Electing the U.N. Secretary-General after the Cold War

Joakim E. Parker
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by
JOAKIM E. PARKER*

Introduction

On December 3, 1991, Boutros Boutros-Ghali was elected the sixth Secretary-General of the United Nations. He assumed a position that has increased in stature as the United Nations' role in international affairs has grown in significance over the past half decade. Javier Pérez de Cuéllar, Ghali's predecessor, was visibly active in matters such as the release of hostages, dispute resolution, and the Persian Gulf War, particularly during his last three years in office. This greater visibility and importance heightened the stakes involved in filling the position.

The United Nations Charter states that the "Secretary-General shall be appointed by the General Assembly upon the recommendation of the

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Security Council." This language is deceptively simple. In reality, the General Assembly votes on only a single candidate who has gained the approval of a nine-vote majority of the Security Council, including all five permanent members. This results in a Secretary-General that represents, more than anything, a political compromise between the permanent members of the Security Council, with the General Assembly serving only as a rubber stamp.

This practice has been justified as an accommodation of the realities of the Cold War and superpower conflict. The dynamics involved in a

4. U.N. Charter art. 97. While the Charter uses the term “appoint,” “elect” will be used by this Note to conform with the reform it proposes. Cf. HANS KELSEN, THE LAW OF THE UNITED NATIONS 296-97 (1950) (pointing out that use of “appoint” is faulty in light of relationship between General Assembly and Secretary-General). Others have suggested that usage of “appoint” has more to do with the character of the Secretary-General’s duties than the character of elevation. See, e.g., LELAND M. GOODRICH & EDVARD HAMBRO, CHARTER OF THE UNITED NATIONS: COMMENTARY AND DOCUMENTS 269 (1946).


6. U.N. Charter art. 27, ¶ 2 (“shall be made by an affirmative vote of nine members”). There are a total of fifteen members on the Council. Id. art. 23, ¶ 1; see infra note 7.

7. The Charter itself does not specify that permanent member unanimity is required, U.N. Charter art. 27, ¶ 2; that requirement is found in a General Assembly resolution, Plenary Meetings of the General Assembly, supra note 5, at 269. The five permanent members of the Security Council are “China, France, the Union of Soviet Socialist Republics, the United Kingdom... and the United States.” U.N. Charter art. 23, ¶ 1. The ten other, non-permanent members are elected by the General Assembly for two-year terms. Id. art.23, ¶¶ 1-2. The Republic of Russia of the Commonwealth of Independent States has assumed the Soviet seat on the Security Council. Paul Lewis, West Acts to Defer Issue of New U.N. Council Seats, N.Y. TIMES, Jan. 3, 1992, at A6 (other four permanent members “moved swiftly, without public debate or any attempt to reopen the Charter, to insure that the former Soviet seat went to Russia”).

“While other organs of the United Nations may make recommendations to Governments, the Security Council alone has the power to make decisions which all Member States are obligated under the Charter to accept and carry out.” U.N. DEP’T OF PUB. INFO., EVERYONE’S UNITED NATIONS at 16, U.N. Sales No. E.85.I.24 (10th ed. 1986) [hereinafter EVERYONE’S UNITED NATIONS]; see also infra notes 39-41 and accompanying text (describing duties and powers of Security Council).

“The General Assembly may discuss any issue coming within the scope of the Charter or concerning any body established under the Charter.” EVERYONE’S UNITED NATIONS, supra at 14. Its influence is exercised through the weight of its recommendations as an expression of world opinion. Id. at 14. Also, “the finances of the United Nations are controlled by the Assembly.” Id. at 15.

8. See infra Part II.B. This has been true from the first election. Josef L. Kunz, The Legal Position of the Secretary General of the United Nations, 40 AM. J. INT’L L. 786, 789 (1946) (Lie appointment “a matter of compromise”).


10. See infra notes 65-77 and accompanying text; STEPHEN M. SCHWEBEL, THE SECRE-
changing global political order\textsuperscript{11} and the controversies that have surrounded each election,\textsuperscript{12} however, demonstrate that the time has come to revise the electoral procedures.

As a result of the relaxation of Cold War tensions, the permanent members of the Security Council are developing greater commonalities of interest\textsuperscript{13} while North-South tensions are increasing.\textsuperscript{14} If the developed nations continue to dominate the election process, the result may be the election of a Secretary-General unwilling to take positions that are contrary to the interests of those developed nations.\textsuperscript{15} Although it is not desirable to continue the paradigm of unyielding ideological opposition that created deadlock in the United Nations for a number of years,\textsuperscript{16} creating a lopsided balance of power is likewise incompatible with a sys-

\textsuperscript{11} This Note purposely avoids the popular phrase “new world order” because it is a creation of the Bush Administration, James Schlesinger, \textit{New Instabilities, New Priorities}, FOREIGN POL’Y, Winter 1991-1992, at 3, and because it is not clear that there is a “new” world order at this point in time. \textit{Cf.} John Wilner, \textit{Foreword, What’s New About The New World Order?}, FLETCHER F. WORLD AFF., Summer 1991. The “changing global political order” refers to the dissolution of the Communist regimes and the growth of democratization. See also Thomas M. Franck, \textit{United Nations Based Prospects for a New Global Order}, 22 N.Y.U. J. INT’L L. & POL. 601 (1990) (describing the emerging order as the end of the Cold War and the rising tide of democracy); infra Part III.A.

\textsuperscript{12} See infra Part II.

\textsuperscript{13} See David A. Koplow & Philip G. Schrag, \textit{Carrying a Big Carrot: Linking Multilateral Disarmament and Development Assistance}, 91 COLUM. L. REV. 993, 996 (1991) (describing areas of increasing U.S.-Soviet cooperation and interest-sharing such as “bilateral arms control, trade, human rights, and regional matters”); James A. Baker, \textit{From Points to Pathways of Mutual Advantage: Next Steps in Soviet-American Relations}, Address Before the American Committee on U.S.-Soviet Relations (Oct. 19, 1990), in U.S. DEP’T OF STATE, CURRENT POL’Y No. 1309, at 2-3 (1990) (detailing U.S.-Soviet cooperation in resolution of regional conflicts, arms control, political reform, technical economic contacts, and participation in international market institutions); Thomas L. Friedman, \textit{How U.S. Won Support to Use Mideast Forces}, N.Y. TIMES, Dec. 2, 1990, § 1, at 1 (detailing consensus building leading up to Security Council resolutions on Iraq’s invasion of Kuwait); see also Franck, supra note 11, at 613 (suggesting that “hegemonic tendencies” among the developed nations are significant). China remains the only permanent member of the Security Council not committed to capitalism, but it rarely uses its veto-power clout. See generally ANJALI V. PATIL, \textit{THE UN VETO IN WORLD AFFAIRS, 1946-1990} (1991) (China has used a solitary veto only once since 1945).

\textsuperscript{14} See Koplow & Schrag, supra note 13, at 993-94 (economic disparity and arms proliferation are an increasingly “urgent pair of North-South problems”); see also infra notes 132-136 and accompanying text.

\textsuperscript{15} See Brian Urquhart, \textit{The U.N.’s Crucial Choice}, FOREIGN POL’Y, Fall 1991, at 157, 158-59; cf. infra Part II.A.

tem that is dependent on cooperation.\textsuperscript{17} The developing nations should not be marginalized or disenfranchised in the post-Cold War era.\textsuperscript{18} One way to prevent this is to give them a greater voice in the United Nations through increased influence in the selection of the Secretary-General.\textsuperscript{19}

The current electoral procedures were contradictorily imposed on certain provisions of the Charter at the time of its conception.\textsuperscript{20} Little justification exists for their retention in the face of a changing world. During the early development of the Charter, negotiators assumed that the Security Council would operate on a simple majority basis in recommending candidates to the General Assembly.\textsuperscript{21} It was not until the emergence of the superpower conflict at the end of World War II that an interpretation requiring permanent member unanimity was forced upon the other members of the prospective United Nations.\textsuperscript{22} Because that interpretation is found not in the Charter but in rules later established by a preparatory commission to the first session of the General Assembly,\textsuperscript{23} it is not an explicit requirement of the Charter itself.

Reformation of the current election process may thus be more easily accomplished, because Charter amendment is not required.\textsuperscript{24} Redefining the acts of recommendation and appointment in the Security Council and General Assembly, respectively, would solve the problems caused by the current process.\textsuperscript{25} This would give the General Assembly a real voice in elections,\textsuperscript{26} acknowledge the ramifications of the changing global polit-


\textsuperscript{19} See The Right Choice for the U.N., N.Y. Times, Oct. 4, 1991, at A30 ("If the Permanent Five ignore the third world's just claims for a greater say in the U.N., it would suggest that Mr. Bush's New World Order has no place for the powerless.").

\textsuperscript{20} See infra Part I.

\textsuperscript{21} See infra notes 54-57, 65-66 and accompanying text.

\textsuperscript{22} See infra notes 65-76 and accompanying text.

\textsuperscript{23} The commission's interpretation was that "[f]rom the provisions . . . of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent members, is required." Report of the Preparatory Commission of the United Nations at 87, U.N. Doc. PC/20 (1945).

\textsuperscript{24} See infra notes 164-169 and accompanying text.

\textsuperscript{25} See infra Part II.

\textsuperscript{26} The Assembly would have a greater voice both through its non-permanent members on the Security Council (they hold a majority there, U.N. Charter art. 23, ¶ 1) and because its "appointment" vote would be more than a rubber stamp.
ical order, and accommodate proposals for improving the recruitment of candidates. Furthermore, such reform would enhance both the independence of the Secretariat and the effectiveness of the United Nations in addressing issues facing all nations.

Part I of this Note explores the events that led to the development of the standing rules of procedure, and exposes the inconsistent principles upon which those rules are based. Part II traces the problems that have occurred during past elections to those rules. Part III sets forth the criteria for a more successful election process and discusses the obstacles that stand in the way of change. Part IV proposes a modification of the electoral rules that satisfies the criteria established in Part III.

I. "Legislative History" of the Rules on Electing the Secretary-General

Presently, the Security Council's recommendation for Secretary-General is not considered a "procedural" matter, and the General Assembly's subsequent election is not considered an "important" matter. As a result, a "qualified majority" of nine votes of the Security Council, including unanimity among the permanent members, followed by a simple majority in the General Assembly, are required to elect the Secretary-General. An examination of the development of these procedures during the negotiations that led to the United Nations Conference on International Organization in 1945 and their adoption in

27. See infra notes 130-136 and accompanying text.
28. See, e.g., URQUHART & CHILDERS, supra note 9, at 29-30 (proposing single term limitation, rules and a timetable for nominations, establishment of a search group, and affirmative action for women); Max Jakobson, Filling the World's Most Impossible Job, WORLD MONITOR, Aug. 1991, at 25, 32-33 (proposing de-emphasis of nationality concerns, wider search, and openly declared candidacies).
29. The Charter distinguishes matters before the Security Council by whether they are "procedural" or not. U.N. CHARTER art. 27, ¶¶ 2-3 ("[P]rocedural matters shall be made by an affirmative vote of nine members . . . all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members."). Thus, recommendation is not at present procedural because it requires unanimity among the five permanent members. See supra note 7.
30. The Charter distinguishes matters before the General Assembly by whether they are "important" or not. U.N. CHARTER art. 18, ¶¶ 2-3 ("Decisions . . . on important questions shall be made by a two-thirds majority . . . Decisions on other questions . . . shall be made by a majority."). The election of the Secretary-General is not listed in the Charter as an "important question." Id.
31. The phrase "qualified majority" is often used to describe a nine-vote majority that includes unanimity among the permanent members of the Security Council. RUSSELL, supra note 17, at 720-21 n.14.
32. "Decisions on [non-important] questions . . . shall be made by a majority of the members present and voting." U.N. CHARTER art. 18, ¶ 3.
33. The United Nations Conference on International Organization [hereinafter the "San Francisco Conference"] was held in San Francisco from April 25 to June 26, 1945 to draft the
1946 reveals that they are inconsistent with basic principles that guided the Charter's creation.

A. Procedure in the Security Council

The permanent members' veto power is the critical element in the Security Council's "recommendation" to the General Assembly. A candidate must be acceptable to all permanent members, as well as to a majority of nine members of the Security Council. The qualified majority formula applies to all matters that are not "procedural"; it is in distinguishing between what is and is not procedural, however, that the formula's applicability to recommendations becomes questionable.

The Security Council was given "primary responsibility for the maintenance of international peace and security," along with certain powers for settling disputes and initiating enforcement and sanction actions, to fulfill that responsibility. The qualified majority formula was developed to avoid repeating the failures of the Council of the League of Nations (the Security Council's predecessor) in dealing with such security issues. The League Council's failures were due in large part to its voting rules, which required unanimity not only of its permanent members but also of the entire membership. By contrast, a qualified majority does not require unanimity of the entire membership.

Charter and establish the United Nations. Earlier negotiations revolved primarily around the United States, the Soviet Union, and the United Kingdom during wartime conferences at Dumbarton Oaks in 1944 and in Crimea earlier in 1945. The four "sponsoring governments" of the Conference were China, the Soviet Union, the United Kingdom, and the United States. Doc. 3, G/2, 1 U.N.C.I.O. Docs. 1 (1945).

34. Plenary Meetings of the General Assembly, supra note 5, at 267-69.
35. By requiring unanimity among the permanent members, the rule effectively gives each permanent member the power to "veto" any potential candidate for the Secretary-Generalship.
36. See supra notes 6-7.
37. See supra note 29.
40. "The Security Council may investigate any dispute . . . [and] recommend appropriate procedures or methods of adjustment . . . [or] recommend such terms of settlement as it may consider appropriate." U.N. Charter arts. 34, 36, ¶ 2, 37, ¶ 2.
41. "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . . to maintain or restore international peace and security." U.N. Charter art. 39.
42. See generally George Scott, The Rise and Fall of the League of Nations 369-98 (1973) (discussing failures such as Italy-Ethiopia crisis, Japanese acts against China, Spanish civil war, and build-up to World War II).
43. League of Nations Covenant art. 5, ¶ 1 ("[D]ecisions at any meeting . . . shall require the agreement of all the Members of the League represented at the meeting."); see also
The negotiations on voting procedure in the Security Council, from the Dumbarton Oaks Conference to the Yalta Conference and the San Francisco Conference, centered on the applicability of the qualified majority formula to decisionmaking on security issues in the Security Council. The United States, in July of 1944, proposed that only the following decisions should require a qualified majority: (1) assumption of jurisdiction over a dispute; (2) “the terms of settlement of disputes”; (3) negotiations “on the regulation of armaments and armed forces”; (4) “the determination of threats to the peace”; and (5) “the institution and application of measures of enforcement.” During the San Francisco Conference the same distinction was reiterated in a joint statement by the four sponsoring governments: the “voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions.” Article 27 of the Charter formalized this grouping of functions by requiring a qualified majority in all decisions relating


45. The Yalta Conference (also known as the Crimean Conference) was held February 4-11, 1945, and involved the heads of state of the Soviet Union, the United Kingdom, and the United States. Voting procedure in an international body was one of a number of issues discussed there. U.S. DEP’T OF STATE, FOREIGN RELATIONS OF THE UNITED STATES: THE CONFERENCES AT MALTA AND YALTA 660-67 (1945).

46. “Throughout the discussions leading to the approval of the Charter, first at Dumbarton Oaks, then at Yalta, and finally at San Francisco, the assumed foundation of post-war peace had been great-power unanimity.” JOSEPH P. MORRAY, FROM YALTA TO DISARMAMENT: COLD WAR DEBATE 74 (1961). Manifestations of this assumption are found both before and after the San Francisco Conference in the League of Nations, COVENANT OF THE LEAGUE OF NATIONS art. 15, and United Nations, U.N. CHARTER art. 27, where great-power unanimity is required for decisions on the maintenance of world peace. During World War II, the United States, the United Kingdom, the Soviet Union, and China declared “that their united action, pledged for the prosecution of the war . . . [would] be continued for the organization and maintenance of peace and security.” Declaration of Four Nations on General Security, Oct. 30, 1943, reprinted in RUSSELL, supra note 17, at 977 (emphasis added).


48. Id.
49. Id.
50. Id.
51. Id.
to international peace and security, and using the term "procedural" to characterize general majority matters.\textsuperscript{53}

The recommendation of a candidate for Secretary-General was \textit{never included} in the category of "measures for the maintenance of international peace and security" that require a qualified majority.\textsuperscript{54} Indeed, elections of both General Assembly and Security Council presidents are considered procedural in nature.\textsuperscript{55} Decisions that concern relations between the Security Council and other organs of the United Nations (including the Secretariat) are considered procedural as well.\textsuperscript{56} Furthermore, putting the recommendation to a procedural vote rather than requiring a qualified majority would have reflected a lesson learned from the experience of the League of Nations. The League's unanimity rule for the election of its secretary-general subordinated that position to the League Council, creating what has been recognized as a "weakness which contributed to the League's ultimate failure."\textsuperscript{57} In the context of the United Nations, then, how did qualified majority voting come to be applied to a procedural recommendation?

The answer is found in the escalating tensions between the war powers as the Second World War approached its conclusion: "[A]s military victory approached, the political dilemmas and disagreements over the postwar settlement sharpened."\textsuperscript{58} At the Dumbarton Oaks Conference, the Soviet Union began pushing for application of qualified majority voting to the determination of the Security Council's recommendation for Secretary-General:\textsuperscript{59} "The Soviet Union wanted the veto... in order to

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\textsuperscript{53} See supra note 29.\\
\textsuperscript{54} See George A. Finch, The United Nations Charter, 39 AM. J. INT'L L. 541, 542-44 (1945) (focus regarding veto power was on enforcement action issues). \textit{But see infra notes 56-72 and accompanying text (subjecting recommendation to veto negotiated by the major powers as a separate issue related to the increasing tensions between them).}


\textsuperscript{56} "It may be inferred... that all decisions which concern the relationship between the Security Council and other organs of the United Nations... relate to the internal procedure of the United Nations, and, consequently, are subject to a procedural vote." EDUARDO JIMÉNEZ DE ARECHAGA, VOTING AND THE HANDLING OF DISPUTES IN THE SECURITY COUNCIL 8 (1950). This inference is based upon Charter provisions providing for procedural votes in matters between the Security Council and the General Assembly, U.N. CHARTER art. 20, in interagency cooperation with the Economic and Social Council, \textit{id.} art. 70, and in procuring the assistance of the specialized agencies, \textit{id.} art. 91.

\textsuperscript{57} SCOTT, supra note 42, at 66.

\textsuperscript{58} ALVIN Z. RUBINSTEIN, SOVIET FOREIGN POLICY SINCE WORLD WAR II, at 30 (1981). "[T]he end of the war made the relationship between the Soviet Union and the Western Allies [even] more difficult." MORRAY, supra note 46, at 77.

\textsuperscript{59} RUSSELL, supra note 17, at 431-32. At an early stage the United States agreed with this proposition, \textit{id.}, but later reversed itself, and the Dumbarton Oaks Proposals consequently left open the question of voting in the Security Council. Dumbarton Oaks Proposals for the
protect itself from a hostile majority in the Security Council."60 Because of its interests in Eastern Europe and its status as a Communist minority of one, the Soviet Union wanted to ensure in every way possible that it would not be isolated in the United Nations.61

In the year preceding the San Francisco Conference, the United States was indecisive as to whether a qualified majority should be required for recommendation,62 but initially argued against the proposition at the Conference.63 The rest of the international community also opposed its adoption.64 Despite this near consensus of opinion, the Soviet Union prevailed by playing off the tensions between it and the other major powers.

The first San Francisco Conference committee to consider the issue concluded that no qualified majority vote should apply.65 This position was the result of a compromise between those nations calling for a simple majority of six votes and those nations seeking a stricter majority.66 The Soviet delegation managed to have the question resubmitted to another committee after raising a technical point, however,67 and then raised the stakes by linking the recommendation issue to its position on the much larger Security Council veto question then being debated.68 The other
permanent members, interested in retaining the overall veto and worried about keeping the Soviets in the United Nations, capitulated on the recommendation issue. When the second committee voted on the question, they stood unanimous with the Soviets. Since the permanent members held the majority of seats on the second committee, that committee not surprisingly recommended a qualified majority requirement. Having lost the major battle over the veto power, most of the smaller nations gave up the fight over the recommendation procedure. Thereafter, the rule was incorporated into the United Nations Preparatory Commission’s report, and subsequently approved by resolution at the first session of the United Nations. Thus, although the maneuverings of the Soviet Union and the other permanent members at the San Francisco Conference did not violate Conference procedure, the electoral rules they established ignored the basic distinction between matters related to security and matters unrelated to security.

In sum, a matter that by all other measures should have been considered procedural, requiring only a simple nine-vote majority in the Security Council, instead became the subject of a deviant application of the qualified majority formula to ease tensions between the Soviet Union and the other sponsoring members of the United Nations. The recommendation procedure in the Security Council today stands as a testament promise any further”). For the debate, see Doc. 897, III/1/42 to Doc. 1203, III/1/48(3), 11 U.N.C.I.O. Docs. 430-539 (1945).

69. The larger application of the veto power, to decisions on matters of international peace and security, U.N. CHARTER art. 18, ¶ 2, was of paramount importance to the permanent members as the leaders of the war effort. See supra note 46.

70. “Without these concessions, the Soviet Union was perfectly ready to abandon the . . . venture.” Thomas M. Franck, Soviet Initiatives: U.S. Responses-New Opportunities for Reviving the United Nations System, 83 AM. J. INT’L L. 531, 534 (1989). Minutes from meetings of the U.S. and Soviet delegations at the San Francisco Conference indicate the fear that, as to the voting formula, “any appeal to Moscow might well endanger the progress of the entire Conference [because] . . . [a]ny attempt to alter the existing formula . . . would be looked upon as a breach of faith.” FOREIGN RELATIONS 1945, supra note 63, at 918-19.

71. FOREIGN RELATIONS 1945, supra note 63, at 742-44.

72. Id. at 999. A U.S. delegate presented the situation to the other delegations in this manner: “The initial differences among the sponsoring governments on the interpretation of the voting procedure [has] been resolved in a spirit of complete unity.” Doc. 897, III/1/42, 11 U.N.C.I.O. Docs. 433 (1945).


77. See supra notes 54-57 and accompanying text (on why procedural). The first committee to consider the issue at the San Francisco Conference had recognized the true nature of the procedure—it is “not mandatory at all. It is simply a recommendation.” Doc. 719, II/8, 8 U.N.C.I.O. Docs. 33 (1945).
to the Cold War—a strategic paradigm that has lost most of its significance.

B. Procedure in the General Assembly

The rule regarding the role of the General Assembly in the election of the Secretary-General was far less controversial than the qualified majority vote rule in the Security Council, but it too rests on questionable grounds.

The most glaring contradiction lies in the fact that elections in the General Assembly for less important U.N. positions require stricter majorities. For example, elections of the non-permanent members of the Security Council and members of other U.N. councils require, as “important questions,” a “two-thirds majority of the members present and voting.”

Because the Charter itself does not specify the type of vote necessary to elect the Secretary-General, the General Assembly’s 1946 resolution calling for a simple majority may have been merely a carryover of the provisions of the League of Nations Covenant, which specified election by simple majority. In any case, the issue was given little consideration at the San Francisco Conference.

Early U.S. draft proposals for the Charter listed a “two-thirds majority . . . for admitting new members and the other electoral functions of the Assembly.” This language would seem to encompass the election of the Secretary-General. It also complements the notion that the Secretary-General should “represent the ‘general interests’ of the entire world. The lack of such an expression of the international view . . . had been a weakness of the League [of Nations].” The failure of the U.S. draft language to make it into the Charter is inexplicable.

That the rules governing the election of the Secretary-General in both the Security Council and the General Assembly clash with the more

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78. Conference documents expose no controversy over the simple majority rule, most likely because most delegations were focused on the more significant debate over the qualified majority rule in the Security Council. See RUSSELL, supra note 17, at 843 (stating that rule was "adopted without objection").
79. U.N. CHARTER art. 18, ¶ 2.
80. It states only that the “Secretary-General shall be appointed by the General Assembly.” U.N. CHARTER art. 97. How one is "appointed" is not defined.
82. "[T]he Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly." LEAGUE OF NATIONS COVENANT art. 6, ¶ 2.
83. See supra note 78.
84. RUSSELL, supra note 17, at 367.
85. Id. at 375.
86. The only reason given in committee documents for not including the election in the list of important questions was “that it would be undesirable for the Charter to specify a long list of such questions.” Doc. 528, II/1/24, 8 U.N.C.I.O. Docs. 389 (1945).
fundamental principles of the Charter suggests that problems might arise in their implementation. This is in fact what has happened in each of the six Secretary-General elections since the adoption of the rules.

II. Problems in the Elections

The manipulation of the meanings of "recommendation" and "appoint" in 1945 resulted in significant problems in U.N. elections. The clearest examples of these problems are discussed below, in chronological order.

A. Re-Election Blackballing

Trygve Lie, a compromise candidate, was elected the first Secretary-General on February 1, 1946. His re-election provides the best example of a problem that was predicted by the nations opposed to the qualified vote requirement at the San Francisco Conference. These nations worried that the Secretary-General's "independence would be jeopardized if his reelection could be blocked by the vote of one permanent member," because he or she would recognize that adopting policy positions antagonistic to the permanent members might well provoke the use of their veto at any bid for re-election.

Lie antagonized two members of the Security Council, and as a result the Security Council never recommended him for re-election. During his first term Lie supported "vigorous United Nations action in
Korea [which] led the Soviet Union to withdraw its support" for him. Lie's attitude towards Chinese representation in the United Nations resulted in Nationalist China's refusal to support Lie's re-election as well. The disagreement over Lie and the failure of the United States and the Soviet Union to find a mutually acceptable candidate led to complete deadlock in the Security Council.

This deadlock left the United Nations with "no way of complying literally with the provisions of the Charter." The General Assembly, acting with no specific authority, voted to "continue" Lie in office for another three years. These events vindicated predictions not only that re-elections would be marred by partisanship, but also that Security Council deadlock over the recommendation of a candidate for Secretary-General would paralyze the United Nations as an organization.

93. BAILEY, supra note 16, at 289.
94. Lie had submitted a legal memorandum to the Security Council which suggested that representation in the U.N. was based on an analysis of which of two governments is more obeyed by the populace—a position clearly unfavorable to Nationalist China, with only the population of Formosa (Taiwan) under its control. See U.N. SCOR, 5th Sess., Supp. Jan.-May 1950, at 18-23, U.N. Doc. S/1466 (1950).
95. BAILEY, supra note 16, at 152-53.
96. Id. at 289-90.
97. Id. at 290.
98. The Charter has no provision for unilateral action by the General Assembly in this area; it only provides for a vote upon Security Council recommendation. U.N. CHARTER art. 97. The possibility of Security Council deadlock had been addressed a year and a half earlier in a General Assembly resolution, which called on the permanent members to forbear from use of the veto. G.A. Res. 267, U.N. GAOR, 3rd Sess., Supp. No. 2, at 7-10, U.N. Doc. A/900 (1949). Several months before the deadlock over Lie, the International Court of Justice released an advisory opinion on admission of states to the United Nations that would seem to question the General Assembly's action on Lie: "it is impossible to admit that the General Assembly has the power to attribute to a vote of the Security Council the character of a recommendation when the Council itself considers that no such recommendation has been made." Competence of the General Assembly for the Admission of a State to the United Nations, 1950 I.C.J. 9 (Mar. 3). Two days after Lie's "continuance," however, the General Assembly passed its "Uniting for Peace" resolution, G.A. Res. 377, U.N. GAOR, 5th Sess., Supp. No. 20, at 10, U.N. Doc. A/1775 (1950), which on a broader scale stated that the General Assembly would act where "the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility[ies]." Id. § A, ¶ 1. "Even its strongest critics in the United Nations came to accept the validity of . . . [this] 'backup' mechanism." Harry Reicher, The Uniting for Peace Resolution on the Thirtieth Anniversary of Its Passage, 20 COLUM. J. TRANSNAT'L L. 1, 48 (1981). The creation of this mechanism, and the eventual acquiescence of the permanent members to the General Assembly's action on Lie, leaves open the question of whether the General Assembly could act in such a manner again, despite the language of the Charter.
100. Ironically, a U.S. delegate at the San Francisco Conference had "contended that, far
B. The Lowest Common Denominator

Kurt Waldheim was elected for the first of two terms on December 22, 1971. Insofar as Waldheim's own principal political advisor could describe him no more favorably than as "an energetic, ambitious mediocrity," his election vindicated another prediction made at the San Francisco Conference: that the qualified majority rule "would compel the permanent members to reach a compromise, and this might result in the appointment [of the candidate representing the] 'lowest common denominator.'" "Lowest common denominator" in this context describes a candidate for Secretary-General who is recommended because he is the least unacceptable candidate to the permanent members, despite having the poorest qualifications of the candidates for the position.

Although the United Kingdom and China voted against Waldheim, he was the only candidate acceptable to both the Soviet Union and the United States. The situation became a choice "between Waldheim and a deadlock that would paralyze the organization." This pressure and the memory of the Lie fiasco led the United Kingdom and China to withdraw their vetoes, allowing Waldheim to become the fourth Secretary-General of the United Nations.

Waldheim's poor qualifications were manifested in failures that riddled his tenure. Diverse in scope, his failures ranged from neglecting the Secretariat to ignoring the worldwide increase in human rights violations to specific shortcomings in dealing with the Yom Kippur from being frequently used, the veto would seldom, if ever, be exercised.” Doc. 956, III/1/47, 11 U.N.C.I.O. Docs. 486, 493 (1945).

103. Doc. 1087, 1/2/78, 7 U.N.C.I.O. Docs. 279 (1945) (statement made by delegate from the Netherlands).
104. A woman has not yet occupied the position of Secretary-General, despite the Charter's affirmation of "the equal rights of men and women." U.N. CHARTER preamble.
105. Not all of the Secretary-Generals are considered lowest common denominators; Hammarskjöld was an inspired Secretary-General. See Jakobson, supra note 28, at 26. Ironically, the United States and the Soviet Union viewed Hammarskjöld as an unpleasant surprise—they had selected him to be a "neutral bureaucrat" who would not rock the boat. Id.
106. No official record was kept of the various votes in the Security Council, BAILEY, supra note 16, at 293, but Secretary-General U Thant later reported them in his memoirs. See U THANT, VIEW FROM THE UN 437-38 (1978).
107. Id.
109. Again, no official record of the voting is kept, but Waldheim later reported on it. See, e.g., KURT WALDHEIM, IN THE EYE OF THE STORM 35-40 (1985).
111. Id. at 81-88.
war\textsuperscript{112} and the Iranian hostage crisis.\textsuperscript{113} Waldheim's Nazi past, revealed in 1986,\textsuperscript{114} further highlights how poorly qualified he was for the position of Secretary-General.

The warming of United States-Soviet (and now Russian) relations does not eliminate the “lowest common denominator” problem. As long as the selection of the Secretary-General requires compromise between five major powers, each protecting particular interests, the problem will remain.

C. Regional Rotation

“[T]he notion that the election of the Secretary-General should be made subject to rotation among the region[s]”\textsuperscript{115} of the world played its most significant role to date in the last Secretary-General election.\textsuperscript{116} The regional rotation argument gained special significance because only Africa, of all the “regions”\textsuperscript{117} in the world, had not yet seen a representative occupy the position.\textsuperscript{118} The regional rotation argument is used in attempting to circumvent the predominance given the Security Council in Secretary-General elections and promote candidates from the so-called “Third World.”\textsuperscript{119}

\textsuperscript{112} Id. at 89. The “Yom Kippur war” is the common description of the 1973 conflict between Egypt and Israel.

\textsuperscript{113} Id. at 80.

\textsuperscript{114} Id. at 125. It has even been suggested that the Soviets knew of Waldheim’s Nazi past during his time in office and used it as a means of influence over him. \textit{Id.} at 94. \textit{But see} Jakobson, \textit{supra} note 28, at 27 (“I for one do not believe in such conspiracy theories. Neither the Soviets nor the Americans \textit{needed} a handle to blackmail [Waldheim] \textit{in order to ensure his pliancy.”} (emphasis added)).


\textsuperscript{117} In the context of regional rotation, the “regions” of the world are Africa, Asia, Europe, and Latin America. Jakobson, \textit{supra} note 28, at 33. It is an “unwritten and informal assumption[. . . ] that the Secretary-General should not be a national of one of the five Permanent Members of the Security Council.” Urquhart & Childers, \textit{supra} note 9, at 26. This is as much to deny any permanent member an advantage over the others as to prevent too obvious an appearance of permanent member domination of the United Nations.

\textsuperscript{118} Lie, Hammarskjöld, and Waldheim were Europeans (Norwegian, Swedish, and Austrian, respectively); Thant was Asian (Burmese); Pérez de Cuéllar was Latin American (Peruvian).

\textsuperscript{119} A denigrative term, the “Third World” comprises “those States which emerged from colonial status [in the 1950s and 1960s] and which saw themselves as constituting a third ‘bloc,’ distinct from the Communist and Western blocs.” \textit{Encyclopedic Dictionary of International Law} 396 (Clive Parry et al. eds., 1986).
Regional rotation tends to contradict the Charter's call for an independent Secretariat\(^{120}\) because it implies that a candidate represents a particular region.\(^{121}\) That the presidencies of the Security Council\(^{122}\) and General Assembly\(^{123}\) rotate does not justify extension of the concept to the position of Secretary-General, for these positions are much less important\(^{124}\) and require less independence.

Campaigning for an African Secretary-General began with the 1981 election,\(^{125}\) but did not become a dominant theme until the 1991 election. The Organization of African Unity distributed a list of six nominees for the position\(^{126}\) and secured the backing of the Non-Aligned Movement.\(^{127}\) Whether the partial accomplishment of their goal in the election of Boutros Boutros-Ghali\(^{128}\) was a result of their campaigning or

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\(^{120}\) "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." \(\text{U.N. Charter} \text{art. 100.}\)

\(^{121}\) The same concern of "beholdenness" applies to the existing Security Council recommendation process, \textit{see supra} notes 88-99 and accompanying text, except major power, not regional, influence is involved.


\(^{128}\) Ghali, an Egyptian, was seen as both an Arab and an African, but some "black Afri-
some other factor in "the present haphazard, increasingly parochial, predominantly political process"\textsuperscript{129} is not clear.

The perception that the position of Secretary-General is occupied by a representative of a certain region, nominated by others from that region, is dangerous to the image of impartiality that the United Nations must maintain. Regional rotation emerged as an informal technique to exert influence in a system, established in 1945, that affords five nations ultimate control over who will be chosen to represent the world community. Regional rotation’s appeal may be diminished by giving its advocates a greater voice in the method of selection. Regional self-interest might survive, but without regional rotation it would have to express itself in the electoral process.

III. Criteria for a Changing Global Political Order

The time has come for a change in the election process. The voting rules had little justification in 1945 aside from superpower placation. They have no justification today. Furthermore, they have spawned problems ranging from inadequate leadership to the paralysis of the United Nations as a neutral international forum. Current changes in the global political order present an opportunity to rebalance the election process and to address the problems it has created.

A. A Changing Order

Several aspects of the changing global political order signal the criteria needed to develop an appropriate proposal for reform. The most dramatic aspect of this changing order is represented by the combination of the growing "tide" of democratization and the end of the Cold War, the two most noted characteristics of the so-called "new world order."\textsuperscript{130} Democratization invokes choice and popular participation in decision-making. These concepts are recognized in an international treaty "guaranteeing the free expression of the will of the electors."\textsuperscript{131} The rules for electing the Secretary-General should embrace these concepts by guaranteeing the free expression of the will of more than just the permanent members of the Security Council.

129. URQUHART & CHILDERS, supra note 9, at 29.
130. See, e.g., Franck, supra note 11, at 601-02. "The Bush administration... coined the phrase 'new world order.'" Schlesinger, supra note 11, at 4. This Note uses "changing global political order" to be more descriptive and accurate.
Developing nations have reason to be "fearful of being marginalized by the end of the cold war" in that one of the few means of exerting political leverage in world affairs during the Cold War was to play the superpowers off against each other. After a decade of economic decline, these nations will likely become increasingly marginalized as the developed nations increase their intercooperation, and divert development aid to Eastern Europe: "[S]uperpower cooperation [has its] potential negative aspects, especially for the Third World." South American journalist Eduardo Galeano states it bluntly but eloquently: "Stolen geography, plundered economy, falsified history, daily usurpation of reality: the so-called Third World, inhabited by third-class peoples, encompasses less, eats less, remembers less, lives less, says less." The developing nations need a strong voice in the United Nations. Allowing them greater involvement in the election of the Secretary-General would help meet that need.

Another development in the changing global political order, one that has not been widely reported, is the increase in proposals for reform of the United Nations Secretariat. Reform has been proposed in the past but recently has picked up momentum as worldwide interest in

133. See John Feffer, Beyond Detente: Soviet Foreign Policy and U.S. Options 130 (1990) (discussing "competition for influence in the Third World"). The usefulness of this tactic did not translate into significant influence in the selection of the Secretary-General, however, because in the recommendation vote the permanent members need no proxies—their veto power is an effective substitute.
134. "[T]he shame of the 1980s is that the poor [nations] are still getting poorer and the rich richer." Gwyneth Williams, Third World Political Organizations 110 (1987); see also Feffer, supra note 133, at 133-35 (discussing economic hardship and decline in the Third World); Widening Gap Reported Between Rich, Poor Nations, S.F. Chron., Apr. 24, 1992, at A20.
135. As Professor Reisman has observed,
With the ending of the Cold War, the strategic value of many parts of the Third World will diminish, if not evaporate. International development aid, which was directed, in limited amounts and often for strategic reasons, to the Third World and which was an important part of its development program, could be drastically reduced as the finite amount of such aid is redirected to Eastern and Central Europe. Then the frequently mentioned "North-South" division will come into much sharper focus.
136. Feffer, supra note 133, at 136.
138. Under article 97 of the Charter the Secretariat is "comprise[d of] a Secretary-General and such staff as the Organization may require." U.N. Charter art. 97.
139. See, e.g., S. Doc. No. 164, 83d Cong., 2d Sess. 357-58 (1955) (congressional staff study on review of the U.N. Charter); Dep't of State, Reform and Restructuring of the U.N. System 24-25, 46-47 (1978) (discussing modification of the veto power in the Security Council); United Nations: Group of High Level Intergovernmental Experts to Review the
the United Nations has increased. In an effort to bring the Secretariat more in line with the independent body envisioned in the Charter, a group of twenty-two nations recently developed a plan that both streamlines the Secretariat and limits the influence of the major powers in its day-to-day operations. The plan discards the present hierarchy of officials under the Secretary-General by creating new departments in a pyramidal structure. It also limits to one the number of officers from any one country, eliminating "the current system under which the big powers have established monopolies over certain key Secretariat posts, in effect depriving the secretary-general of the power to appoint people he wants." The clear aim of the plan is to increase the independence and effectiveness of the Secretariat. This movement complements efforts to make the position of Secretary-General itself more independent.

The increasingly vocal demands for improvements in the process of candidate recruitment, particularly by former U.N. Undersecretary-General Brian Urquhart, represent recent efforts to reform electoral procedure. Currently, there is no procedure for recruitment; the process has "been largely confined to a procedure to secure a nomination. There has been little or no methodical search in order to find candidates outstandingly equipped for an important and extraordinarily difficult job." While the recommendations for an improved selection process have included term limitations and the elimination of campaigning, most focus on the establishment of an organized search and evaluation mechanism. The Security Council's recommendation function, if properly altered, might provide the basis for such a mechanism.

B. Criteria for Reform

The Secretary-General's independence must be fortified, both to free the position from undue political influence and to enable the Secretary-General to fulfill his (or hopefully in the future, her) proper function as a

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141. The "exclusively international character of the" Secretariat necessitates "the highest standards of efficiency, competence, and integrity." U.N. CHARTER arts. 100-01.

142. See Increasing Power, supra note 140, at A8.

143. Id.

144. Id.

145. See URQUHART & CHILDERS, supra note 9; Urquhart, supra note 15.

146. See supra notes 96-99, 125-129, and accompanying text.

147. URQUHART & CHILDERS, supra note 9, at 27.

148. Id. at 30.
representative of the "general interests" of both the developed and developing world.\textsuperscript{149}

At the same time, if the goal of reform is to elect the Secretary-General through more democratic procedures, any proposal to increase the General Assembly's involvement in the process must account for the fact that the General Assembly is not a strictly representative body; nations have the same voting power regardless of the size of their population or monetary contribution to the U.N. system.\textsuperscript{150} The importance of major power accession to reform must be addressed as well,\textsuperscript{151} because withdrawal of economic or political support by major powers would cripple the system.\textsuperscript{152}

Finally, any proposal for reform must have some chance of adoption. Amendments to the Charter are difficult to accomplish and consequently rare.\textsuperscript{153} Procedural amendments are potentially less difficult in the Security Council,\textsuperscript{154} and much easier in the General Assembly.\textsuperscript{155}

### IV. The Proposal

This Note proposes to eliminate the inconsistencies in the election process created at the San Francisco Conference,\textsuperscript{156} accommodate the

\begin{itemize}
  \item \textsuperscript{149} Russell, supra note 17, at 375.
  \item \textsuperscript{150} Regardless of the size of their populations, "[e]ach member of the General Assembly shall have one vote." U.N. Charter art. 18, \S 1. Contributions to the U.N. system are made by reference to a sliding scale, based upon national product (ability to pay). Everyone's United Nations, supra note 7, at 29.
  \item \textsuperscript{151} The United Nations' viability depends both financially and politically on the major powers. The permanent members of the Security Council contribute approximately 47\% of the organization's budget. See Everyone's United Nations, supra note 7, at 29. The United States' share alone is 25\%. Id. Withdrawal of that support would bring the organization to a standstill. Politically, the U.N. would have hardly the same level of prestige and influence it enjoys presently if the major powers refused to acknowledge its actions.
  \item \textsuperscript{153} Amendments to the Charter "come into force ... when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified ... by two thirds of the Members of the United Nations including all the permanent members of the Security Council." U.N. Charter art. 108. The Charter has only been amended once, to increase the number of non-permanent members in the Security Council from eleven to fifteen, and also increase the size of the Economic and Social Council. Everyone's United Nations, supra note 7, at 434-35, 441.
  \item \textsuperscript{154} The sponsoring powers at the San Francisco Conference stated that amendment in the Security Council would require a qualified majority, but that position was never formally approved and has been debated since. Bailey, supra note 16, at 214-23.
  \item \textsuperscript{155} "[T]he determination of additional categories of questions to be decided by a two-thirds majority [vote], shall be made by a majority of the members present and voting." U.N. Charter art. 18, \S 3.
  \item \textsuperscript{156} See supra Part I.
\end{itemize}
relevant effects of the changing global political order, and facilitate the creation of a mechanism for improved candidate selection, \(15^{\text{7}}\) by redefining each stage of the electoral process.

A. In the Security Council

The Security Council's recommendation of a candidate for Secretary-General should be redefined as a "procedural matter" under the Charter, eliminating the requirement that all five permanent members concur in the recommendation. \(15^{\text{8}}\) Subjecting the recommendation to a simple nine-vote majority would resolve a number of the problems identified in this Note.

First, given the breakdown of matters into measures for the maintenance of international security and "other matters," such an amendment would properly classify the act of recommendation under the terms of the U.N. Charter. \(15^{\text{9}}\) The recommendation would no longer be subject to deadlock among the permanent members, preventing any recurrence of the events of Lie's re-election and Waldheim's election. The "lowest common denominator" problem, a product of naked political compromise among the superpowers, would be eliminated. \(16^{\text{0}}\)

The misguided argument for regional rotation would also be undercut by a rebalancing of the recommendation process. Arguing for regional rotation was one of the few means of influencing the permanent members' recommendation. The utility of the regional rotation argument would be greatly diminished if the permanent members were deprived of their veto power.

Finally, eliminating the qualified majority requirement would create the opportunity to formalize the "recommendation" process through a mechanism for the recruitment and evaluation of candidates, an idea that already enjoys considerable support. \(16^{\text{1}}\) This in turn would increase the chances of finding "the best possible secretary-general regardless of nationality." \(16^{\text{2}}\)

The hurdles to such a change in Security Council procedure are identifiable. Amendment of the U.N. Charter would not be necessary.\(16^{\text{3}}\)

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157. See, e.g., Urquhart & Childers, supra note 9, at 29-30 (proposing creation of search group, nomination structure, and change in term of office).

158. U.N. Charter art. 27, 2. Procedural matters require only a nine-vote majority.

159. See supra notes 39-53 and accompanying text.

160. The possibility of a poorly-qualified Secretary-General would not, of course, be eliminated under this proposal. Majorities do not always make the most enlightened choice. The lowest common denominator problem is a different matter—it was the neglect of qualifications in the search for the least unacceptable candidate among the permanent members.

161. See supra text accompanying notes 145-148.

162. Urquhart, supra note 15, at 164.

163. Avoiding the necessity of Charter amendment is highly desirable because of the polit-
as it does not explicitly state whether a recommendation is "proce-
dural." The qualified majority requirement is instead found in the
agreements reached at the San Francisco Conference and the General
Assembly resolution formally adopting them. The resolution itself is
easily repealed, requiring only a simple majority in the General Assem-
bly. The only remaining obstacle is the resolve of the permanent
members to maintain the status quo. The likelihood of unyielding
resistance is small, however, given the major powers' renewed interest in
the United Nations and the fact that no immediate effect adverse to
their interests would result from adopting this Note's proposal.

B. In the General Assembly

The election of the Secretary-General in the General Assembly
should be redefined as an "important question" under the Charter, sub-
jecting it to a two-thirds vote. Although not as critical as the proposed
change in Security Council procedure, this redefinition would parallel the
change in the recommendation procedure and yield several benefits.

First, the election would parallel elections to less important posi-
tions, which are already subject to a two-thirds vote. This anomaly has
remained unchallenged since 1945 because of the General Assembly's
relatively insignificant role in the election under the current process.

The more important effect of the "important question" recharac-
terization would be its impact on future elections. By assuming the central
role in an election, the General Assembly would be responsible for pro-
ducing a generally acceptable Secretary-General. A two-thirds vote re-
quirement would help offset the undemocratic flavor of unweighted
voting in the General Assembly. It would also assuage the major pow-

164. The Charter only states that the General Assembly acts "upon the recommendation
165. See supra notes 70-76 and accompanying text.
166. U.N. CHARTER art. 18, § 3.
167. It is in each permanent member's self-interest to be able to veto candidates, of course,
but permanent members are also adverse to change generally that might lead to further re-
forms. See, e.g., Peterson, supra note 60, at 173-79.
168. See Gordenker, supra note 2, at 75.
169. The only possible "adverse" impact on a permanent member would be if a Secretary-
General, whom the member would otherwise have vetoed, was elected. The chance of such a
major conflict is small, however, because permanent members would still be able to voice their
opinions, which carry a great deal of weight, see supra notes 151-52 and accompanying text, in
both the recommendation and election stages of the process.
170. See supra note 30.
171. The General Assembly has never rejected a recommended candidate, BAILEY, supra
note 16, at 288, an acknowledgement that it has little say in the matter.
172. Since each member of the General Assembly has one vote, regardless of the size of its
ers' fears of relinquishing their veto power over recommendations in the Security Council.

Implementing the General Assembly component of this proposal is simpler than implementing the Security Council reforms. The General Assembly may by a straight majority vote classify the election of the Secretary-General as an "important question" and rescind its 1946 resolution\textsuperscript{173} that adopted the existing election procedures.\textsuperscript{174}

C. Effect on the Changing Global Political Order

This rebalancing of the election process would have a positive influence on the changing global political order. It would enable the developing nations, which represent a large majority in the General Assembly,\textsuperscript{175} to play a greater role in filling the most important position in the United Nations. North-South relations have not improved significantly in the last thirty years, and economic conditions among the developing nations have actually worsened. In an emerging political and economic order dominated by the United States and its allies, a Secretary-General able to act in the interests of all nations is needed more than ever.

The emphasis on democratic principles in this emerging world order also supports the idea of a more democratic means of selecting the Secretary-General.\textsuperscript{176} Resolving the fundamental differences between the former Soviet Union and the other major powers has undermined the justification for applying the qualified majority rule. The earlier paradigm of a divided group of permanent members is rapidly becoming overshadowed by a division between the Security Council and the General Assembly. This Note's proposal addresses that division in much the same way that the qualified majority system addressed the need for a balance during the Cold War.

Conclusion

The developments of the past three years have both increased the need for change and opened the door to such change. Reformation of the process for electing the Secretary-General addresses the need for change by taking advantage of that opening. The rules that guide the current process have created problems in every election since the Second World War, and have produced several major fiascoes. With the end of the population, U.N. Charter art. 18, § 1, a simple majority can potentially represent only a small fraction of the world's population. See Peterson, supra note 60, at 56-7.

\textsuperscript{173} See Plenary Meetings of the General Assembly, supra note 5, at 269.

\textsuperscript{174} See U.N. Charter art. 18, ¶ 3.

\textsuperscript{175} Peterson, supra note 60, at 13.

\textsuperscript{176} "Democracy . . . is on the way to becoming a global entitlement, one that increasingly will be promoted and protected by collective international processes." Thomas M. Franck, The Emerging Right to Democratic Governance, 86 Am. J. Int'l L. 46, 46 (1992).
Cold War, these rules became obsolete and unjustified. Clearly, a change is in order, and the redefinitions proposed in this Note not only address the needs of today, but provide a strong foundation for the future of the Secretary-General in a revitalized United Nations.