I. Introduction

The last years have been characterized by an intense debate on the role of the United Nations for the shaping of the international peace order. Probably never before in the history of this institution has world opinion been so divided between those who believe in the pivotal role of the United Nations for this task and those who have lost all hope of this or have even tried actively to sideline the organization.

While the Cold War had for decades reduced the activities of this institution to a minimum, providing at the same time a facile excuse for many its deficiencies, the thawing in East-West relations revealed new fault lines and introduced challenges which the United Nations were
manifestly unable to deal with. First the Kosovo conflict and afterwards
the invasion of the Iraq begged the question whether power politics
was to supersede UN law. At the same time calls for intervention in
cases of massive human rights violations grew ever louder.

It is against this background that the activities of the UN Secretary-
General Kofi Annan directed at regaining a central role for the United
Nations in international conflict prevention and settlement may be ex-
plained. In September 2003 he announced before the General Assembly
that the time for radical change had come. Since fundamental deci-
sions with far-reaching consequences were needed these could not be
taken on the basis of political demands alone. Groundbreaking analysis
by renowned authorities and bodies or by eminent persons were
needed. While in the past the Secretary-General had himself exercised
this role this time it was different as he was no longer a neutral referee
but a party himself – at least, he could not take the first step.

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1 See on this issue Th.M. Franck, "Preemption, Prevention and Anticipatory
Self-Defense: New Law Regulating Recourse to Force?", Hastings Int'l &
Comp. L. Rev. 28 (2004), 425 et seq.
2 Of course, there was also the attempt by the Secretary-General to over-
come criticism regarding allegations of personal mismanagement but this
criticism may also not be unrelated to his position on the controversy be-
tween multilateralism and unilateralism in international relations.
3 This was the famous "fork in the road"-speech where he asked the gov-
ernments to decide whether it was possible to continue on the basis agreed
in 1945, or whether radical changes were needed. See under <http://
www.un.org/News/Press/docs/sgsm891.doc.htm>. See also H. Corell,
"Reforming the United Nations", International Organizations Law Re-
view 2 (2005), 373 et seq. (374). Also in the time before the Secretary-
General had made clear that this was a very important subject to him. See,
for example, his Millennium Report address of 3 April 2000, to the General
Assembly:
"We must protect vulnerable people by finding better ways to enforce hu-
manitarian and human rights law, and to ensure that gross violations do not
go unpunished. National sovereignty offers vital protection to small and
weak States, but it should not be a shield for crimes against humanity." See
4 See the ground-breaking report entitled An Agenda for Peace, Doc.
A/47/277-S/24111 of 17 June 1992 presented by Boutros Boutros-Ghali,
see under <www.un.org/documents/secretariat.htm>. See also the follow-
up document, An Agenda for Peace, Supplement, Doc. A/50/60-S/1995/1
5 See note 2.