

„NICOLAE TITULESCU” UNIVERSITY OF BUCHAREST  
FACULTY OF LAW

**PHD THESIS**

**THE ROLE OF THE UNITED NATIONS SECRETARY-GENERAL IN THE  
PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES**

**- SUMMARY -**

Scientific Coordinator:  
Prof.univ.dr. Raluca Miga - Beșteliu

PhD Student:  
Oana – Adriana IACOB

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## RESEARCH TOPIC

Peace and war have always been pressing issues for the international community, but international actors perceived, defined and approached these concepts throughout time in various ways, leading to important political and legal changes at international level.

As entities with different degrees of development at political, economic and social level, with different traditions, cultures and histories, state often have contradictory interests, following different, if not antagonistic objectives. The opposition of interests may vary in object (political, economic, military, religious, ethnical, cultural, territorial etc.) and intensity. In a larger sense, the notion of international dispute may cover all these situations, being defined as a dissension, a contradiction between two or more entities, subjects of international law, which implies the expression of claims and counter-claims and introduces an element of perturbation and tension in their relations.

The international consecration of the principle of peaceful settlement of disputes marks a radical change in the approach to inter-state relations and the historical evolution of its content reflects the experience of the international community, incorporating new rules and values, as they emerge from the international environment as a result of the inter-state practice.

The peaceful resolution of disputes reunites moral, political and legal aspects.<sup>1</sup> Therefore only a general, interdependent evolution of these three sides of the international system could generate the profound changes of the political and juridical international structures that led to the consecration of this principle in the UN Charter and of the means of putting into practice.

The end of the First World War brought with it the desire of establishing general peace in the world, materialized in the creation of the League of Nations, the first political body with a universal, pacifying vocation. Of course, given the specific international environment of the time, the drafters of League of Nations's project did not envision the complete suppression of war, but only its avoidance and respite, if possible. In this half-made endeavor lies, perhaps, the weakness of this structure, which

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<sup>1</sup> Martjan Niciu, *Drept internațional public*, Servosat, Arad, 1999, p. 319.

failed to meet international challenges of that era.

After the Second World War, the subsequent evolution of the international thinking is marked by an openness to the idealistic concepts of harmony, cooperation, structural peace, prohibition of war, and therefore, with the creation of the United Nations, a series of specific pacifying procedures appears, strengthening, developing and complementing the existent means of peaceful settlement of disputes.

As stated in the preamble of the Charter, the ultimate goal of the UN is to protect future generations from the scourge of war, through the unity of its members, with the noble scope of maintaining peace and security in the world, guaranteeing that force will never be used again in inter-state relations, unless this would be in the general interest of the international community and establishing interstate relations of good neighborliness and tolerance.<sup>2</sup>

To this end, UN was to become an international center whose noble undertaking was that of harmonizing states' efforts in order to maintain international peace and security, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, as well as to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all.

In order to achieve these noble objectives, the United Nations Organization proposes a system of peaceful settlement of international disputes that is complementary to the usual means of peaceful resolution, consecrated by the international law.

The peaceful settlement of conflicts in the UN system is based, according to the UN Charter, on principles of justice and international law, the organs responsible in this matter being the International Court of Justice, the Security Council and the General Assembly. In addition, the Secretary General's competencies, as well as its influential position and unique role make this institution suitable to international actions of peaceful resolution.

After the Second World War the general mentality was that the most suitable structure, in the field of maintenance of international peace and security, was the

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<sup>2</sup> Dumitru Mazilu, *Dreptul păcii*, All Beck, București, 1998, p. 243.

Security Council, due to its five prominent permanent members. The General Assembly had rather limited attributions in this matter. Nevertheless, the Assembly had been endowed with a general competence that allowed it to discuss and make recommendations on any questions within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter<sup>3</sup>.

Although it may be true that, regularly, issues concerning the maintenance of international peace and security are addressed and decided upon within the deliberative organs, it is the Secretary-General who, in fact, has taken most of the initiatives to settle or prevent conflicts.

The Secretary-General is the head of the Secretariat – UN’s administrative and technical service – the chief administrative officer of the Organization, appointed by the General Assembly upon the recommendation of the Security Council, for a 5 – year mandate, with the possibility of renewal.

In addition to the technical and administrative duties of the post, the High Official has powers of representation of the organization at international level and carries out various other activities in accordance with the Charter: good offices, mediation, consultations with governments, research in various fields, organizing international conferences, information activities on the work of the UN, leading peacekeeping operations etc.<sup>4</sup>

The statute and the powers of the Secretary-General are unique, specific to the Organization, without any equivalent in other international or internal structures.<sup>5</sup> The High Official has a strategic position as head of the only international universal organization with a multidimensional purpose. “Through the Secretary-General and its office pass all the interrelations represented by the United Nations Organization.”<sup>6</sup> The question that is raised, in this point, is that of the extent to which the Secretary-General, by virtue of its central position, can influence the course of the Organization’s activities.

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<sup>3</sup>*Charter of the United Nations*, San Francisco, 1945, available at <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>, accessed 08.01.2012, art. 10

<sup>4</sup> Magdalena Denisa Lungu, *Rolul organizațiilor internaționale în soluționarea pașnică a diferendelor internaționale*, București: Universul Juridic, 2010, p. 268.

<sup>5</sup> *Ibidem*, p. 269.

<sup>6</sup> Benjamin Rivlin, „The Challenging International Political Climate and the Secretary-General” în Benjamin Rivlin și Leon Gordenker (ed.), *The Challenging Role of the UN Secretary-General. Making „The Most Impossible Job in the World” Possible*, Londra: PRAEGER, 1993, p. 5.

The Charter sets out the Secretary-General's competencies in a few articles with a rather vague wording. According to art. 97 of the Charter, the Secretary-General is "the chief administrative officer of the Organization". Art. 98 provides that "the Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council and shall perform such functions entrusted to him by the other principal organs", which, naturally, may include those in the field of the prevention and peaceful settlement of disputes. The same article establishes that the Secretary-General shall make an annual report to the General Assembly on the work of the Organization. Art. 101 states yet other responsibilities for the Secretary-General, establishing its control over the appointment of the Secretariat's staff, while art. 100 emphasizes the necessity of ensuring the independence of the Secretary-General and of the Secretariat's staff from any possible influence of the Member States. However, of all the Charter's provisions, art. 99 is the one that confers the Secretary-General the possibility to exercise its direct influence upon the activities of the Organization, enabling it to bring to the attention of the Security Council any matter which in its opinion may threaten the maintenance of international peace and security.

Given the fact that the Charter's provisions are not explicit regarding the ways in which the Secretary-General could contribute to the maintenance of international peace and security, initially, its role was rather limited in this field, but the challenges of the international environment and the distinctive ways in which the occupants of this function chose to approach them have created precedents that led to its continuous evolution.

Strictly referring to the field of peaceful resolution - based on the Charter's provisions, but also having in view the continuous evolution of the Secretary-General's role as mediator and provider of good offices (imposed by a reconfiguration of the peaceful resolution system, following various developments at international level) – the attributions of the High Official are either mandated by the Security Council or the General Assembly (according to Art. 98 of the Charter) or result from practice, based on its active independent involvement (according to an extensive interpretation of Art.

99 of the Charter).<sup>7</sup> Taking into consideration exclusively the Charter's provisions, the Secretary-General seems to be an executive body acting in conformity with the instructions of deliberative organs and their decisions. The exception is Art. 99 that establishes the initiative function of the High Official, and was mostly interpreted as conferring specific legal ground for its political activity. This provision endows the Secretary-General with powers that don't have equivalent in any other international structure.

### **IMPORTANCE OF THE THEME**

Head of the Secretariat - one of the principal organs of the UN - the Secretary-General is more than "the chief administrative officer of the Organization". He has a political authority derived from a broad interpretation of the vaguely defined provisions of the UN Charter and, at the same time, a moral authority, embodying the ideals of the Organization.

The Secretary – General's contribution to the peaceful settlement of disputes is significant, manifesting itself in a variety of ways, by virtue of the authority and prestige of its office, from preventive diplomacy to mediation or good offices missions.

Research of the role of the Secretary - General in the vast and complex field of the peaceful settlement of disputes is a useful approach in order to better understand this institution and its position in the system of peaceful resolution developed at UN level. Also, it can create the best framework to identify any gaps that may affect the efficiency of this institution and seek solutions for their coverage. Research of the evolution of the Secretary-General's role can help identify factors with a positive influence over its efficiency as a pacifying agent, as well as factors with the effect of stagnation and regression, for a better understanding of this institution and its potential development.

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<sup>7</sup> Magdalena Denisa Lungu, *op. cit.*, p. 270.

## **RESEARCH OBJECTIVES**

This thesis aims at analyzing the role of the UN Secretary General in the peaceful settlement of international disputes.

The main objectives of the research are:

1. Placing the Secretary-General's role in the evolutionary context of peaceful settlement of international disputes.
2. Identifying the role of Secretary General in peaceful settlement of disputes system provided by the United Nations.
3. Identifying and analyzing the main forms of involvement of the Secretary General in the peaceful settlement of disputes.
4. Analyzing the evolution of the role of the Secretary General in the peaceful settlement of disputes.
5. Identifying possible measures that could be taken in the context of the UN reform, in order to increase efficiency of the Secretary-General's involvement in the peaceful settlement of disputes.

## **RESEARCH METHODOLOGY**

During the research the following methods were used: the method of logical analysis – necessary for understanding the specific aspects and issues of the peaceful settlement of disputes and the role of the UN Secretary General in this field; the systemic method - for correlation with other institutions, principles and norms of international law, absolutely necessary for the research and for an adequate understanding of the topic; as well as the comparative and historical methods used for studying the evolution of the role of the Secretary-General in the field of peaceful settlement of disputes.

The research had in view the evolution of the legal-political role of the UN Secretary General in the peaceful settlement of international disputes, revealing the contradictory aspects and the essential influence of the developments in the international environment and political thought and, hence, in the international law. For conducting

this research various sources were used: primary sources, such as treaties, conventions, reports, resolutions and decisions of various international bodies (available in libraries and on the official websites of the institutions) and secondary sources in the form of articles and papers.

## CONCLUSIONS

The thesis deals with the role of Secretary-General in the peaceful settlement of disputes, firstly placing it in the context of the evolution of the peaceful settlement of disputes in the international system, then analyzing the role of the UN in this area and defining the role of the Secretary General in relation to the Security Council and the General Assembly. Subsequently, the forms of involvement of the Secretary-General in the peaceful settlement of disputes and the evolution of its role in this area are analyzed, with a brief description of the mandates of the 8 occupants of the office of Secretary General, aiming to highlight their individual contribution to the expansion of the role and powers of the High Official in the field of peaceful settlement. Finally, some reflections are made on the main limitations of the role of the Secretary General and the prospects for reform in order to make it more efficient.

### *1. In relation to the research objective of placing the Secretary-General's role in the evolutionary context of peaceful settlement of international disputes:*

- *Chapter I* examines the evolution of the peaceful settlement of disputes in the international system, defines the main concepts specific to this area and makes some necessary terminological and conceptual delimitations. It was found that, over time, developments took place in the perceptions of peace and peaceful resolution of conflicts, in terms of political thought and international morals, which were translated into the configuration and continuous development of rules of law and political and legal structures designed, initially, to reduce atrocities and, in general, the devastating impact of war - in a world defined by "the law of force" - and, finally, to maintain international

peace, prohibiting the use and threat of force in international relations and seeing peace as a structural state of the international environment. The consecration of the peaceful settlement of disputes as a fundamental principle of international law marks a radical change in the approach to inter – state relations. This is the context in which international organizations emerge as main actors on the international scene, with an increasingly prominent role in the peaceful settlement of disputes.

- *Chapter II* describes the means of peaceful settlement that states have at their disposal in the current international system, completing the analysis of the context in which the UN Secretary General exercises its peaceful settlement attributions. It was found that the diplomatic means, as pacifying instruments, offer the advantage of flexibility and direct contacts between the parties, promoting cooperation even beyond the subject of regulation. Of these, mediation and good offices are often used by the Secretaries-General in their efforts of peaceful settlement.

## ***2. In relation to the research objective of identifying the role of Secretary General in peaceful settlement of disputes system provided by the United Nations:***

- *Chapter III* examines the Security Council and the General Assembly's role in the peaceful settlement of disputes and the position of the Secretary-General within the Organization, having in view the Charter's provisions and the High Official's relation with the deliberative bodies. It was found that, as the head of the Secretariat (one of the main bodies of the United Nations Organization), but lacking any decision-making powers, the Secretary-General is, nevertheless, able to influence UN policies. Thus, by virtue of its position, the Secretary-General finds many opportunities to influence how decisions are taken and implemented at UN level. Also, many activities, that are, nowadays, specific to this function, have developed over time, through a broad interpretation of the Charter's provisions, triggered by the need to adapt to international realities. In general, in the peaceful settlement field, the Secretary-General acts based on mandates received from the Security Council or the General Assembly (in accordance with Art. 98 of the Charter), or on its own initiative or at the request of the parties to a

dispute (based on interpretation extensive art. 99 of the Charter). In order to ensure the effectiveness of its intervention and preserve the institutional balance, the Secretary – General must coordinate its activities - whether mandated by the Security Council or the General Assembly, or undertaken on its own initiative - with the plenary and executive bodies. The Secretary General's activity in the field of peaceful settlement of disputes should be regarded as forming a whole with the activities of other UN bodies with responsibilities in this area, with the ultimate goal of maintaining international peace and security.

***3. In relation to the research objective of identifying and analyzing the main forms of involvement of the Secretary General in the peaceful settlement of disputes:***

- *Chapter IV* examines the main forms of involvement of the Secretary General in the peaceful settlement of disputes. The main forms of involvement in this area are: the use of diplomatic means of peaceful settlement; involvement in the creation and development of peacekeeping operations; and the normative activity in the service of peace and security. The Secretary-General may use in its peaceful settlement demarches traditional diplomatic means, such as good offices, mediation and international enquiry, either based on the deliberative bodies' mandates, or voluntarily or at the request of the parties, under Art. 99 of the UN Charter. Sometimes, though, this traditional diplomatic approach needs to be completed by the use of unofficial, discrete diplomatic processes, that can provide superior information and new directions of action. In fact, the Secretary-General's involvement in the process of peaceful settlement of disputes is often discreet, its services inspiring, therefore, an increasing confidence to states. In time, this discreet intervention of the Secretary-General, especially when it involves the use of political and diplomatic means of peaceful settlement, has become a prerequisite to exercising its role in this field, and a guarantee of the effectiveness of the activities undertaken. In this regard, Perez de Cuellar declared that "no one will ever know how many conflicts were prevented or limited through contacts that took place in the famous UN location, whose

huge glass surfaces can become if necessary, extremely opaque”<sup>8</sup>.

In reference to the peacekeeping operations, it was found that they are largely the innovation of the second UN Secretary General, Dag Hammarskjöld, who outlined their organization and established the principles underlying their implementation. Peacekeeping operations have evolved over time as a result of initiatives undertaken by the Secretaries-General, in their efforts to adapt them to the new challenges of the international environment.

Regarding the normative activity of the Secretary-General with implications in the field of peace and security (activity that depends on its position impartial within the Organization and its power to influence decision-making), it was found that a significant contribution of the Secretary-General has been the promotion and legitimization of the responsibility to protect concept.

#### ***4. In relation to the research objective of analyzing the evolution of the role of the Secretary General in the peaceful settlement of disputes:***

- *Chapter V* contains a brief description of the mandates of the 8 occupants of the office of Secretary-General, aiming to highlight their individual contribution to the expansion of the role and powers of the High Official in the field of peaceful settlement. It was found that the position of Secretary-General, as it is currently configured, is largely the result of a long process that, ultimately, provided the occupant of this function with a repertoire of practices that define a strong and influential role in the field of peaceful settlement. This role implies a specific approach to international problems, which can be influenced both by objective factors - related to developments in the international context - and by subjective factors - related to the occupants' personal profiles.

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<sup>8</sup> Mădălina Denisa Lungu, *op. cit.*, p. 272

***5. In relation to the research objective of identifying possible measures that could be taken in the context of the UN reform, in order to increase efficiency of the Secretary-General's involvement in the peaceful settlement of disputes:***

• *Chapter VI* reveals the main limitations of the Secretary-General's role, identified by the research, and the prospects for reform. It was found that the main limits to the Secretary-General's activities in the field of peace derive from its relation with the Member States and the deliberative bodies, which restricts its independence and its initiatives. A real reform would have to consider more than changes in the structure and management of the Secretariat, addressing primarily the way Member States relate to the Secretary-General and the Secretariat. Other necessary measures in order to increase effectiveness of the Secretary-General's and the Secretariat's activities would be:

- A clearer determination of the Secretariat's functions in order to make possible, to a large extent, the adequate recruitment of staff endowed with the necessary skills;
- A real assessment of the functions and performance of the Secretariat and of the Secretary General, in order to avoid discrediting the function and the office, to cover shortfalls or satisfy interests of the Member States.

## **SELECTIVE BIBLIOGRAPHY**

### **I. DOCUMENTS:**

#### **Collections of documents:**

Aurescu, Bogdan, Năstase, Adrian, *Drept internațional contemporan. Texte esențiale*, editura Regia Autonomă Monitorul Oficial, București, 2000

Ecobescu, Nicolae, Micu, Nicolae, Voicu, Ioan, *Peaceful Settlement of International Disputes*, vol. I, editura Institutul Român de Studii Internaționale "Nicolae Titulescu",

București, 2003

Năstase, Adrian, *Documente fundamentale ale dreptului internațional și ale relațiilor internaționale*, editura Regia Autonomă "Monitorul Oficial", București, 1997

Sohn, Louis B., *Basic Documents of the United Nations*, Stevens & Sons, Londra, 1956

Siekmann, Robert C.R., *Basic Documents on United Nations and Related Peace-keeping Forces*, Martinus Nijhoff, Dordrecht, 1985

### **Treaties, conventions:**

*Charter of the United Nations*

*Convention (I) for the Pacific Settlement of International Disputes (Hague I) (29 July 1899)*

*Convention (I) for the Pacific Settlement of International Disputes (Hague I) (18 October 1907)*

*Convenția de la Londra de definire a agresiunii, 3 iulie 1933*

*General Act (Pacific Settlement of International Disputes), Geneva, 26 septembrie 1928*

*Inter-American Treaty of Reciprocal Assistance*

*Rome Statute of the International Criminal Court*

*Tratatul pentru renunțarea la război ca instrument de politică națională, 1928*

### **Reports, resolutions, declarations, regulations:**

*An agenda for peace: preventive diplomacy, peacemaking and peace-keeping: report of the Secretary-General, United Nations, New York, 1992*

*Annual Reports of the Secretary-General on the Work of the Organization*

*Secretary-General's Reports to the Security Council*

*Declaration of the General Assembly on Fact-finding by the United Nations in the Field*

*of the Maintenance of International Peace and Security*, 9 decembrie 1991 A/RES/46/59

*Provisional Rules of Procedure of the Security Council*

*Report of the secretary-general on the work of the organization*  
United Nations, New York, 1983

*Report of the Preparatory Commission of the United Nations*, 21 decembrie 1945

*Report of the Panel on the United Nations Peace Operations* (A/55/305, S/2000/809)

*Report of the Secretary-General on Implementing the Responsibility to Protect*,  
A/63/677 (2009)

*Report of the Secretary-General on the work of the organization* , United Nations, New  
York , 1983

*Report of the Secretary-General on the work of the organization. 16 June-15 June 1975.*  
*General Assembly. Official records thirtieth session. Supplement No.1*, United Nations,  
New York , 1975

*Report of the Secretary-General on the Work of the organization: 16 June 1969-15 June*  
*1970 : General Assembly. Official records : 25th session. Supplement No.1 (A/8001)*,  
United Nations, New York , 1970

*Rezoluția Adunării Generale a ONU 2625 (XXV)*

*Rezoluția Adunării Generale a ONU nr. 3314 (XXIX)*, din 14 decembrie 1974

*Rezoluția Adunării Generale 2329/1967*

*Rezoluția AG 2790 (XXVI)* din 6 decembrie 1971

*Rules of Procedure of the General Assembly*

## **II. DOCTRINE**

### **Treatises, courses, monographs:**

Alger, Chadwick F., *The future of the United Nations system: potential for the twenty-*

*first century*, New York: United Nations University Press, 1998

Bolintineanu, Alexandru, Năstase, Adrian, *Drept internațional contemporan*, editura Institutul Român de Studii Internaționale, București, 1995

Boudreau, Thomas E., *Sheathing the Sword. The UN Secretary General and the Prevention of International Conflict*, Greenwood Press, Londra, 1991

Boutros Boutros-Ghali, *Unvanquished. A UN-US Saga*, I. B. Tauris Publishers, Londra, 1999

Brierly, J.L., *The Law of Nations: An Introduction to the International Law of Peace*, Oxford Clarendon Press, Londra, 1955

Bull, Hedley, *The Anarchical Society. A Study of Order in World Politics*, editura Palgrave, New York, 2002

Cassese, Antonio, *International Law*, Oxford University Press, New York, 2001

Chaumont, Charles, *L'Organisation des Nations Unies*, Paris: Presses Universitaires de France, 1986

Chebeleu, Traian, *Reglementarea pasnică a diferendelor internaționale și inițiative ale României la Organizația Națiunilor Unite*, editura Politică, București, 1984

Chesterman, Simon, *Secretary or General? The UN Secretary General in World Politics*, New York: Cambridge University Press, 2007

Clapham, Andrew, *Brierly's Law of Nations: An Introduction to the Role of International Law in International Relations*, ediția a 7-a, Oxford University Press

Cloșca, Ionel, *Despre diferendele internaționale și căile soluționării lor*, Editura Științifică, București, 1973

Dașcovici, N, *Curs de drept internațional public*, editura Librăria și Tipografia "Cultura Românească", Iași, 1930

Dașcovici, Nicolae, Ghelmegeanu, Mihail, Bolintineanu, Alexandru , *ONU. Organizare și funcționare*, editura Academiei Republicii Populare Române, București, 1962

Dașcovici, Nicolae, *Organizarea păcii și O.N.U.*, București, 1948

Diaconu, Ion, *Tratat de drept internațional public*, vol. III, editura Lumina Lex, București, 2005

Dinh Nguyen Quoc, Daillier, Patrick și Pellet, Alain, *Droit international public*, L.G.D.J, Paris, 1987

Elian, George, *Curtea Internațională de Justiție*, editura Științifică, București, 1970

Fawcett, E., Newcombe, H., *United Nations Reform: Looking Ahead After Fifty Years*, Science for Peace/Dundurn Press, Toronto, 1995

Frunzetti, Teodor, *Soluționarea pașnică a crizelor internaționale*, editura Institutul European, Iași, 2006

Geamănu, Grigore, *Drept internațional contemporan*, editura Didactică și Pedagogică, București, 1975

Geamănu, Grigore, *Principiile ale dreptului internațional contemporan*, Editura Didactică și Pedagogică, București, 1967

Gillett, Nicholas, *Dag Hammarskjöld*, Edito-Service, Geneva, 1970

Gordenker, Leon, *The UN Secretary-General and Secretariat*, editura Routledge, Oxon, 2005

Gross, Leo, *Essays on International Law and Organization*, vol. I, edit. Springer Science + Business Media, 1984

James, Alan, *Peacekeeping in International Politics*, Palgrave Macmillan, 1990

Kegley, Charles W., Blanton, Shanon L., *World Politics: Trends and Transformation*, Cengage brain, Boston, 2011

Kelsen, Hans, *The Law of the United Nations. A Critical Analysis of Its Fundamental Problems*, E.A. Praeger, New York, 1950

Kelsen, Hans, *Principles of International Law*, Rinehart & Co., New York, 1952

Kille, Kent J., *From Manager to Visionary. The Secretary-General of the United Nations*, New York: Palgrave Macmillan, 2006

Kille, Kent J. (ed.), *The UN Secretary-General and Moral Authority*, Georgetown University Press, Washington D.C., 2007

Lungu, Magdalena Denisa, *Rolul organizațiilor internaționale în soluționarea pașnică a diferendelor internaționale*, București: Universul Juridic, 2010

Mazilu, Dumitru, *Dreptul păcii*, editura All Beck, București, 1998

Maxim, Ioan V., *Aparatul administrativ al O.N.U.*, Universitatea București, Facultatea de Drept, București, 1966

Melik, Eugene, *La mediation et les bons offices*, editura A. Chevalier-Marescq & C<sup>ie</sup>, Paris, 1900

Merrills, J.G., *International Dispute Settlement*, 4th edn, New York, Cambridge University Press, 2005

Miga-Beșteliu, Raluca, *Drept internațional. Introducere în dreptul internațional public*, editura All Beck, București, 2003

Miga-Beșteliu, Raluca, *Drept internațional*, vol. I-II, editura C. H. Beck, București, 2010

Miga Beșteliu, Raluca, *Drept internațional public*, vol. 2, ediția 2, editura C.H. Beck, București, 2014

Mouat, Lucia, *The United Nations' Top Job. A close Look at the Work of Eight Secretaries-General*, CreateSpace Independent Publishing Platform, North Charleston, 2014,

Murphy E., John, *The United Nations and the Control of International Violence. A Legal and Political Analysis*, Manchester University Press, 1987

Nassif, Ramses, *U Thant in New York: 1961-1971: A Portrait of the Third UN Secretary-General*, C.Hurst & Company, Londra, 1988

Newman, Eduard, *The UN Secretary-General From the Cold War to the New Era. A Global Peace and Security Mandate?*, editura Palgrave, New York, 1998

Niciu, Marțian, *Drept internațional public*, editura Servosat, Arad, 1999

Niciu, Marțian, *Rolul O.N.U în promovarea principiilor dreptului internațional în relațiile dintre state*, București: Editura Politică, 1973

O'Neill, John Terence, Rees, Nicholas, *United Nations Peacekeeping in the Post-Cold War Era*, Routledge, New York, 2006

Orford, Anne, *International Authority and the Responsibility to Protect*, Cambridge University Press, 2011

Pellet, Alain, Cot, Jean Pierre, *La Charte des Nations Unies. Commentaire article par article*, Editions Economica, Paris, 1987

Plantey, Alain, *La négociation internationale : principes et méthodes*, Édition du CNRS, Paris, 1980

Popescu, Dumitra, Chebelev, Traian, Năstase, Adrian, *Soluționarea pașnică a diferendelor internaționale*, Editura Academiei Republicii Socialiste România, București, 1983

Popescu, Dumitra, Năstase, Adrian, *Sistemul principiilor dreptului internațional*, editura Academiei Republicii Socialiste România, București, 1986

Preda-Mătășaru, Aurel, *Tratat de drept internațional public*, editura Lumina Lex, București, 2007

Ramsbotham, Oliver, Woodhouse, Miall, Tom Hugh, *Contemporary Conflict*

*Resolution: The Prevention, Management and Transformation of Deadly Conflicts*, ediția a 2-a, editura Polity Press, Cambridge, 2005

Rivlin, Benjamin și Gordenker, Leon (ed.), *The Challenging Role of the UN Secretary-General. Making „The Most Impossible Job in the World” Possible*, Londra: PRAEGER, 1993

Rotaru, Raluca, *Le reglement pacifique des differends dans le cadre de l'ONU*, Ploiesti: PrintEuro, 1999

Russbach, Olivier, *O.N.U. contra O.N.U.: dreptul internațional confiscat*, editura C.N.I. Coresi, București, 1999

Ruzie, David, *Droit international public*, Dalloz, Paris, 2000

Scăunaș, Stelian, *Drept internațional public*, editura All Beck, București, 2002

Schuschnigg, Kurt von, *International Law: An Introduction to the Law of Peace*, The Bruce Publishing Company, Milwaukee 1959

Shaw, Malcom N., *International Law*, Cambridge University Press, 2001

Sohn , Louis B., *Broadening the role of the United Nations in preventing, mitigating or ending international or internal conflicts that threaten international peace and security*, Washington: International Rule of Law Center, The George Washington University Law School, 1997

Turcanu, Ion, *Dreptul internațional în antichitate*, editura Tiparul "Mitropolitul Silvestru", Cernăuți, 1938

Thakur, Ramesh, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*, New York: Cambridge University Press, 2006

Thakur, Ramesh Chandra, Schnabel, Albrecht, *United Nations Peacekeeping Operations: Ad-Hoc Missions, Permanent Engagements*, editura United Nations University Press, Tokyo, 2001

Vayrynen, Raimo, Senghaas, Schmidt, Dieter Christian, *The Quest for Peace. Transcending Collective Violence and War Among Societies, Cultures and States*, Sage Publications, London, 1987

\*\*\* *Basic facts about the United Nations*, News and Media Division, United Nations Department of Public Information, New York: United Nations, 2000

\*\*\**Handbook on the Peaceful Settlement of Disputes Between States*, Office of Legal Affairs, United Nations, New York, 1992

### **Articles:**

Archibugi, Daniele, *The Reform of the UN and Cosmopolitan Democracy: A Critical Review*, *Journal of Peace Research*, Vol. 30, No. 3 (Aug., 1993), pp. 301-315

Brezoianu, Dumitru, *Mijloacele pasnice de rezolvare a diferendelor internationale - institutii ale dreptului international contemporan*, în XXX *Revista Română de Drept*, anul XXVI, nr.1 [1970], pp. 38-51

Brierly, J. L., *The Judicial Settlement of International Disputes*, în“*Journal of the British Institute of International Affairs*”, Vol. 4, No. 5 (Sep., 1925), pp. 227-243

Coleman, Andrew, *The International Court of Justice and Highly Political Matters*, ”*Melbourne Journal of International Law*”, vol. 4 (1), 2003, pp. 29-75

Diehl, Paul F., Reifschneider, Jennifer, Hensel, Paul R., *United Nations Intervention and Recurring Conflict*, „*International Organization*”, Vol. 50, No. 4 (Autumn, 1996), pp. 683-700

Dixon, William J., *Democracy and the Peaceful Settlement of International Conflict*, în ”*The American Political Science Review*”, Vol. 88, No. 1 (Mar., 1994), pp. 14-32

Dixon, William J., *Third-Party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement*, ”*International Organization*”, Vol. 50, No. 4 (Autumn, 1996), pp. 653-681

Florini, Ann, *The Evolution of International Norms*, International Studies Quarterly, Vol. 40, No. 3, Special Issue: Evolutionary Paradigms in the Social Sciences (Sep., 1996), pp. 363-389

Finnemore, Martha, Sikkink, Kathryn *International Norm Dynamics and Political Change*, "International Organization", 52-4, 1998, pp. 887-917

Fogg, Richard Wendell, *Dealing with Conflict: A Repertoire of Creative, Peaceful Approaches*, "The Journal of Conflict Resolution", Vol. 29, No. 2 (Jun., 1985), pp. 330-358

Franck, T.M., *The Secretary-General's Role in Conflict Resolution: Past, Present and Pure Conjecture*, 6 EJIL, 1995, pp. 360-387

Goodrich, Leland M., *The Maintenance of International Peace and Security*, "International Organization", Vol. 19, No. 3, The United Nations: Accomplishments and Prospects (Summer, 1965), pp. 429-443

Goodrich, Leland M., *Pacific Settlement of Disputes*, in "The American Political Science Review", Vol. 39, No. 5 (Oct., 1945), pp. 956-970

Jackson, Elmore, *The Developing Role of the Secretary-General*, International Organization, Vol. 11, No. 3 (Summer, 1957), pp. 431-445

Knight, J., *On the Influence of the Secretary-General: Can We Know What It Is?* in "International Organization", Vol. 24, No. 3, 1970, pp. 594-600

Kunz, Josef L., *The Legal Position of the Secretary General of the United Nations*, The American Journal of International Law, Vol. 40, No. 4 (Oct., 1946), pp. 786-792

Lebovic, James H., *Uniting for Peace? Democracies and United Nations Peace Operations after the Cold War*, The Journal of Conflict Resolution, Vol. 48, No. 6 (Dec., 2004), pp. 910-936

Lentner, Howard, *The Diplomacy of the United Nations Secretary-General*, "The Western Political Quarterly", Vol. 18, Nr. 3 (Sep., 1965)

Mearsheimer, John, *The False Promise of International Institutions*, *International Security*, Vol. 19, No. 3 (Winter, 1994-1995), pp. 5-49

Myers, Denys P., *The Modern System of Pacific Settlement of International Disputes*, in "Political Science Quarterly", Vol. 46, No. 4 (Dec., 1931), pp. 548-588

Rushton, Simon, *The UN Secretary-General and Norm Entrepreneurship: Boutros Boutros-Ghali and Democracy Promotion*, "Global Governance", 14, 2008

Schwarzer, Gudrun, *The Peaceful Settlement of Interstate Conflict: Saar, Austria, and Berlin*, "Journal of Peace Research", Vol. 35, No. 6 (Nov., 1998), pp. 743-757

Schwebel, SM., Rovine AW, Barros J & Morse DA, *A More Powerful Secretary-General for the United Nations?* in "The American Journal of International Law", Vol. 66, Nr. 4, 1972

Skjelsbæk, Kjell, *The UN Secretary-General and the Mediation of International Disputes*, *Journal of Peace Research*, Vol. 28, No. 1, Special Issue on International Mediation (Feb., 1991), pp. 99-115

Sohn, Louis B. *The Security Council's Role in the Settlement of International Disputes*, *The American Journal of International Law*, Vol. 78, No. 2 (Apr., 1984), 402-404

Stein, E, *Mr. Hammarskjöld, the Charter Law and the Future Role of the United Nations Secretary-General*, in "The American Journal of International Law", Vol. 56, Nr. 1, 1962, 9-32

Vinuales, Jorge E., *Can the U.N. Secretary-General Say 'No'? Revisiting the 'Peking Formula'*, (28 iulie 2006), bepress Legal Series. Working Paper 1478

Virally, M., *Le rôle politique du Secrétaire Général des Nations Unies* in "Annuaire français de droit international", vol. 4, 1958, pp. 360-399

Zacher, Mark W., *The Secretary-General and the United Nations' Function of Peaceful Settlement*, "International Organization", Vol. 20, No. 4 (Autumn, 1966), pp. 724-749

### III. JURISPRUDENCE

*The Mavrommatis Palestine Concessions*, CPJI (1924), "Collections of Judgements" Seria A, nr. 2, disponibil la [http://www.icj-cij.org/pcij/serie\\_A/A\\_02/06\\_Mavrommatis\\_en\\_Palestine\\_Arret.pdf](http://www.icj-cij.org/pcij/serie_A/A_02/06_Mavrommatis_en_Palestine_Arret.pdf).

*Case Concerning the Right of Passage over Indian Territory (Portugal v. India)*, Hotărârea CIJ din 12 aprilie 1960, "Reports of Judgements, Advisory Opinions and Orders", p. 34, disponibil la <http://www.icj-cij.org/docket/files/32/4521.pdf>.

*Case Concerning East Timor (Portugal v. Australia)*, Hotărârea CIJ din 30 iunie 1995, "Reports of Judgements, Advisory Opinions and Orders", disponibil la <http://www.icj-cij.org/docket/files/84/6949.pdf>.

*Legal Consequences for States of the continued presence of South Africa in Namibia (South West Africa)*, CIJ, Aviz consultativ din 21 iunie 1971 în "Reports of Judgements, Advisory Opinions and Orders" disponibil la <http://www.icj-cij.org/docket/files/53/5595.pdf>

### IV. OTHER SOURCES

Bobb, Donn, *Secretary-General highlights three major challenges facing peacekeeping*, 19 iunie, 2013, disponibil la <http://www.unmultimedia.org/radio/english/2013/06/secretary-general-highlights-three-major-challenges-facing-peacekeeping/>

Charbonneau, Louis, *U.N. "falling apart" under Ban Ki-moon: ex-official*, 20 iulie 2010, disponibil la <http://www.reuters.com/article/us-un-criticism-idUSTRE66J5W820100720>

Collins, Craig, Packer, John, *Options and Techniques for Quiet Diplomacy*, Conflict Prevention Handbook Series, Folke Bernadotte Academy, disponibilă pe site-ul <http://www.hri.ca/pdfs/Vol.%201%20-%20Options%20&%20Techniques%20for%20Quiet%20Diplomacy.pdf>

Hammarskjöld, Dag, *The International Civil Servant in Law and in Fact*, Prelegere susținută de Secretarul General la Universitatea Oxford, 30 mai 1961, p. 20, disponibilă pe site-ul [http://www.unic.ru/Documents/Dag\\_Oxford\\_1961.pdf](http://www.unic.ru/Documents/Dag_Oxford_1961.pdf)

Lesaffer, Randall, *Kellogg-Briand Pact (1928)*, Max Planck Encyclopedia of Public International Law, disponibil la <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e320?prd=EPIL>

Miller, David Hunter, *The Geneva Protocol*, 24 mai 2009, disponibil la <http://www.gutenberg.org/files/28950/28950-h/28950-h.htm>,

Pfaltzgraff, Robert, *International Relations*, disponibil la <http://www.britannica.com/topic/study-of-international-relations#ref423560>,

Thant Myint-U, *The Next Secretary-General, Secretariat Reform and the Vexed Question of Senior Appointments*, Center on International Cooperation, aprilie 2016

\*\*\**The Ongoing Evolution of Peacekeeping*, disponibil pe <http://pom.peacebuild.ca/bestpracticesevol.shtml>

\*\*\**Peacekeeping Fact Sheet*, 31 august 2016, disponibil la <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>

## V. WEB SITES

<http://avalon.law.yale.edu>

<http://www.britannica.com/>

<http://digital.library.northwestern.edu>

<https://documents-dds-ny.un.org>

<http://www.gutenberg.org>

<http://www.hri.ca>

<https://www.icrc.org>

<https://www.icc-cpi.int>

<http://www.icj-cij.org>

[www.mae.ro](http://www.mae.ro)

<http://www.oas.org>

<http://opil.ouplaw.com>

<http://www.reuters.com>

<http://www.securitycouncilreport.org>

<http://www.un.org/en/>

<http://www.un.org/sg/>

<http://www.un.org/Depts/dhl/dag/index.html>

<http://www.un.org/documents/secretariat.html>

[http://www.unic.ru/Documents/Dag\\_Oxford\\_1961.pdf](http://www.unic.ru/Documents/Dag_Oxford_1961.pdf)

<http://www.unmultimedia.org>

<http://www.worldlii.org>