/321](#), under the shadow of the 2016 selection process for the Secretary-General, the only reference to geographic distribution was watered down to:

38. Stresses the need to ensure **equal and fair distribution based on gender and geographical balance**, while meeting the highest possible requirements, on the appointment of executive heads of the Organization, including the Secretary-General, and in this regard invites Member States to consider presenting women as candidates for the position of Secretary-General;

When this was next taken up in **2017** the result was the reintroduction of a slightly reworked (milder) version of the 1999-2007 text. Resolution [71/323](#) states:

63. Stresses the need to ensure equal and fair distribution based on gender balance and as wide a geographical basis as possible, and in this regard recalls its resolutions 46/232 of 2 March 1992 and 51/241, adopted without a vote, which contain the principles that the highest standards of efficiency, competence and integrity are the paramount considerations in the recruitment and performance of international civil servants and that, **as a general rule, there should be no**

**monopoly on senior posts in the United Nations system by nationals of any State or group of States;**

This wording is repeated verbatim in [73/341](#) in 2019.

In 2021 resolution [75/325](#), the most recent on the subject, took a different approach:

61. Welcomes again the ongoing efforts of the Secretary-General towards achieving equal and fair distribution in terms of the gender and geographical balance of the executive heads of the United Nations system and the Senior Management Group of the Organization,

while securing the highest standards of efficiency, competence and integrity, in accordance with Article 101 of the Charter **and its resolutions 46/232 of 2 March 1992, 51/241, and 71/263 of 23 December 2016**, commends in particular the fact that gender parity was achieved in the Senior Management Group, and requests that further effective measures be taken in this regard;

It should be noted that while this wording does not include an explicit prohibition of ringfencing it is there implicitly through its citation of three resolutions that do contain such a prohibition.

# 44.4%

ACCORDING TO THE NYU-CIC DASHBOARD 44.4% OF SENIOR APPOINTMENTS AWARDED BETWEEN 2017 AND 2022 (THE MOST RECENT DATA AVAILABLE) HAVE COME FROM THE WESTERN EUROPE AND OTHER GROUP

## A decline in strength

Over four decades of consistent practice by the General Assembly makes it abundantly clear that there is a strong and well-established opposition to the ringfencing of senior UN roles. The relative timidity of recent resolutions does nothing to weaken that norm, but it does demonstrate an alarming trend towards undue deference towards the Secretary-General on behalf of the General Assembly.

Whereas the General Assembly was once happy to say that it **“regrets ... that the Secretary-General has once again failed”** or demand a report back on instances of ringfencing, in its most recent release, in 2021,

it merely **“welcomes again the ongoing efforts of the Secretary-General”**. The justification for this more submissive approach is unclear since there has not been any meaningful or substantive improvement between the former resolution and the latter.

**It is high time that the General Assembly once again makes use of language it has previously agreed to hold the Secretary-General to account for ignoring its well established position. Further, the wording should be strengthened to ensure that each and every instance of deviation from the General Assembly’s position is promptly and publicly explained.**

## “As a general rule”

There is a tendency for P5 member states who wish to protect their ringfenced senior appointments to insist on the appending of the phrase “as a general rule” to any language the General Assembly agrees noting the impermissibility of ringfencing roles.

Three observations are relevant here

1. It is not the case that the UN General Assembly has only stated its objection to ringfencing “as a general rule”. It has on several occasions, including in the 1980 resolution 35/210, made its objection in absolute terms without any caveats, and again in 1989 and 1990, while in 1986 the point was made alongside the much narrower caveat “unless the Secretary-General considers that there are exceptional circumstances”.

2. The use of the phrase “as a general rule” as an all encompassing caveat to the entire paragraph opposing ringfencing is a very new development. Of the near 20 resolutions to consider this matter over the last forty plus years only two resolutions have taken this approach: 2017 resolution 71/323 and 2019 resolution 73/341. Prior practice, between 1999 and 2007, was to twice separately prohibit the ringfencing of roles within the same paragraph: once with “no post should be considered the exclusive preserve of any Member State” and then again as “no national of a Member State succeeds a national of

that State in a senior post and that there is no monopoly on senior posts by nationals of any State”. The caveat “as a general rule” was then applied to the latter sentence but not the former, which was stated without caveat.

3. The phrase “as a general rule” does not imply, and should not be interpreted as giving, permission to continue the ringfencing of specific roles. The phrase “as a general rule” implies that any deviation from that rule must be on an exceptional basis: the ringfencing of specific roles requires repeated deviations from that rule on a basis that is regular and predictable. Ringfencing is therefore in contravention of even those resolutions that include the phrase “as a general rule”. Furthermore, if the General Assembly is minded to recommend that a specific practice be followed “as a general rule” that generates a yet greater requirement for monitoring of the implementation of that rule, in order to ensure that any exceptions to that general rule are indeed exceptional. It was for this reason that practice from 2001 to 2007 was to pair the “general rule” caveat with a requirement that the Secretary-General “report thereon to the General Assembly”. This practice should be re-established: any language regarding practice occurring as a general rule should be paired with a requirement for the Secretary-General to report back to the General Assembly demonstrating when, how, and why deviation from that general rule has occurred.

# 15%

ACCORDING TO THE NYU-CIC SENIOR APPOINTMENT DASHBOARD: THE WEOG GROUP - JUST 15% OF ALL UN MEMBER STATES - RECEIVED 47.75% OF SENIOR APPOINTMENTS MADE BETWEEN 1995-2022



## An ongoing issue

One would be forgiven for assuming from the tone of the latest General Assembly resolution welcoming the Secretary-General's ongoing efforts that there had been some progress with respect to ringfencing of roles. This does not appear to be the case.

While ringfencing is an informal unwritten practice, and is therefore difficult to measure explicitly, it appears clear from recruitment patterns to certain key roles that they are ringfenced to certain nationals as previously mentioned. With some minor and inconsequential changes (Russia changing between, but always having one of, the UN offices in Geneva or Vienna) these ringfenced roles have remained largely unchanged for well over 15 years. Indeed the only potential major change since then is that Secretary-General Guterres created the new senior role of Under-Secretary-General of the Office of Counter-Terrorism (OCT) - a role that it is widely understood is ringfenced for Russia.

The OCT situation is unlikely to be clarified any time soon given the [lack of transparency around the role's term of office and timeline for renewal](#). If subsequent practice does demonstrate that the role is indeed ringfenced for Russia then the only meaningful change Secretary-General Guterres will have made to the practice of ringfencing is to increase its prevalence.

Furthermore, the UN still has a way to go with respect to fair geographic distribution. According to the NYU-CIC [dashboard](#) 44.4% of senior appointments awarded between 2017 and 2022 (the most recent data published) have come from the Western Europe and Other Group (WEOG) despite this group only accounting for 12.5% of the world's population and 15% of UN member states. Ringfencing, a practice which disproportionately benefits the P5 who are themselves disproportionately WEOG members, only exacerbates this problem.

# 20%

ACCORDING TO THE NYU-CIC SENIOR APPOINTMENT DASHBOARD: DESPITE REPRESENTING LESS THAN 3% OF MEMBER STATES, THE P5 RECEIVED MORE THAN 20% OF SENIOR APPOINTMENTS MADE BETWEEN 1995-2022.

IN THIS TIME THE US RECEIVED MORE THAN HALF OF P5 APPOINTMENTS (11% OVERALL) AND THE UK MORE THAN A QUARTER (5.3% OVERALL)

## Top jobs in return for candidacy support

One of the periods where a Secretary-General is most vulnerable to the influence of powerful states takes place before they even take office. In order to get appointed, the candidate will have to gain the support of the veto-carrying permanent members (P5) of the Security Council since, as stated in Article 97 of the Charter, "The Secretary-General shall be appointed by the General Assembly **upon the recommendation of the Security Council**".

Despite positive changes to open up the process in 2016, the P5 of the Security Council therefore continue to wield an outsize influence on the selection process for UN Secretary-General. In the past, P5 members have been able to extract promises to reserve senior UN posts for their own nationals from candidates in exchange for support, thus bypassing properly competitive selection procedures and requirements. The practice was [condemned by the independent group of global leaders, the Elders](#), in 2015.

The Secretary-General's independence is similarly vulnerable to undue influence

during the period when they are seeking reappointment. This is one reason why consideration should be given to future Secretaries-General being appointed for a non-renewable term of office - a [reform](#) that is within the General Assembly's gift to implement. Likewise Urquhart and Childers in their [seminal work on UN reform](#) suggested that the Secretary-General should appoint their senior staff for single non-renewable terms, which would safeguard their independence and give clarity and transparency over their terms in office.

The UN needs the best people for its top positions if it is to tackle successfully the multiple, complex challenges the world faces today, it needs to reflect the world it seeks to serve, and it needs the public to have trust that the world's leadership were chosen fairly, accountably, and transparently. The next Secretary-General's ability to recruit a strong leadership team of the highest calibre, from candidates of all the world's regions, is crucial for the future of the UN.

# 37

ACCORDING TO THE NYU-CIC SENIOR APPOINTMENTS DASHBOARD: BETWEEN 2016 AND 2022 (THE MOST RECENT DATA PUBLISHED) MORE US NATIONALS WERE APPOINTED TO SENIOR POSITIONS AT THE UN (37) THAN FROM THE ENTIRE GROUP OF LATIN AMERICAN AND CARIBBEAN STATES PUT TOGETHER (34)

## Links to related resources

[Blue Smoke's website](#)

[Blue Smoke's newsletter hosted by Pass Blue](#)

[1 for 8 Billion's reform priorities for the current General Assembly session](#)

[No backroom deals, an end to monopoly](#)

[GWL Voices' mapping of women's leadership in multilateral organizations](#)

[NYU CIC's UN Senior Appointments Dashboard](#)


# Monopolies at the UN

While there are many instances of ringfencing senior roles for member states, here are examples for each of the P5 related to roles appointed by the Secretary-General.

**USA**

**UNITED NATIONS DPPA**

|                  |           |
|------------------|-----------|
| Rosemary DiCarlo | 2018-now  |
| Jeffrey Feltman  | 2012-2018 |
| Lynn Pascoe      | 2007-2012 |



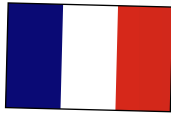

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US citizens have run the Department for Political and Peacebuilding Affairs since 2007. (Until 2019 this department was called the Department for Political Affairs)

**FRANCE**

**UNITED NATIONS DPO**

|                     |           |
|---------------------|-----------|
| Jean-Pierre Lacroix | 2017-now  |
| Hervé Ladsous       | 2011-2017 |
| Alain Le Roy        | 2008-2011 |
| Jean-Marie Guéhenno | 2000-2008 |
| Bernard Miyet       | 1997-2000 |




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Frenchmen have led the Department for Peace Operations since 1997. (Until 2019 this department was known as the Department for Peacekeeping Operations.)

**UNITED KINGDOM**

**UNITED NATIONS OCHA**

|                  |           |
|------------------|-----------|
| Martin Griffiths | 2021-now  |
| Mark Lowcock     | 2017-2021 |
| Stephen O'Brien  | 2015-2017 |
| Valerie Amos     | 2010-2015 |
| John Holmes      | 2007-2010 |




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UK nationals have headed the Office for the Coordination of Humanitarian Affairs since 2007

**CHINA**

**UNITED NATIONS DESA**

|             |           |
|-------------|-----------|
| Li Junhua   | 2022-now  |
| Liu Zhenmin | 2017-2022 |
| Wu Hongbo   | 2012-2017 |
| Sha Zukang  | 2007-2012 |





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Chinese citizens have run the Department of Economic and Social Affairs since 2007

**RUSSIA**

**UNOV AND UNOG**

|                            |           |
|----------------------------|-----------|
| Tatiana Valovaya, UNOG     | 2019-now  |
| Yuri Fedotov, UNOV         | 2010-2019 |
| Sergei Ordzhonikidze, UNOG | 2002-2011 |
| Vladimir Petrovsky, UNOG   | 1993-2002 |




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Russians have been firmly at the helm of either the UN Office in Geneva or Vienna since 1993