
Joachim W. Müller
Karl P. Sauvant

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The Annual Review of United Nations (ARUNA) occupies a special place in the publications on the work of the United Nations—it provides readers with in-depth commentaries on the principal developments by a group of distinguished experts,² complemented by official United Nations documentation. This is done for the key organs of the Organization: the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice, and the United Nations Secretariat.³ The period reviewed for the 2016/2017 edition of ARUNA coincides with the 71st annual session of the General Assembly, from September 13, 2016, to September 11, 2017. As one of the longest-established annual publications on United Nations affairs, ARUNA provides an important reference source for policymakers, academic researchers, and anyone interested in this Organization.

In accordance with its comprehensive mandate, the United Nations is concerned with peace and security, development, social affairs, and human rights. The Organization has developed into a complex global institution with a well-established governance structure involving essentially all countries, namely 193 member states. A large part of the Organization’s work can be considered routine United Nations business, including negotiating and elaborating treaty obligations, maintaining peacekeeping missions, implementing development projects, and providing for refugees.

The defining theme: The United Nations in turbulent times

The new Secretary-General, António Guterres, took office on January 1, 2017.⁴ Elected on October 14, 2016, for a five-year term, the choice of Guterres, a former Prime Minister of Portugal and United Nations High Commissioner for Refugees, was widely praised. Appreciated for his integrity and skills as a negotiator and coalition builder, he soon will have to demonstrate leadership when challenged by those member states that appointed him.

Guterres took the helm of the United Nations during a turbulent period. A surge in conflicts and humanitarian crises included the conflict-driven famines unfolding in Nigeria, Somalia, South Sudan, and Yemen; the wars in Afghanistan and Syria; the violent actions of the Islamic State in Iraq and the Levant (ISIL); terrorist attacks

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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.
⁴ For an analysis of the election process see the Preface to ARUNA 2015/2016.
across the globe; China’s territorial claims in the South China Sea; and North Korea’s growing nuclear threat.\(^5\)

As one of his first political initiatives, Guterres devoted considerable time to efforts to revive the dormant peace talks on the political reunification of Cyprus, still divided into Greek and Turkish sections. He garnered financial support to alleviate the famines in Nigeria, Somalia, South Sudan, and Yemen and engaged in peace talks on Syria. Finally, he got involved in behind-the-scenes efforts to contain the crises in Venezuela and South Sudan. Not everything turned out well. Talks on reunifying Cyprus failed in July 2017.

The United States will play a crucial role in ensuring the effectiveness of the new Secretary-General. When Guterres was chosen, he had the backing of President Obama; when the term of the Secretary-General began, President Donald Trump had assumed the presidency of the United States. President Trump had been an outspoken critic of the United Nations during his presidential campaign.

The new political realities promised a complicated United States–United Nations dynamic. The Trump administration moved fast to defund parts of the United Nations by cutting its contribution to the United Nations Population Fund (UNFPA) and proposing a reduction in the assessment for peacekeeping operations from 28 to 25 percent.\(^6\) Nikki Haley, the new United States ambassador to the United Nations, focused on decreasing the size of United Nations peacekeeping missions and winding down others.

In early June, Trump announced that the United States would cease all participation in the 2015 Paris Agreement on Climate Change, and in October the Trump administration announced the withdrawal of the United States from UNESCO, the United Nations’ cultural organization, citing anti-Israel bias. Sentiments from previous U.S. administrations were echoed in the administration’s criticisms of the Human Rights Council, and the lack of efficiency. Haley stated that the United States was “taking names”\(^7\) of governments that did not support the United States politically.

How did the Secretary-General and the United States–United Nations relationship present itself? Guterres aimed to maintain U.S. support by accommodating demands for organizational change. He responded promptly in March 2017 by proposing to shut down the 13-year-old United Nations Stabilization Mission in Haiti, known as MINUSTAH. Initial cuts in peacekeeping operations of approximately US$500 million were approved, with further cuts expected following a review of the United Nations missions to Liberia, South Sudan, and Darfur. Anticipating further funding cuts, Guterres requested all United Nations program managers to prepare for possible

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\(^6\) The United States is the largest contributor to the United Nations, paying 22% of the US$5.4 billion core United Nations budget and 29% of the US$7.9 billion peacekeeping budget. UNDP, UNICEF, and UNFPA are funded by voluntary governmental contributions.

cuts, in particular in development programs. This was in line with anticipated U.S. cuts in its own development arm, the United States Agency for International Development (USAID).

With regard to organizational reform of the United Nations, Guterres did not arrive at the Organization with a fully formed plan. He had repeatedly questioned whether the United Nations was fit for purpose and appeared impatient with the Organization's bureaucracy. It took until mid-2017 for Guterres to roll out his main reform ideas, building on initiatives dating back to the term of the previous Secretary-General, Ban Ki-moon.

With regard to the development system, Guterres presented his vision for repositioning to deliver the 2030 Agenda as mandated by the General Assembly. The report offered general options for improving the accountability and overall coordination of the entities of the United Nations development system and their oversight by member states. Guterres proposed to shift primary control for United Nations development work from headquarters to regional United Nations commissions reporting directly to him. Central to this reform was his proposal to develop a new generation of United Nations Country Teams that would be more cohesive and flexible.

On peace and security architecture, the Secretary-General established an Internal Review Team to study the existing proposals for change contained in a number of recent reports. Guterres highlighted the need to address the changing nature of conflict now occurring mainly within countries, often linked with terrorism. He seems to consider shifting the United Nations toward a lower-cost model of conflict management with more focus on small-scale preventive diplomacy and mediation rather than the large peacekeeping missions such as those in the Democratic Republic of the Congo and South Sudan. Recommendations were submitted to member states for consultations in June 2017.

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9 Gowan, op. cit., “Lonely at the top.”
The reform proposal of Guterres included promises to introduce sweeping changes to streamline bureaucratic practices—traditionally a demand by the United States to every new Secretary-General. The initial review of reform ideas was to be followed by detailed proposals for action for approval by member states in December 2017. In general, the speed of the reform process was considered too slow, with opportunities for change declining. Indeed, recent history has shown that most major reforms were approved in the first 6 to 9 months in the term of a new Secretary-General.14

In an unprecedented move, the United States initiated a High-level Event on United Nations Reform in September 18, 2017. A total of 128 countries were invited to the event which had agreed to sign a United States–initiated 10-point political declaration backing efforts by the Secretary-General to initiate effective reforms by simplifying procedures and decentralizing decisions, with greater transparency, efficiency, and accountability. The event was co-hosted by the United States and a selected group of invited countries15 that had participated in the drafting of the declaration.

Trump addressed the event with a somewhat softened message by stating that the United Nations had tremendous potential. He expressed support for the reform agenda of Guterres and demanded bold reforms to address bureaucracy and mismanagement, protect whistle-blowers, and focus on results rather than on process. Guterres echoed Trump’s vision for a less wasteful United Nations to “live up to its full potential,” stating that the common goal of the United Nations and the United States is “value for money while advancing shared values.”16 Indeed, Guterres argued that the United Nations bureaucracy kept him up at night: “Fragmented structures. Byzantine procedures. Endless red tape.”17

Finally, Trump encouraged the Secretary-General “to fully use his authority to cut through the bureaucracy, reform outdated systems, and make firm decisions to advance the UN’s core mission.”18 This was much to the consternation of some member states, who felt that the United States was really leading the agenda. Indeed, China and Russia did not sign the declaration. Russia stated that changes in the international body should be negotiated by member states rather than imposed through a declaration drafted solely by the United States.19 In the past, the development of reform proposals was overseen by an organized group of nations. Lack of consultation and transparency was seen with concern by some member states and carried the...
risk of not having the full support from the majority of countries for the proposed measures.

The High-level Event on United Nations Reform was followed the next day by the main event, when Trump addressed, on September 19, 2017, the opening of the 72nd session of the General Assembly for the first time. Trump offered an exposition of his “America First” doctrine and echoed some of the position on reform: protection of United States sovereignty; reductions in United Nations contribution by cutting peacekeeping operations; and bold reforms to reduce United Nations bureaucracy. He stressed that the United States could no longer be taken advantage of or enter into one-sided deals. Trump warned of the threat from a small group of rogue regimes, and stated that his country would “totally destroy” North Korea if forced to do so. The speech received a mixed reception; it could be seen as an agenda for withdrawal from cooperation. The Swedish Foreign Minister Margot Wallstrom observed that “it was the wrong speech, at the wrong time, to the wrong audience.”

Guterres was not the first Secretary-General to withstand serious blows from United States administrations. As already demonstrated in his leadership as the United Nations High Commissioner for Refugees, he does not directly challenge governments on their actions. In fact, there were no strongly worded pronouncements directed at the United States. Indeed, Guterres had managed to establish good relations with the United States ambassador Haley. Whereas some argued that he was “hitting the right notes” on the United Nations’ relationship with the United States, others felt that he should speak out more strongly and stand up to the United States. In fact, Trump’s most outspoken United Nations critic has been the High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, who has called Trump “dangerous from an international point of view.”

With the United States likely to retreat toward isolationist nationalism and away from the multilateral system and collective action, other countries will need to step in to fill the void created by a United States retrenchment. This is a major challenge to the

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Organization—but it might also be an opportunity to better reflect the changing global realities in the years ahead.

Those realities are already apparent in Europe, where countries have risen to support NATO and forced Trump to backtrack on his dismissal of the transatlantic alliance. France took the leadership in defending peacekeeping and supporting the funding of United Nations peace operations. Belgium has led other countries in pledging to offset the cut of the United States contribution to the UNFPA. China has emerged as a champion of multilateral trade, an indication of the country’s ambition to play a leading role on the world stage. Most encouraging is the universal response to Trump’s rejection of the climate treaty with an unequivocal recommitment to the Paris Agreement.

**Commentaries by chapter**

The commentaries that accompany the documentation contained in each chapter provide an overview of the workings of the Organization during the present United Nations year, highlighting important issues and providing an introduction to the documents that follow in each chapter.

*Chapter 1* covers the 71st session of the General Assembly. John R. Mathiason provides the Commentary: “The General Assembly: Now Let’s Get Organized.” The documentation includes the complete set of the Assembly’s resolutions, the oath of office address and the closing statement by the President of the 71st session and the agenda of the annual session. Mathiason notes that the 71st session was somewhat “business as usual” in a global political environment that poses new threats to the international order. There was clearly a move toward institutional reform of the United Nations, both on the basis of proposals made by the new Secretary-General and concerning reforms being pushed by member states, as reflected in the United Nations and global economic governance resolution. There was also a move to reform peacekeeping, where there have been operations in place since 1947. Mathiason points out that the actions of the General Assembly on the quadrennial comprehensive policy review of operational activities for development of the United Nations system may have been among the most important of its activities during the previous year because they establish a basis for a significant change in the way in which the international public-sector functions, particularly at the country level, provide direct services to member states with staff in place rather than through projects.

*Chapter 2* deals with the work of the Security Council. Jacques Fomerand provides the Commentary: “The Security Council: Fit for Purpose?” The accompanying 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 Council during the year under review. This is followed by the complete set of Security Council resolutions and the Presidential Statements. Fomerand argues that the capacity of the Council to act with effectiveness hinges on a number of conditions. First and foremost, great power concurrence on the nature of the threats is of the essence. The local situation must be “ripe,” that is to say, the parties to an internal conflict must have reached a state of a “mutually hurting stalemate” and be ready to adhere to a ceasefire and peace agreement. Neighboring countries must refrain from playing the role of spoilers. Finally, at least one member of the Council must be willing...
to act as an honest broker. As Fomerand noted, it is rare for all of these conditions to be met. But it does not follow that the Council’s failure to act should necessarily be taken as an indicator of its inability to think in an integrated manner. In fact, there is many signs of a paradigm shift toward providing an expanding political space to prevention and the need to address the root causes of conflict. Fomerand has no doubt that the Council is increasingly viewing threats in a holistic manner. In the same vein, the Council’s activities range from inaction to incrementalism to decisive interventions. But the gap between aspirations and deeds is still, unquestionably, wide. Power realities, in the final analysis, lubricate—or obstruct—the functioning of the Council’s machinery. At the same time, underestimating the conceptual shifts that have taken place in the Council’s understanding and response to threats to peace and security could lead to hasty and misleading judgments about its “fitness” to cope with twenty-first century threats.

Chapter 3 discusses the work of the Economic and Social Council (ECOSOC). Lorraine Ruffing provides the Commentary: “The Economic and Social Council: the Central Platform for the Sustainable Development Goals.” The documentation contains the Report of ECOSOC, comprising three segments. This is followed by the complete set of ECOSOC resolutions. Ruffing describes what ECOSOC has done in order to implement the Sustainable Development Goals (SDGs). As a new way of working, the United Nations entities are aligning their own work programs with the SDGs and have assisted member states to complete 65 voluntary national reviews. The new collaborative spirit among United Nations entities is maximizing the collective support of the United Nations development system. ECOSOC has designed its sessions to feed into the High-level Political Forum and has showcased a data monitoring system to track progress in achieving the SDGs, both globally and nationally. It was an active and productive year for ECOSOC, and one could say that ECOSOC has hit its stride in supporting the SDGs. Nevertheless, Ruffing also argues that there is a powerful tide running against all these efforts to meet the SDGs. Slower growth, declining foreign direct investment, rising protectionism, protracted conflicts, climate-change–induced natural disasters, and illicit financial flows are siphoning away the resources needed to meet the SDGs. Clearly, Ruffing argues, the entire United Nations system and member states will have to redouble their efforts to counter the adverse trends.

Chapter 4 presents the work of the International Court of Justice (ICJ) and the International Criminal Tribunals. Alexander K.A. Greenawalt provides the Commentary: “The International Court of Justice: Judicial Gatekeepers.” The documentation contains the annual reports of the ICJ and the international criminal tribunals and gives details of the ICJ’s jurisdiction, its composition, and the work undertaken. Greenawalt notes that the past year highlighted the critical role that international tribunals play as gatekeepers of their own adjudicatory power. One might imagine that judges would generally err on the side of expansive jurisdiction. But there are risks here as well, especially when the Court’s authority is itself contingent upon state consent. If a tribunal like the ICJ or the International Criminal Court is perceived to overreach, the result for the Court may well be marginalization rather than aggrandizement. In the end, these tribunals walk a fine line, as both extremes—whether assertiveness or passivity—risk casting the court as a political rather than legal actor, eroding thereby its perceived legitimacy. The central question is whether the
International Criminal Court in particular can function effectively as an institution that pursues criminal charges against state actors when success—and oftentimes jurisdiction itself—is contingent upon the consent and cooperation of the state at issue. With the International Criminal Court’s Office of the Prosecutor’s current examinations pointing the way to possible (although hardly certain) charges against British, Israeli, Russian, and United States forces, this question will receive ever greater attention.

Chapter 5 describes the work of the Secretariat. Khalil A. Hamdani provides the Commentary: “The Secretariat: Staying Relevant.” The documentation contains the Annual Report of the Secretary-General to the 71st session of the General Assembly and a number of annual reports of various funds and programs of the United Nations. Hamdani stresses that the United Nations faced threats in 2016/2017 that were parried by the new Secretary-General António Guterres into endorsement of his reform agenda. As one of his first management priorities, he moved toward appointing women to senior positions and ridding peacekeeping of sexual abuses. On his first day in office, he issued directives to streamline the Organization’s bureaucracy and to strengthen accountability within the Organization. This won endorsement from an unexpected corner—the incoming administration of the United States. Hamdani notes that this may not last, but it was a good start. He points out that the stated goal of making the United Nations field-oriented will require a major overhaul of a Secretariat originally designed to support global intergovernmental decision-making. The efforts of the previous Secretary-General, Ban Ki-moon, to introduce “change management” and staff mobility, encourage entities to “work as one,” and apply modern technology were less than successful. However, Guterres is seen to persist in that direction, with a different style but similar objectives. The new realities facing peacekeeping and the humanitarian and development mandates are seen to require more integrated organizational units and more collaborative ways of working between headquarters and the field, and among partners. Hamdani concludes by noting that a new way of working is always difficult—but imperative for staying relevant.

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

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Contributors and Co-editors

Jacques Fomerand had a lengthy career with the UN, and when he retired in 2003 he was director of the North American UN University Office. Since then he has taught in the UN Program at Occidental College, Los Angeles, where he is assistant director. He also teaches at New York University and John Jay College of Criminal Justice at City University of New York. He is widely published on matters related to international relations, international organization, human rights, and global human security issues.

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 Adviser’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 Hamdani is Visiting Professor at the Graduate Institute of Development Studies of the Lahore School of Economics, Pakistan, and an adviser to several multilateral organizations. He is a Board Member of the CUTS International Research Centre in Geneva. He served 29 years with the UN 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. Prior to joining the United Nations in 1978, he was a senior researcher at the Pakistan Institute of Development Economics and he also taught at the University of Islamabad. He received his B.A. from the Johns Hopkins University in 1968 and his Ph.D. in economics from Georgetown University in 1975. He can be reached at khalihamdani@jhu.edu.

John Mathiason is Adjunct Professor at the Cornell Institute of Public Affairs at Cornell University. From 1999 to 2012 he was Professor of International Relations at the Maxwell School of Citizenship and Public Affairs of Syracuse University. From 1966 to 1997 he was a career staff member of the UN Secretariat, completing his career as Deputy Director of the Division for the Advancement of Women. Since then, in addition to teaching management of the international public sector, he has provided advice and training to many organizations of the UN system in results-based management. In his research, he has examined the role of the international public sector in addressing issues of weapons of mass destruction, internet governance, and the management of climate change. He is the author of Invisible Governance: International Secretariats in Global Politics (2007) and Internet Governance: the New
**Joachim Müller** is Director for Management and Finance at the Organization for Security and Co-operation in Europe (OSCE), Vienna. He was previously with the UN system for 30 years as Director for Resource Management at the World Meteorological Organization (WMO), Geneva, Controller at the World Intellectual Property Organization (WIPO), Geneva, at the UN Secretariat, New York, and at the UN Office of Drugs and Crime (UNODC), Vienna. He has been a UN election observer in Namibia and Angola and written extensively on UN reform and management, including *Reforming the UN: A Chronology* (2016), *The Challenge of Working Together* (2010), *The Struggle for Legitimacy and Effectiveness* (2006), *The Quiet Revolution* (2001), and *New Initiatives and Past Efforts* (1997). He has a doctorate (D.Phil.) in Economics and Management Studies from Oxford University, Nuffield College, and can be reached at joachimwm@gmail.com.

**Lorraine Turner Ruffing** earned an M.A. and a Ph.D. in trade and development from Columbia University. She has worked for five different UN agencies and lived in Chile, Uzbekistan, and Venezuela. She started her UN career working for the UN Economic Commission for Europe, where she developed energy balances for the former Soviet Union. While assigned to the UN Centre on Transnational Corporations in New York, she initiated its work on environmental accounting, a forerunner of sustainability reporting. She also assisted member countries of the former Soviet Union in modifying their accounting systems to accommodate their transition to market economies. After the Centre was dissolved, she joined UNDP to open its offices in Tashkent, Uzbekistan, where she served as Deputy Resident Representative. While stationed in Geneva she directed UNCTAD’s work on small business development. Since retirement she has assisted the OECD (Paris) in launching its publication on financing small business. In 2015 she published a book with Khalil Hamdani on the UN’s efforts to establish a code of conduct for transnational corporations (TNCs), which holds valuable lessons for the UN’s current effort to establish a binding treaty for TNCs on human rights. She is currently co-director of a grass-roots environmental organization dedicated to maintaining the pristine waters of Lake George, located in the Adirondacks in New York State.

**Karl P. Sauvant** is Resident Senior Fellow at the Columbia Center on Sustainable Investment (CCSI), a joint center of Columbia Law School and The Earth Institute at Columbia University, Lecturer in Law at Columbia Law School, and Guest Professor at Nankai University, China. He was the Founding Executive Director of the Vale Columbia Center on Sustainable International Investment, the predecessor of the CCSI, and Director of UNCTAD’s Investment Division. He is the author of, or responsible for, a substantial number of publications. He is a Fellow of the Academy of International Business and an Honorary Fellow of the European International Business Academy. He received his Ph.D. from the University of Pennsylvania in 1975.
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VOLUME I

Contributors and Co-editors

Calendar of Conferences and Meetings of the United Nations, September 13, 2016 to September 11, 2017

List of Abbreviations

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CHAPTER 1: General Assembly, Seventy-first Session (Continued)

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