United Nations Employment Law and the Causes for its Failed Senior Female Appointments Record

Ilias Bantekas

Professor of Public International Law, Brunel University, School of Law

1. Introduction

The United Nations is one of the world’s significant employers, with a multinational workforce stretching across all continents. Its ever-changing needs and the plethora of urgent and long-term circumstances it is mandated to address require constant recruitment at both junior and senior levels. The task of recruitment and promotions within the Organization is entrusted to and exercised by the Secretariat and as will become evident in the course of this article, the Secretary-General has been invested with a seminal exclusive authority, which he can unilaterally exercise in respect of senior appointments. This authority is complementary to the institutional employment law of the United Nations, which is circumscribed by its Charter, relevant General Assembly resolutions and the Secretariat’s own Staff Rules and Regulations. The Secretariat has during the last two decades made a concerted effort to enhance the position of its female workforce through a system of quotas and policies aimed at securing a 50/50 equilibrium between men and women, both in terms of appointments and promotions.

This article seeks to discuss these developments in light of the UN’s institutional employment law, but more importantly assess why these normative initiatives have failed to increase the presence of women at the
senior levels of the Organization. We examine in particular the practice of States with regard to their nominations for senior posts in international organizations and determine whether the lack of open and fair competitions constitutes an impediment to the nomination of female candidates. Practice suggests that when it comes to nominations for international posts, States somehow feel free to disregard their laws relating to appointments to equivalent domestic posts, where indeed such laws exist, particularly in the field of judicial appointments. When such nominations are received by the Secretariat a powerful interplay of politics and interpersonal relations further distorts the human resources orientation of the UN. To a very large degree we find these policies to have failed female appointments in the most senior echelons of the Organization, particularly women from the developing world, far more than their developed world counterparts. For obvious reasons, one should necessarily take into consideration the exigencies of UN field operations, which in all likelihood fail to give rise to positive discrimination obligations to accommodate gender particularities. Given that the UN’s institutional culture plays a very significant part in this failure, we propose a radical reappraisal of the Organization’s employment policies and rules with a view to achieving its stated goal of gender parity.

2. The Law Applicable to UN Employment Relations

The employment relations of international organizations are principally governed by their founding constitutional treaty, as well as their Head-