



UN Secretariat Item Scan - Barcode - Sign

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Login Name Marvin Cordova



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Note to the Secretary of the 5<sup>th</sup> Committee of the General Assembly*An SGP should be issued but I would to review closely the contents.*Opinion of the Legal Counsel on Proposal 5 of the Secretary-General's report "Investing in the United Nations -- for a stronger United Nations worldwide"

1. I understand that the 5<sup>th</sup> Committee has raised a question as to the legal interpretation of some language in paragraph 35 and proposal 5 of the Secretary-General's report entitled "Investing in the United Nations -- for a stronger United Nations worldwide" (the Report). Specifically, the 5<sup>th</sup> Committee has requested an interpretation of the sentence "[y]et, the Deputy Secretary-General was assigned no explicit statutory authority" in paragraph 35 of the Report, and of the sentence "I propose to redefine the role of the Deputy Secretary-General and delegate to him or her formal authority and accountability for the management and overall direction of the operational functions of the Secretariat" in proposal 5 of the Report.

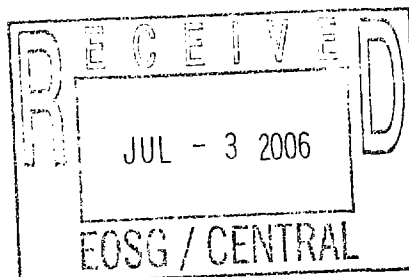
2. Initially, it should be recalled that under Article 97 of the Charter, the Secretary-General is the Chief Administrative Officer (CAO) of the Organization, with the power to appoint and manage staff under Article 101 of the Charter. As CAO, the Secretary-General will assign and delegate functions to the staff he appoints. Such assignments and delegations are his managerial prerogative, although as CAO of the Organization, he remains ultimately accountable and responsible for all functions he so delegates or assigns. Such delegations are usually given an internal statutory basis through the issuance of a Secretary-General's bulletin, which details the specific functions delegated to a senior manager and his or her department or office.

3. The same general principle will apply in respect of the Deputy Secretary-General (DSG). The DSG is a staff member appointed by the Secretary-General under Article 101 of the Charter, and the Secretary-General may delegate or assign to him or her any functions which he deems necessary and desirable, subject to paragraph 4 below.

4. In delegating functions to the DSG, the Secretary-General should take account of General Assembly resolution 52/12B of 9 January 1998. In that resolution, the GA established the post of DSG:

"without prejudice to the mandate of the Secretary-General as provided in the Charter of the United Nations and in accordance with the existing system of decision-making, with responsibilities delegated by the Secretary-General, including the following:

- (a) To assist the Secretary-General in managing the operations of the Secretariat;
- (b) To act for the Secretary-General at United Nations Headquarters in the absence of the Secretary-General and in other cases as may be decided by the Secretary-General;
- (c) To support the Secretary-General in ensuring intersectoral and inter-institutional coherence of activities and programmes and to support the Secretary-General in elevating the profile and leadership of the United



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Nations in the economic and social spheres, including further efforts to strengthen the United Nations as a leading centre for development policy and development assistance;

(d) To represent the Secretary-General at conferences, official functions and ceremonial and other occasions as may be decided by the Secretary-General;

(e) To undertake such assignments as may be determined by the Secretary-General" (emphasis added).

5. Given the above, and taking into account the role of the Secretary-General under the Charter, as detailed in paragraph 2 above, the Secretary-General may delegate to the DSG any functions he considers necessary in his managerial discretion, so long as such delegation includes - but is not necessarily limited to - the functions referred to in GA resolution 52/12B.

6. When the post of DSG was established, I understand that it was not considered necessary to promulgate a Secretary-General's bulletin detailing the functions of the DSG, since the DSG was part of the Secretary-General's office. In view of the recent focus on the scope of those functions, the Secretary-General now considers that the promulgation of such an administrative issuance would add clarity to the role of DSG, and increase accountability and transparency in the senior management of the Organization.

7. With this background in mind, the reference to the assignment of explicit statutory authority to the DSG in paragraph 35 of the Report is a reference to a Secretary-General's bulletin which would formally delegate specific functions from the Secretary-General to the DSG, including the functions detailed in paragraph 4 above. The reference to a delegation to the DSG of formal authority and accountability in proposal 5 of the Report is, similarly, a reference to the issuance of a Secretary-General's bulletin detailing the delegation of specific functions to the DSG.

Nicolas Michel  
12 April 2006

(APPROVED BY  
MR. MICHEL Y  
DISCUSSED WITH  
NMB)