

# **Conflict Resolution: Theories and Practice**

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# **Imperfect but Indispensable: The United Nations and Conflict Resolution**

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The United Nations plays a distinctive role in conflict resolution in divided societies, which we critically examine in three ways. The first offers an overview in theory of relevant UN bodies and mechanisms; particular attention is devoted to the roles and powers of the Security Council, the General Assembly, and the Secretary-General and Secretariat. The second surveys these UN entities in the historical practice of conflict resolution from the Cold War to the post-Cold War and contemporary periods; it highlights the nature of the international system and problems in each period, and accordingly the evolution in UN thinking and practice. We end by arguing that the UN has been blessed with a number of strengths as a conflict resolution instrument but simultaneously plagued by some key structural flaws. This chapter cannot be comprehensive, but key examples are used to illuminate general points.

## **UN CONFLICT RESOLUTION IN THEORY**

The UN's work in conflict resolution is part of its overall responsibility for maintaining international peace and security—the fundamental reason behind the world organization's establishment—and thus draws on two broad mechanisms conferred upon it in Article 1.1 of the UN Charter: peaceful settlement of disputes and collective security enforcement. This section is not the place to determine whether outsiders could truly resolve any armed conflict, and so for us the distinction between “management” and

“resolution” is blurred (Zartmann 2007). For the UN in practice, they are linked and often pursued simultaneously.

### **Peaceful Settlement of Disputes**

The UN is not required to resolve any conflicts – the Security Council may address them if they constitute threats to international peace and security. Indeed, Chapter VI of the Charter urges the conflicting parties to “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” (Article 33.1) (see Mani 2007: 301-308). These methods and mechanisms have long been used in international diplomacy and law and are not UN inventions. The UN’s particular task is to encourage disputing parties to resort to them. When they are unable or fail to do so, the UN then employs these mechanisms to assist belligerents to resolve their differences.

### **Collective Security Enforcement**

While a large chunk of its conflict resolution involves the use of peaceful mechanisms, the UN, unlike its predecessor the League of Nations or any other international organization, has the legal power to use coercion. The general reason is simple as spelled out in the opening sentences of the Charter’s Preamble, namely “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”

The central idea behind the theory of collective security is that peace can best be preserved or established when states join together automatically to prevent any of their

members from using force against one another (Gordenker and Weiss 1993: 3-7; Claude 1956). Accordingly, states must be normatively committed in favor of the peaceful settlement of disputes and against the use of force except to punish aggression or use it after a Security Council decision—in short, to see the interest of the international community of states as one’s national interest. This theory flies in the face of history as well as the theory of Realism (Mearsheimer 1994/1995: 26-30); but given the “untold sorrow” wrought by two world wars, collective security in 1945 seemed possible. At the time, states did not view the second generation of universal international organizations in the form of the UN system as a liberal plaything but rather a vital necessity for postwar order and prosperity (Plesch 2008).

Nevertheless, given the ugly realities of confrontation that returned almost before the ink dried from state signatures on the Charter, only a limited version of collective security was put into place with the creation of the main body for dealing with conflicts – the UN Security Council. We now survey the role and power of this institution, as well as the other two important UN organs – the General Assembly and the Secretariat.

### *The Security Council*

Designated as the principal organ to maintain international peace and security (Article 24.1), the Security Council is, on paper at least, the most powerful international organ ever devised to regulate high politics. Its recommendations and resolutions are binding and must be carried out by member states (Article 25). In most cases, the council would usually urge (Article 33.1) and “call upon the parties to settle their dispute” (Article 33.2) by peaceful means, “investigate” the facts (Article 34), “recommend appropriate

procedures or methods of adjustment” (Article 36.1), or have the dispute be referred to it for more direct consideration (Article 37.1).

The teeth of the council lie in Chapter VII, which enables it to define “the existence of any threat to the peace, breach of the peace, or act of aggression” (Article 39) and to undertake any measures, including such non-forcible measures as economic sanctions and arms embargoes (Article 41) and the ultimate forcible sanctions of outside military force (Article 42). Although it is often assumed that military means should always be the last resort or applied fairly and proportionally, nothing in the Charter explicitly prescribes such criteria (Luck 2006: 22-27). While the notion of ratcheting up pressure is implied by the order of the articles, an argument could be made that deploying military force sooner rather than later could be more effective and humane.

Effectively, Chapter VII gives the Security Council the legal power to set precedents and create international law, punish norm and law breakers, and intervene in the domestic jurisdiction of any state – without consent. In this regard, Chapter VII enforcement is the only instance that member states can decide that paramount UN principles such as sovereignty (Article 2.1) and non-intervention (Article 2.7) are not sacrosanct. As the guardian of these principles, the council is the only authority that can authorize such violations.

To guard the *ideals* of peace and security, the Security Council subscribed to the *reality* of power politics by allocating five permanent seats (P-5) to the most powerful victorious states after WWII (United States, Soviet Union, China, United Kingdom, and France) – giving each a “veto” over decisions. These special rights and responsibilities meant the absence of pretensions of equality among members large and small (Luck

2006: 9-15). At the same time, mandatory council decisions have an additional credibility so that warring parties should think twice before opposing resolutions that are backed up by the great powers' combined might. At the same time, the procedures also preclude collective action against one of the P-5 as it would make matters worse and perhaps lead to a third world war.

Balance of sorts is created through electing ten members, with five new states assuming a two-year term each January 1<sup>st</sup>. While until 1965 there were only six elected members, the influx of newly independent states led to calls for Charter reform, which resulted in adding four additional elected members. Ever since, and especially in the 1990s, numerous calls have been made to change the composition and procedures of the Security Council (e.g. High-level Panel 2004: Chap. XIV). Yet every proposal causes as many problems as it solves, and UN constitutional change appears unlikely (Weiss 2005).

A conflict can be brought to the attention of the Security Council in three ways: by any member state, usually a permanent or elected member of the council or a party to a conflict; by the General Assembly; or by the Secretary-General. Before officially placing it on the agenda, council members convene informally and consider the practicality and legality of involvement (a procedural discussion not subjected to veto). Sometimes, the dispute is referred to a regional body (Chapter VIII) if it is more suited, or to the International Court of Justice (ICJ) if legal issues are involved. When there are broad agreements, the issue is tabled for full deliberation – including having relevant parties make their cases and members propose resolutions. Much of the work takes place out of the limelight—that is, in private sessions during which the council's president (rotating each month), the P-5, or the Secretary-General and his senior staff or

representatives attempt to work out possibilities for compromise with the disputing parties.

### *The General Assembly*

Compared to the Security Council, the 192-member General Assembly is a relatively weak arena for conflict resolution. Although the Charter stipulates that the assembly may discuss “questions relating to the maintenance of international peace and security,” it must defer any action to the council “either before or after discussion” (Article 11). General Assembly resolutions, which require two-thirds majority present and voting (Article 18), are non-binding. Hence, while the Security Council’s resolutions are “decisions,” the General Assembly’s resolutions are “recommendations.” Furthermore, the assembly is only able to recommend “measures for the peaceful adjustment” of disputes (Article 14), which do not include coercion. Finally, Article 12 forbids the assembly, unless the council “so requests,” from making any recommendation on an armed conflict while the smaller and more powerful body is considering it.

### *The Secretary-General and Secretariat*

The UN Secretary-General participates in formal meetings of the Security Council and General Assembly on international conflicts. In supporting the work of these bodies, the Secretary-General, through the Secretariat, is the principal UN organ that monitors political developments, collects and distributes information, provides analysis, serves as point of contact for member states and non-governmental actors, and implements decisions of the council and assembly. The Secretary-General’s role in conflict resolution

is especially important when it comes to providing “good offices” (to facilitate confidential communication between conflicting parties whose negotiations have broken down or do not exist), setting up an inquiry such as a fact-finding mission, appointing special representatives and peace envoys for conflict mediation and resolution, and overseeing political and peacekeeping missions for conflict management (see Ramcharan 2008: Chap. 4). The political power of the Secretary-General lies in Article 99, which grants him the ability to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”

The invocation of Article 99 is rare—only three times in 65 years—because much of the Secretary-General’s work revolves around what Dag Hammarskjöld called “quiet diplomacy” (Ramcharan 2008). Unlike the public theater of intergovernmental forums, including the Security Council and the General Assembly, where conflicting parties often come to vent, the Secretary-General usually works behind the scenes with these parties to reach political compromises that they can claim as their own. Not resorting to Article 99 is understandable because the Secretary-General requires the support of council members to move ahead. If they are unwilling to raise an issue, there is little sense in the UN’s head doing so.

The crucial Secretariat units assisting the Secretary-General in conflict management and resolution are the Department of Political Affairs (DPA), Department of Peacekeeping Operations (DPKO), Department of Field Support (DFS), Office for the Coordination of Humanitarian Affairs (OCHA), and Peacebuilding Support Office (PBSO).

DPA is responsible for political analysis, peacemaking, and preventive diplomacy, including supporting UN peace envoys (e.g. Cyprus, Myanmar, Lebanon) and political missions (e.g. Somalia, Nepal, Iraq), as well as more comprehensive peacebuilding support missions (e.g. Central Asia, Central African Republic) and serving as a focal point for electoral assistance. In a joint conflict prevention program with UNDP, DPA has recently developed the capacity to deploy “Peace and Development Advisers” (PDAs) to countries of potential conflict where the UN does not have political or peacekeeping missions (e.g. Guyana, Ecuador). Their jobs are “to provide political advice to [UN] Country Teams working in politically sensitive contexts and develop and guide specific initiatives aimed at defusing tensions and promoting dialogue” (UNDPA 2009: 17).

Another recent and relevant initiative is the creation of a DPA Mediation Support Unit to provide technical advices and best practices for UN and other regional organizations’ mediators, which is supported by a small Standby Team of conflict resolution experts in ceasefires, power-sharing, or constitutional arrangements who can be deployed on short notice. This Norwegian-funded squad, likened to a UN “SWAT team for conflict mediation” (UNDPA 2008: 6) has already offered expert advice on peace talks in Kenya, Somalia, Darfur, Nepal, and Iraq.

When cease-fires or temporary agreements are in place but the conflict has not been resolved, the UN’s time-tested tool is peacekeeping. Lightly-armed UN soldiers (e.g., in Sudan, Darfur, Cyprus, Lebanon, or Congo) are supervised by DPKO and supported by DFS (which also provides administrative support to DPA-managed political missions). In some cases, such as Cyprus or Lebanon, DPA supports the political envoys

and missions working towards conflict resolution while DPKO oversees the peacekeeping operations that manage conflicts. In others, such as Sudan or Timor-Leste, DPA-run political missions give way to DPKO-managed peacekeeping ones. In yet other instances, such as Sierra Leone, peacekeeping operations end and special political missions begin for peace-building. For Afghanistan, an extraordinary arrangement has been set up so that this “political mission” is run by DPKO.

When humanitarian needs are a predominant factor behind UN decisions (virtually all since the end of the Cold War), OCHA also is a partner in extended UN system efforts to manage and resolve the conflict (Hoffman and Weiss, 2006). Finally, a new office established in 2005, PBSO supports the Peacebuilding Commission – an advisory body of both the Security Council and General Assembly – in the longer-term recovery and reconstruction of post conflict societies.

## **UN CONFLICT RESOLUTION IN PRACTICE**

While in many ways the division of the UN’s history into the periods before and after the fall of the Berlin Wall is simplistic, it captures a fundamental reality for the discussion of international conflict management and resolution (Weiss, Forsythe, Coate, and Pease 2010: Chap. 1-4). The end of the East-West divide made more ambitious UN efforts a reality, which becomes clear in the following discussion.

UN work reflects the interplay among structural realist, liberal institutionalist, and constructivist expectations about the role, power, and ability of an international organization. The United Nations should be viewed not as unitary but as three linked components that interact: the “First UN” as the arena for member state decision-making,

especially the Security Council and General Assembly; the “Second UN” of secretariat heads and staff members (Claude 1956, 1996); and the “Third UN” of those nongovernmental organizations (NGOs), experts, commissions, and academics who are independent from the UN proper but deeply involved in its activities (Weiss, Carayannis, and Jolly 2009). This broader embrace is not only an accurate reflection of reality but also crucial to understanding distinctive UN contributions to conflict resolution theory and practice such as peacekeeping, preventive diplomacy, and the responsibility to protect.

### **The Cold War Period**

In this section, we highlight UN attempts to resolve key conflicts in the postwar period – focusing on notable achievements and ideational innovations as well as operational failures and missed opportunities.

#### *The Security Council and the Reality of Collective Security*

First, the liberal institutionalist instinct for cooperation that created the United Nations extended into a concrete attempt to help resolve the conflict between Arab countries and Israel following the latter’s 1948 declaration of independence. Invoking Chapter VII, the Security Council ordered a cease-fire and eventually created an observer mission under Chapter VI – The United Nations Truce Supervision Organization (UNTSO). The mission was unarmed but its utility to the belligerents in deterring truce violations is suggested by the fact that six and a half decades later, UNTSO is still operating. Successfully freezing aspects of the war is one thing, but a genuine peace between Israel

and its Arab neighbors, and a resolution of the underlying reasons for the original outbreak of the armed conflict, is quite another.

During the “hottest” phase of the Cold War, regarding conflicts in key divided nations – from Germany to China and Vietnam – the Security Council was unable to act because a P-5 member actually vetoed or would have vetoed proposed actions. The only time that collective security arguably was employed took place in divided Korea in 1950. But even here, it was only because the Union of Soviet Socialist Republics (USSR) was temporarily boycotting the Security Council to protest Taiwan’s occupying the “China” seat. This international pouting allowed the United States and its allies to pass a resolution under Chapter VII authorizing military actions – the first and only time during the period – to “defend” the pro-Western South Korea from Soviet and Chinese allied North Korea.

#### *The General Assembly and the Uniting for Peace Resolution*

While the Charter accorded primary conflict resolution responsibility to the Security Council, its paralysis because of superpower political confrontation allowed the General Assembly to assume a role. In fact, the first occurrence followed the return of the USSR to the council when its veto forced the United States to take the Korean crisis to the assembly. At the time, the numbers in the General Assembly favored Washington’s position—most of Latin America stood behind the United States, and most of Africa and Asia remained under colonial domination. Hence, the assembly passed resolution 377, the “Uniting for Peace Resolution,” to endorse the continuation of US-led military actions in support of South Korea. While a truce went into effect in 1953, Korea today is still

divided, and the conflict between its northern and southern parts remains unresolved with the additional complication of nuclear weapons.

Deadlocks in the Security Council, this time by British and French vetoes, also made way for the assembly to take action when Britain, France, and Israel invaded Soviet-backed Egypt for nationalizing the Suez Canal in 1956. Fearing a possible East-West confrontation if the Soviets were to intervene (Lowe, Roberts, Welsh, and Zaum 2008: 291), Washington invoked the Uniting for Peace Resolution to call for a cease-fire and a withdrawal of forces. The General Assembly then created the United Nations Emergency Force (UNEF I) to supervise troop disengagement and serve as a buffer between Israel and Egypt.

While Uniting for Peace remains on the books, pressure from the General Assembly increasingly has taken the form of uniformly supportive views from what came to be known as the “Third World” (and more recently, the “Global South”) composed of the newly independent states of Africa, Asia, the Middle East and Latin America whose interest was institutionalized in the Non-Aligned Movement. These voices were important in compelling the Security Council to take actions in what were hitherto considered “domestic affairs” in two divided societies dominated by racist policies – white-majority rule in Rhodesia and South Africa.

The Security Council passed a resolution under Chapter VII declaring the domestic situation in Rhodesia “a threat to the peace” after it declared unilateral independence and, for the first time, ordered limited mandatory economic sanctions in 1965 that were to become “comprehensive” by 1968 (see Stedman 1991). And after voluntary sanctions were imposed on South Africa from 1963, the council made them

mandatory in 1977. While the precise effects of UN sanctions in ending apartheid are debatable, they revealed the costs of isolation (Klotz and Crawford 1999). These precedents foreshadowed subsequent council decisions that were far more intrusive; and overall, UN actions helped move toward a resolution of the underlying conflicts, which took place with changes in domestic politics and the elections of 1981 and 1994 creating black-majority rule.

### *The Secretary-General and the Invention of Peacekeeping*

While the first Secretary-General, Trygve Lie, failed to play a meaningful role in the Korean conflict once he enraged the USSR by siding with the West, it was a “successful failure” that taught subsequent Secretariat heads to maneuver better on the margins of power politics. And it illustrated the importance of constructivist ideas and agency in subsequent efforts at conflict management even if collective security was impossible during much of the Cold War.

In this regard, the invention of peacekeeping was not simply a “fallback position,” as Realists maintain (Mearsheimer 1994/1995: 34) but also “one of the great innovations of the international conflict resolution system” (Bercovitch and Jackson 2009: 69). As the independent UN Intellectual History Project has documented, peacekeeping ranks among the most significant accomplishments of the world body (see Jolly, Emmerij, and Weiss 2009: Chap. 10; Ramcharan 2008: Chap. 7). The answer to Page Fortna’s extensively researched book, *Does Peacekeeping Work?* (2008), is “yes.”

The intellectual forces behind UN peacekeeping and its principles were then Canadian foreign (and later prime) minister Lester Pearson and Secretary-General Dag

Hammar skjöld – both of whom would win separate Nobel Peace Prizes. The idea was actually foreshadowed by Trygve Lie; while the distinguished diplomat and political scientist Ralph Bunche, another Nobel Peace laureate, was instrumental in setting up UNTSO – a model for subsequent UN peacekeeping. But it was Pearson during the 1956 Suez crisis who proposed in the General Assembly that the world organization, by and under the Secretary-General, deploy an “international police force that would step in until a political settlement could be reached” (Harrelson 1989: 89). Because peacekeeping was to go further than Chapter VI but did not involve Chapter VII enforcement, Hammar skjöld poetically referred to its authorization as being somewhere in “Chapter VI and a half” (Urquhart 1972, 1987).

As defined by former under-secretary-general Marrack Goulding, peacekeeping is “United Nations field operations in which international personnel, civilian and/or military, are deployed with the consent of the parties and under United Nations command to help control and resolve actual or potential international conflicts or internal conflicts which have a clear international dimension” (1991: 9; Goulding 2003). Traditionally, such UN activities involved observing the peace (monitoring ceasefires) and keeping the peace (acting as an interpositional buffer between belligerents in agreed disengagement zones).

UNEF I is widely recognized as the first peacekeeping mission and an early success. Another is the UN Disengagement Observer Force (UNDOF) in the Golan Heights. Since 1977, no major incident has occurred between Israel and Syria. The key ingredients and principles for successful traditional peacekeeping reflect this effort: consent and cooperation of the parties before and during operations, full support of the

Security Council, willingness of states to contribute troops and resources, clear and precise mandate, and nonuse of force except in self-defense and as a last resort to enforce the mandates (see Urquhart 1990: 198; Liu 1992; Diehl 2005).

However, an operational black eye for UN peacekeeping came when it tried to resolve a hodgepodge of conflicts in a divided Congo in the early 1960s. The divides were manifold: an anti-colonial struggle (versus Belgium), a secessionist conflict (by Katanga), a proxy war and a divided government (between the US-backed national president and the Soviet-supported prime minister). Invoking Article 99 for the first time, Hammarskjöld drew the Security Council's attention to the crisis. It subsequently authorized the Secretariat to create the UN Operation in the Congo (ONUC), which ultimately went beyond traditional peacekeeping and served an enforcement function against Katanga. Some troop contributors resisted UN command and withdrew their soldiers. Others, including France and the USSR, withheld payments; and the Uniting for Peace Resolution was used once again to continue the massive operation.

Hammarskjöld's role was so significant during this period—and so negative for the Soviet-backed party to the conflict—that Moscow called for the Secretary-General's replacement with a troika of representatives from Western, socialist, and newly independent countries. The Security Council rejected the proposal, and Hammarskjöld continued to mediate until his untimely death in a 1961 crash in the eastern Congo. Three years later, ONUC left a still unified country. But this “accomplishment” came with perceptions of UN partiality and near political and financial bankruptcy. Some would dispute whether the underlying conflict was ever adequately addressed, for which the

return of another huge UN Mission in the Congo (MONUC) in 1999 serves as proof and continues in 2010.

Another operational quandary was the UN Interim Force in Lebanon (UNIFIL) – authorized by the Security Council as a face-saving mechanism to allow Israel to withdraw troops in 1978 following its invasion in southern Lebanon. UNIFIL’s early difficulties stemmed from problems like those in the Congo, namely an unclear mandate, uncooperative warring parties, absence of central authority, and great power disagreement (see Skogmo 1989; Erskine 1989). Despite these setbacks, UNIFIL’s presence contributed to preventing more widespread fighting. Again, a lid was kept on the conflict’s cauldron, and the mission has become part of the local infrastructure and politics. Like other operations—including UNTSO, UNDOF, and the UN Peacekeeping Force in Cyprus (UNFICYP), created in 1964 to separate warring Greek and Turkish Cypriots—UNIFIL continues to operate today because genuine conflict resolution has not occurred.

This is hardly surprising. Traditional peacekeeping was not supposed to resolve conflicts but to buy time for negotiations and motivate the parties. However, the award of the 1988 Nobel Peace Prize recognizes that UN peacekeeping has “under extremely difficult conditions, contributed to reducing tensions where an armistice has been negotiated but a peace treaty has yet to be established” (Nobel Committee 1988).

### **The Post-Cold War and Contemporary Periods: Change and Continuity**

Constructivist ideas would prove not only useful in understanding the end of the Cold War (Wendt 1999: 421-422). After initiating “new thinking” in the Soviet Union’s

governance, its general-secretary Mikhail Gorbachev extended the idea to the management and resolution of international conflicts by reinvigorating multilateralism and peacekeeping in the late 1980s (Berridge 1991; Weiss and Kessler 1991). The idea was persuasive even to Ronald Reagan, during whose tenure UN-bashing became a favorite American pastime and no new peacekeeping missions were launched. As a liberal institutionalist would expect, insignificant problems with “relative gains” meant that cooperation became possible when tensions between great powers were not fierce (Keohane 1998: 88). And so, what was the impact on UN conflict resolution?

The UN Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) was created in 1988 as a face-saving measure for the Soviets to withdraw from the “bleeding wound” of Afghanistan. UNGOMAP reported the Soviet withdrawal after the fact; but its small size and lack of resources and mandate meant that the agreements on peace, disarmament, and elections were a dead letter. The ensuing power vacuum was filled later by the Taliban. Nonetheless, this was one of the flash points in US-USSR relations in which the UN played a useful role as in three other flashpoints of Central America, Kampuchea (later Cambodia), and Namibia. After UN-sanctioned US-led forces overthrew the Taliban in 2001, the UN returned with an integrated political mission to help in the reconstruction as well as humanitarian relief and electoral assistance.

UN efforts in the late 1980s paved the way for a vast expansion of its operations with the definitive end of the Cold War (Weiss et al 2010: Chap. 3-4). A crucial factor was the importance of humanitarian justifications to motivate outside intervention in what had previously been largely off-limits, beginning in northern Iraq in 1991 and continuing in Somalia, Haiti, and elsewhere (Hoffman and Weiss, 2005). In general,

much of the UN's post-Cold War work in conflict resolution lies beyond traditional "Chapter VI.5" peacekeeping but falls short of Chapter VII enforcement. If anything, the legal basis for many of the new kinds of operations might be either very close to war-fighting or beyond both Chapters VI and VII and very close to nation-building. Either way, they involve crafting solutions to "identity" conflicts inside sovereign states rather than the traditional Cold War interstate disputes.

The first new group of UN security operations in the post-Cold War era – so-called "second generation" peacekeeping – involved extraordinary intrusions into a state's domestic jurisdiction with its grudging consent. Starting in Namibia, El Salvador, Mozambique, and expanding much more in scope in Cambodia and eventually East Timor and Kosovo, these operations aimed to help previously divided societies move towards consolidation and legitimate governance after civil wars. The tasks included what Secretary-General Boutros Boutros-Ghali at the time described as "disarming the previously warring parties and restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation" (Boutros-Ghali 1992: Para 21).

In Kosovo, for example, after the "illegal but legitimate" (Independent Commission on Kosovo 2000) North Atlantic Treaty Organization's (NATO) bombardment that began when UN mediation had failed to end Serbian atrocities, the Security Council authorized a massive international civil and security presence (UNMIK). For the first time, several international organizations were integrated under

unified UN leadership: the UN (for administration), NATO (for security), UN High Commissioner for Refugees (for humanitarian efforts), the Organization for Security and Cooperation in Europe (for democratic institution-building), and the European Union (for reconstruction and some administrative functions since Kosovo's 2008 independence declaration). And while the jury is still out on this and other UN "trusteeships" including Cambodia and East Timor (see Yannis 2004; Caplan 2005; Chesterman 2005), the likely alternative of no UN involvement would have resulted in considerably more violence and possibly genocides. Judging by the relative absence of recurrent large-scale conflicts, the UN's record in these kinds of operations is thus "commendable" and "ranging from mixed to transformative" (Doyle and Sambanis 2007: 327; Paris 2004, 2007: 412-416). Indeed the *Human Security Report* (2005) credits UN involvement with having reduced total deaths from wars and total number of wars in the post-Cold War period. The 2006 establishment of the Peacebuilding Commission led to efforts in Sierra Leone, Burundi, Central African Republic, and Guinea-Bissau; and lessons for future conflict resolution should result.

While the end of the Cold War has allowed the UN to play a more prominent and relatively successful role in post-civil war situations (Fortna 2008), it has also brought new challenges to conflict resolution in divided societies still embroiled in intrastate violence. Superpower behavior and misbehavior during the Cold War dictated UN action and inaction, but their rivalry also led to financial and military resources that propped up fragile states and regimes. The drying up of such resources (Reno 1997: 496), in addition to the impact of globalization and technology, led weak states and non-state actors, including criminal gangs, militias, and terrorist networks, to invent new and more violent

ways to survive in what has been labeled “new wars” (Kaldor 1999).

The economies sustaining many ongoing civil wars reflect plunder, smuggling, drug trafficking, and the sale of other illicit commodities. Those who benefit have an interest in continued violence rather than peace and can become “spoilers” (Stedman, Rothchild, and Cousens 2003). Belligerents fight for control over territory and access to resources in the midst of civilian populations who are often the targets of violence. Ethnic cleansing, forced displacement, mass rape, scorched earth campaigns, purposeful starvation and attacks on humanitarian aid workers are a standard bill-of-fare. These tactics are not “new,” but their coming together and intensity are more apparent than in the past (Hoffman and Weiss, 2005).

Most UN involvement in these situations – as illustrated by the mid-late 1990s “third generation” peacekeeping quandaries in Somalia, Rwanda, or the Balkans – have been viewed as disastrous or at least disappointing. These “war-fighting” operations, or “peace enforcement” in UN parlance, are without consent and have three aims: to impose order in a conflict without a comprehensive peace accord; to enforce no-fly zones or humanitarian corridors in an on-going war; and to forcefully impose the terms of a peace agreement in which one or more of the parties defect (Doyle and Sambanis 2007: 332). After an initial bullishness (Boutros-Ghali 1992) following a string of initial successes in the late 1980s and early 1990s that “created a kind of inebriation in New York and a feeling that the UN could not put a foot wrong” (Goulding 1999: 162), Boutros-Ghali’s *Supplement to An Agenda for Peace* (1995) and the subsequent comprehensive review panel on peace operations chaired by Lakhdar Brahimi (2000) suggested that the UN avoid such operations.

In ethnically-divided Rwanda on the eve of the 1994 genocide, for example, the UN actually pulled back its miniscule traditional peacekeeping mission (UNAMIR)—replicating earlier mistakes in Somalia and Bosnia when disaster struck. The UN was successful in helping the parties achieve a peace agreement in 1993-1994 but could do little when it was not fully implemented—that action awaited U.S. arm-twisting in 1995 in Dayton. When genocide occurred, the Security Council – still smarting from the perceived failure in Somalia in 1993 – debated intervention instead of acting. Ironically, Rwanda was a non-permanent member in 1994, but no one asked for any explanation or responsibility for the genocide. After 800,000 deaths, 2 million displaced, and 2 million refugees, the council then authorized two military operations. While these helped stabilize parts of the country and provide humanitarian relief, they had the effect of protecting many of the mass murderers. Kofi Annan, who then headed the DPKO that “buried” the warnings from UNAMIR about mass killing plans, would later acknowledge the world organization’s systemic failure to prevent the genocide (Annan 1999b; see also Dallaire 2004; Barnett 2002). The UN presently has no mission in Rwanda, but has been active in the surrounding divided countries with MONUC and a DPKO-administered political mission in Burundi (BINUB).

In short, the post-Cold War period has witnessed a dramatic increase, for good or ill, in the UN’s profile in managing and resolving conflicts around the world. While the General Assembly has been sidelined, the Security Council reassumed its primary responsibility in peace and security; and the Secretariat under two active Secretaries-General – Boutros Boutros-Ghali (1992-1996) and Kofi Annan (1997-2006) – innovated. Boutros-Ghali’s 1992 *An Agenda for Peace* put forward four categories of UN conflict

resolution activities – peacemaking, peacekeeping, peace enforcement, and post-conflict reconstruction or peacebuilding – which “still defines the conceptual framework through which... the UN thinks about its work in the political field” (Myint-U and Scott 2007: 94). Boutros-Ghali was also responsible for two UN firsts: an enforcement mission under its command (Somalia) and a preventive deployment mission (Macedonia).

Kofi Annan played a leading role in calling for military intervention for human protection purposes and in overseeing the UN’s vast expansion in operations and its quasi-state role in post-conflict societies. He and the world organization won the 2002 Nobel Peace Prize for these efforts. Current Secretary-General Ban Ki-moon draws considerable criticism for being low-keyed and bereft of big ideas. However, in his administration UN operations have broken new records for expenditures and troops as well as fielded the largest-ever operation in Darfur, pushed Myanmar to allow post-cyclone humanitarian relief, continued to emphasize zero-tolerance for sexual abuse by UN peacekeepers (a policy initiated by his predecessor), mediated between Russia and the West on Kosovo (Wedgwood 2009; Crossette 2009), and strengthened the Secretariat for conflict prevention and preventative diplomacy (UNDPA 2007/2008).

## **STRUCTURAL STRENGTHS AND WEAKNESSES**

The United Nations is neither the oldest international organization — many began in the 19<sup>th</sup> century (Murphy 1994) — nor the one with the most financial resources. But in the field of international conflict management and resolution, some of its operational strengths and weaknesses already have been singled out. Here we stress structural ones.

## **Unique Legitimacy and Moral Authority**

One of the main strengths of UN conflict resolution is its unparalleled “dispute resolution machinery and processes, a venue for communication and coordination, opportunities for quiet diplomacy, and a normative framework” (Bercovitch and Jackson 2009: 69). Most importantly, its universal membership provides unrivaled legitimacy. As former under-secretary-general Shashi Tharoor points out, “the UN embodies world opinion, or at least the opinion of the world's legally constituted states. When the UN Security Council passes a resolution, it is seen as speaking for... humanity as a whole, and in so doing it confers a legitimacy that is respected by the world's governments, and usually by their publics” (2003: 68-69). To address the most intractable of conflicts, the UN’s seal of approval through a Security Council decision is extremely useful for the mobilization of financial resources, political will, and moral support—both for a UN operation itself as well as for regional organizations and coalitions of the willing deployed under sub-contracts.

Even though the structural composition of the council is a perennial concern, it is “no more relevant” to the legitimacy of UN actions than any structurally flawed “national parliament that passes a law” (Tharoor 2003: 69). And lest we forget, while the P-5 can block action, no resolution can pass without the concurrence of at least four non-permanent members (to make up nine affirmative votes if all P-5 agree). This reality constitutes a “sixth veto” that lends more legitimacy and representativeness to the Security Council than is commonly realized. Other major powers might well deserve P-5 privileges, but the real problem has not been the size, composition, or veto. It is disagreement among those with privileges. Reforming the Council would not

automatically translate into more agreements to resolve conflicts—indeed, it might result in fewer.

Universal legitimacy is vital when it comes to international mediation and peacemaking, especially under the auspices of the Secretary-General. He (not yet she) is generally seen as embodying impartiality, neutrality, and moral authority – much more than other mediators, especially from major powers whose carrots and sticks are far more substantial but whose disinterestedness and legitimacy are doubtful. Working with the Secretary-General, his representatives, or through other UN channels could make recalcitrant parties stop fighting and negotiate – allowing them to be seen as cooperating with world opinion rather than appearing weak or losing face.

Legitimacy, moral authority, and experience in nation-building constitute UN comparative advantages that the United States and the United Kingdom, for instance, are discovering (Dobbins et al 2005). After going to war in Iraq in 2003 without Security Council approval, it was necessary to return to the UN and ask for help in the post-war rebuilding and conflict resolution. In 2004, the UN dispatched Lakhdar Brahimi, who as the Secretary General’s Special Representative, conducted negotiations that led to “a deep revision” in the American plan for post-war governance (Gordenker 2005: 39 & 52). Under extremely difficult conditions, the UN’s political mission in Iraq (UNAMI) has since contributed to: organizing “elections and the drafting of a new constitution in 2005; monitoring and reporting on human rights; aiding refugees and the internally displaced; ...assisting with economic development and reconstruction,” and recently, brokering “political dialogue and reconciliation among Iraqi political groups and communities” (UNDP 2009: 7).

Thus, even an unreformed Security Council is recognized as the body to impart collective legitimization – whether for mediation, enforcement, or post-conflict reconstruction. While such regional organizations as NATO, *ad hoc* coalitions of the willing, or fantasies about “a league of democracies” may attract more resources and firepower for a particular conflict, they simply do not possess the same legitimacy as the UN. The UN’s legitimacy suggests a division of labor– whether it is a UN leadership role (e.g., Kosovo), a joint peacekeeping role with a regional organization (e.g., Darfur), a supporting political role (e.g., Iraq and Afghanistan), or even a mere approval before (e.g., Somalia) or after the fact (e.g., Liberia) role.

While the independence of the Secretary-General or his representatives is obvious, it can make efforts at mediation problematic when a belligerent has more to lose than gain from mediation. Moreover, when a conflict fails to be resolved or even escalates in the midst of outside assistance, the UN is a readily available “scapegoat”—which Kofi Annan commented was the meaning of “SG” for too many states. But those with either unreasonable expectations or seeking a convenient source to blame when efforts go poorly should recall that “those who need a whipping boy must be careful not to flog him to death” (Tharoor 2003: 76).

### **International Norms Setter and Promoter**

Another unrivaled structural strength of the UN has been its ability to generate and promote international norms and ideas that shape how the world manages and resolves conflicts. As the UN Intellectual History Project argues in its capstone volume, *UN Ideas That Changed the World* (Jolly, Emmerij, and Weiss 2009: Chap. 10), many agreed

international initiatives and frameworks would not have been as prominent or developed as rapidly without UN sustenance. These include replacing conflict with the rule of law, preventive diplomacy, peacekeeping, and more recently, the responsibility to protect (R2P), human security, and international criminal pursuit. It is worth exploring briefly the impact of the UN's conflict resolution efforts from this constructivist perspective.

First, replacing might by the rule of law has been thoroughly institutionalized since the birth of the UN – efforts that Hugo Grotius started but could only dream about in the seventeenth century. While brute economic and military power still dominate the underlying problems and solutions to most armed conflicts, the legal context in which countries go to war has changed to such an extent that they can no longer attack other states or their own peoples without challenge or attention from the international community of states.

Second, as Bertrand Ramcharan (2008) chronicles, preventive diplomacy is one of the clearest and most innovative UN ideas – originating in the Secretariat through the work of Ralph Bunche in the 1950s and developing further by Hammarskjöld. While it is easier to point to what fails, instances of UN mediators' succeeding in preventive diplomacy are impressive: from U Thant (who helped prevent the Cuban Missile Crisis from escalating) and Javier Pérez de Cuéllar and Alvaro de Soto (who negotiated the end to El Salvador's long civil war) to Martti Ahtisaari (who received the 2008 Nobel Peace Prize for “constructive contributions to the resolution of conflicts” in Northern Ireland, Central Asia, the Horn of Africa, Indonesia, and Kosovo).

Third, while we have already mentioned the intellectual forces behind peacekeeping, the responsibility to protect and broader human security ideas dramatically

illustrate another contribution, namely the shift in the dominant metric away from states toward individuals caught in the cross hairs of violence. Since its emergence as the subject and title of the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), R2P was endorsed by the 2005 World Summit and has since shaped international responses to egregious violations of human rights and mass atrocities (genocide, war crimes, ethnic cleansing, and crimes against humanity). The central normative tenet of R2P is the redefinition of state sovereignty as contingent and not absolute (Thakur 2006: 244-263; Weiss 2007). Each state has a responsibility to protect its citizens from mass killings. If that state is unable or unwilling to exercise that responsibility, or is itself a perpetrator of atrocities, its sovereignty is abrogated while the responsibility to protect devolves to the international community of states, ideally acting through the Security Council. Hence, R2P's relevance to conflict resolution is that it sees sovereignty to include a state's responsibility to protect its populations as the foundation for enduring peace and reconciliation. While normative advance does not necessarily translate into robust action, the fact that a policy option exists at all for the use of force with UN sanction for human, and not state, protection breaks significant new ground for international relations.

As for the idea of human security, which grew from UNDP's concept of "human development," the UN initially had followed a narrower approach in concentrating on armed attacks against civilians, forced displacement, denial of humanitarian assistance, targeting of humanitarian and peacekeeping personnel, and the humanitarian impact of sanctions (Annan 1999a). Later, it became clear that conflict resolution not only requires reacting to immediate threats to individuals but the structural prevention of armed

conflicts by addressing their socio-economic root causes. To Kofi Annan (2001), the UN thus must move from “a culture of reaction” to “prevention” (see also Hampson and Malone 2001). The debate between those who advocate a narrower concept of human security as “organized threats” to individuals (MacFarlane and Khong 2006) and those who see the linkages to broader development issues (High-level Panel 2004) should not conceal the significant advance in conceptualization about conflict resolution within UN circles.

Related to the ideas of protecting peoples and conflict prevention is the creation of international criminal tribunals (e.g., for the former Yugoslavia and Rwanda) and mixed local and international ones (e.g., for Cambodia and Sierra Leone) designed to pursue and bring to justice perpetrators of severe conflict-related crimes (Goldstone and Smith 2008). These courts along with the establishment of the International Criminal Court are steps toward universal jurisdiction, a quest that began in the late 1940s as a result of the Nuremberg and Tokyo tribunals. Some suggest, however, that these tribunals may actually inhibit peacebuilding and national reconciliation, and that they may well prolong armed conflicts because they create disincentives for parties to reach agreements if they fear being brought to trial – the refusal of Sudan to cooperate with the ICC to prosecute those responsible for genocide in Darfur (in violation of a 2005 Security Council resolution) is an illustration. While it is premature to evaluate definitively the results of these international efforts at judicial pursuit, the hope is that they ultimately may deter violence by making belligerents and governments think twice before fighting in the first place or at least make them respect more often the laws of war (Wallerstein 2002: 11; Mani 2007: 312).

## **Competing International Norms and Laws**

Ironically, universality also leads to inclusiveness and the presence of competing values and norms – e.g. sovereignty versus human rights, peaceful versus coercive mechanisms. There is no view that is not on the agenda. Worse, without a structure to facilitate the pursuit of common goals, there are always different interests, inconsistent values, and double standards. Although elevating the value of protecting peoples has entered international policy debate, the most formidable collective bastion of state sovereignty and national interests remains the United Nations. Unbridled sovereignty constitutes the single most important structural flaw in moving toward a future in which global problems, including conflict resolution, require global solutions (Weiss 2009: Chap. 1).

The UN is thus at a severe disadvantage in most contemporary conflicts that involve intrastate tensions – ethnic, religious, tribal, communal, socioeconomic, etc – where sovereignty issues are pronounced. These conflicts are extremely challenging to manage let alone resolve in the face of weak and failing states as well as non-state parties that are “amply supplied with arms, obsessively secretive, inexperienced in negotiation, lacking transparent lines of authority, undisciplined, unfamiliar with the norms of international behaviour” (Goulding 1999: 161). Almost all resist outside intervention.

As in the cases of the Balkans in the 1990s or the Sudan today, the inability of the Security Council to act effectively not only reflects the inability of the major powers to formulate consistent policies but also the ability of the conflicting parties to play them off against each other (e.g. Russia vs. the West in the former, China vs. the West in the latter). This is hardly surprising as the council is neither impartial nor above the vagaries

of changing world politics. While the independence of the Second and Third UNs is important as argued above – whether coming up with new mechanisms or new ideas – Realists are correct that it pales in comparison with the politics of major states in the First UN. This reality too is double-edged: the willingness of dominant powers to use the UN does not translate into conflict resolution if disputants refuse; at the same time, the UN's role in conflict-management is compromised if there are perceptions of partiality or undue influence. As Peter Wallerstein notes, the UN in this case risks “becoming just another actor in the conflict, applauded by some, abused by others” (2002: 250).

### **The Nature and Structure of the UN**

The major structural weakness in corralling the world organization's strengths is the lack of overarching central authority. The sum of 192 member states means that decisions too often reflect the lowest common denominator of national parts rather than any larger common interest. In spite of Article 99, the UN has no military of its own, not even a modest “rapid reaction force”; it has no independent funds (the organization often begs, borrows, and steals whatever personnel it requires, including soldiers); and it cannot refuse to act even when there is a vast discrepancy between the nature of an assigned task and the resources made available.

Last but not least, a continuing problem with the current UN's conflict resolution structure is ineffective coordination and competition among its various moving parts – something the neat UN organigram does not convey. Writing from his own experience in UN conflict resolution, Goulding remarked that in the UN system “there are well-known jealousies and competition between its programmes, funds and agencies, each of which

has its own inter-governmental policy-making body, its own mandate, its own sources of funding and its own chain of command” (1999: 166). Jean-Marc Coicaud goes further and points to “the tensions between the diplomatic culture shaping UN headquarters and the demands of the field, the gap between the administrative capacities of the United Nations in New York and the needs on the ground, and the endemic communication difficulties with the United Nations itself” (2007: 35). The turf battles among DPA, DPKO, OCHA, and their respective field missions—as well as tensions with other members of the dysfunctional and decentralized UN family along with international NGOs—are well documented (Weiss 2009: Chap. 3). The silver lining is that at least some UN organizations will be present in most war zones.

## **CONCLUSION**

The strengths and weaknesses of UN conflict resolution have emerged from the treatment of concrete examples during the Cold War and since. Like Mark Twain who read his own obituary, periodic reports of the UN’s demise are exaggerated. There certainly is room for improvement in both the First UN and the Second UN, but narrowly bounded state sovereignty undoubtedly will remain for the foreseeable future the largest constraint on international efforts to manage and resolve armed conflicts. The UN’s distinctive contributions since 1945—ideational as well as operational—bring to mind the timeless wisdom attributed to Dag Hammarskjöld, its great second Secretary-General: “the United Nations was not created to take humanity to heaven, but to save it from hell.” In short, the UN remains, as Barrack Obama (2008) reminded us, “an indispensable—and

imperfect—forum,” a precious and useful if highly flawed instrument for international conflict resolution in divided societies.

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