

CHAPTER 18

PEACEFUL SETTLEMENT OF DISPUTES AND CONFLICT PREVENTION

RAMA MANI and RICHARD PONZIO

IN the aftermath of the Second World War and the Holocaust, the founders of the United Nations focused on reorienting international affairs away from aggression and unilateralism toward cooperation and multilateralism. Article 1 of the Charter concisely states the organization's principal objective—'to maintain international peace and security'—and the ways in which that goal is to be attained—collectively, peacefully, and preventively. At the dawn of the twenty-first century, the peaceful settlement of disputes is widely considered essential, not only in the interest of avoiding deadly armed conflict, but also to counter the rise of extremism ideologies and ethno-nationalism, and a host of corollary reasons:

So long as States cannot rely on the peaceful resolution of their disputes, there can be no genuine reversal of world-wide arms competition; no adequate resources for the eradication of poverty; no proper respect for human rights or the environment; nor sufficient funds for health, education, the arts and humanities.¹

As a means of safeguarding international peace and security, Article 1 identifies two complementary aims: 'to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'; and 'to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.' Thus, both preventing conflict and resolving disputes through peaceful means can be viewed as twin pillars in the foundations of the world organization.

The peaceful settlement of disputes and conflict prevention are closely interconnected. Conflict prevention takes the peaceful settlement of disputes one step farther by attempting to address both the immediate and the deeper causes of conflict. Contemporary approaches to conflict prevention also emphasize the linkage between

peaceful societies and the promotion of inclusive governance and equitable development, a salient theme at the September 2015 UN World Summit, which mobilized a universal consensus around the ambitious Agenda 2030 for Sustainable Development.

Since the early 1950s a considerable body of literature has emerged around the concept and practice of the peaceful settlement of disputes, particularly in the UN context. While most of this literature is legalistic—tending to concentrate on the elaboration of Article 33 and its modalities—there now also exists a substantial pool of case studies examining the practical application of these techniques.

Since 1990, analysis and advocacy of conflict prevention have effectively burgeoned, as successive Secretaries-General have seized upon the removal of the Cold War yoke to adopt a more activist approach to conflict prevention. *An Agenda for Peace*, Boutros Boutros-Ghali's response to the General Assembly's appeal for a revitalized UN role in this area, found resounding approval among member states. His successor, Kofi Annan, went further still, calling for the inculcation of a 'culture of prevention' within the UN, and elsewhere,² and the Secretary-General António Guterres, whose tenure commenced in January 2017, has pledged a commitment to 'a surge in diplomacy for peace' to combat the recent spike in political violence and disrespect for long established international norms.

This chapter addresses, in turn, the two components of the core UN objective. The peaceful settlement of disputes is dealt with in Part One, which traces the development of pacific dispute settlement and examines the provisions under Article 2 (3) and Article 33 of the UN Charter. It then names the key actors and organs within dispute settlement, as well as the tools available for this purpose. Part Two turns to conflict prevention, tracing its underlying principles and conceptual evolution, policy acceptance, and growing and varied operational applications. The chapter concludes by raising some critical issues about the current state and future directions for the peaceful settlement of disputes and conflict prevention.

PART ONE: PEACEFUL SETTLEMENT OF DISPUTES

With a view to replacing aggression with cooperation in international relations, the United Nations has championed both the norm and practice of the peaceful settlement of disputes. Article 2 of the Charter lays out the principles under which the UN and its members are required to pursue the aims of Article 1. Article 2 (3) states that 'all members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.'

As noted by Bruno Simma, 'the principle of the peaceful settlement of disputes occupies a pivotal position within a world order whose hallmark is the ban on force and coercion.'³ This principle, therefore, creates certain obligations for member states and responsibilities for the UN's principal organs. States themselves bear primary responsibility for the pacific settlement of disputes, while the Charter enumerates institutional arrangements to facilitate the pursuit of this principle.

The Charter's emphasis on the peaceful settlement of disputes has been echoed and elaborated in subsequent declarations and resolutions. The 'Friendly Relations

Declaration,’ set out in General Assembly resolution 2625 (XXV) of October 1970, attempted to specify the scope and content of the principle of the peaceful settlement of disputes. The Manila Declaration on the Peaceful Settlement of International Disputes of 1982 (approved in General Assembly resolution 37/10 of November 1982) provided a more detailed exposition, as it defined the substantive duties of states in peaceful dispute settlement, as well as the competencies of relevant UN organs. In resolution 40/9 of November 1985, the General Assembly appealed solemnly to all states to resolve conflicts and disputes by peaceful means.

The December 1988 General Assembly resolution 43/51, ‘Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,’ features preventive measures and represents an important milestone. It departs from the more restricted scope of Article 2 (3), which addresses only existing disputes, not potential ones. Similarly, Boutros-Ghali’s recommendations in *An Agenda for Peace*, reaffirmed in General Assembly resolution 47/120 of December 1992, highlighted within the pacific settlement of disputes the importance of preventive diplomacy, fact-finding, and involvement of the General Assembly, and urged states to find early solutions to disputes through peaceful means. The 2005 World Summit Outcome document devoted four paragraphs to the ‘Pacific Settlement of Disputes,’⁴ reconfirmed periodically over the subsequent decade by world leaders—underlining the salience of peacemaking in intergovernmental practice today.

The Scope of Article 2 (3)

The state obligation to settle disputes peacefully, enshrined in Article 2 (3) of the Charter, applies only to international disputes; indeed, at the founding 1945 United Nations Conference on International Organization held in San Francisco, the Four Powers (China, the Soviet Union, the United Kingdom, and the United States) saw to it that the word ‘international’ was added to the article, explicitly limiting the injunction to disputes of a trans-border nature, in deference to the principle of sovereignty.

‘International’ disputes, however, are not restricted to those between states: also applicable are those disputes involving other entities, including international organizations, ‘de facto regimes, ethnic communities enjoying a particular kind of status under international law, national liberation movements,’ and ‘peoples who are holders of the right of self-determination.’⁵ This does not imply that a government is obliged to stand by as an insurgency movement grows or to initiate steps towards a peaceful resolution, unless the group has a legitimate right to self-determination.⁶ Non-state actors are also required to resolve disputes peacefully. Charges brought by an individual against a state for non-compliance with human rights obligations do not create an international dispute. Only when one party to a human rights treaty requires a second party to comply with its legal obligations might an international dispute arise.

A controversial question is whether reprisals and counter-measures can legitimately be used in instances where the dispute arose due to an unlawful act by one party. There is in general no prohibition on counter-measures, provided these do not entail the use of force and do not contravene *ius cogens*, or widely accepted norms codified in international law.⁷

Article 33: Intent and Scope

Article 33 (1) catalogs various methods to be employed by states to settle disputes peacefully:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Although usually interpreted as an elaboration of Article 2 (3), Article 33 (1) speaks more broadly of ‘any dispute’ without making any stipulations about its international scope. Further, it hints that internal disputes can jeopardize international peace and security. One explanation for this difference is that Article 33 was intended to address disputes in their incipient stages, prior to the activation of the UN. Article 33 also clarifies that, while it is the obligation of all states to resolve systematically and regularly all disputes through peaceful means, the UN organs are obliged to act only when international peace and security is in danger.

Article 33 (2) continues: ‘The Security Council shall, when it deems necessary, call upon parties to settle their disputes by such means’ (i.e., negotiation, enquiry, mediation, etc.). This article, therefore, also aims to demarcate the responsibilities of the parties to the conflict from those of the UN. ‘First of all’, it is the responsibility of parties to seek peaceful resolution; thereafter, the provisions of Chapter VI or Chapter VII apply.

The responsibility to seek means of settling disputes peacefully extends not only to the states directly involved in conflict but also to third party states that have the right to bring any issue to the Security Council or the General Assembly. Likewise, it applies to all entities that enjoy the protection of the ban on the use of force, such as national liberation movements and *de facto* regimes. Their responsibility continues even after armed hostilities begin. Nevertheless, states are not obliged to exhaust diplomatic options before approaching the International Court of Justice (ICJ) for legal remedy. Also, their responsibility continues even after they refer the matter to a UN body, or a UN body seizes it.

Measures for the Peaceful Settlement of Disputes

The Charter is very precise about the ways and means by which all member states must seek the peaceful settlement of disputes, with the use of force permitted only in self-defense. Despite the injunction to use exclusively peaceful means, states may resort to such counter-measures as are acceptable under international law and the principles of the Charter. However, that counter-measures are in some instances permitted does not negate the fundamental obligation to refrain from the threat or use of force.

The list in Article 33 (1) is not a prescriptive register of priorities but rather a set of options for realizing the peaceful settlement of disputes—indeed, as Simma observes, ‘[many] of these procedures are rarely resorted to or are even waiting for their first test of practice.’⁸ Several legal texts explain in detail each of the mechanisms put forward; particularly detailed is the manual developed by the UN’s Legal Office, which provides comprehensive descriptions of each procedure. For the purposes of this chapter, a brief

overview of the eight main categories is in order—negotiation, enquiry, mediation, conciliation, arbitration, international tribunals, regional organizations, and ‘other peaceful means.’⁹

Negotiation

The tool of negotiation enjoys a special place among the pacific measures listed in Article 33 (1)—not least because negotiations are a universally accepted method of dispute resolution and possess several advantages. One important feature is flexibility: negotiations can be applied to conflicts of a political, legal, or technical nature. Moreover, since only the concerned states are involved, negotiation empowers the parties themselves to steer the process and shape its outcome to deliver a mutually accepted settlement. A key disadvantage of negotiation is its inherent basis in compromise between the parties, a drawback that often leads to the imposition of a solution by the stronger over the weaker party.¹⁰

The UN Legal Office manual provides a step-by-step guide to the different types of negotiation, as well as the phases, methods, and outcomes of each.¹¹ In 1998, the General Assembly adopted resolution 53/101, ‘principles and guidelines for international negotiations,’ which underlines the duty of states to act in good faith in negotiations. Extensive literature addresses negotiation processes, styles, and outcomes.¹²

Inquiry or Fact-Finding

Two parties to a dispute may initiate a commission of inquiry or fact-finding to establish the basic information about the case, to see if the claimed infraction was indeed committed, to ascertain what obligations or treaties may have been violated, and to suggest remedies or actions to be undertaken by the parties. These findings and recommendations are not legally binding, and the parties ultimately decide what action to take. A commission of inquiry may usefully be employed in parallel with other methods of dispute resolution—for instance, negotiation, mediation, or conciliation—as factual clarity is an important factor in any dispute resolution strategy. In 1991, the General Assembly adopted resolution 46/59, which contains detailed rules for fact-finding by organs of the UN, and the UN Legal Office manual explains in detail the process and phases of inquiry.¹³ Notably, such commissions precede the UN, and originated in The Hague Conventions for the Pacific Settlement of International Disputes of 1899 and 1907.¹⁴

Mediation and Good Offices

Mediation refers to the offer by a third party of its good offices to the parties to a dispute in the interest of seeking a resolution and preventing an escalation of the conflict. The third party mediator may be an individual, a state or group of states, or an international or regional organization. The function of the mediator is to encourage the parties to undertake or resume negotiations. The mediator may also proffer proposals to help the parties identify a mutually acceptable outcome. These good offices may be offered by the mediator, or solicited by one or both conflicting parties. A fundamental prerequisite is

that all parties accept the mediator. Although Article 33 does not specifically use the term in its list of measures, ‘good offices’ is listed in the UN Legal Office manual, as well in other studies of dispute settlement, as a distinct method. However, the manual also notes that ‘mediation’ and ‘good offices’ can substitute for each other.

Conciliation

Conciliation combines fact-finding and mediation. A conciliation commission functions not only to engage in enquiry—to set out clearly the facts of the case—but also to act as a mediator, to propose solutions mutually acceptable to the disputing parties. Such commissions may be permanent, or temporarily established by parties to a particular dispute. The commission’s proposals are not binding, but each party has the option of declaring unilaterally that it will adopt the recommendations. Several international treaties feature provisions for the systematic referral of disputes for compulsory conciliation. The 1969 Vienna Convention on the Law of Treaties articulated a procedure for the submission by states of requests to the UN Secretary-General for the initiation of conciliation. On 11 December 1995, the General Assembly adopted resolution 50/50, containing the UN Model Rules for the Conciliation of Disputes between States, which substantiates and clarifies conciliation procedures.¹⁹

Arbitration

The most concrete achievement of the 1899 Hague Peace Conference was the establishment of the Permanent Court of Arbitration (PCA), located in the Peace Palace in The Hague. Arbitration represents a ‘qualitative leap’ over the other measures, as it necessitates the settlement of the dispute in accordance with existing international legal standards.²⁰ Parties agree to submit disputes to arbitration, and thereby commit to respect in good faith the outcome, which is binding. The PCA, which is always accessible, has competence in all arbitration cases submitted to it by agreement of the parties involved. The PCA provides a list of arbitrators, appointed by states parties to the Hague Convention, from which parties submitting a dispute to arbitration can choose.²¹

International Tribunals

The term ‘international tribunals’ refers to the International Court of Justice and other courts with international jurisdiction. Depending on the definition employed, there are currently between seventeen and forty international courts and tribunals.²² Normally, the decisions of an international tribunal are definitive and cannot be appealed—see, for example, Article 60 of the Statute of the ICJ.²³ The advantage of permanent international tribunals over arbitral courts is that they are better situated than an *ad hoc* tribunal to become seized of a matter, since they already exist.²⁴ Normally, cases brought to the ICJ cover: the interpretation and application of treaties; sovereignty over territory and border disputes; maritime borders and other matters related to the law of the sea; diplomatic protection afforded to foreigners; the use of force; violations of contracts; and principles of customary international law.²⁵

Regional Agencies or Arrangements

Article 33 leaves scope for the referral of a dispute to ‘regional agencies or arrangements,’ which refers to both regional treaties and regional organizations. Chapter VIII is devoted to ‘regional arrangements,’ and their role in dispute settlement is addressed specifically in Article 52. The UN’s dispute settlement manual describes the resolution mechanisms and procedures of the Arab League, the Organization of American States, the Organization of African Unity (now reconstituted as the African Union), the Council of Europe, the Conference on Security and Co-operation in Europe (now the Organization for Security and Co-operation in Europe, or OSCE), the European Communities (now the European Union), and the Economic Community of West African States (ECOWAS). Also mentioned are the European and American human rights systems, as well as the African Charter on Human and Peoples’ Rights. If an agreement is unsuccessfully brokered by the regional body, the dispute may be referred to the Security Council.

‘Other Peaceful Means’

Notwithstanding the extensive menu of measures listed in Article 33, the last item—‘other peaceful means’—effectively lifts any bar on options for action by the parties to a dispute. The UN’s dispute settlement manual describes three categories of measures:

- *the first category includes entirely original measures, such as consultations and conferences, or the referral of a dispute to a political organ or non-judicial organ of an international organization;
- *the second category features those cases in which states have adapted the methods named in Article 33, including, for example, when parties agree in advance that the report of a conciliation commission will be binding rather than non-binding; and
- * the third category contains instances in which a single organ employs two or more of the listed measures, such as when a treaty may provide for the progressive application of a range of methods.

Responsible Actors and Organs

Several actors and organs within the UN system have responsibilities in the peaceful settlement of disputes. Although Chapters VI and VII of the Charter focus on the role of the Security Council, the Council is by no means the sole agent in the peaceful settlements of disputes. In fact, the principal responsibility lies first with the parties to the conflict, who may settle the dispute themselves or refer it to any of the mandated international institutions. The secondary responsibility falls on the Security Council to call upon the parties to settle their disputes, including by those means set out in Chapter VI. Thereafter, the General Assembly may, under Articles 11 and 12, bring issues to the attention of the Security Council. Article 99 then empowers the Secretary-General to act to secure the peaceful settlement of disputes. Finally, the ICJ provides recourse to judicial remedy. The respective roles of the major actors and organs are discussed below.

Parties to the Conflict

Article 2 (3) creates an obligation ‘primarily incumbent’ on all UN member states that applies to all disputes, ‘whether they are connected with the UN Charter or rooted in other subject-matters.’²⁶ Since this principle has become an established part of customary law, states have the right to bring any dispute to the attention of the General Assembly or the Security Council, at any time.

As such, the principle of peaceful means is not optional, and states have a legal obligation to endeavor to settle their disputes through pacific means. However, while the principle obliges states to pursue peaceful outcomes in good faith, it does not oblige them to arrive at a particular result. Thus, a violation of the principle occurs when a state is proved to have worked against a peaceful outcome—not if states do not agree a resolution.

Security Council

As the principal UN organ with—in the words of Article 24 (1)—‘the primary responsibility for the maintenance of international peace and security,’ the Security Council has a central role in peaceful dispute resolution, once the parties themselves have proved unable or unwilling to negotiate a settlement. The Council’s responsibilities are specified not only under Chapter VI but also under both Chapter VII, applicable in more acute situations requiring enforcement, and Chapter VIII, applicable to regional arrangements.

Since the end of the Cold War the Security Council devoted greater attention and resources to dispute settlement, doing so with growing effectiveness, despite criticisms of inconsistency.²⁷ This is manifested visibly in the surge in peacekeeping missions mandated by the Council since 1989, notwithstanding criticism of its failure to act more recently in Syria and eastern Ukraine. The Security Council also extended its purview to address—besides conflict prevention—humanitarianism, human rights, democratization, terrorism, violence against women, and armed non-state actors.²⁸

General Assembly

Although Chapter VI makes only passing reference to the General Assembly’s role in the peaceful settlement of disputes, during the Cold War, the Assembly filled the gap in Council capacity to address conflicts. Most notably, during the Korean War, the General Assembly offset the gridlock among the permanent five arising from the end to the Soviet Union’s boycott of the Security Council, and the latter’s subsequent incapacitation. ‘Uniting for Peace,’ instituted in November 1950 by General Assembly resolution 377 (V), specifically authorized continued UN peace enforcement in Korea, stating:

if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.

Uniting for Peace has been invoked ten times, allowing the General Assembly to assume the mantle of the Security Council when it fails to act. However, with the post-Cold War revitalization of the Security Council, the Assembly has been marginalized in dispute settlement, despite several calls from the Secretary-General and others for its more active role. During the 2003 deadlock over Iraq, several NGOs turned to Uniting for Peace for authority to be shifted from the Security Council to the General Assembly.²⁹ Similarly, between 2012 to 2017, the General Assembly was unable to act to quell violence in Syria and eastern Ukraine, when the Security Council failed to do so.

Secretary-General

Charter Article 99 provides for the role of the Secretary-General within the pacific settlement of disputes. Successive Secretaries-General have taken an activist approach to this mandate, using their good offices and mediation efforts to contribute to dispute resolution, as well as preventive diplomacy and conflict prevention. Indeed, the legacies of Secretaries-General are often evaluated by their success as mediators, and by extension by the degree of influence they enjoy, their political acceptability, and perceived neutrality.³⁰

Each of the now nine Secretaries-General has sought to play a decisive role in the key conflicts of their respective tenures, albeit with varying success.³¹ This mandate has been exercised personally, but also through staff in the Secretariat and *ad hoc* appointments—in particular special envoys and special representatives.³²

The first incumbent, Norway's Trygve Lie, demonstrated the Secretary-General's dispute settlement function. A high-profile figure, he exercised his authority in the Korean War. His assertiveness incurred the hostility of the Soviet Union and brought about his resignation in 1952.

Next, Sweden's Dag Hammarskjöld developed a unique and skillful approach of 'combined public and private multilateral diplomacy.'³³ He advocated preventive rather than corrective action, and was active particularly in the Congo conflict. However, Hammarskjöld also alienated Moscow. Had he not died in a tragic accident in 1961, he might have struggled against Soviet opposition in pursuing his mandate.

The third Secretary-General, U Thant of Burma, was soft-spoken and given to quiet diplomacy. He successfully steered the Congo operation to completion, but was criticized for withdrawing the peacekeeping operation from the Sinai in 1967, under pressure from President Gamal Abdel Nasser of Egypt. Nevertheless, he is described as a 'courageous and skillful' Secretary-General who 'salvaged the prestige, independence and effectiveness of his office.'³⁴

Next, Kurt Waldheim, of Austria, is judged as overly deferent to the major powers and too anxious about his reelection. His efforts in Cyprus, the Middle East, southern Africa, and elsewhere, are considered noteworthy.³⁵

Javier Pérez de Cuéllar of Peru revived the UN Secretary-General's potential in conflict mediation and resolution. Although he attracted less publicity than his predecessors, his achievements are notable: the end of the Iran–Iraq war; Soviet withdrawal from Afghanistan; Namibian independence; the arduously negotiated Salvadoran peace agreements.

Egypt's Boutros Boutros-Ghali's *An Agenda for Peace* revitalized debate on the UN's capacity to maintain international security. However, his outspoken positions, often countering some permanent five members, made him unpopular, and ultimately, they led to the non-renewal of his tenure.

Kofi Annan, a career UN official from Ghana, worked vigorously to foster a culture of prevention. In 2001, in recognition of these efforts, the Nobel Peace Prize was awarded to Kofi Annan and the UN, and in 2005 he bolstered the UN's dispute settlement capabilities through the creation of the Mediation Support Unit (see below).

Similar to Kurt Waldheim, Ban Ki-moon's tenure is viewed as overly deferent to the great powers, resulting in a reluctance to employ Article 99 and his good offices actively for dispute settlement. However, as detailed in Part II of this chapter, the policy and operational development of conflict prevention made important strides between 2007 and 2016.

This set the stage for a forward-leaning Secretary-General, António Guterres of Portugal, to take office in 2017 and declare prevention as his top priority.

The Secretary-General's Special Envoys, Special Representatives, and Mediation Support Unit

Many successes attributed to particular Secretaries-General are in fact owed to the meticulous work and perspicacity of their special envoys and representatives. Though the latter now are mainly deployed in support of post-conflict peacebuilding, several outstanding individuals, nominated by Secretaries-General as personal representatives to mediate conflicts, have made valuable contributions.³⁶

At the 2005 World Summit, member states endorsed the Secretary-General's proposals to strengthen his capacity to bring his 'good offices' to bear in conflict prevention and resolution. Pursuant to this commitment, the Department of Political Affairs (DPA) created a Mediation Support Unit for UN peace envoys in the field.³⁷ It provides, as an on-call resource to UN special envoys and representatives, a team of eight full-time mediation advisors, with specialized skills in such areas as constitutions, transitional justice, process design, gender and inclusion, and security arrangements. This is supplemented by a larger network of standby mediators. 'In addition to providing highly-valued training, the MSU has deployed expert mediators to complement UN negotiators with much-needed technical and mediation skills and innovative mediation methodologies, such as in support of the UN Secretary-General's peace envoy in Syria', explains Dr. Ibrahim Gambari, who oversaw the unit's creation when serving as UN Under-Secretary-General for Political Affairs.³⁸

International Court of Justice

Established in 1945, the ICJ represents the last rung in the ladder of dispute settlement, providing for judicial remedy when enquiry, consultation, negotiation, and mediation have failed. The settlements of the ICJ are binding upon states parties; however, member states submit to the Court voluntarily, even if they have ratified its Statute.

The differences between the ICJ and other international courts have been the subject of many scholarly examinations.³⁹ So too have the proliferation of other international and

ad hoc tribunals and their implications for the ICJ's authority.⁴⁰ The ICJ has been criticized for not pulling its full weight. The ICJ is also often condemned as irrelevant because of a supposedly habitual noncompliance with its judgments. However, there are indications that, in fact, the ICJ generally enjoys a high degree of compliance. One review concluded that, of the judgments on fourteen contentious cases occurring after the Cold War, 'five have met with less compliance than the others, although no state has been directly defiant.'⁴¹

PART TWO: CONFLICT PREVENTION

This section considers the step prior to, or immediately following, the peaceful settlement of disputes—conflict prevention, an enhanced focus for the United Nations since the mid-1990s.

The first paragraph of the 1945 Charter of the United Nations states: '1. To maintain international peace and security, and to that end: to take effective collective measures for the *prevention*⁴² and removal of threats to the peace ...'. The global commitment to prevent violent conflict is also embodied in the 1948 Universal Declaration of Human Rights', Article 3: 'Everyone has the right to life, liberty and security of person.'⁴³ Over the UN's 70 years, conflict prevention has closely associated with powerful organizing principles for both the UN global agenda and national foreign policies, including peacebuilding, human security, and the responsibility to protect. For example, the Norwegian scholar Johan Galtung first defined peacebuilding, in 1975, as a means of 'preventing incipient violent conflicts by addressing root causes of poverty, political repression and uneven distribution of resources.'⁴⁴

During the world body's first forty-four years, conflict prevention represented core business, albeit only implicitly. Cold War tensions often paralyzed the UN required preventive action. For instance, the Secretary-General's 'good offices' occurred on a limited basis, behind closed doors, far from the spotlight of media scrutiny, let alone scholarly examination where lessons could be distilled and promulgated.

Conflict prevention fully entered UN parlance and practice with the dismantling of the Berlin Wall and Iron Curtain in 1989, as the General Assembly and Security Council began toiling to strengthen the organization's mandate to avert the outbreak of violent conflict. Signaling this shift, UN Secretary-General Boutros Boutros-Ghali proclaimed, in his 1992 *Agenda for Peace*, the central importance of 'preventive diplomacy', defined as 'action to prevent disputes from rising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.'⁴⁵ Performed by the Secretary-General personally or through senior staff or specialized agencies and programs, by the Security Council or the General Assembly, and by regional organizations cooperating with the UN, Boutros-Ghali identified five main types of activities under the heading of preventive diplomacy: confidence-building measures, fact-finding, early warning, preventive deployment, and demilitarized zones.⁴⁶ Distinguished from the key tasks of peacemaking, peacekeeping, and post-conflict peacebuilding, the focus on preventive diplomacy intensified in the 1990s, particularly following the international community's inaction during the 1994 Rwandan genocide.

The two next conceptual and operational breakthroughs were provided by the reports of the Commission on Global Governance and the Carnegie Commission on Preventing Deadly Conflict.⁴⁷

The first, *Our Global Neighbourhood*, presented at the UN's 50th birthday in 1995, provided a groundbreaking holistic approach:

'The primary goals of global security policy should be to prevent conflict and war, and to maintain the integrity of the environment and life support systems of the planet, by eliminating the economic, social, environmental, political and military conditions that generate threats to people and planet, and by anticipating and managing crises before they escalate into armed conflict.' However, its operational proposal to institute a Right of Petition for non-state actors to directly alert the Security Council of grave security threats was ignored.

The second's 1997 Report, *Preventing Deadly Conflict*, introduced two categories of preventive action. The first—operational prevention—refers to strategies in the face of an immediate crisis. The second—structural prevention—deals with strategies to address the root causes of deadly conflict. To increase prospects for success in preventing an immediate crisis, the Commission advocates for a lead player—whether an international organization, country, or prominent individual—a coherent political-military approach, adequate resources, and a plan for the restoration of host country authority; whereas, to address underlying causes, it calls for peacebuilding measures '... such as putting in place international legal systems, dispute resolution mechanisms, and cooperative arrangements; meeting people's basic economic, social, cultural, and humanitarian needs; and rebuilding societies that have been shattered by war or other major crises.'⁴⁸

The accelerated evolution of conflict prevention—and its full embrace by the United Nations and many world leaders and non-governmental organizations—in the 1990s was not without controversy. Some analysts mockingly compared the UN's efforts to alchemy or opium use.⁴⁹ Connie Peck summarized this resistance.⁵⁰ First, the conceptual confusion in *An Agenda for Peace* between preventive deployment and preventive diplomacy suggested that the latter could entail the use of force; this naturally provoked opposition. Second, with the 1989 renaissance of the Security Council following its impotence during the Cold War, many envisaged that the Council would apply itself to challenging tasks, such as peacekeeping and peace-enforcement, rather than the seemingly softer option of prevention. Often, issues were brought to the Security Council's attention only when crises had already erupted and the time for prevention had passed. Third, the Council's new activism worried smaller and developing countries who suspected that prevention was a façade for interventionism. Fourth, developing countries viewed the UN's focus on peace and security as an unhelpful diversion of resources and attention away from their acute social and developmental needs. Fifth, there was confusion as to what prevention constituted in operational terms, and this uncertainty made practical progress difficult. This apprehension continued well into the 2000s.

UN Conflict Prevention in Policy and Practice: 1997-2017

In November 1999 and July 2000, the Security Council held open debates on conflict prevention. This exercise highlighted that although conflict

prevention was a concern shared by member states, priorities and approaches varied widely, with some states emphasizing socioeconomic causes, others human rights and governance. The continuity, interdependence, and linkages between conflict prevention and peacebuilding formed a key theme in the Council's debate on peacebuilding in February 2001.

In June 2001, Secretary-General Kofi Annan presented to the General Assembly and the Security Council his seminal report, *Prevention of Armed Conflict*, which pledged 'to move the United Nations from a culture of reaction to a culture of prevention.'⁵¹ It stressed: 'one of the principal aims of preventive action should be to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that often underline the immediate political symptoms of conflicts.'⁵² By August 2001, the Security Council, in resolution 1366, responded to the Secretary-General's report on conflict prevention, noting 'the importance of a comprehensive strategy comprising operational and structural measures for prevention of armed conflict' and the need to confer 'the economic advantages of preventing the outbreak and escalation of conflicts.'⁵³

In 2003, the Secretary-General presented his follow-up *Interim Report on the Prevention of Armed Conflict*, and the General Assembly adopted decisions which put in place relevant institutional arrangements.⁵⁴ In 2004, to mark the tenth anniversary of the Rwandan genocide, the Secretary-General appointed a special advisor on genocide prevention. In July 2005, the Global Partnership for the Prevention of Armed Conflict responded to the Secretary-General's earlier call for a greater role for civil society, by convening a large meeting of non-governmental organizations to discuss their contribution to the UN's work in this area. In September, the 2005 UN World Summit approved the Secretary-General's proposals to further strengthen his good offices and mediation capacities. It also adopted the Responsibility to Protect norm, and subsequently instituted a Special Advisor for this (see below).⁵⁵

Human Security and Conflict Prevention

Closely related to and informing UN conflict prevention approaches is, as noted earlier, a concern for 'human security', which world leaders described in the 2005 UN Summit outcome document as 'the right of all people to live in freedom and dignity, free from poverty and despair.'⁵⁶ Beginning in 1999, with support from Japan, the UN launched the United Nations Trust Fund for Human Security to translate the human security approach into practical, field-level actions supported by UN agencies. This contributed over the next decade to 'rebuilding war-torn communities; protecting people exposed to extreme poverty, sudden economic down-turns, and natural disasters; and addressing urban-violence, trafficking-in-persons, arms, and illicit substances; among others.'⁵⁷ Such an expansive agenda, addressing the underlying causes of violent conflict, conforms with both the Global Governance and Carnegie Commissions' conceptions, and it was also adopted by peacebuilding advocates.

The UN Peacebuilding Commission's Conflict Prevention Role

The Human Security Trust Fund's experience would soon influence the UN Peacebuilding Fund, which beginning in 2007 and again in 2010, for example, supported multi-stakeholder consultations to *prevent* the outbreak of violence in the run-up to Guinea's planned elections.⁵⁸ This, in effect, represented the first time the new UN Peacebuilding Architecture—including a Peacebuilding Commission, Fund, and Support Office, established in December 2015—acted to halt an initial outbreak of potential hostilities in a UN 'non-mission' setting. The original proposal for the Peacebuilding Architecture, put forward by the 2004 High-level Panel on Threats, Challenges and Change, had envisaged a preventive function alongside its role in post-conflict peacebuilding.⁵⁹ However, some states resisted, and UNGA Resolution 60/180 and UNSC Resolutions 1645 and 1646, which formally established the Peacebuilding Architecture, do not give the new structure a preventive role.⁶⁰ According to Dr. Ibrahim Gambari, former United Nations Under-Secretary-General for Political Affairs and Minister for External Affairs for Nigeria:

'For some time now, states have resisted empowering the United Nations, including its Peacebuilding Commission, with a preventive mandate. Richer countries have expressed a weariness with the likely demands for more resources that could follow expected UN action to prevent the outbreak of violent conflict, and many developing countries continue to voice concerns about the UN infringing on their sovereignty if empowered with new early warning and intelligence gathering capabilities.'⁶¹

Further challenging some UN member states' desires to have the new Peacebuilding Architecture refrain from a role in exerting preventive action, the Peacebuilding Support Office, in 2007, authored a 'conceptual basis' for peacebuilding to inform UN practice, which was subsequently adopted by the UN Secretary-General's Policy Committee:

Peacebuilding involves a range of measures targeted to reduce the *risk of lapsing* or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives.⁶²

This expansive definition helped to set the stage over the subsequent decade for the Peacebuilding Architecture—and indeed, UN operational departments and agencies too—to engage on matters of early warning and early action to prevent and work to halt any initial escalation in deadly violence. At the same time, the Peacebuilding Commission faced repeated difficulties, during its first decade (2006-2015) in averting set-backs to peace processes underway in countries on its agenda. In two of the PBC countries, Burundi and Guinea-Bissau, periodic violent outbursts occurred, and in the Central African Republic in late 2013, the UN felt compelled to request 1,600 additional French peacekeepers to assist some 5,000 African Union peacekeepers already in the country, in response to disturbing levels of violence. In September 2014, the UN

Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) assumed responsibility for international peacekeeping and, as of early 2017, deploys more than 12,000 uniformed personnel and 760 civilians.⁶³

Similar to the PBC proposal's positive reception at the 2005 UN Summit, much fanfare accompanied the adoption by world leaders of the Responsibility to Protect (R2P) norm—and their corollary commitments to a 'Responsibility to Prevent' and 'Responsibility to Rebuild'. However, R2P was associated subsequently and controversially with regime change, during the 2011 UN backed NATO intervention in Libya. This tarnished R2P's operational application, particularly in the eyes of Russia and China, and certain developing countries. Meanwhile, more than ten years after the creation of the Peacebuilding Architecture, influential countries such as Russia continue to express concern about the Peacebuilding Commission expanding its mandate to include preventive action to halt the initial outbreak of conflict in a country.⁶⁴

UN's Department of Political Affairs' Conflict Prevention Initiatives

Historically (and in addition to the dispute settlement role outlined in the previous section), the UN's Department of Political Affairs (DPA) has played an important role in what the Carnegie Commission has termed *operational* prevention, as the appointed lead for both conflict prevention and peacemaking. Among its major functions are leading investigations and fact-finding missions, fielding political missions and good offices engagements, and deploying, along with the UN Development Program, Peace and Development Advisers and liaison offices. For instance, DPA has supported the United Nations International Investigation Commission dealing with the assassination, in February 2005, of former Lebanese Prime Minister Rafik Hariri, and the United Nations Commission of Inquiry into the assassination, in December 2007, of former Pakistani Prime Minister Benazir Bhutto. In 2016, with specialized standby mediators deployed from its Mediation Support Unit, DPA engaged in talks with both the Autonomous Bougainville Government and the Papua New Guinea Government, as well as other stakeholders, in support of the Bougainville peace agreement's implementation, which is reaching its final phase with an announcement soon expected on the holding of an independence referendum in June 2019.⁶⁵ Moreover, at the request of the government of El Salvador (which marked, in January 2017, the 25th anniversary of the country's Chapultepec Peace Accords), and with the agreement of the country's major parties (FMLN and ARENA), the UN Secretary-General, following a DPA fact-finding mission in 2016, appointed Benito Andión of Mexico as his Special Envoy to facilitate dialogue and address key challenges affecting El Salvador.⁶⁶

In his (2nd edition) supplement to the *Agenda for Peace* in 1995, Secretary-General Boutros-Ghali identified the need for Special Political Missions:

'The second problem relates to the establishment and financing of small field missions for preventive diplomacy and peacemaking. Accepted and well-tried procedures exist for such action in the case of peace-keeping operations. The same is required in the preventive and peacemaking field.'⁶⁷

By 2016, the UN fields concurrently a record 32 Special Political Missions (growing markedly on the previous decade), comprised of twelve Field-Based Missions, eleven Special Envoys, and nine Sanctions Panels and Monitoring Groups, based primarily in Africa, the Middle-East, and Asia.⁶⁸

Recent examples of preventive diplomacy conducted by DPA include: partnering with regional and other organizations to help Burkina Faso, in 2015, overturn an attempted coup and continue to advance democratically; working with regional partners to help The Gambia avert a major crisis by persuading the loser of the December 2016 presidential election to finally relinquish power in January 2017; and shepherding democratic progress in Somalia culminating in the country's successful February 2017 presidential election. According to Dr. Youssef Mahmoud, who led several DPA Special Political Missions and DPKO Peace Operations in Africa:

‘Soft diplomacy through the UN Office for West Africa and the Sahel has proved critical to helping the resolution of crises in Guinea, Burkina Faso, and the Gambia, and the DPA supported UN Regional Centre for Preventive Diplomacy for Central Asia has pioneered innovative work on water diplomacy, as an entry point for dialogue on other, more sensitive topics before they escalate into conflict between the Central Asian Republics.’⁶⁹

Multi-Agency Early Warning Initiatives

The Department of Political Affairs partnered with the UN Development Program and other UN agencies, beginning in 1995, to stand-up the UN Interdepartmental ‘Framework Team’ for Coordination on Early Warning and Conflict Prevention. For the next two decades, it brought together various parts of the world organization to formulate strategies to consolidate peace, rooted in field-based national and civil society efforts. The chair of this body rotated among its members, which were derived from fourteen agencies, departments, and programs. The Framework Team provided support to Peace and Development Advisors (PDAs) deployed to work with UN Country Teams in helping host nations build national capacities for conflict prevention. As UNDP Peace and Development Coordinator and UN representative in the Solomon Islands (2001-2002), a forerunner to today's PDAs, this chapter's co-author promoted the mainstreaming of approaches to prevent conflict recurrence in programming that supported the country's National Peace Council, constitutional reform, demobilization and reintegration of former combatants, and economic recovery.⁷⁰

Judicial Mechanisms for Conflict Prevention: ICJ and ICC

Beyond the preventive activities of the UN's political and development machinery, both the International Court of Justice and International Criminal Court (ICC), whose Rome Statute entered into force in 2002, contribute to the commitment of the world body to shift ‘from a culture of reaction to a culture of prevention.’ In short, through the rulings and advisory opinions issued by the ICJ, and the arrest warrants and prosecution of war criminals by the ICC, The Hague based tribunals can have a deterrent effect and aid in preventing violent conflict and the abuse of power by countering impunity. However, only seventy-one states have made a declaration recognizing the ICJ's jurisdiction as compulsory (or 37% of the UN's 193 member states). Furthermore, many powerful countries (including the United States, Russia, and China) have not acceded to the Rome Statute, sowing distrust and discontent among smaller countries toward international criminal justice.

Conflict Prevention's steady rise in Policy and Operational Terms

Despite the challenges outlined above to conflict prevention's policy and operational development in the UN system, tremendous strides have been achieved over the past two decades. On the whole, as detailed in this chapter, a global consensus has taken hold that investments in heading off conflicts before they result in significant human and material damage is preferable to massive outlays to support costly, complex, and politically intrusive peace and humanitarian missions. In policy terms, this finds several expressions. It is represented, for instance, in the United Nations' 2015 review on UNSC resolution 1325 on Women, Peace, and Security, which dedicates an entire chapter to preventing conflict, arguing that 'Prevention of conflict must be the priority, not the use of force'.⁷¹ It is found in the same year's review of the Peacebuilding Architecture, which calls for a comprehensive 'sustaining peace' approach '... all along the arc leading from conflict prevention [on which, in particular, the UN system needs to place much greater emphasis], through peacemaking and peacekeeping, and on to post-conflict recovery and reconstruction.'⁷² And it appears in the 2015 future of peace operations review, noting that 'The prevention of armed conflict is perhaps the greatest responsibility of the international community and yet it has not been sufficiently invested in.'⁷³ Finally, we find it in the reports of the 2015 Commission on Global Security, Justice & Governance and 2016 Independent Commission on Multilateralism.

These conclusions were subsequently endorsed in two simultaneous 'Peacebuilding Resolutions', jointly agreed to on 27 April 2016 by the UN General Assembly (A/RES/70/262) and Security Council (Resolution 2282), which mention the importance of prevention eleven times, including the importance of 'preventing countries from lapsing or relapsing into conflict.'⁷⁴ Alongside steadily growing parameters and resources for preventive action—dedicated to supporting a record number of UN Special Political Missions, DPA's Mediation Support Unit, and Peace and Development Advisers—the incremental solidification of the global policy consensus on conflict prevention over the past two decades signals a dramatic shift in the international commitment to avert the outbreak of conflict in the first place, placing it on a more equal footing with peacemaking, peacekeeping, and post-conflict mitigation strategies.

The Way Forward for Prevention

According to the World Bank, the development opportunities of some two billion people are affected by fragility, conflict, and violence, and due to high population growth rates and weak economic development, almost 50% of those living in extreme poverty by 2030 will be concentrated in these violent prone areas (rising from 17% of the global total today).⁷⁵ Just as no recent conflict-affected country achieved a single Millennium Development Goal,⁷⁶ a similar outcome is envisaged for the 2030 Sustainable Development Goals (SDGs). In short, conflict prevention provides local actors—both state and non-state, with the support of the United Nations and other international partners—with tools for halting the outbreak, and more importantly addressing the sources, of violent conflict, thereby creating the conditions for sustainable human development to flourish.

During much of its seven plus decades, UN conflict prevention efforts have been hobbled by exigencies created by both member states and the Secretariat, even while these actors consistently talked a good game about prevention. If the 1990s saw

conceptual advances in our understanding of preventive action and the 2000s witnessed policy improvements and a new global consensus, then the past half-decade represents a progressive shift in the United Nations' operationalization of conflict prevention, driven by increased resources, strengthened expertise, and growing demand, all culminating in Secretary-General António Guterres' commitment to make prevention *the* overarching priority during his tenure.⁷⁷

Rather than presenting preventive diplomacy as another priority as successive Secretaries-General have done, Guterres has made prevention a 'priority of the priorities' for the world organization—alongside sustaining peace in countries that finally emerge from conflict, which is a symbiotic concept. This takes courageous leadership, as it aims to steer political attention and resources away from expensive, decades-long multi-dimensional peace operations and humanitarian efforts which, for all intent and purposes, had become accepted as the new normal in New York.⁷⁸ For this transformation in how the United Nations sees its proper and most important role in confronting the scourge of deadly violence, a new kind of leadership, coupled with further refined capacities, is needed to effectively prevent future crises and to allow for stability to be preserved in fragile and conflict-affected societies.

From formative experiences in his youth observing the turbulence associated with decolonization from his native Portugal and serving as his country's Prime Minister to his decade at the helm of the UN High Commission for Refugees (2005-2015, where he led protection efforts during the world's largest refugees crisis since World War II), António Guterres brings a unique perspective and skills-set to the task of preparing the world body for a new level of leadership and performance in preventive action. Reflecting this commitment, he enacted, on only his third day as Secretary-General, immediate reforms toward strengthening the UN Secretariat's capabilities in the areas of conflict prevention, peace operations, and sustaining peace. For instance, he co-located the regional divisions of the Department of Political Affairs and Department of Peacekeeping Operation, as well the United Nations Support Office in Somalia Team of the Department of Field Services, to 'facilitate more effective and integrated decision making and implementation.'⁷⁹

Secretary-General Guterres also established during his first week in office an internal review team 'to study the existing proposals for change in the Secretariat peace and security architecture.'⁸⁰ With recommendations to be submitted to the Secretary-General by June 2017, this initiative will consider the ideas presented in, for example, the United Nations' 2015 reviews on UNSC resolution 1325 on Women, Peace, and Security, on the Peacebuilding Architecture, and on the future of peace operations, which, as noted in the previous section, each placed a premium on the world organization's conflict prevention mandate and need to strengthen its capabilities.

The Secretary-General will then engage UN member states and other relevant entities in this reform agenda, including by issuing, in advance of a special high-level session at the start of the 72nd session of the General Assembly, his report on 'Sustaining Peace', in accordance with the April 2016 Peacebuilding Resolutions of the General Assembly and Security Council.⁸¹ To help ensure that prevention and enduring peace prevail in a fragile or conflict-affected state or region, the report is expected to outline progress underway in ensuring greater operational and policy coherence and adequate resources within the UN system toward sustaining peace, including steps to engage

women and youth more constructively. The Secretary-General is also expected to emphasize the importance of partnerships with civil society and the business community in implementing the 2030 Sustainable Development Goals and 2015 Paris Climate Change Agreement, as he views ‘creating the conditions for an inclusive and sustainable development [as] the best way to prevent crises and conflicts in today’s world.’⁸² The inverse, as noted above, is also manifest, with progress on meeting Sustainable Development Goal #16 (on promoting peaceful and inclusive societies) viewed as essential to meeting the sixteen other SDGs.

Member States’ Support

Besides the enhanced leadership by the new Secretary-General, a discernable shift is underway in many UN member states in how they view the world body’s role on matters of preventive action. Notwithstanding the rise of nationalist parties across the West, several donor countries, including at the heart of the European Union, are exerting leadership and empowering the United Nations with the resources and political support necessary for the Secretary-General and his team to deliver on a proactive vision for conflict prevention. With encouragement from regional organizations and field-level UN staff, more and more developing countries, including war-torn states, are welcoming new kinds of expertise and support that only the United Nations can offer.

Despite its shortcomings, the United Nations remains a good investment. It possesses conflict prevention capabilities and a level of trust and legitimacy within the international community that states—whether large or small, rich or poor—lack. With multiple, concurrent conflicts today creating new threats worldwide, many albeit not all governments are re-evaluating the whole question of sovereignty and how national interests can better align with regional and global interests. When the UN is shown to add value and, for example, provide specialized mediation techniques and political skills to quell potential violence and avert the recurrence of conflict, more and more countries and regional actors will be drawn to its unique convening role and tool-kit for early warning and early action, enabling the world body to begin to realize fully a fundamental aspiration of its founders in 1945.

A new era for dispute settlement and preventive action to promote peaceful societies

Due to the global refugee crisis, fueled in large part by concurrent wars in the Middle East and Africa, the United Nations has spent, in recent years, more than \$8 billion per annum on peacekeeping and even larger sums on humanitarian needs. Instead of simply treating the symptoms of today’s global crises, however, world leaders need to resource and empower the UN politically to prevent these all too often man-made crises from occurring or, at the very least, redoubling efforts to apply the ‘good offices’ and other tested tools, approaches, and mandates of the United Nations to advance the peaceful settlement of a given dispute before the levels of human and material loss are considerable and the prospects for lasting justice and reconciliation diminish.

Whether due to the growing realization that counter-terrorism and counter-violent extremism require non-military responses too—from mediation to operational and structural prevention approaches—or the desire to shift resources away and, ideally,

reduce the need for expensive, long-term engagements in conflict-affected states and regions, UN member states are beginning to match political support and resources with their long-standing rhetoric on United Nations-led dispute settlement and conflict prevention. ‘We must rebalance our approach to peace and security. For decades, this has been dominated by responding to conflict. For the future, we need to do far more to prevent war and sustain peace.’, contends António Guterres.⁸³ The new Secretary-General’s initiative to map the prevention capacities of the United Nations system and to bring them together into an integrated platform for early detection and action is commendable and long overdue.

As this UN Handbook goes to print in 2017, we face a time of both unprecedented peril with rising violence, unilateralism, nationalism, and extremism opposing UN action on conflict prevention and dispute settlement; we are also witnessing unprecedented promise, with stronger political will and more preventive mechanisms in place than ever before in the history of the United Nations. It is imperative now for the world body to regain faltering public trust in its capacity to prevent conflict and settle disputes. Entrusting women with an enhanced role is but one belated, yet essential first step in preventing conflict and ensuring lasting security with justice.⁸⁴ The UN and member states must now heed the rising desire expressed by citizens worldwide, especially within the younger generation, for a transformed United Nations underpinned by a new paradigm of just security.⁸⁵

ACKNOWLEDGEMENTS

Thanks to Katja Flückiger and Katya Shadrina for research and editorial support on the original 2007 text. We wish to also express our gratitude to Youssef Mahmoud and Scott Smith for sharing their extensive UN insights and experience.

NOTES

1. Julie Dahlitz, ‘Introduction,’ in *Peaceful Resolution of Major International Disputes*, ed. Dahlitz (New York: United Nations, 1999), 5.
2. See Kofi Annan, *Facing the Humanitarian Challenge: Towards a Culture of Prevention* (New York: UN, 1999).
3. Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, 2nd edn., vol. 1 (Oxford: Oxford University Press, 2002), 103.
4. *2005 World Summit Outcome*, UN document A/60/L.1, 15 September 2005, paras. 73–76.
5. Simma, *The Charter*, 108.
6. General Assembly resolutions 1514 (XV), 14 December 1960 and 1541 (XV), 15 December 1960.
7. See ‘Responsibility of States for internationally wrongful acts,’ General Assembly resolution A/RES/56/83, 28 January 2002. (see www.ilsa.org.)
8. Simma, *The Charter*, 588.
9. UN Legal Affairs Office, Codification Division, *Handbook on the Peaceful Settlement of Disputes between States* (New York: UN, 1992). Also, J.G. Merills, *International Dispute Settlement* (Cambridge: CUP, 2017).
10. Antonio Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1986), 202.

11. UN Legal Affairs Office, *Handbook*, 9–24.
12. See, e.g., I. William Zartman, *Negotiation and Conflict Management* (London: Routledge, 2009).
13. UN, Legal Affairs Office, *Handbook*, 24–32.
14. Conventions for the Pacific Settlement of International Disputes of 29 July 1899 (Articles 9–14) and of 18 October 1907 (Articles 9–36). See James Brown Scott, ed., *The Hague Court Reports* (Buffalo, NY: William S. Hein, 2004).
15. See e.g. Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall, eds., *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: United States Institute for Peace Press, 1999).
16. See e.g. Oliver Ramsbotham, Tom Woodhouse, Hugh Miall, *Contemporary Conflict Resolution* (Cambridge, Polity, 2016).
17. UN Legal Affairs Office, *Handbook*, 45–47.
18. see Lowe, *International Dispute Settlement 2003–2004*.
19. Cassese, *International Law in a Divided World*, 211–212.
20. *Ibid.*, 202.
21. visit Permanent Court of Arbitration: www.pca-cpa.org.
22. Mikael Madsen, ‘Judicial globalization: the proliferation of international courts’, *Research Handbook on Global Administrative Law*, (2016), 13, 282.
23. UN Legal Affairs Office, *Handbook*, 66.
24. Gary Born, *International arbitration: cases and materials*. (Leiden: Kluwer Law International, 2015).
25. UN Legal Affairs Office, *Handbook*, 68–69.
26. Simma, *The Charter of the United Nations*, 105.
27. See, e.g., David M. Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder, Colo.: Lynne Rienner, 2004).
28. Malone, *UN Security Council*, 37–132.
29. Thalif Deen, ‘NGOs Lead Move to Use UN General Assembly to Stop War,’ *Inter Press Service*, 31 January 2003, www.globalpolicy.org.
30. Kjell Skjelsbaek and Gunnar Fermann, ‘The UN Secretary-General and the Mediation of International Disputes,’ in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynne Rienner, 1996) 83.
31. Benjamin Rivlin and Leon Gordenker, eds., *The Challenging Role of the UN Secretary-General: Making ‘The Most Impossible Job in the World’ Possible* (Westport, Conn.: Praeger, 1993).
32. Skjelsbaek and Fermann, ‘The UN Secretary-General,’ 75–106.
33. *Ibid.*, 80.
34. *Ibid.*, 82.
35. *Ibid.*, 83.
36. Cyrus R. Vance and David A. Hamburg, *Pathfinders for Peace: A Report to the UN Secretary-General on the Role of Special Representatives and Personal Envoys* (Washington, DC: Carnegie Commission on Preventing Deadly Conflict, 1997); and Connie Peck, ‘Special Representatives of the Secretary-General,’ in David M. Malone, ed., *The UN Security Council*, 325–340.
37. *2005 World Summit Outcome*, para. 76
38. Interview with Professor Ibrahim Gambari on 21 March 2017.
39. Connie Peck, *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict* (Lanham, Md.: Rowman & Littlefield, 1998), 76–80.
40. Pierre-Marie Dupuy, ‘The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice,’ *New York University Journal of International Law and Politics* 31, no. 4 (1999).
41. Colter Paulson, ‘Compliance With Final Judgements of The International Court of Justice since 1987,’ *The American Journal of International Law* 98, no. 3 (2004): 436–437.

42. *Italics* added for emphasis. United Nations, Charter of the United Nations and Statute of the International Court of Justice (1945), 3.
43. United Nations General Assembly, Universal Declaration of Human Rights (1948), 7.
44. Andy W. Knight, 'Evaluating Recent Trends in Peacebuilding Research,' *International Relations of the Asia-Pacific* 3 (2003): 247.
45. Boutros Boutros-Ghali, *An Agenda for Peace, Second Edition with the New Supplement and Related UN Documents*, New York: UN, 1995 (2nd edition), 45.
46. *Ibid*, 46-51.
47. Commission on Global Governance, *Our Global Neighbourhood* (Oxford: OUP, 1995), p. 338; Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict* (New York: Carnegie Corporation of New York, 1997), xix.
48. *Ibid*, xix, xx, xxviii.
49. See Stephen John Stedman, 'Alchemy for a New World Order: Overselling 'Preventive Diplomacy',' *Foreign Affairs* 74, no. 3 (1995): 14-20; and Thomas G. Weiss, 'The UN's Prevention Pipe-dream,' *Berkeley Journal of International Law* 14, no. 2 (1996): 423-437.
50. Peck, *Sustainable Peace*, 68-71.
51. UN Secretary-General, *Prevention of Armed Conflict: Report of the Secretary-General*, opening line of the executive summary.
52. *Ibid*, 2.
53. See <http://www.un.org/press/en/2001/SC7131.doc.htm>.
54. *Interim Report of the Secretary-General on the Prevention of Armed Conflict* (UN document A/58/365-S/2003/888), 12 September 2003. See also: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan005902.pdf>.
55. See paras. 73-76, 116 and 138-139 in UNGA resolution A/RES/60/1, visit: <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>.
56. United Nations, '2005 World Summit Outcome,' UN doc. A/RES/60/1, 24 October 2005, para. 143, www.un.org/womenwatch/ods/A-RES-60-1-E.pdf.
57. See www.un.org/humansecurity/.
58. See <http://www.unpb.org/countries/guinea/>.
59. High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, UN document A/59/565, 2 December 2004; and Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General*, UN document A/59/2005, 21 March 2005.
60. See http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/180&Lang=E , [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1645\(2005\)&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1645(2005)&Lang=E), and [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1646\(2005\)&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1646(2005)&Lang=E).
61. Interview with Dr. Jane Holl Lute on 29 March 2017.
62. *Italics* added for emphasis. Visit: <http://www.un.org/en/peacebuilding/pbso/pbun.shtml>.
63. See <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml#MINUSC>.
64. What's In Blue, 'Resolution on the Review of the UN Peacebuilding Architecture', 26 April 2016, visit: <http://www.whatsinblue.org/2016/04/resolution-on-the-review-of-the-un-peacebuilding-architecture.php>.
65. Interview with Scott Smith, Standby Team of Mediation Advisers Member, DPA Mediation Support Unit, 10 March 2017.
66. *Ibid*. and *The Economist*, 'El Salvador commemorates 25 years of peace: But the country needs a new peace accord', 21 January 2017 (visit: <http://www.economist.com/news/americas/21715065-country-needs-new-peace-accord-el-salvador-commemorates-25-years-peace>).
67. Boutros Boutros-Ghali, *An Agenda for Peace, Second Edition with the New Supplement and Related UN Documents*, New York: UN, 1995 (2nd edition), 14
68. See <http://www.un.org/undpa/sites/www.un.org.undpa/files/DPA%20OUSG%204561%20Oct%202016.pdf>.
69. Interview with Dr. Youssef Mahmoud on 17 March 2017.
70. Richard Ponzio 'Reflections on the UNDP Peace and Development Program in the Solomon Islands, 2001-2002: Lessons Learned and Recommendations for the Future', Honiara: UNDP, 25 October 2002.

71. UN Women, *Preventing Conflict, Transforming Conflict, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325*, 15 and 190-219.
72. UN Advisory Group of Experts, *The Challenge of Sustaining Peace: For the 2015 Review of the United Nations Peacebuilding Architecture*, 7-8.
73. UN High-level Independent Panel on United Nations Peace Operations, *United our Strengths for Peace – Politics, Partnership, People*, ix.
74. See UNGA resolution A/RES/70/262 https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/262 and UNSC resolution 2282 (2016) [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2282\(2016\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2282(2016)).
75. World Bank, 'Fragility, Conflict and Violence Home', <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview>.
76. World Bank, *World Development Report 2011* (Washington, DC: World Bank, 2011), 1.
77. For example, see UN Secretary-General António Guterres remarks at the UNSC debate on conflict prevention and sustaining peace (10 January 2017): <https://www.un.org/apps/news/story.asp?NewsID=55935#.WMMrzBBZvaw>.
78. Speech of UN Secretary-General António Guterres at the 2017 World Economic Forum in Davos (19 January 2017). See: <http://www.un.org/sustainabledevelopment/blog/2017/01/secretary-generals-remarks-at-the-world-economic-forum/>.
79. UN Secretary-General António Guterres, Interoffice Memorandum on 'Enhancing Performance in the Peace and Security Pillar', 3 January 2017, 1.
80. Ibid, 2.
81. See UNSC resolution 2282 (2016) [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2282\(2016\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2282(2016)) and UNGA resolution A/RES/70/262 https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/262
82. António Guterres, 2017 World Economic Forum in Davos speech, 19 January 2017.
83. UN Secretary-General António Guterres, 'Remarks from the Security Council Open Debate on "Maintenance of international peace and security: conflict prevention and sustaining peace"', 10 January 2017. See: <https://www.un.org/press/en/2017/sgsm18404.doc.htm>
84. See, for example, Haifa Al Kaylani and Ibrahim Gambari (both members of the Commission on Global Security, Justice & Governance), 'The role of women is imperative for peace', *Gulf Times*, 22 March 2016
85. This concluding point draws inspiration from Rama Mani, 'From Dystopia to OURtopia: Charting a Future for Global Governance', *International Affairs*, Special Issue on the United Nations at 70, vol 91, No 6, 2015; Commission on Global Security, Justice & Governance, *Confronting the Crisis of Global Governance (The Hague and Washington, D.C.: The Hague Institute for Global Justice and the Stimson Center, 2015)*; and Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix It* (2nd edition) (Cambridge: Polity, 2012).