

## Foreword

In October 2005 the United Nations is celebrating its 60th anniversary, a good opportunity to consider past activities of the United Nations as well as the challenges it is facing. Some of these new challenges were not anticipated by the diplomats who assembled in San Francisco 60 years ago.

The present Volume 9 of the *Max Planck Yearbook of United Nations Law* is dedicated to one particular issue where the United Nations throughout the last years has met a new challenge and has not yet developed a coherent strategy for how to cope with it, namely the management of post-conflict situations.

Post-conflict situations are considered those where either, due to different internal or external reasons, the organization of a state has disappeared totally or where different conflict parties compete for the control of a state or where after an internal or an international conflict, followed by a change of the governmental regime, the government has to be re-established.

The management of those situations undoubtedly belongs to one of the main functions of the United Nations, in particular the Security Council with its competence in respect of the preservation or restoration of international peace. This has been accepted as such by the United Nations most prominently in the Report of the Secretary-General *In Larger Freedom: Towards Development, Security and Human Rights for All* and has been acknowledged in this Volume.

Members of the Max Planck Institute for Comparative Public Law and International Law and others have therefore undertaken to describe and analyze several post-conflict situations where the United Nations either has been directly involved in the administration of a territory or has supervised the respective efforts of Regional Organizations or states or, at least, has provided guidance for states. The situations chosen are not meant to cover all cases in which the United Nations, Regional Organizations or states have been involved. The selection and respective analysis of the cases was undertaken with the view to establish whether the United Nations has developed a general pattern in the management of those post-conflict situations. The case studies are supplemented by articles on cross-cutting issues tackling questions such as post-conflict

justice, nation- and state-building and their conceptual clarification, as well as the experiences under the League of Nations.

Within the United Nations, the view seems to prevail that each case has to be treated individually. The analysis undertaken in this Volume points in a different direction. The United Nations should develop substantive standards, which are as comprehensive as possible, to govern the international administration in post-conflict situations undertaken by whomsoever. The existence of such standards would make it easier for the United Nations to influence more effectively the administration of the above mentioned cases, and would have given the United Nations a tool it could have used in the latest case at hand, the U.S. led coalition in Iraq. The current proposal concerning the establishment of a Peacebuilding Commission, as well as a Peacebuilding Support Office within the Secretariat, as proposed in the above mentioned report, only covers the institutional side within the United Nations without concerning the more central aspect of applicable standards.

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Heidelberg, August 2005

## **Restructuring Iraq**

Possible Models based upon  
Experience gained under the Authority  
of the League of Nations and the  
United Nations



