United Nations and Other International Organizations

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This article reviews developments in the United Nations (U.N.) and other international organizations during 2013.

I. United Nations Security Council

A. U.N. Security Council Resolution on Chemical Weapons in the Syrian Arab Republic

On September 27, 2013, the U.N. Security Council passed Resolution 2118 requiring the expeditious and verifiable destruction of Syria’s chemical weapons. The Resolution condemned the use of chemical weapons on August 21, 2013, in Rif Damascus, which killed civilians and which was “a serious violation of international law.” The U.N. Security Council determined that “the use of chemical weapons anywhere constitutes a threat to international peace and security.” The Security Council prohibited the Syrian Arab Republic from using, developing, producing, or otherwise acquiring or retaining stockpiles of chemical weapons or transferring chemical weapons to other States or non-State actors. And most significantly, the Security Council decided that Syria would have to comply with the September 27, 2013, decision of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW). This Security Council decision—coupled with Syria’s decision to join the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons—avoided potential Amer*

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2. Id. prbl., ¶ 2.
3. Id. ¶ 1.
4. Id. ¶ 4.
5. Id. ¶ 6. The OPCW Executive Council had established special procedures for the expeditious destruction of Syria’s chemical weapons program and verifying this destruction. The Council’s decision was included as Annex I of Security Council Resolution 2118.
6. Syria deposited its instrument of accession to the Chemical Weapons Treaty on September 14, 2013, after chemical weapons were used in Rif Damascus on August 21, 2013. See id. prbl. Syria’s accession to the
ican air strikes on Syria to retaliate for Syria’s use of chemical weapons against its citizens. This exercise of the Responsibility to Protect also marked the first time that the U.N. Security Council has used its power in a direct way to remove chemical weapons from a U.N. member State. But it did not end the ongoing crisis is Syria, which continued its civil war into 2014.

B. U.N. SECURITY COUNCIL RESOLUTION ON LIBYA

The U.N. Security Council passed resolution 2095 in March 2013, requesting that the Libyan government draft a new constitution. Ideally, this new constitution would lay the foundation for the protection of human rights pursuant to international law. Additionally, the Security Council expressed concern about Libya’s lack of democracy, with emphasis on issues regarding due process, wrongful detention, and torture. Further, the U.N. Security Council requested assistance from neighboring countries to promote a peaceful transition to democracy. In response to this resolution, Libya must accelerate its judicial process and comply with international law.

In Resolution 2095, the Security Council listed mandatory tasks that must be completed by the parties involved. First, the U.N. Support Mission in Libya (UNSMIL) was extended for twelve months and is under the control of a Special Representative of the Security General. UNSMIL will assist Libya in multiple ways, including managing the democratic transition; promoting the rule of law; monitoring and protecting human rights; restoring public security; countering illicit proliferation of arms; continuing to support efforts to promote national reconciliation; increasing political dialogue and political processes aimed at promoting free, fair, and credible elections; and transitioning justice and respect for human rights throughout Libya. To assure compliance, the Security Council ordered an arms embargo and an assets freeze if Libya fails to abide by the Security Council’s terms.

Since this resolution, the U.N. has continued to stabilize the Libyan conflict, particularly regarding human rights violations, and it assisted in the democratization of the Libyan government. Although Libya has started the move toward democracy, there is still work to be done. Libya continues to struggle with how it should handle those who

Chemical Weapons Treaty was understood to be an attempt to avoid a threatened military attack on Syria by other nations.


9. Id. ¶ 2.

10. Id. ¶ 3.

11. Id. ¶ 5.

12. Id. ¶ 6.

13. Id. ¶ 5.


15. Id.

16. Id.

17. Id. ¶ 13.

worked for the former Gaddafi regime.19 Although some workers were simply secretaries and government officials, others took an active part in the killing of citizens.20 Debate thus continues as to whether “anyone associated with the regime should be banned from the new political process.”21

Libya recently elected a two hundred-seat Congress, which is now drafting the new Libyan constitution.22 Libya has made considerable changes to its government in the last two years (moving from a dictatorship to a democracy), and with the help of the U.N., Libya will continue to move in a positive direction.23

C. SECURITY COUNCIL RESOLUTION ON AFGHANISTAN

The U.N. Security Council passed Resolution 2120 regarding Afghanistan in October 2013.24 The Security Council first reaffirmed the U.N.’s strong commitment to the sovereignty, independence, territorial integrity, and national unity of Afghanistan.25 To promote a peaceful transition to democracy in Afghanistan, the Security Council stressed the importance of the International Security Assistance Force, which aids in maintaining stability for the Afghan people.26 The Security Council initiated a Transformation Decade (2015 to 2024), which will aid in continued stabilization and establishment of a functioning, sustainable State.27 The Security Council also noted that the Afghan government must contain and fight corruption, promote transparency, and hold government leaders accountable for their actions.28 The Security Council also expressed its concern over the alarming number of terrorist activities taking place within Afghanistan, particularly by the Taliban, Al-Qaeda, and other extremist factions.29 The Security Council condemned all attacks, including improvised explosive device attacks, suicide attacks, assassinations and abductions, indiscriminate targeting of civilians, and attacks against humanitarian workers.30

D. SECURITY COUNCIL RESOLUTION ON SEXUAL VIOLENCE IN ARMED CONFLICT

While many Security Council resolutions were fueled by immediate conflict in the international community, on June 24, 2013, the Security Council passed Resolution 2106, which prohibited sexual violence in armed conflict and post-conflict situations.31 This resolution recognized the Declaration on Preventing Sexual Violence, which was adopted.

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20. Id.
21. Id.
22. Id.
23. See id.
25. Id. pmbl.
26. Id.
27. Id.
28. Id.
29. Id.
30. S.C. Res. 2120, pmbl.
during the London G8 conference, in April 2013.\textsuperscript{32} In this resolution, the Security Council sought to affirm women’s political, social, and economic empowerment.\textsuperscript{33} The Security Council reaffirmed that rape and other acts of sexual violence in armed conflict are war crimes, and member States should prosecute violators.\textsuperscript{34}

The Resolution noted that systematic monitoring of acts of sexual violence was essential\textsuperscript{35} and it urged member States to encourage timely, objective, and accurate information as a basis for prevention of sexual violence.\textsuperscript{36} The resolution also called for the deployment of Women Protection Advisors in accordance with Resolution 1888.\textsuperscript{37} The Security Council emphasized the important role members of society—particularly women’s organizations—play in spreading awareness about the importance of preventing sexual violence during armed conflicts.\textsuperscript{38} To prevent these situations, a zero tolerance policy will ensure full accountability by member States if conduct by their nationals violates this resolution.\textsuperscript{39}

E. SECURITY COUNCIL MEMBERSHIP

In addition to its resolutions of 2013, the U.N. Security Council also made news in October 2013 when the Kingdom of Saudi Arabia rejected a non-permanent seat on the fifteen-member Council.\textsuperscript{40} The seat was one of five openings for two-year terms that started in January 2014, and Saudi Arabia had actively lobbied for the seat.\textsuperscript{41} Saudi Arabia’s decision to reject its seat marked the first time that any country had rejected one of the ten non-permanent member seats on the Security Council.\textsuperscript{42} The Saudi decision was reportedly made to express unhappiness at American policy in the Middle East, including issues with Syria, Egypt, and also Iran.\textsuperscript{43} President Obama will visit the Kingdom of Saudi Arabia in March 2014 to improve relations between the two countries.\textsuperscript{44}

\begin{itemize}
  \item \textsuperscript{32} Id. pmbl.
  \item \textsuperscript{33} Id.
  \item \textsuperscript{34} Id.
  \item \textsuperscript{35} Id. ¶ 5.
  \item \textsuperscript{36} Id. ¶ 6.
  \item \textsuperscript{37} S.C. Res. 2106, ¶ 7.
  \item \textsuperscript{38} Id.
  \item \textsuperscript{39} Id. ¶ 15.
  \item \textsuperscript{43} See id.
  \item \textsuperscript{44} See Scott Wilson, Obama to Visit Saudi Arabia in Late March, WASH. POST, Feb. 3, 2014, at A7, available at http://www.washingtonpost.com/politics/obama-plans-visit-to-saudi-arabia/2014/02/03/bd04636e-8d03-11e3-95dd-366f657a4d8c_story.html.
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II. U.N. General Assembly

One of the most important issues tackled by the U.N. General Assembly in 2013 involved nuclear disarmament. In Resolution 1146/11463, the General Assembly acted on the recommendations of its First Committee (Disarmament and International Security) and tackled critical issues such as nuclear disarmament and non-proliferation, mainstreaming humanitarian concerns in that process, implementing the Arms Trade Treaty, and broadening the scope of the U.N. Register of Conventional Arms.

Resolution 1146/11463 set forth the need for States to continue negotiations on a treaty that would ban the production of fissile material for nuclear weapons. The only nation that did not vote in favor of the resolution was (unsurprisingly) the Democratic People’s Republic of Korea. The resolution also sought to establish a nuclear-weapon-free zone in the Middle East. The General Assembly further urged member States to strengthen their own national security plans in preventing terrorists from obtaining weapons of mass destruction.

The U.N. General Assembly also focused on other forms of disarmament as well. The Arms Trade Treaty was adopted on April 2, 2013, and was opened for signature on June 3, 2013. It is the first multilateral treaty to regulate the international trade in conventional arms. According to the U.N. Office for Disarmament Affairs, the treaty “will prevent human rights abusers and violators of the law of war from being supplied with arms. And it will help keep warlords, pirates, and gangs from acquiring these deadly tools.” And, although no treaty “by itself, can stop all illegal arms dealing or countries from selling or giving weapons to irresponsible end users, the Arms Trade Treaty is an important step toward controlling the international arms trade.” As of February 2014, 116 States have signed the treaty, and eleven States have ratified the treaty. The U.N. General Assembly adopted Resolution 68/31 in December 2013 to call upon States to ratify, accept, or approve the Arms Trade Treaty at the earliest possible date.

46. Id.
47. Id.
48. Id.
49. Id.
50. Id.
54. Stedjan, supra note 52, at 986.
55. The Arms Trade Treaty, supra note 53.
III. UNESCO

In November 2013, the United States and Israel lost their voting privileges at the U.N. Educational, Scientific, and Cultural Organization (UNESCO), "two years after cutting off its financial contribution to the organization over the admission of Palestinians as full members."58 If any country fails to pay dues for two years, the UNESCO Constitution blocks that country’s ability to vote in the UNESCO General Conference.59 The United States and Israel stopped paying their UNESCO dues in 2011 after a vote to give Palestinians full membership in UNESCO.60 The United States was the largest financial contributor to UNESCO, paying about U.S. $70 million, or 22 percent, of the organization’s annual budget.61 Some UNESCO staff members were laid off, and some emergency funds were donated by Saudi Arabia, Qatar, Norway, and some other countries.62 Diplomats said that this marked the first time that the United States had voluntarily relinquished its vote in an international organization in which it was a member.63

IV. World Health Organization

In 2013, the World Health Organization (WHO) finished revising the process for electing the WHO Director-General. Unlike the relatively informal procedures that may be followed by other international organizations for selecting a Director-General, the WHO formalized its procedures in the 1990s to require (a) clear deadlines; (b) an initial screening of all candidates; (c) short-listing by secret ballot where there are more than five candidates; (d) compulsory secret voting; and (e) term limits of two, five-year terms.64 But in 2006, some regional groups (including Africa, the Eastern Mediterranean, and to some extent South-East Asia) began demanding a compulsory rotation of the post of Director-General among the various WHO regions because the Director-General had never come from those regions.65 Other regional groups, however, resisted the demand as being unacceptable, focusing instead on the need to select the most qualified candidate.66

59. “A Member State shall have no vote in the General Conference if the total amount of contributions due from it exceeds the total amount of contributions payable by it for the current year and the immediately preceding calendar year.” United Nations Educational, Scientific and Cultural Organization Const. art. IV(C)(8)(b). The UNESCO Constitution also provides that in certain instances, the General Conference may permit a delinquent member State to vote if “that failure to pay is due to conditions beyond the control of the Member State.” Id. art. IV(C)(8)(e).
60. Rubin, supra note 58; Sage & Pemnetier, supra note 58.
61. Rubin, supra note 38.
62. Id.
63. Id. “Congress enacted laws in the 1990s decreeing that the United States stop providing money to any United Nations agency that accepts Palestinians as full members.” Id.
65. Id.
66. Id. States opposing the proposal to rotate the director position among various geographic regions contended that “regional rotation could, at most, be a desirable political consideration.” Id. See also World Health Organization Const. art. 35 (“[t]he paramount consideration in the employment of the staff shall be to
In response to this debate, the WHO established a Working Group that proposed a package of reforms, which WHO and its Executive Board adopted in 2012 and 2013.67 These resolutions dramatically revise the election process for WHO Director-General and represent the outcome of a seven-year process of discussions relating to the principles and procedures governing the election to this post.68 Rather than providing for regional rotation automatically, the World Health Assembly adopted a resolution to pay due regard “to the principle of equitable geographical representation” in the nomination process and election of the Director-General, keeping in mind that “candidates appointed to this post have so far only come from three out of the six regions of the Organization.”69 Additionally, the resolution keeps, as a “paramount consideration,” the need to secure “the highest standard of efficiency, competence, and integrity in the election and appointment of the Director-General.”70 The resolution established a procedure for the Executive Board to nominate three candidates for the World Health Assembly to consider “paying due regard to equitable geographical representation.”71 The resolution also adopted a code of conduct, established a candidates’ forum for candidates to make themselves and their vision known to member States, and a statement of criteria for nomination “while underscoring the paramount importance of professional qualifications and integrity and the need to pay due regard to equitable geographical representation, as well as gender balance” in the nomination of candidates.72

The World Health Organization Executive Board amended the Rules of Procedure in January 2013 to set forth the specific rules for nominating candidates for the post of Director-General.73 And, in May 2013, the World Health Assembly adopted a Code of Conduct for the Election of the Director-General of the World Health Organization.74 As Professor Gian Luca Burci notes, the revised election process for the Director-General of WHO “is unprecedented among international organizations.”75 What began with demands for regional rotation of the executive post and recognizing a need to find highly qualified candidates resulted in “a political compromise” that increased the complexity of the WHO electoral procedures for the post.76 Importantly, the discussions have “raised a number of delicate legal and constitutional issues that go to the core of the institutional balance within an international organization.”77 Although much of the debate might have been specific to the WHO, “the principles and values underpinning the changes are part

67. Burci, supra note 64, at 998.
68. Id.
70. Id.
71. Id. ¶ 1(d)-(f).
72. Id. ¶ 1(b).
74. World Health Assembly Res. 66.18, ¶ 1, WHA Doc. WHA66.18 (May 27, 2012), reprinted in 52 Int’l. Legal Materials 1008 (2013).
75. Burci, supra note 64, at 1000.
76. Id.
77. Id.
of a more general trend in international organizations toward increasing the accountabil-
ity and legitimacy of international political processes as well as being able to establish the
status quo.\textsuperscript{78} The changes in the WHO Director-General position may thus be revisited
as other organizations update their own procedures for the appointment of Directors-
General.\textsuperscript{79}

\textsuperscript{78} Id.
\textsuperscript{79} See, \textit{e.g.}, WTO, Procedures for the Appointment of Directors-General, WT/L/509 (Jan. 20, 2003).