

A Guardian of the UN Charter: The UN Secretary-General at Seventy-Five

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As the United Nations approaches its seventy-fifth anniversary, all eyes are on António Guterres, the organization's ninth secretary-general (UNSG), who took office in January 2017 following an unusually transparent and inclusive election process. The interest and engagement generated by the 2016 election process revealed the continuing importance and centrality of the office today. Although the UN Charter describes the UNSG primarily as the UN's "chief administrative officer," over time this position has come to involve being the UN's chief diplomatic and political representative. The 1 for 7 billion campaign in 2016 described the office as one that "can save lives" and whose decisions affect all the world's seven billion people. The campaign therefore argued, "We need the best possible person for the job."¹ Different claims to representation—for member states or regions, for the world's peoples, and for women—influenced the public discourse surrounding the 2016 election process for the secretary-general.² Claims that the secretary-general should represent a broader constituency are not new. Indeed, the UN itself describes the UNSG as "a symbol of United Nations ideals and a spokesman for the interests of the world's peoples, in particular the poor and vulnerable among them."³

This essay argues that an important reason the office has expanded its mandate and generates such interest today is that the secretary-general occupies a special symbolic position as a "guardian" of the UN Charter. This authority has enabled the office to expand its political and diplomatic activities. Such a role also brings heavy responsibilities and challenges for the secretary-general. Because the UNSG, more than anyone else within the UN system, represents the UN overall, the office

is often called upon to act when other UN organs are unable or unwilling. And when things go wrong, the UNSG takes the blame. Furthermore, there is an inherent tension in the concept of a guardian of the Charter. Who or what is the secretary-general supposed to be “guarding”—the member states or the peoples of the world? Successive secretaries-general have each struggled to balance the interests of member states with the interests of the peoples of these states.

FOUNDATIONS FOR THE UNSG’S ROLE AS A GUARDIAN OF THE UN CHARTER

What does it mean to say that the UNSG is a “guardian” of the Charter? What are the foundations for this authority? Sociological institutionalism can help to shed light on the position by highlighting how the UN can be understood as an institution in which different actors occupy different roles that each provide rules and expectations for how an individual serving in the role is supposed to act in different situations.⁴ That is, the UNSG does not act as a private individual but as the holder of the office of UNSG. This is not to say that the personalities of different officeholders are irrelevant. As the past seventy-five years have illustrated, UNSGs have considerable autonomy in interpreting what the role entails, which rules and expectations apply in different situations, and what actions to take when there are conflicting expectations or limited options.

All actors within the United Nations, from the visiting dignitaries and permanent representatives of member states to the translators and security guards, occupy roles defined by the institution. Together, they *are* the UN. The institution would not exist without their actions and beliefs. But not all roles are equal. Some special symbolic roles, more than all others, represent institutions as a whole. They stand at the intersection of several parts of an institution, and therefore help to legitimate that institution for other members of society.⁵ The UNSG occupies such a symbolically important role at the UN. Observers have frequently described the position as “a living symbol and embodiment of the United Nations”⁶ who “alone symbolizes and speaks for the entire international community.”⁷ More than anyone else, the UNSG represents the UN overall, and stands for the institution in the mind of observers.

At the founding of the UN, observers had already recognized that the secretary-general would occupy an important symbolic role. Although Article 97 of the Charter described the post merely as the “chief administrative officer” of the

UN, Article 99 gave the position a broader set of responsibilities and the right to bring potential threats to international peace and security to the Security Council. Article 7 further confirmed the foundations for the UNSG's role as a guardian of the Charter, as it designated the Secretariat (and with it, the secretary-general) a principal UN organ. It established the secretary-general as an equal of the Security Council and the General Assembly and implied a shared responsibility for protecting the UN's principles and purposes. As the Preparatory Commission of the United Nations remarked, "The Secretary-General, more than anyone else, will stand for the United Nations as a whole. In the eyes of the world, no less than in the eyes of his own staff, he must embody the principles and ideals of the Charter to which the Organization seeks to give effect."⁸ Thus, the UN's founders noted the secretary-general's importance for the legitimacy of the UN and his or her crucial role in protecting and promoting the UN's principles and purposes.

Article 100 provides guidelines for how the UNSG is to perform the role as a guardian of the Charter. The article describes important principles for the international civil service, and although it does not use these words directly, confirms the centrality of the UNSG's independence, impartiality, and neutrality. These principles form an important basis for the secretary-general's authority. Over time, the Secretariat and secretary-general have gained an influential position in international relations as "the result of a successful claim to authority that was initially rooted in a claim to represent the international in an impartial and neutral way."⁹ The principles of impartiality, neutrality, and independence are a central part of the discourse about the UNSG's role.

Dag Hammarskjöld—who served as the second UNSG from 1953 to 1961—stands out for his clear and forceful reflections on the role. During his first major political mission in China from 1954 to 1955, Hammarskjöld defended his independence and initiative by claiming to act "under his constitutional responsibility for the general purposes set out in the Charter."¹⁰ Toward the end of his tenure, when opposing the Soviet Union's "troika" proposal, Hammarskjöld delivered an eloquent defense of the principles of the international civil service: "This is a question not of a man but of an institution. . . . I would rather see that office break on strict adherence to the principle of independence, impartiality, and objectivity than drift on the basis of compromise."¹¹ Hammarskjöld linked his position both to the UN Charter and to his role as a servant of the smaller member states and peoples of the world. His speech received a several minutes-long standing ovation from the General Assembly, indicative of the support his vision enjoyed.

Later secretaries-general have continued to highlight the importance of the UNSG's independence. The fifth secretary-general, Javier Pérez de Cuéllar, who was in office from 1982 to 1991, argued that "impartiality is the heart and soul of the office of the secretary-general,"¹² and that "situations can, and do, arise when the Secretary-General has to exercise his powers to the full, as the bearer of a sacred trust, and as the guardian of the principles of the Charter."¹³ The seventh UNSG, Kofi Annan, in office from 1997 to 2006, agreed, arguing that "impartiality does not—and must not—mean neutrality in the face of evil. It means strict and unbiased adherence to the principles of the Charter."¹⁴ The independence, impartiality, and neutrality of an international civil servant thus provides a further foundation for the UNSG's role as a guardian of the Charter. Strict adherence to the Charter and its principles and values maps out the necessary path for the secretary-general in politically controversial situations when member state interests diverge.

In addition to the authority stemming from their position within the UN institution, some secretaries-general, such as Hammarskjöld and Annan, built up considerable support based on their personal activities and initiatives. Unlike institutional authority, personal or charismatic authority cannot be passed on to later holders of the same office. The presence or absence of charismatic authority may therefore be one factor explaining why some UNSGs appear more "successful" than others.

CONSEQUENCES OF BEING A GUARDIAN OF THE UN CHARTER

Being a guardian of the UN Charter entails both opportunities and challenges for the UNSG. As the person most closely identified with the UN as a whole, the secretary-general often ends up having to fill gaps when others are unwilling or unable to act. When there's a job that "someone" needs to do, that someone often ends up being the secretary-general. Such a vacuum effect provides part of the explanation for why the UNSG's mandate has expanded over the past seventy-five years.¹⁵ Paradoxically, the Cold War may have helped to expand and consolidate the office, as Security Council gridlock forced UNSGs and member states to innovate. During this period, the UNSG took on a larger role as a mediator and problem solver, as illustrated by the "Leave it to Dag" approach during Hammarskjöld's tenure. Furthermore, the secretary-general is also expected to take the blame when things go wrong, regardless of what part he or she may have

played in the process. Annan therefore used to joke that “SG” actually stood for “scape-goat.”¹⁶

The role of a guardian, however, is not only a mantle that brings problems and difficulties. It is also a source of authority that the secretary-general can draw upon to mobilize support and shape UN responses to global issues. Despite lacking material power, the moral or normative power of the office can be considerable. Such “power of persuasion based on law” gives the secretary-general a privileged position in the discourse on UN Charter law.¹⁷ The secretary-general is uniquely placed to criticize breaches of the Charter. The first secretary-general, Trygve Lie, who held the office from 1946 to 1952, saw defending the Charter as a key part of his job. When told of the outbreak of the Korean War in June 1950, Lie reportedly responded, “My God . . . that’s against the Charter of the United Nations!”¹⁸ In 2004, Annan spoke for many when he publicly called the U.S. invasion of Iraq without a UN mandate “illegal.”¹⁹

UNSGs can use their “bully pulpit” to shame states when they breach the Charter or to push them toward decisive action. Lie started the tradition of using the introduction of the secretary-general’s annual report to give a frank assessment of the state of the world and his opinion on issues he felt the member states ought to make a priority. He wrote in his memoirs that the secretary-general had a duty to act as “a spokesman for world interest,”²⁰ and he frequently annoyed or angered states with his forthright statements on what they ought to do. Kurt Waldheim, the fourth secretary-general, who served in the position from 1972 to 1981, similarly called the UN secretary-general a “spokesman for humanity.”²¹

The role of guardian thus can create a duty to act as an advocate for global issues or to serve as a norm entrepreneur for global ideas. The sixth UNSG, Boutros Boutros-Ghali, in office from 1992 to 1996, for example, argued that the secretary-general has a moral obligation to focus international attention to “orphan conflicts” that would otherwise be neglected.²² He was also credited with playing a crucial role in broadening the UN’s agenda after the Cold War to include the promotion of democracy.²³ Although many criticized Ban Ki-moon, who served as the eighth secretary-general from 2007 to 2016, for being invisible and passive,²⁴ he made climate change a priority.²⁵ Through a combination of newspaper op-eds, statements, expert reports, high-level meetings, and private diplomacy, he galvanized support among the UN member states for new climate agreements—most notably the 2015 Paris Agreement.

In representing the UN and being a guardian of the Charter, the secretary-general must speak for the totality of the membership. Thus, negotiations between the states can also be a way to protect the interests of the UN. The third secretary-general, U Thant, serving from 1961 to 1971, successfully employed quiet diplomacy to mediate, and helped, for example, to defuse tension during the Cuban Missile Crisis.²⁶ Pérez de Cuéllar likewise used his “good offices” to mediate an end to conflicts as the Cold War came to an end.²⁷

CONTEMPORARY CHALLENGES

An inherent tension in the secretary-general’s position reflects an enduring conflict in the UN Charter itself—should the secretary-general serve the peoples of the world or the UN’s member states? The Charter opens with the famous line that starts, “We the peoples,” but also clearly states that the UN is based on the sovereign equality of its member states. All nine secretaries-general have grappled with the need to balance promoting global agendas and the interests of all peoples against the wills of member states—particularly the five permanent members of the Security Council.

The tension between the interests of states and the interests of peoples is visible in the challenges facing the current UNSG, António Guterres. Like Ban Ki-moon before him, Guterres must motivate states to take action to address climate change. He will also have to mobilize states and peoples to help the nearly eighty million forcibly displaced people, including twenty-six million refugees, that exist today.²⁸ Furthermore, Guterres is currently working on reforms to strengthen the UN’s capacity for conflict prevention and protection of civilians. In his first statement to the Security Council in 2017, Guterres argued that “prevention is not merely a priority, but *the* priority.”²⁹ Unfortunately, recent research indicates that the process of institutionalizing these reforms at the UN may, perversely, lead to a weakening of human rights norms, as the discussions allow opponents to extract compromises. One strand of the reform plan, for example, sought to empower resident coordinators to act on early warning signs of mass atrocities, but was undermined when the General Assembly failed to approve additional funding and removed references to conflict prevention and human rights from the resolution text.³⁰ This points to a key challenge for Guterres in his coming years as secretary-general, as he has to protect the UN Charter and its human rights values against consistent pushback from member states and groups who seek to strengthen state sovereignty at the expense of the interests of peoples.

LOOKING BACK TO LOOK FORWARD

Over the past seventy-five years, the UN secretary-general has occupied the role of guardian of the UN Charter. This position gives the office authority to shame states and to mobilize support to protect and promote the principles and values of the Charter. The role helps explain why the office has expanded its mandate to act in political and diplomatic matters. But serving as guardian does not resolve all problems for UNSGs or dictate how they are to act. There is an inherent tension in the position that stems from the Charter itself, between representing the peoples and representing the member states. The Charter provides some guidelines by highlighting the importance of independence, impartiality, and neutrality in the secretary-general's values, but individual secretaries-general have shown their autonomy in interpreting how to act in different situations. UNSG Guterres and his successors must work out their own balance between the competing demands of the position. Looking back at their predecessors confirms the UNSGs' centrality in enabling the UN to fulfill its mission. Despite their lack of material power, future holders of the office will find powerful tools at their disposal as they face successive challenges.

NOTES

- ¹ "This Is Important," 1 for 7 billion, n.d., www.1for7billion.org/why.
- ² Kirsten Haack, "The UN Secretary-General, Role Expansion and Narratives of Representation in the 2016 Campaign," *British Journal of Politics and International Relations* 20, no. 4 (November 2018), pp. 898–912.
- ³ "The Role of the Secretary-General," United Nations, n.d., www.un.org/sg/en/content/role-secretary-general.
- ⁴ Ellen Jenny Ravndal, "'A Force for Peace': Expanding the Role of the UN Secretary-General under Trygve Lie, 1946–1953," *Global Governance* 23, no. 3 (July/September 2017), pp. 443–59.
- ⁵ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (London: Allen Lane, 1967), pp. 93–94.
- ⁶ Kent J. Kille, "Moral Authority and the UN Secretary-General's Ethical Framework," in Kent J. Kille, ed., *The UN Secretary-General and Moral Authority: Ethics and Religion in International Leadership* (Washington, D.C.: Georgetown University Press, 2007), p. 11.
- ⁷ Arthur W. Rovine, *The First Fifty Years; The Secretary-General in World Politics 1920–1970* (Leyden: Sijthoff, 1970), p. 204.
- ⁸ Preparatory Commission of the United Nations, *Report of the Preparatory Commission of the United Nations*, PC/20, December 23, 1945, p. 87.
- ⁹ Ole Jacob Sending, *The Politics of Expertise: Competing for Authority in Global Governance* (Ann Arbor: University of Michigan Press, 2015), p. 5.
- ¹⁰ Dag Hammarskjöld, quoted in Manuel Fröhlich, *Political Ethics and the United Nations: Dag Hammarskjöld as Secretary-General* (London: Routledge, 2008), p. 137.
- ¹¹ Dag Hammarskjöld, quoted in *Public Papers of the Secretaries-General of the United Nations*, ed. Andrew W. Cordier and Wilder Foote, vol. 5, *Dag Hammarskjöld, 1960–1961* (New York: Columbia University Press, 1975), pp. 197–98.
- ¹² Javier Pérez de Cuéllar, "Independence and Impartiality as the Heart and Soul of the Secretary-General," *UN Chronicle* 52, nos. 1–2 (September 2015), unchronicle.un.org/article/independence-and-impartiality-heart-and-soul-secretary-general.

- ¹³ Javier Pérez de Cuéllar, “The Role of the UN Secretary-General,” in Adam Roberts and Benedict Kingsbury, eds., *United Nations, Divided World: The UN’s Roles in International Relations* (Oxford: Oxford University Press, 1993), p. 126.
- ¹⁴ Kofi A. Annan, “Secretary-General Reflects on Promise, Realities of His Role in World Affairs, in Address to the Council on Foreign Relations,” press release SG/SM/6865, United Nations (New York, January 19, 1999), www.un.org/press/en/1999/19990119.sgsm6865.html.
- ¹⁵ Ravndal, “A Force for Peace.”
- ¹⁶ Stanley Meisler, *Kofi Annan: A Man of Peace in a World of War* (Hoboken, N.J.: Wiley, 2007), p. 149.
- ¹⁷ Ian Johnstone, “The Role of the UN Secretary-General: The Power of Persuasion Based on Law,” *Global Governance* 9, no. 4 (October–December 2003), pp. 441–58.
- ¹⁸ Trygve Lie, quoted in “Oral History Interview with John D. Hickerson,” interview by Richard D. McKinzie, November 10, 1972, Harry S. Truman Library and Museum, Independence, www.trumanlibrary.gov/library/oral-histories/hickerson.
- ¹⁹ Kofi Annan, quoted in Meisler, *Kofi Annan*, pp. 274–75.
- ²⁰ Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations* (New York: Macmillan, 1954), p. 88.
- ²¹ Kurt Waldheim, *In the Eye of the Storm: A Memoir* (London: Weidenfeld and Nicolson, 1985), p. 38.
- ²² Boutros Boutros-Ghali, “Global Leadership after the Cold War,” *Foreign Affairs* 75, no. 2 (March–April 1996), pp. 86–98.
- ²³ Simon Rushton, “The UN Secretary-General and Norm Entrepreneurship: Boutros Boutros-Ghali and Democracy Promotion,” *Global Governance* 14, no. 1 (January–March 2008), pp. 95–110.
- ²⁴ For example, see Jacob Heilbrunn, “Nowhere Man: Why Ban Ki-Moon Is the World’s Most Dangerous Korean,” *Foreign Policy*, June 22, 2009.
- ²⁵ Marcel Jesenský, *The United Nations under Ban Ki-Moon: Give Diplomacy a Chance* (London: Palgrave Macmillan, 2019), p. 21.
- ²⁶ A. Walter Dorn and Robert Pauk, “Unsung Mediator: U Thant and the Cuban Missile Crisis,” *Diplomatic History* 33, no. 2 (2009), pp. 261–92.
- ²⁷ Álvaro de Soto, “Javier Pérez de Cuéllar, 1982–1991,” in Manuel Fröhlich and Abiodun Williams, eds., *The UN Secretary-General and the Security Council: A Dynamic Relationship* (Oxford: Oxford University Press, 2018), pp. 116–37.
- ²⁸ “Figures at a Glance,” UNHCR, June 18, 2020, www.unhcr.org/figures-at-a-glance.html (numbers of forcibly displaced people and refugees reflect the status of these populations at the end of 2019).
- ²⁹ António Guterres, quoted in Security Council Meeting Records, S/PV.7857, New York, January 10, 2017 (author’s emphasis), digitallibrary.un.org/record/856235?ln=en.
- ³⁰ Cecilia Jacob, “Institutionalising Prevention at the UN: International Organisation Reform as a Site of Norm Contestation,” *Global Governance* (forthcoming).

Abstract: Over the past seventy-five years, the UN secretary-general has come to occupy a highly visible position in world politics. While the UN Charter describes the post merely as the “chief administrative officer” of the organization, today it is widely recognized that the secretary-general also plays a central role in political matters. What makes the role of the UN secretary-general special? Where does the office’s authority come from? As part of the special issue on “The United Nations at Seventy-Five: Looking Back to Look Forward,” this essay looks back at the tenures of previous UN secretaries-general and applies ideas from sociological institutionalism to argue that the UN secretary-general holds the position of a “guardian” of the UN Charter. The UN secretary-general, more than anyone else within the UN system, represents the UN overall. From this flows great responsibilities and challenges, as the UN secretary-general is often expected to step in when other parts of the UN are unable or unwilling to act, and to take the blame when things go wrong. But this special position also endows the office with a substantial degree of authority, which future holders of the office can use to shape policies and mobilize support as the UN seeks to address urgent global challenges.

Keywords: UN secretary-general, authority, international civil service, sociological institutionalism