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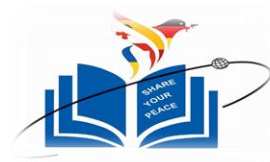
## MODULE 5

### PREVENTIVE DIPLOMACY AS CONFLICT PREVENTION TOOL



Erasmus+

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## I. Introduction

Preventive diplomacy, conflict prevention and other forms of preventive measures to manage armed conflict are the subject of intense debate. And despite the United Nations strong preventive and peace-keeping efforts, preventive diplomacy and conflict prevention continue to



face obstacles. The increase in violent conflicts since 2010 has led to the renewed use of preventive diplomacy. The United Nations, together with the World Bank for the Prevention of Violent Conflicts and the European Peace Institute (EIP), have addressed these issues.<sup>1</sup> The United Nations Charter underscores the centrality of conflict prevention as a responsibility for the whole of the United Nations system. Conflict prevention involves a range of actors across the three pillars of the UN: peace and security; development; and human rights. Each of these pillars works in distinct but mutually reinforcing ways to address both the immediate and deeper

causes of violent conflict, through engaging at the local, national, regional and international levels, partnering with communities, civil society, governments, regional and sub-regional organizations, and other international institutions. The UN Security Council, which has a key responsibility in the prevention of violent conflict, has historically focused on the management of immediate crises and large-scale conflicts. Compounding the low visibility of conflict prevention is the difficulty in measuring the UN's impact in averting the outbreak, escalation, continuation and recurrence of violent conflict, given the challenge of demonstrating that a given action resulted in conflict not taking place. This booklet, prepared by the Department of Political Affairs in consultation with key partners across the UN system, presents a non-exhaustive, illustrative overview of the UN's approach to conflict prevention and preventive diplomacy.

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<sup>1</sup> <https://blogs.worldbank.org/dev4peace/what-makes-effective-preventive-diplomacy>



## II. Ways of preventive Democracy



Palais des Nations, headquarters of the UN in Geneva. As the largest international organization, the UN is a center of

contemporary diplomacy.

Before discussion, it is important to define preventive diplomacy and conflict prevention. There is a lack of a common definition among policymakers. For some experts in sub-Saharan Africa, preventive diplomacy represents the prevention of tension and conflict, while for others in North Africa, it indicates a more regressive form of management intended to bring stability. The same is true for conflict prevention, which certain diplomatic analysts view as preventive diplomacy, while development actors typically view it as a form of peacebuilding. These terminological disagreements go back more than two decades. The United Nations Peace Agenda stated that preventive diplomacy refers specifically to "measures to prevent disputes between parties, to prevent existing disputes from escalating into conflict, and to limit the spread of those disputes when they do occur." While we refer to both preventive diplomacy and conflict prevention as preventive measures, it may be more appropriate to refer to them not as concepts but as key elements in what we call "infrastructures for peace" or "architectures for peace. They combine networks of local organizations, research and academic institutes, faith-based entities, and political and social organizations that are actively engaged in monitoring disputes and sources of tension so that they can be managed through conflict prevention through preventive diplomacy. For conflict prevention, United Nations has developed tools and capacities to deploy peacebuilding worldwide.<sup>2</sup> For conflict prevention, United Nations has developed tools and capacities to consolidate peacebuilding worldwide.

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<sup>2</sup>[https://www.stabilityjournal.org/articles/10.5334/sta.ac/#:~:text=The%20United%20Nations'%20\(1992\),the%20latter%20when%20they%20occur](https://www.stabilityjournal.org/articles/10.5334/sta.ac/#:~:text=The%20United%20Nations'%20(1992),the%20latter%20when%20they%20occur)



## 2.1. United Nations Tools and Capacities

The Security Council of UN has developed innovative formats in recent years to provide space for less structured conversation and for engaging with parties without placing the dispute on its agenda. Governments often worry that council involvement could internationalize a sensitive situation. Over the last few years, the briefings of the council by Secretariat officials have become more frequent, varied, and candid. The high commissioner for human rights, the high commissioner for refugees, and the emergency relief coordinator are appearing more often, along with the heads of the Departments of Political Affairs, Peacekeeping, and Field Support, and various special advisers, representatives, and envoys of the Secretary General. Sources of early warning have multiplied, both from United Nations and civil society sources. A key innovation over the past twelve months has been the monthly tour d'horizon briefings by the Under-Secretary-General for political affairs, which range beyond the council's agenda items and cover threats to international peace and security from intrastate as well as interstate conflict. The council has also supported mediation efforts by the Secretary-General on situations, such as Yemen, that are not on its agenda. Occasionally, the Security Council itself can serve as a mediator or facilitator.

Chapter V, Article 32

*"Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations".<sup>3</sup>*

In February 2011, for instance, the council was briefed by the Under-Secretary-General for political affairs and the foreign minister of Indonesia in his role as chair of the **Association of Southeast Asian Nations (ASEAN)** on the tense situation on the border between Cambodia and Thailand. It also heard from the ministers of foreign affairs of the two countries. The resulting press statement by the president of the council helped to facilitate a peaceful settlement by defusing tensions and reinforcing the ongoing mediation effort by ASEAN.

More typically, however, the council acts to authorize or support the mediation efforts of the Secretary-General and his representatives or to endorse processes that are not led by the United Nations. The latter function, as discussed above, reflects the pattern of global-regional arrangements for peaceful settlement envisioned in Chapter VIII of the Charter. One of the Security Council's distinct strengths is its capacity for employing or authorizing the whole range

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<sup>3</sup> <https://www.un.org/en/sections/un-charter/chapter-v/index.html>





of tools available under Chapters VI, VII, and VIII of the Charter. This flexibility is a considerable asset, but it also imposes responsibilities on the council to understand the relationships among these tools, to develop a strategic approach to their use, and to take into account how its involvement is likely to be perceived by the parties to a dispute, given the range of pacific and coercive measures at its disposal. The council has chosen to play a low-key role at times, but more often it has found high-visibility engagement to be its most effective way to assist conflict prevention efforts. Over the years, there have been numerous cases in which the council's initial involvement was under Chapter VI, but later it found it necessary to take Chapter VII measures as well. Parties often are quite aware of this history and potential. By offering credible and tailored incentives and disincentives to the parties, the Security Council can endow mediators with greater leverage and give a keener sense of urgency to stalled negotiations. Targeted sanctions, such as curbs on the trading of certain commodities, asset freezes, travel bans, and arms embargoes, may help to keep a peace process on track when their threat or use are carefully coordinated with the mediator. Investigative mandates may help to build public trust, facilitate reconciliation and healing, and ease tensions when questions of fact are in dispute, as is often the case.



UN Photo/Marco Dormino



UN Photo/Herve Serefio

Security Council actions, especially coercive ones, may affect the political space available to the Secretary-General and to other mediators. In that regard, the council should try to be consistent in applying standards and to act as an honest broker whenever possible. One of the questions that should be addressed in this context is whether spoilers should be excluded from negotiation processes. Some believe, for example, that the Lord's Resistance Army (LRA) has acted in a way that makes it ineligible to participate in peace processes. The Security Council's designation of some actors as terrorist organizations has had much the same effect. So the council is currently reviewing the broad criteria adopted in the early years of this century. This has led to the recognition of a distinction between al-Qaida and the Taliban in Afghanistan. Some would encourage the council to continue this review process with a view to allowing some nonstate armed groups with limited political goals to make the transition into the political mainstream. Nevertheless, council members need to bear in mind that its success in maintaining international peace and security will be determined, in part, by how effectively it supports and nurtures mediation and conflict-prevention efforts by other United Nations and non-UN actors. Other UN



organs have made significant thematic and operational contributions to the development of mediation and preventive diplomacy in recent years. Under Article 11(1) of the Charter, the General Assembly is to “consider general principles of co-operation in the maintenance of international peace and security.” In its normative capacity, for instance, the assembly recently adopted its first resolution on strengthening the role of mediation in the peaceful settlement of disputes and in conflict prevention and resolution.

The human rights tools and architecture of the United Nations can provide significant assistance to preventive-diplomacy and mediation efforts. By monitoring human rights violations on a continuing basis, by establishing investigative commissions, by reporting findings to governments and UN bodies, and by drawing attention to situations of particular concern, the Human Rights Council and the Office of the High Commissioner for Human Rights engage directly in preventive diplomacy. As members of the Security Council have increasingly recognized the correlation between severe human rights violations and risks to international peace and security, the high commissioner has briefed the council more frequently.<sup>4</sup>

## 2.2. Non-United Nations Actors

States, regional and subregional arrangements, prominent individuals, and independent organizations have offered their services on either a case-by-case or generic basis. Some independent nongovernmental organizations, such as the Centre for Humanitarian Dialogue (HD) and ACCORD, have developed specialized expertise in supporting peace processes.



The latter has focused on backstopping the preventive diplomacy of the African Union, the regional economic communities, and African governments. The former has a more global mandate. It worked alongside the United Nations in providing essential support for the extended mediation effort led by Kofi Annan to end the post-election violence in Kenya.

The tendency to recruit prominent personalities, often former heads of state, to lead mediation efforts has worked well in some situations and much less well in others. Sometimes they bring too much baggage from the past, as well as proving to be high maintenance. Personality and temperament matter, as do their relationships with the parties to the dispute. The lead mediator should have a deep knowledge of the country, the parties, and the history of the conflict, as well as a feel for the culture.

Whether or not the United Nations takes the role of lead mediator, it often needs to act as coordinator and facilitator— roles that can take on added meaning in a world of many potential mediators. The relatively successful efforts at conflict prevention in the Central African Republic involved a layered set of responsibilities among subregional, regional, and global organizations, a prominent personality (President Bongo), professional mediation support groups (particularly

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<sup>4</sup> [https://www.files.eth.z.ch/isn/144806/ipi\\_pub\\_strengthening\\_prev\\_dipl\\_2.pdf](https://www.files.eth.z.ch/isn/144806/ipi_pub_strengthening_prev_dipl_2.pdf)



HD), civil society, religious groups, and neighbouring countries. In Liberia, women's organizations helped to create a mass peace movement that created the conditions for a successful mediation. Preventive diplomacy can be a bottom-up as well as a top down process. In many places, grassroots movements led by women's groups and other civil society actors have helped fill the gap between the narrow interests of elites and those of the larger populations that need to be on board if a peace settlement is to be both just and sustainable.

As noted at the outset, the UN Charter looks first to the parties to resolve their differences peacefully and then to regional arrangements for mediation and peaceful settlement before referring the dispute or conflict to the Security Council. This suggests the advantage of viewing mediation as a set of concentric circles from the parties to regional or subregional bodies to the United Nations, with its Secretary-General and Security Council.



Operationalisation of 'Duties' of States and Non-State Actors in the Draft Convention on the Realisation of the Right to Development<sup>5</sup>

Neither regional and subregional arrangements nor the United Nations always have the material resources and political capital to sustain an extended mediation effort. For instance, even when relations between the Security Council and the AU's Peace and Security Council are strained, desk-to-desk dialogue, joint training, and exchanges of assessments tend to continue productively, just as do working relationships in the field. Nevertheless, preventive diplomacy could be enhanced through a reinforcement of patterns of cooperation and synchronized effort between the United Nations and its regional, subregional, and civil society partners.<sup>6</sup>

### 2.3. Lessons on Mediation: Coherence and Synergies

Lessons on Mediation: Coherence and Synergies To some observers, the simplest way to ensure a coherent approach to mediation and preventive diplomacy is to designate a single lead mediator or mediation team. With multiple mediation tracks, there is a risk that the right hand will not know what the left is doing, and actions might be taken or messages delivered that could undermine what others had achieved. Forum shopping on the part of the parties might be

<sup>5</sup> <http://opiniojuris.org/2020/12/11/operationalisation-of-duties-of-states-and-non-state-actors-in-the-draft-convention-on-the-realisation-of-the-right-to-development/>

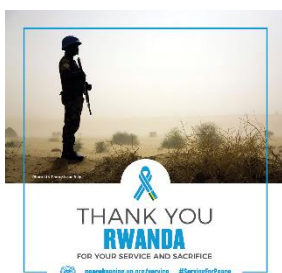
<sup>6</sup> [https://www.files.ethz.ch/isn/144806/ipi\\_pub\\_strengthening\\_prev\\_dipl\\_2\\_.pdf](https://www.files.ethz.ch/isn/144806/ipi_pub_strengthening_prev_dipl_2_.pdf)





encouraged, as they try to play one mediator off against another. On the other hand, as noted above, today's multilayered peace processes may well demand a broader set of players with a range of skill sets. It might not be wise to put all of one's eggs in one basket given the mixed records of lead mediators in the past. To place all of one's trust in a single mediator places a heavy burden, as well, on the selection process. If the United Nations is to be the lead organization in all or most cases, then what would become of the place for regional or subregional actors? The provisions of Chapter VIII would seem to imply that regional arrangements should take the lead initially in mediation efforts, some of which can be quite extended.

Sometimes, as in Kyrgyzstan, it can be helpful for the United Nations to act behind the scenes in a supportive role that encourages and enables regional, national, and civil society groups to take greater ownership and more initiative within an agreed international framework. Even today, the United Nations, the European Union, and the Organization for Security and Co-operation in Europe (OSCE) are speaking with one voice there. The Security Council can help by identifying areas for complementary efforts by the various international actors, as has been practiced in the Balkans. It can also help to monitor progress, as mediators sometimes have an interest in extending the life of the process. The council can also help to persuade neighbouring countries and external powers to play more constructive roles or at least to avoid acting in a way that could undermine aspects of the peace process. Both the president of the council and the Secretary-General can use their prominent bully pulpits to reinforce and amplify core messages to the parties, importantly including cautions against taking certain actions that could be damaging to the prospects for reconciliation or a sustainable peace. Where the United Nations has a substantial political, peacekeeping, or peacebuilding presence on the ground, it can act as a skilled plumber in ensuring that conditions for implementation are as solid as possible, even if it is not the sole architect of the larger peace structure.



Peace processes can have their downsides as well. The fate of national minorities is too often ignored or underplayed in peace efforts focused more on conflict prevention than atrocity prevention, such as in Rwanda in 1993-1994. Questions of justice and human rights may seem to be inconvenient in the near term, yet often they prove to be central over the longer term. Over time, supporting the umbrella can become burdensome.<sup>7</sup>

## 2.4. Building Preventive Capacities

In recent years, there have been substantial efforts on several levels to boost international capacity for conducting and supporting preventive diplomacy. One of the more significant

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<sup>7</sup> [https://www.files.ethz.ch/isn/144806/ipi\\_pub\\_strengthening\\_prev\\_dipl\\_2.pdf](https://www.files.ethz.ch/isn/144806/ipi_pub_strengthening_prev_dipl_2.pdf)



innovations has been the establishment of a **Mediation Support Unit (MSU)** within the United Nations' Department of Political Affairs. It manages a roster of mediators and a Standby Team

ABOUT	CORE COMPETENCIES	SUPPORT CAPACITY
<ul style="list-style-type: none"> <li>Established in 2006</li> </ul>	<ul style="list-style-type: none"> <li>Strategic and technical support</li> </ul>	<ul style="list-style-type: none"> <li>MSU staff, including in-house experts on ceasefires, constitution-making, and process design</li> </ul>
<ul style="list-style-type: none"> <li>UN system-wide focal point for mediation expertise and support</li> </ul>	<ul style="list-style-type: none"> <li>Capacity building</li> </ul>	<ul style="list-style-type: none"> <li>Standby Team of Senior Mediation Advisers</li> </ul>
<ul style="list-style-type: none"> <li>Provides support to good offices and mediation in conflict prevention and resolution contexts</li> </ul>	<ul style="list-style-type: none"> <li>Mediation guidance, lessons learned, and best practices</li> </ul>	<ul style="list-style-type: none"> <li>Secretary-General's High-level Advisory Board on Mediation</li> </ul>

of mediation experts. The United Nations Office for West Africa, the first such regional political presence, was established in 2002. It has been followed more recently by similar offices in Central Asia and Central Africa. In a low-profile manner, these regional offices can maintain contact with the key actors, help avoid relapses of conflict, and facilitate a more coherent international response. They can be particularly helpful where the world body does not have a substantial presence on the ground, as in Kyrgyzstan. These are welcome developments.

Much of the organization's work on mediation and preventive diplomacy is conducted through special political missions. Unlike its peace operations, the United Nations' special political missions are funded through the regular budget. Theoretically, this distinction could hinder the growth of their capacities over time. However, many observers, pointing to the enhancements noted above, do not believe that resource shortages have significantly hampered their ability to operate effectively.

The Security Council's task of maintaining international peace and security may be affected, at times, by who is conveying what messages to which parties at which junctures in a crisis. Consistency in messaging is as essential as it is sometimes hard to attain. As the Secretariat and members of the Security Council have gained a deeper understanding of the requirements for achieving a sustainable peace and for preventing further rounds of conflict, they have put greater emphasis on security-sector reform, the establishment of the rule of law, and national reconciliation. In many cases, these elements need to be taken into account in the process and content of preventive diplomacy. If these matters are not addressed early in the process, domestic fissures and obstacles to a sustainable peace may grow. These factors have encouraged the Security Council to assign increasingly detailed and ambitious mandates to both political missions and peace operations. At times, the result has been a substantial gap between mandates and capacities, and between expectations and results. Strong and consistent political



support by the council and its members, however, can help to overcome such capacity gaps, which could become disabling without the council's sustained support.

### III. UN peace keeping missions



United Nations have realised 73 peacekeeping missions since its foundation in 1945. Peacekeeping, as defined by the United Nations, is a way to help countries torn by conflict create conditions for sustainable peace. UN peacekeepers—soldiers and military officers, police officers and civilian personnel from many countries—monitor and observe peace processes that emerge in post-conflict situations and assist ex-combatants in implementing the peace agreements they have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. The Charter of the United Nations gives the Security Council the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the Security Council to authorize peacekeeping operations. Most of these operations are established and implemented by the United Nations itself with troops serving under UN operational command. In other cases, where direct UN involvement is not considered appropriate or feasible, the Council authorises regional organisations such as the North Atlantic Treaty Organisation, the Economic Community of West African States or coalitions of willing countries to implement certain peacekeeping or peace enforcement functions. In modern times, peacekeeping operations have evolved into many different functions, including diplomatic relations with other countries, international bodies of



justice (such as the International Criminal Court), and eliminating problems such as landmines that can lead to new incidents of fighting.<sup>8</sup>

### 3.1. UN security council

The UN Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.<sup>9</sup>

It is for the Security Council to determine when and where a UN peace operation should be deployed. The Security Council responds to crises around the world on a case-by-case basis and it has a range of options at its disposal. It takes many different factors into account when considering the establishment of new peace operation, including:

- Whether there is a ceasefire in place and the parties have committed themselves to a peace process intended to reach a political settlement;
- Whether a clear political goal exists and whether it can be reflected in the mandate;
- Whether a precise mandate for a UN operation can be formulated;
- Whether the safety and security of UN personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the main parties or factions regarding the safety and security of UN personnel.

All existing committees and working groups are comprised of the fifteen members of the Council. While standing committees are chaired by the President of the Council, rotating on a monthly basis, other committees and working groups are chaired or co-chaired by designated members of the Council who are announced on an annual basis by a Note of the President of the Security Council.<sup>10</sup>

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<sup>8</sup> [https://en.wikipedia.org/wiki/List\\_of\\_United\\_Nations\\_peacekeeping\\_missions](https://en.wikipedia.org/wiki/List_of_United_Nations_peacekeeping_missions)

<sup>9</sup> <https://www.un.org/securitycouncil/>

<sup>10</sup> <https://www.un.org/securitycouncil/content/committees-working-groups-and-ad-hoc-bodies>





UN Photo/Kim Haughton, UN security council

- The Security Council establishes a peace operation by adopting a Security Council resolution. The resolution sets out that mission's mandate and size.
- The Security Council monitors the work of UN peace operations on an ongoing basis, including through periodic reports from the Secretary-General and by holding dedicated Security Council sessions to discuss the work of specific operations.
- The Security Council can vote to extend, amend or end mission mandates as it deems appropriate.

Under Article 25 of the Charter, all UN members agree to accept and carry out the decisions of the Security Council. While other organs of the UN make recommendations to Member States, the Council alone has the power to take decisions which Member States are obligated to implement.<sup>11</sup>

### 3.2. General Assembly

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<sup>11</sup> <https://peacekeeping.un.org/en/role-of-security-council>





*UN Photo/Manuel Elias, General Assembly*

**Functions and powers of the General Assembly:** The Assembly is empowered to make recommendations to States on international issues within its competence. It has also initiated actions – political, economic, humanitarian, social and legal – which have benefitted the lives of millions of people throughout the world. The landmark Millennium Declaration, adopted in 2000, and the 2005 World Summit Outcome Document, reflect the commitment of Member States to reach specific goals to attain peace, security and disarmament, along with development and poverty eradication; to safeguard human rights and promote the rule of law; to protect our common environment; to meet the special needs of Africa; and to strengthen the United Nations. In September 2015, the Assembly agreed on a set of 17 Sustainable Development Goals, contained in the outcome document of the United Nations Summit for the adoption of the post-2015 development agenda (resolution 70/1: “Transforming our world: the 2030 Agenda for Sustainable Development”).

According to the Charter of the United Nations, the General Assembly may:

- Consider and approve the United Nations budget and establish the financial assessments of Member States
- Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, appoint the Secretary-General
- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament



- Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it
- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations
- Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields
- Make recommendations for the peaceful settlement of any situation that might impair friendly relations among countries
- Consider reports from the Security Council and other United Nations organs

The Assembly may also take action in cases of a threat to the peace, breach of peace or act of aggression, when the Security Council has failed to act owing to the negative vote of a permanent member. In such instances, according to its “Uniting for peace” resolution of 3 November 1950, the Assembly may consider the matter immediately and recommend to its Members collective measures to maintain or restore international peace and security.<sup>12</sup>

**The General Assembly plays a key role in the financing of peace operations:** The General Assembly is the main deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Member States of the UN, it provides a unique forum for multilateral discussion of international issues including peace and security.

**Financing matters:** While not normally directly involved in political decisions on establishing or terminating UN peace operations, the General Assembly does play a key role in peace operation financing. As all UN Member States share the costs of peacekeeping, the Assembly apportions these expenses based on a special scale of assessments, taking into account the relative economic wealth of Member States, with the permanent members of the Security Council required to pay a larger share because of their special responsibility for the maintenance of international peace and security.

**Special Committee on Peacekeeping Operations:** The General Assembly monitors the performance of UN Peacekeeping through its Special Committee on Peacekeeping Operations. It was established in 1965 to conduct a comprehensive review of all issues relating to peacekeeping. The Committee reports on its work to the General Assembly through its Fourth Committee (Special Political and Decolonization).

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<sup>12</sup> <https://www.un.org/en/ga/about/background.shtml>



**"Uniting for Peace" resolution:** Under the UN Charter, however, the General Assembly cannot discuss and make recommendations on peace and security matters which are at that time being addressed by the Security Council.

Despite the UN Charter's provision limiting the General Assembly's powers with regard to peace and security matters, there may be cases when the Assembly can take action.

In accordance with the General Assembly's "Uniting for Peace" resolution of November 1950 [resolution 377 (V)], if the Security Council fails to act, owing to the negative vote of a permanent member, then the General Assembly may act. This would happen in the case where there appears to be a threat to the peace, breach of the peace or act of aggression. The General Assembly can consider the matter with a view to making recommendations to Members for collective measures to maintain or restore international peace and security.

This resolution was invoked only once in UN peacekeeping history, when in 1956 the General Assembly established the First UN Emergency Force (UNEF I) in the Middle East.<sup>13</sup>

### 3.3. Mandates and the legal basis for peacekeeping



*Mandates and legal basis of peacekeeping, UN Photo/Steven Bornholtz*

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<sup>13</sup> <https://peacekeeping.un.org/en/role-of-general-assembly>





UN peace operations are deployed on the basis of mandates from the United Nations Security Council. Their tasks differ from situation to situation, depending on the nature of the conflict and the specific challenges it presents.

**UN Charter:** The Charter of the United Nations is the foundation document for all the UN work. The UN was established to “save succeeding generations from the scourge of war” and one of its main purposes is to maintain international peace and security. Peacekeeping, although not explicitly provided for in the Charter, has evolved into one of the main tools used by the United Nations to achieve this purpose.

The Charter gives the UN Security Council primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Council may adopt a range of measures, including the establishment of a UN peace operation.

Chapter VI deals with the “Pacific Settlement of Disputes”. UN peace operations have traditionally been associated with Chapter. However, the Security Council need not refer to a specific Chapter of the Charter when passing a resolution authorizing the deployment of a UN peacekeeping operation and has never invoked Chapter VI.

Chapter VII contains provisions related to “Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression’. In recent years, the Council has adopted the practice of invoking Chapter VII of the Charter when authorizing the deployment of UN peace operations into volatile post-conflict settings where the State is unable to maintain security and public order. The Security Council’s invocation of Chapter VII in these situations, in addition to denoting the legal basis for its action, can also be seen as a statement of firm political resolve and a means of reminding the parties to a conflict and the wider UN membership of their obligation to give effect to Security Council decisions.

Chapter VIII of the Charter provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security provided such activities are consistent with the purposes and principles outlined in Chapter I of the Charter.

**Peacekeeping mandates:** Female Ethiopian Peacekeeper in the foreground during a medal parade for Milops in Monrovia, LiberiaUN Photo/Christopher HerwigUN peace operations are deployed on the basis of mandates from the United Nations Security Council. Over the years, the range of tasks assigned to UN peace operations has expanded significantly in response to shifting patterns of conflict and to best address threats to international peace and security.

Although each UN peace operation is different, there is a considerable degree of consistency in the types of mandated tasks assigned by the Security Council. Depending on their mandate, peace operations may be required to:

- Deploy to prevent the outbreak of conflict or the spill-over of conflict across borders;
- Stabilize conflict situations after a ceasefire, to create an environment for the parties to reach a lasting peace agreement;



- Assist in implementing comprehensive peace agreements;
- Lead states or territories through a transition to stable government, based on democratic principles, good governance and economic development.

Depending on the specific set of challenges, UN peacekeepers are often mandated to play a catalytic role in the following essentially peacebuilding activities:

- Disarmament, demobilization and reintegration of ex-combatants;
- Mine action;
- Security sector reform and other rule of law-related activities;
- Protection and promotion of human rights;
- Electoral assistance;
- Support for the restoration and extension of State authority;
- Promotion of social and economic recovery and development.

Security Council mandates also reflect a number of cross-cutting, thematic tasks that are regularly assigned to UN peace operations on the basis of the following landmark Security Council resolutions:

- Security Council resolution 1325 (2000) on women, peace and security;
- Security Council resolution 1612 (2005) on children and armed conflict;
- Security Council resolution 1674 (2006) on the protection of civilians in armed conflict.<sup>14</sup>

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<sup>14</sup> <https://peacekeeping.un.org/en/mandates-and-legal-basis-peacekeeping>





## IV. Summary

The following module examines the opportunities and the challenges the United Nations and its partners currently face in conducting preventive diplomacy in a changing political and security landscape. Focusing specifically on diplomatic action taken to prevent or mitigate the spread of armed conflict, the module describes the relevance of preventive diplomacy across the conflict spectrum and as part of broader, nationally owned strategies to promote peace. It highlights the growing expectations placed on the United Nations system and other organizations in the area of conflict prevention and stresses the central importance of partnerships to this end. The module illustrates how recent preventive diplomacy engagements have made a difference on the ground in a range of different contexts. It discusses the risks and obstacles that continue to hamper preventive efforts and identifies key elements which, in the experience of the United Nations and its partners, have proven critical in maximizing the success of these efforts: early warning, flexibility, partnerships, sustainability, evaluation and resources. It summarizes a series of cases selected to show prevention at work in diverse contexts, the different tools deployed to support national actors in preventing violent conflict, and the multiple UN actors involved in implementing these efforts.



Jean-Pierre Lacroix,  
Under-Secretary-General for Peace Operations

*“Their willingness to stand firm in their commitment to peacekeeping operations is central to our ability to assist”.*