

UNITED NATIONS SECURITY COUNCIL

AGENDA

THE ROLE OF REGIONAL AND SUB-REGIONAL ORGANIZATIONS IN MAINTAINING INTERNATIONAL PEACE AND SECURITY

CHAIR
RUTWIK JOSHI

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Mandate

The UN Charter established six main organs of the United Nations, including the Security Council. It gives primary responsibility for maintaining international peace and security to the Security Council, which may meet whenever peace is threatened. All members of the United Nations agree to accept and carry out the decisions of the Security Council.

While other organs of the United Nations make recommendations to member states, only the Security Council has the power to make decisions that member states are then obligated to implement under the Charter. When a complaint concerning a threat to peace is brought before it, the Council's first action is usually to recommend that the parties try to reach agreement by peaceful means. The Council may set forth principles for such an agreement, undertake investigation and mediation, in some cases, dispatch a mission, appoint special envoys, or request the Secretary-General to use his good offices to achieve a pacific settlement of the dispute. The Security Council may also issue ceasefire directives that can help prevent an escalation of the conflict, dispatch military observers or a peacekeeping force to help reduce tensions, or separate opposing forces and establish a calm field in which peaceful settlements may be sought.

Beyond this, the Council may opt for enforcement measures, including: economic sanctions, arms embargoes, financial penalties and restrictions, and travel bans; severance of diplomatic relations; blockade. As a final measure, the UN SC might even start collective military action.

Dear Delegates,

We are honored to invite you to the simulation of the United Nations Security Council at the **CENMUN 2017**. I am looking forward to two days of healthy discussion, dynamic deliberation and important decisions.

The agenda for the committee stands as the **“The Role of Regional and Sub-Regional Organization in maintaining International Peace and Security”**

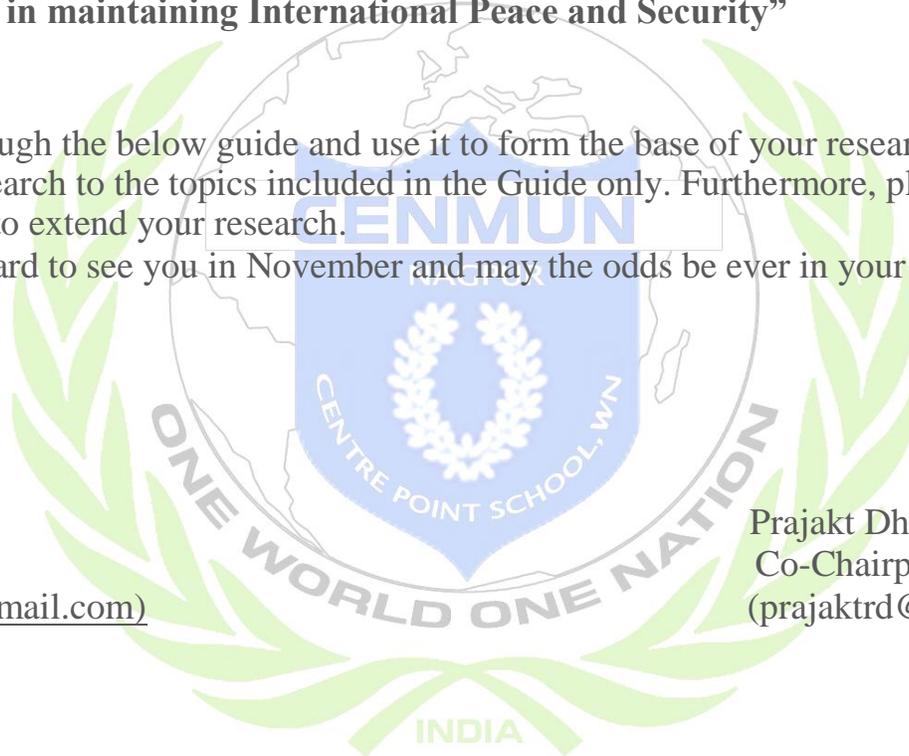
Please go through the below guide and use it to form the base of your research. Do not limit your research to the topics included in the Guide only. Furthermore, please use the questions to extend your research.

Looking forward to see you in November and may the odds be ever in your favour.

Best,

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INTRODUCTION

Although the formation of the UN was intended to deal with inter-state warfare, it is being required more and more often to respond to intra-state instability and conflict. In those conflicts the main aim, increasingly, is the destruction not just of armed forces, but of civilians and even entire ethnic groups. Conflict in world poses a major challenge to UN efforts designed to ensure global peace, prosperity and human rights for all. In 1996 alone, 14 of the 53 countries of Africa were afflicted with armed conflicts, accounting for more than half of all war-related deaths worldwide and resulting in 8 million refugees and displaced persons. The consequences of those conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity and peace for its people. In a broader context the end of the Cold War has not resulted in worldwide peace and stability. The shift from a bipolar to a multipolar and multifaceted world has in fact reduced the risk of conventional inter-state wars, but has been the cause of several intra-state armed conflicts with an even higher risk of regional instability. Such conflicts and the resurgence of a global activism have produced a dramatic growth in peacekeeping requirements since the end of the previous decade. The international response, mainly through the UN, has been to promote preventive diplomacy and, in a number of cases, to conduct peace-support operations. In this regard, UN operations swiftly moved from traditional military peacekeeping tasks to multidimensional operations in "failed" and disintegrating states. Research in the field of peacekeeping has focused on a wide range of issues and has attracted a large academic following. Much of this research has concentrated on what is theoretically desirable, whereas the political and practical implications have often been neglected. This has promoted high expectations of the

peacekeeping role of the UN that cannot necessarily be met. In the following analysis, an



overview is given of the authority and competence to establish peace-support operations, as well as an outline of the reasons for involvement in peace-support operations.

THE UNITED NATIONS AND ITS MANDATE FOR GLOBAL SECURITY.

The first of the objectives of the UN listed in its Charter is "to maintain international peace and security, and to this end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". Concrete measures to achieve this purpose that are to be taken by the UN Security Council are set out in Chapters VI and VII of the UN Charter. Chapter VI provides that international disputes "likely to endanger the maintenance of international peace and security" can be brought to the attention of the Security Council or the General Assembly. If the Security Council determines that a threat to the peace, breach of the peace or act of aggression exists, the Council may use the broad powers given to it in Chapter VII of the Charter. Should the Security Council regard it necessary, it may take, under Article 42, "action by air, sea and land forces as may be necessary to maintain or restore international peace and security". Article 43, however, requires unanimity within the Council before action is taken. Provision is also made in the Charter for the UN and regional and sub- regional organisations to form and maintain partnerships and act decisively and expeditiously in devising approaches to crisis prevention, management

and resolution. Chapter VIII of the UN Charter covers this in article 53 which states that



"[t]he Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority" The UN does not have an army to perform peace-support actions. For each peace-support mission, member states voluntarily provide troops and equipment for which they are compensated from a special peacekeeping budget. Police officers, election observers, human rights monitors and other civilians sometimes work alongside military personnel in peace-support operations. Because the UN is the source of authority for types of peace-support operations, its set of terms and definitions is of importance.

An Agenda for Peace has sought to identify a new approach to UN peacekeeping. It suggested that it was no longer appropriate to consider peacekeeping in isolation, and presented the concepts of preventive diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding as a range of options to be considered in the context of peace-support activities. None of these concepts were really new, but were presented as a range of options to be considered in the context of peace-support activities. In the report, the terms "preventive diplomacy", "peacemaking", "peacekeeping" and "post conflict peacebuilding" were defined as follows:

- Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.
- Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the UN.
- Peacekeeping is the development of a UN presence in the field, hitherto with the consent of all parties concerned, normally involving UN military and/or police personnel and frequently civilians as well. Peacekeeping is also a technique that expands the

possibilities for both the prevention of conflict and the making of peace.



- Post-conflict peacebuilding is action to identify and support structures that will tend to strengthen and solidify peace in order to avoid a relapse into conflict.

It is noteworthy that "peacemaking" refers to the use of diplomatic means to persuade parties in conflict to cease hostilities and to negotiate a peaceful settlement of their dispute. As with "preventive diplomacy", or "preventive action", as it is currently referred to by the Secretary-General of the UN, the UN can play a role only if the parties to the dispute agree that it should do so. Peacemaking thus excludes the use of force against one of the parties to enforce an end to hostilities, an activity that in UN parlance is referred to as "peace enforcement".

The notion "peace-support operations" is now widely used in doctrine, for example, in documents of the North Atlantic Treaty Organisation (NATO), to cover all "peacekeeping", "peace enforcement" and related operations.

There may be more than one reason for countries to become motivated to participate in (multinational peace-support operations. One reason may be that peacekeeping is viewed by some governments as a means of keeping the armed forces gainfully occupied. Other reasons may relate to international influence and obligations as peacekeeping is sometimes literally viewed as the epitome of international morality. Until recently, some of the more traditional peacekeeping participants, such as Canada and the Scandinavian countries, equated participation in peacekeeping with "good international citizenship". However, indications are that altruistic considerations are on the wane and stand to be replaced by considerations of national prestige and own interest - particularly since many newcomers were added to the number of peacekeeping nations since the late 1980s. Speaking on behalf of the United Kingdom (UK), former Secretary of State for Defence, Mr. Malcolm Ritkind, outlined the (then) British perspective as follows:



"We need to consider the criteria against which the UK should judge whether or not to become involved in a peacekeeping or peacemaking mission. The first criterion must be the national interest... It is difficult to predict where conflicts may lead, and wider strategic and security interests, not always defence related, come into play."

Other factors considered by a country like the UK relate to its position and commitments as a permanent member of the UN Security Council. In the case of the United States (US), US Presidential Decision Directive 25 clearly declares the following:

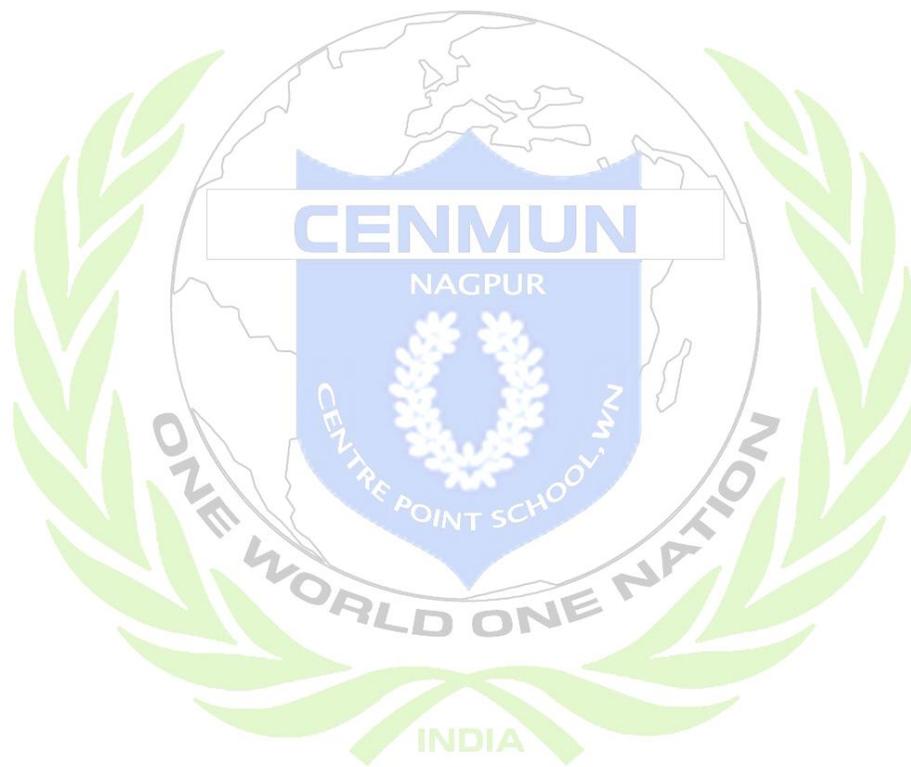
"When deciding whether to support a particular UN peace operation, the United States will insist that fundamental questions be asked before new obligations are undertaken. These include an assessment of the threat to international peace and security, a determination that the peace operation serves US interests ..."

These considerations aside, the political will of national governments to contribute material and human resources to peace-support operations depends in no small terms on the effectiveness of the UN itself as reflected in its ability to conduct peace-support operations successfully.

REGIONAL ORGANIZATION AND SECURITY.

The legal framework of global-regional cooperation is the U.N. Charter's Chapter VIII on Regional Arrangements. Chapter VIII records an international consensus regarding global-regional relationships that was formulated, though not fully worked out, at the Dumbarton Oaks Conference in late 1944 and at the San Francisco Conference concluding in June the following year. The new United Nations Organization was intended to be the paramount world institution." Nonetheless, three "fundamental

concessions," as Francis O. Wilcox has characterized them, were made to the idea of



regionalism and region-based peacemaking in order to give a regional entity "elbowroom to deal with local disputes in the first instance" and make it less necessary for the United Nations itself to become involved." The first concession, stated in Article 33(1) of Chapter VI on the Pacific Settlement of Disputes, was the provision that parties to any dispute endangering international peace and security "shall, first of all, seek a solution by ... resort to regional agencies or arrangements," by direct negotiation, third-party mediation, arbitration, or by some other means of their own choosing. Chapter VIII on Regional Arrangements states that nothing in the Charter is to preclude "the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action. "Chapter VIII further declares that U.N. members "entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council." Such regional efforts to maintain peace thus were, at least in principle, actively promoted by the U.N. Organization, without derogating from the independent right of the Security Council to investigate peace-threatening situations¹⁴ or the right of any country, even a non-U.N. member, to bring a local situation directly to the attention of the Organization, either to the Security Council or to the General Assembly. The most important concession to regionalism was the signatories' recognition via Article 51 at the end of Chapter VII (Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression) of "the inherent right of individual or collective self-defense." This right, which as "inherent" is natural or inalienable and not time- bound, could be exercised regionally, or in any other way. Article 51 usually has been understood to allow for treaties of mutual assistance for the purpose of collective self-defense.



Regional organizations have acquired new relevance during the last two decades, particularly in the policy fields of peace and security. This has not always been the case. At the time of the signing of the United Nations Charter, the victorious powers of the Second World War decided to opt for a *universal* and global focus of the UN system, which had a serious flaw in its inability to respond quickly to crisis, either because of nonchalance towards the distant proximity of crisis zone or the selective engagement practices of the security council, instead of a regional one. In Rwanda, for example, UNAMIR was faced with some of the old problems that have plagued other UN peace-support operations: troops were inadequately equipped and needed such equipment as armoured personnel carriers and even helmets and bulletproof vests. The mission relied on armoured personnel carriers in less than satisfactory condition for moving troops from one part of Rwanda to the other. During the height of the Rwandan crisis, food, medicine and other essentials ran dangerously low. Some of these problems were a result of the protracted process of obtaining financing for the mission, followed by a long procurement process for supplies and equipment. A delay in appointing a Chief Administrative Officer early in the mission's life added to these problems. In addition, troops for UNAMIR were scarce. During the first phase of the mission, the only offer of troops for logistical support came from Bangladesh. The UN had no choice but to accept, even though it was apparent that the Bangladeshi battalion did not have a sufficient resource base to provide the logistical support needed.

With the help of Chapter VIII, the UN Charter merely left a minor opening for regions, especially as regional organizations were at the time almost inexistent. The significance and legal implications of chapter VIII have been thoroughly and extensively analysed by scholars such as Simma, Abass, Goodrich, Padelford, Bebr, Eide, Akindele, and Graham and Felicio. Drawn up over 60 years ago, the UN Charter reflects the tensions of that time between advocates of “universalism” and “regionalism”; drafters sought an institutional



formula that both facilitated, but at the same time delimited, the role of regional organizations in peace and security, especially when military force was involved.

On the one hand, the Charter (Art.24) gives the Security Council *primary* (and therefore not *exclusive*) responsibility for maintaining peace, and the authority to allow the use of force, albeit strictly controlled through the veto power of its permanent members. But on the other hand, articles 52 (peaceful settlement), 53 (enforcement) and 54 (information duty) allow regional “agencies and arrangements” to take initiatives in this sphere, as long as they inform the Security Council or are granted authorization. Article 51, however, by guaranteeing states’ rights to act in self-defence or in “collective self-defence”, opens the door for regional organizations to use force to defend member states without prior UN authorization (JOB). This arrangement was the result of a compromise between Universalists and regionalists, consisting of a more Universalist approach, but at the same time granting the regionalists the self-defence clause.

The Charter’s ambiguity was deliberate, reflecting the tension between states’ individual demands to preserve their sovereignty and the right to protect themselves and their desire to create an institution with sufficient moral and material weight to prevent aggression by any of their number. But the Charter’s drafters did neither anticipate how the regional organizations would come to grow, nor how power sharing would change worldwide, nor the nature of subsequent conflicts and exigencies of peace management operations.

Yet, with the increase of regional organizations during the Cold War, a clarification and modus operandi for UN-Regional Organizations cooperation was more urgently needed. During the Cold War regional arrangements proliferated mostly with the goal of economic integration instead of pursuing peace and security objectives. By the end of the 1980s, a wide range of regional and sub-regional agencies had established themselves without fully clarifying their position vis-à-vis the UN.



Although the UN Charter provided a rough outline for possible inter-organizational cooperation between the UN and regional organizations, the majority of those regional organizations developed completely detached from the rather “dormant” chapter VIII — with different mandates, geographical areas to cover, structures, and resources.

INTER ORGANIZATIONAL COOPERATION(NEW REGIONALISM)

In the 1990s, the nature of conflicts started to change rapidly: increasing in numbers and complexity, involving non-state actors, weak states, and polarized societies. The UN was unable to respond to these new conflicts or to devise new modes of response. At the same time, regional organizations themselves started developing their own instruments to respond to security threats, even if they were not originally mandated to do so. Subsequently, this has been identified as one of the key characteristics of the so-called “new regionalism. The EU, NATO, AU, but also lesser-known organizations such as the Pacific Island Forum (PIF), the Economic Community of West African States (ECOWAS), Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD) have all undertaken security interventions in recent years. Furthermore, they have been developing early warning mechanisms to deal with possible conflicts — in such way that some of them can already be described as more or less effective conflict management regimes. At the same time, the UN has seen a rising demand for, and rise in, its security responsibilities, to which it is no longer able to respond effectively on its own. The UN peacekeeping system faces a paradigmatic crisis of the operational, managerial and political mechanisms, as the burden has increased over ten times during the last ten years (gowan). In 2008 the

number of UN military and police personnel in missions had risen to over 100,000.



Simultaneously, other international organizations, such as NATO the AU and EU, become heavily involved in peacekeeping. Excluding Iraq, there were approximately 75,000 non-UN “peacekeepers” worldwide in 2008. As the UN reaffirmed its commitment and “responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”.

As the UN realized that it was no longer capable of responding to the rising number of different peace challenges and that it was, at the same time, confronted with the danger of loss of prominence, pertinence and relevance, it started reforming its peacekeeping doctrine — and with it — its relationship with regional organizations. In order to “share the burden” in a coordinated manner, the UN started developing a process of multilateral dialogue in the attempt to move from an ad hoc relationship to an organized and systematic collaboration under chapter VIII of the Charter. As can be clearly seen in the briefing by H.E. Mr. Maciej Popowski Deputy Secretary General European External Action Service at the United Nations Security Council Open Debate on “United Nations Peacekeeping: Regional Partnership and its Evolution”

“Very timely debate and grateful to Rwanda for bringing us together today around the issue of PKO: the UN and regional partnerships. Timely not only because of the challenges we collectively still face, but also because it is time to measure progress made 20 years after the Genocide and our collective failure at that time. The African continent has shown tremendous resolve in solving conflicts on its soil. The best illustration is the leadership role played by the AU in conjunction with other regional organisations such as ECOWAS, IGAD, and SADC. Thanks to their efforts, most long lasting conflicts have come to an end....We appreciate the increased United Nations cooperation with regional organisations in peace and security activities under Chapter VIII and the acknowledgment of the role of regional organizations in peacekeeping”



Milestone documents, such as the Agenda for Peace of 1992, its Supplement of 1995 and the Brahimi Report of 2000 all highlight this shift in doctrine towards the sharing of responsibilities with regional organizations. A framework of cooperation with the regional organizations was called for in 1992 by Russia, in 1993 by the Security Council and in 1994 by the General Assembly, leading to the commencement of “high-level meetings” with regional organizations. In 1993, the Security Council invited regional organizations to study ways of strengthening their functions in peace and security and improve coordination with the United Nations. Between 1994 and 2006, seven high-level meetings have been convened, and chaired personally by the Secretary-General. Along these years, discussions focused on challenges to international peace and security, the role of regional organizations and practical measures to promote greater coordination and cooperation in peace-keeping and peacebuilding. Both regional organizations and UN member states showed growing interest as the attendance doubled from 1994 to 2006 and the Security Council held a number of meetings on this subject with different member states showing interest in taking the cooperation further. Moreover, in the UN World Summit document, the General Assembly decided to “expand consultation and cooperation (...) through formalized agreements and, as appropriate, involvement of the regional organizations in the work of the Security Council”. However, as a greater number of interested organizations attended the meetings, the complexities of the relationship became clearer. The development of the regional- global security mechanism is hampered by uncertainties over the meaning of the central concepts of “region”, “agency” and “arrangement”; the structural duplication of regional agencies and other organizations (involving overlapping of membership); ambiguity over their objectives (involving, inter alia, improvised and occasionally competing mandates); and contention over the area of application of their functions. These challenges led the UN Secretary General to produce the report A Regional- Global Security Partnership: Challenges and



described the Secretary-General's conviction that "the time is ripe for the establishment of a more effective partnership operating in close cooperation with the Security Council based on a clear division of labor reflecting the comparative advantage of each organization". While the challenge of capacity building was supported by all organizations and member states alike, the challenge of clarity was overlooked — for the preference of a "pragmatic and flexible approach", more suitable to the most resourceful organizations. As the dialogue was deemed "too heavy and bureaucratic", a moment of reflection took over, with no meetings taking place since September 2006.

CONCLUSION

In the present context of the changes and challenges at the international security level, a new modus operandi between the United Nations and regional organizations needs to be pursued. "Regional organizations can play an important role in addressing security threats and are well placed to monitor peace agreements and provide early warning. Because of their proximity they can function as a continental or sub-continental forum for de-escalating tensions, pacifying conflicts and for promoting a comprehensive regional approach to cross-border issues". [1] In this way, they can play a crucial role for increasing the effectiveness of the United Nations system in the realm of peace and security. Thus, in turn, as Sorpong Peou has rightly argued, "facing so many challenges in security, the UN has a better chance of achieving its goals by helping to build effective regional organizations and security communities."

However the complexities of the relationship between regional organizations and the world body in security have become clear. The organizations cooperating with the UN have different mandates, different histories, different memberships, different operation areas, different capacities and power-balance. Even the term region is contested. After decades of academic discussion there is still no consensus about what is to be meant by



region (Björn HETTNE). At this point the one thing all organizations have in common is not being universal, as not even their regional nature is certain or well defined. The lack of clarity in definition is accompanied by lack of clarity in mandates and roles, with clear practical consequences. The consequence at the moment is a step back in the high-level meetings process and the framework for cooperation. Unable to agree on a clear definition and delineation of roles and mandates, the organizations cannot agree on who sits around the table in the discussions and who has the responsibility for each region. Had the drafters of the UN Charter been able to find a clear definition, a much more structured regional-global cooperation might have been achieved. The absence of adequate institutions and procedures and the lack of capacities (human, material and financial) is a further challenge for a number of organizations. Most regional organizations, especially sub-regional, lack adequate institutions, human and financial resources to implement decisions especially when these are of the coercive nature (sanctions and intervention). Further, while some regional organizations are taking on this new security mandate, members of other organizations remain reluctant to give up sovereignty rights and to provide their organization with a peacekeeping or military crisis management role. These important differences make cooperation even more necessary. A fully developed and clear framework for cooperation would allow for the development of capacities where they are lacking and would foster opportunities for advancing shared experiences and for sharing learned lessons. Furthermore, it would allow for more effective cooperation schemes between the organizations themselves. If a clear and effective cooperation framework is not developed, the global and universal UN organization risks being left behind and losing the credibility of its primary role in peace and security. It is thus also crucial and in the interest of the UN itself to promote such a form of multilevel security governance that enhances and promotes cooperation with regional organizations as that enhances the role of regional organizations and utilizes



their comparative advantage whilst, at the same time, underscoring the pivotal role of the United Nations as the sole and universal source of global legitimacy.

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