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Annual Review of United Nations Affairs

2010/2011

VOLUME I

Edited by
Joachim Müller
and
Karl P. Sauvant

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Foreword

The Need for Immediate Responses and Strategic Thinking

The United Nations is the world's supreme governance institution, bringing together virtually all of its countries. Not surprisingly, therefore, many of the world's problems also reach, sooner or later, the agenda of this Organization. The agenda of the Sixty-fifth Session of the General Assembly (September 2010 to September 2011), the Organization's highest body, bears this out, as reflected in the documentation contained in this edition of the *Annual Review of United Nations Affairs* and the Commentaries that introduce each of its chapters.

In many instances, the United Nations (or parts of it) react—need to react—to events as they arise. During the past United Nations year, the floods in Pakistan and the famine in the Horn of Africa are examples. This is an important function of the Organization, as it is the only institution that can mobilize resources worldwide and has the structures and credibility to do so effectively.

Beyond that, the United Nations is also the forum—and needs to be the forum—in which humankind's broader, long-term strategic challenges are discussed and, if possible, addressed. Traditionally, the questions of peace and security and development have ranked highest among these challenges. Important progress, even if far from sufficient, has been made in these areas.

In the political area, this progress includes, most recently, the acceptance of the concept “responsibility to protect” and the search for appropriate mechanisms to strengthen early warning systems in the interest of preventive diplomacy, both of which can be traced back to the “Agenda for Peace” as one of the sources. Given the interventionist implications of this concept for the notion of state sovereignty, it recognizes that the boundary line between what is in the domestic sphere and what is in the international sphere is becoming increasingly blurred: in an increasingly interdependent world, domestic developments can have international ramifications, and international considerations can immediately feed back into the domestic environment.

In the development area, the Millennium Development Goals (which can be traced back to the “Agenda for Development”) adopted in 2000 by the Heads of State and Government in the General Assembly, provide a long-term blueprint on the basis of which various United Nations organizations (and, for that matter, other organizations, such as the World Bank) seek to address the continuing scourge of underdevelopment, with its attendant social implications. While significant progress has been made in this area as well, this challenge also requires the United Nations' continued and concentrated attention, as having a decent life is a basic human right.

But there are other challenges that humankind faces and that require strategic thinking and a pro-active approach. Climate change probably has pride of place among these, and the United Nations has sought to move this issue forward energetically. Perhaps a comprehensive “Agenda to Combat Climate Change” is needed to pull together the various strands of thinking and action and establish a strategic blueprint.

Another challenge concerns democratization. We have seen peoples' revolutions in various parts of the world, and we are living in the middle of the “Arab Spring,” which is

followed with fascination around the world. These eruptions give expression to the desire of human beings to have a voice in determining their own destinies. At the same time, though, we need to take care that these events do indeed lead to a better future, a future characterized by people transcending sectarian divisions and governed by tolerance and the rule of law.

The United Nations will need to consider strategically how it can assist “We The Peoples” of the world—to quote the opening words of the Charter of the United Nations—in their aspirations to improve their security requirements, their economic and social well-being, and their political dreams. This is not an easy task, as it is inherently difficult and a political process to reach consensus among all countries of the world. But, then, as the German sociologist Max Weber observed: “Die Politik bedeutet ein starkes langsames Bohren von harten Brettern” (“Politics is a strong and slow boring of hard boards”). This is nowhere more true than in the world’s assembly of nations: it requires patience, diplomatic skill, and perseverance. The United Nations needs plenty of it.

Cairo, October 2011

Boutros Boutros-Ghali
President of the National Council of Human Rights, Egypt,
Former Secretary-General of the United Nations

Preface

The Annual Review of United Nations 2010/2011: The New Presentation

by

Joachim Müller and Karl P. Sauvant¹

The *Annual Review of United Nations (ARUNA)* is one of the longest established annual publications on United Nations affairs. With the 2010/2011 edition, the presentation of *ARUNA* has been substantially upgraded: it now includes extensive Commentaries by experts on United Nations (UN) matters.²

The new *ARUNA* thus offers the benefit of in-depth analysis, along with the long-tested and comprehensive documentation of the work of the United Nations for the “UN year”: the annual session of the General Assembly of the United Nations, beginning in September and lasting 12 months. This edition covers the 65th session of the General Assembly, September 14, 2010 to September 12, 2011.

The new *ARUNA* features a foreword by Boutros Boutros-Ghali, President of the National Council of Human Rights of Egypt and former Secretary-General of the United Nations. Reflecting on the year in review, Boutros-Ghali highlights the need for immediate responses and strategic thinking when commenting on the famine in the Horn of Africa, progress in preventive diplomacy, climate change, and the “Arab Spring” which holds the promises for democratization and a better future.

ARUNA offers complete coverage of the outcome of the work of the key organs of the UN: the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice, and the United Nations Secretariat.³ In addition, selected reports of intergovernmental bodies and expert groups and other materials are included. Solely official United Nations documentation is used. *ARUNA* thus occupies a special place in the publications on the work of the United Nations—it provides readers with commentaries on the principal developments in its key organs during the time period covered, complemented by extensive documentation. This makes this work an important reference source for policy-makers and academic researchers.

During 2010/2011, the UN year under review, the United Nations was faced with new challenges, while required to continue dealing with often long-standing protracted and fundamental global problems. In accordance with its comprehensive mandate, the Organization is concerned with peace and security, development and human rights. The 2010/2011 edition of *ARUNA* comprises six chapters, each introduced by an extensive Commentary highlighting the principal developments during the year under review.

¹ The views expressed here do not necessarily reflect those of the institutions with which the authors are affiliated.

² Details on the experts are shown below under *Contributors and Co-editors*.

³ Due to its inactive nature, the Trusteeship Council is not included. The section below contains the *Calendar of Conferences and Meeting of the United Nations, September 14, 2010 to September 12, 2011*.

Chapter 1 covers the 65th session of the General Assembly. Professor John R. Mathiason provides the Commentary. The documentation includes the opening statement of the President of the session, which outlines the main topics of the UN year under review. This is followed by the agenda of the annual session and the complete set of its resolutions. Professor Mathiason notes that the General Assembly continued addressing global problems, typically in an incremental way, building on previous resolutions and adding new dimensions to reflect political and economic changes. While the time for the regular session continued to be fixed at three months, the number of issues on the agenda and the resolutions emerging from them continue to grow. The UN year saw an increase in the number of resumed sessions and special high-level meetings. The high-level meetings continue to be the major public focus of the session, including those dealing with the Millennium Development Goals, which, after ten years and with only five more remaining, still seem difficult to achieve. Climate change (and sustainable development) continued to be a focus. Late in the session, the General Assembly admitted its 193rd member, South Sudan, which was, in itself, an indicator of success in solving an important conflict in Africa. The General Assembly reelected Secretary-General Ban Ki-Moon to an additional five-year term; this will add stability to the Secretariat.

Chapter 2 deals with the work of the Security Council. Ms. Hannelore Hoppe provides the Commentary. The documentation contains the report of the Security Council, which gives a detailed account of the various issues discussed, the documentation considered and the decisions taken by the Security Council during the year under review; this is followed by the resolutions of the Security Council. Ms. Hoppe observes that 2010/2011 was yet another year of considerable activity by the Security Council. Faced with crisis situations in a number of countries, it addressed those challenges expeditiously and showed decisive action as evidenced in particular in its approach to ensure the protection of the civilian populations in Côte d'Ivoire and Libya against violence, armed attacks, and abuses. The Council's main focus of work and engagement remained on maintaining and strengthening peacekeeping and peace-building and in effectively addressing post-conflict situations. In this context, the Council established new missions, such as the UN Mission in South Sudan, the UN Interim Security Force for Abyei and the UN Support Mission in Libya. Furthermore, it discussed a wide range of thematic areas, both in the context of specific country situations and in a broader generic context. The Council's debate and further action on the occasion of the tenth anniversary of Security Council resolution 1325 (2000) on women and peace and security highlighted the need for more determined efforts to ensure the full participation of women in all conflict prevention and resolution processes.

Chapter 3 discusses the work of ECOSOC. Professor John R. Mathiason provides the Commentary. The documentation contains the Report of ECOSOC, comprising three segments. The chapter also reproduces the agenda of ECOSOC and reproduces the Council's resolutions and decisions. Professor Mathiason points out that ECOSOC continued its long efforts to establish international standards and policies. It was partially successful. The high-level segment, by permitting a detailed focus on the Millennium Development Goals related to education, helped connect the various goals to the need for coherent education policies. The discussion on operational activities set the scene for next year's review of the way in which the United Nations system functions at the country level. At the same time, the routine work of reviewing the work of its subsidiary bodies continued to be *pro forma*, the coordination function broke little new ground and the humanitarian segment did

not add significantly to the existing consensus. ECOSOC continues to be a work in progress.

Chapter 4 presents the work of the International Court of Justice (ICJ). Professor Alexander K.A. Greenawalt provides the Commentary. The documentation contains the report of the International Court and gives details of its jurisdiction, its composition, and the work undertaken. Professor Greenawalt underscores that 2010/2011 was a year of significant activity for international tribunals, one highlighting both the potential and limitations of these institutions. The ICJ exemplifies the hope that legal reasoning and adjudicative processes can resolve disputes belonging to the highly political realm of international relations. Its decision in *Cambodia vs. Thailand* showed the Court playing a vital role in defusing a dangerous conflict, while its judgment in *Guinea vs. the Democratic Republic of Congo* affirmed the centrality of individual human rights to states' international obligations. The denial of jurisdiction in *Georgia vs. the Russian Federation* highlighted, by contrast, the ICJ's ability to avoid deciding highly charged disputes that judicial mechanisms may be ill-suited to resolve. The work of international criminal tribunals presents a twist on similar themes. At one level, these courts deal with a traditional and routine form of legal process, the prosecution of individuals accused of criminal offenses. But the introduction of international law and international institutions to address what are often situations of mass government-sponsored atrocity transforms the character of this enterprise. Recent developments show international tribunals continuing to grapple with various foundational questions, including the appropriate reach of international criminal law and the proper balance between international and domestic authority. As with the ICJ, moreover, the future of international criminal prosecution will largely depend on the cooperation of states upon whose enforcement authority international tribunals necessarily rely.

Chapter 5 documents the work of the Secretariat. The commentary is by Dr. Khalil A. Hamdani. The documentation starts with the Annual Report of the Secretary-General for the 65th session of the General Assembly. This is followed by a number of annual reports of various entities of the United Nations. Dr. Hamdani notes that various United Nations entities in 2010/2011 had to face a series of urgent crises unprecedented in scale, without losing sight of the larger, longer-term objectives of peace-building, development, and tackling global challenges. The Secretary-General has championed the Millennium Development Goals and climate change in the face of increasing indifference among member states. United Nations entities have responded well to the multiple demands of new and ongoing humanitarian emergencies in the face of weakening budgetary commitments. Their continued success will hinge on determined and effective coordination in field operations, and on working closely with partners on global issues and resource mobilization. Secretary-General Ban Ki-moon will have ample opportunity to show leadership in these next five years.

Finally, *Chapter 6* reviews progress reports for selected peacekeeping, peace-building, and political missions. Ms. Hannelore Hoppe provides the Commentary. She argues that the UN year 2010/2011 was characterized by a period of consolidation of UN peacekeeping missions in terms of the number of deployed uniformed personnel. UN peacekeepers and personnel of political missions continue to play an important role not only in promoting political processes and the peaceful settlement of conflicts, but also in consolidating the peace in post-conflict environments. Their contribution to support governments in

strengthening national institutions and facilitating government and security sector reform as well as political dialogue, consolidation, reconstruction, and economic recovery in countries emerging from conflict is critical. This is a new environment in which peacekeepers are confronted with new challenges and increasingly called upon to perform multi-dimensional and exceptionally sensitive tasks, very often also in remote and dangerous areas. The efficiency and effectiveness of peacekeeping operations therefore depends on clear, credible, and achievable mandates as well as adequate resources, the provision of timely logistical support, a realistic assessment of the situation on the ground, and the cooperation of all stakeholders.

We trust that this publication is of use to all those interested in the work of the United Nations.

Geneva
New York
December 2011

Contributors and Co-editors

Alexander K. A. Greenawalt is Associate Professor of Law at the Pace University School of Law, where he teaches courses in International Law, International Criminal Law, and United States Foreign Relations Law. Professor Greenawalt has also taught at the Columbia University School of Law and has published widely in the field of international law, with a particular focus on international criminal law. Professor Greenawalt joined the Pace faculty from the firm of Debevoise & Plimpton LLP. He previously served as a law clerk for The Honorable Stephen F. Williams of the United States Court of Appeals for the District of Columbia Circuit. Professor Greenawalt has also worked for the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, and for the Legal Advisor's Office of the United States Department of State. Professor Greenawalt is a graduate of the Columbia University School of Law, where he was a James Kent Scholar and Articles Editor of *The Columbia Law Review*. He has received an M.A. in History from Yale University and an A.B. in Religion from Princeton University.

Khalil A. Hamdani is Visiting Professor at the Pakistan Institute of Development Economics, Islamabad, and adviser to several multilateral organizations. He is a Board Member of the CUTS International Research Centre in Geneva. He served 29 years with the United Nations Secretariat, retiring in 2007 as Director of the Division on Investment, Technology and Enterprise Development. Within the Secretariat, he has served with DESA, UNCTC and UNCTAD. He has also been consultant, staff or adviser to UNICEF, UNDP, UNFPA, UNITAR, UNIDO and the OECD. He has prepared many UN reports. He received his Ph.D. in economics from Georgetown University in 1975.

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