

Chapter 2: International Peace and Security

The United Nations system was born of the determination “to save succeeding generations from the scourge of war.” And yet, by some indicators, the world has never been more bellicose. Rather than a World War, we have a world at war, with ever more sophisticated means to destroy humankind and the planet. Despite a complex framework of institutions and instruments aimed at promoting sustainable peace, conflict rages in many regions of the globe and human rights violations are too often ignored. The UN and its agencies have played vital roles in war prevention and conflict resolution, but as currently constituted they are insufficient to meet the realities of international and non-international armed conflict. Collectively, governments around the world allocate more than \$2 trillion USD annually to their militaries, diverting precious resources to destructive ends while programs for peace, climate protection, sustainable development, education, and the UN itself, remain severely underfunded.

The twentieth century saw the advancement of the corpus of international law, notably including international humanitarian law and international criminal law, intended to hold individuals to account for the most heinous crimes that shock the conscience of humanity. From the Geneva Conventions through continued amendments to the Rome Statute to contemplation of new Courts and Tribunals, the project of international law derived from principles, treaty, custom, and scholarship, is constant and evolving. Despite a tapestry of judicial institutions including regional courts, treaty-based tribunals, and arbitral instruments seized of jus in bello issues [i.e. laws governing conduct within armed conflict]; codification and adherence to jus ad bellum norms [i.e. laws governing the legality of going to war]; and articulation and accountability for jus post bellum obligations [i.e. States' post-conflict duties] remain inadequate.

Common security is the approach of achieving security without compromising the security of others. This framework recognizes the interconnectedness of local, national, regional, and international security interests. Central to this endeavor is understanding conflicts' root causes, fostering resilience, and investing in a culture of peace. The approach relies fundamentally on pacific means of conflict resolution, including bolstering diplomacy, enhancing negotiation and mediation capacities, embracing the rule of law by effectively utilizing courts and tribunals, and rejecting the threat or use of force.

Building truly durable peace and achieving common security requires a meaningful transition from reactive to proactive approaches that rebuild trust in our collective security system and address both conventional and emerging threats, such as nuclear weapons, autonomous weapons systems, the weaponization of outer space, threats to international commerce, and the preservation of the environment. Embedded in this effort must be the concern for the basic human needs, especially those of marginalized or vulnerable populations, indigenous peoples, women, children, youth and future generations, as well as the needs of the planetary ecosystem. Guiding these efforts should be principles of justice, equity, and the protection of human and civil rights, and the spirit of cooperation embodied in the Sustainable Development Goals. Per Security Council Resolution 1325, this should include a gender perspective, understanding of the use of sexual violence as a weapon of war, and appreciation of the critical role that women have in building sustainable peace and preventing conflict escalation. These efforts must also acknowledge the differentiated impact of conflict and post-conflict dynamics on women and children.

The traditional notion of ensuring national security primarily through military means is fundamentally flawed. This militarized framework is not only unable to fulfill this wide spectrum of peace and security needs, but is often counterproductive. Priority must be placed on broad and inclusive common security frameworks that include human and environmental aspects, reject a culture of violence, are sensitive to gender and other factors of vulnerability, and are trans-generational.

As the multiplicity of frameworks demonstrates, peace and security must be viewed through an intersectional lens. War not only causes immense human suffering, but also catastrophic impact on civil infrastructure, the environment, food and water supplies, and the climate while it imperils sustainable development, human rights, and democratic systems. Moreover, the Pact for the Future should recognize that “universal and lasting peace can be established only if it is based upon social justice,” and that “freedom of expression and of association are essential to sustained progress,” as declared in the Constitution of the International Labor Organization.

In his call for a “New Agenda for Peace,” Secretary-General António Guterres exhorted that “Member States must provide a response to the deep sense of unease which has grown among nations and people that Governments and international organizations are failing to deliver for them.” Correcting our course requires more than empty pledges and commitments. It demands decisive action and genuine international cooperation to strengthen existing multilateral mechanisms, while creating new global modalities and frameworks capable of meeting the challenges of today and tomorrow. We must renovate the world’s collective security architecture and introduce new operational tools to fulfill the UN Charter’s vision for sustainable peace. The Summit of the Future must be seized for this purpose.

Primary Recommendations¹

1. **Recommendation: *The Summit of the Future should advance sincere and robust efforts to reform the UN Security Council (UNSC) and boost the role and effectiveness of the UN General Assembly (UNGA) to advance its mandate as a mechanism for the peaceful resolution of conflicts under Article 33 of the UN Charter.***

- 1.1. In the past few years, some of the most innovative changes in the UNSC’s working methods have emerged in response to momentous events. At the same time, from relegation of non-Permanent Members during the COVID pandemic due to the unwillingness or inability of the UNSC to effectively respond, to atrocities and Aggression, the UNSC’s failures have never been starker.

Recalling the spirit of the 1950 UNGA Uniting for Peace Resolution 377, we welcome the passage of UNGA Resolution 76/262 stipulating a convocation of the UNGA in the event of the use of a veto by a Permanent Member; efforts to give meaning to Article 27(3), which calls for obligatory abstention to the veto when a State is party to a dispute; proposals toward veto restraint in cases of mass atrocities; and the “Code of Conduct regarding UNSC action

¹ For more, see: <https://www.unfoldzero.org/proposals-for-the-peace-and-security-theme/>.

against genocide, crimes against humanity or war crimes,” proposed by the Accountability, Coherence and Transparency (ACT) Group, which calls upon all members of the UNSC (both permanent and elected) not to vote against any credible draft resolution intended to prevent or halt mass atrocities. However, these are necessary but insufficient measures.

The architecture and modalities of the UNSC demonstrate elements of “victors’ justice” that are incompatible with inclusive and lasting peace. The Summit of the Future must build upon the Intergovernmental Negotiations on Security Council Reform and yield meaningful reform of the UNSC’s composition and working methods, including:

- initiating reforms to address the veto’s misuse, with the ultimate objective of abolishing the veto;
- critically reexamining the UNSC’s composition for more equitable representation and effective stewardship of global governance;
- considering the role of auxiliary councils with such specific mandates as peacebuilding, climate, and health based on serious research and inquiry; and
- applying a gender perspective to questions of structure and decision making processes.

1.2. Beyond the Security Council, further steps should be taken to enhance the UNGA’s peace and security role, including implementing principles of non-intervention and the absolute inadmissibility of Aggression. The Summit of the Future must not only reaffirm but take concrete steps to uphold the mandate of the General Assembly to prevent or respond to acts of aggression when the Security Council fails to do so. This could include greater use of UNGA requests to the International Court of Justice (ICJ) to render Advisory Opinions on legal issues relating to such conflicts.

2. **Recommendation: *The Summit of the Future should compel States to fully avail themselves of existing and potential new judicial institutions and processes to peacefully resolve disputes and achieve accountability for violations of international law.***

2.1. The ICJ is a foundational body of the UN system, providing the primary means for the pacific resolution of disputes among States. Today, it is busier than at any other time in its more than 75-year history, seized of an unprecedented number and variety of cases and requests for Advisory Opinions. However, only 74 States have accepted its compulsory jurisdiction over contentious disputes. Moreover, while the majority of the ICJ’s decisions ultimately are accepted in whole or part, recent provisional measures continue to be flouted. All UN Member States are urged to accede, as soon as possible, to the compulsory jurisdiction of the ICJ to ensure the peaceful settlement of disputes, with the objective of achieving universal jurisdiction by no later than 2045. All UN Member States must also comply with their obligations to abide by determination of provisional measures in ongoing cases.

2.2. The International Criminal Court (ICC) was established as nothing less than “the hope for all humanity” to achieve accountability for the most heinous crimes: genocide, war crimes, crimes against humanity, and the Crime of Aggression. Today, 124 States Parties have

acceded to the ICC's jurisdiction. Far fewer have ratified amendments on the illegality of certain biological and chemical weapons and on the Crime of Aggression. Gaps remain in the Court's jurisdiction over the latter. Until there is universal membership and these lacunae are filled, the hope of a true end to impunity will remain illusory. All States are urged to join the ICC by ratification of/accession to the Rome Statute. Further, States are urged to fully cooperate with the Court at all stages of proceedings, including ensuring adequate resourcing and nominations of judges and officials based on qualifications and not States' vested interests. Finally, States are urged to support the expansion of international criminal law and the Court's enhanced ability to adjudicate regarding new forms of weaponry and new methods of warfare, as well as expanding its jurisdiction over environmental crimes, including recognizing ecocide as a standalone crime.

- 2.3. The People's Pact also contemplates the establishment of new judicial institutions (*see* Chapter 5, *inter alia*). These could include an International Anti-Corruption Court (IACC) that could contribute significantly to reducing war profiteering and arms flows and an International Environmental Court that could consider the environmental ramifications of conflict, as has been the mandate of previous UN *ad hoc* bodies. These bodies should be seen as complementing, rather than competing with, existing judicial mechanisms (and should follow well-established legal rules and such principles as cooperation and complementarity). States are urged to robustly support the establishment of these institutions, avail themselves of their use, and cooperate with them.

3. Recommendation: *The Summit of the Future must produce meaningful action on nuclear risk reduction and disarmament, including elimination of nuclear, biological, and chemical weapons. It must advance meaningful progress to ensure the full application of international humanitarian law across all weapons systems and environments, including the foundational pillars of proportionality, distinction, necessity, and humanity.*

- 3.1. Preventing nuclear war and achieving the global elimination of nuclear weapons are fundamental goals established by the very first resolution of the UN, and affirmed by the ICJ as universal legal obligations. Yet, the risk of nuclear war by accident, miscalculation, or

intent, is as great as at any time in history. The UN Summit of the Future should affirm that the threat or use of nuclear weapons is inadmissible. Further, the Summit should:

- call on the nuclear armed and allied states to operationalise this by ratifying/acceding to relevant international instruments, adopting policies and practices never to initiate a nuclear war (no-first-use policies);
- replace nuclear deterrence with common security and commence negotiations for the phased elimination of nuclear weapons with a commitment to achieve complete abolition no later than the UN's centennial; and
- provide urgently needed victim assistance and environmental remediation to communities affected by the use or testing of nuclear weapons, per UNGA Res. 78/240.

3.2. The UN Summit of the Future should affirm the application of all relevant international law – including the UN Charter, international humanitarian law, human rights law, environmental law, and law protecting future generations – across all weapons systems and in all environments, including outer space and cyberspace. The Summit should urge universal ratification of conventions prohibiting weapons of mass destruction and inhumane weapons, including the Chemical Weapons Convention, Biological Weapons Convention, Anti-Personnel Landmines Convention, and Cluster Munitions Convention, *inter alia*.

3.3. Further, given the increasingly autonomous nature of modern weapons systems, States should adopt an international treaty that guarantees the maintenance of meaningful human control over the use of force and regulation of artificial intelligence. This treaty should ban the battlefield use (if not production) of so-called “killer robots” (fully autonomous weapons) and ensure that all decisions to use deadly force are made by humans, not algorithms.

3.4. The Pact for the Future should also include a commitment for the conversion of current investments in public funding on weapons – including nuclear and other weapons of mass destruction – into investments in environmental protection, sustainable development, peacemaking, rehabilitation, restorative justice, reparations, and building a culture of peace rather than prioritizing ineffective and inequitable notions of security.

4. Recommendation: *The Summit of the Future should lay groundwork to establish a standing UN body to address imminent or ongoing threats to peace and security. Such a body should include conflict prevention, monitoring, and resolution capabilities, with a holistic view to the expertise and services required prior to, during, and after conflict.*

The UN's collective security system too often fails to predict and effectively respond to emerging, escalating, or resurgent disruptions to peace and security. Efforts to galvanize and equip local peacekeepers – with gender equality – and proposals for a standing UN body for peacebuilding, peacemaking, and peacekeeping have percolated since the foundation of the UN. Such a body could be deployed immediately in a crisis to help prevent armed conflict and atrocities, protect civilians at extreme risk, and ensure prompt start-up of operations to address

vital human needs in complex emergencies. Various models have been developed, including unarmed peacekeeping units, regional standing bodies, an International Standing Civilian Protection Service, a UN Rapid Deployment Force, and a UN Emergency Peace Service. Effectively operating as a first-responder for the world, this service would equip the UN with a dedicated capacity to help prevent armed conflict, protect people, and provide prompt help and security. It would complement existing UN arrangements with a cohort of principled professionals with a multidimensional set of specializations (*e.g.* civilian, police, military) and multifunctional mandate (*e.g.* humanitarian, security, health, environmental crises). This service would be available for immediate deployment in crisis situations when authorized by the UN Security Council (potentially in reconstituted form), or another representative and legitimate UN body.

Further, while there exist several gaps in the UN's current model of peacekeeping (such as forces reporting to both UN command and their own Member State's command and the effort to mobilize is often too late to prevent conflict), the continued systematic failure in both the prevention and prosecution of sexual exploitation of women and children by UN peacekeepers remains a central issue of concern. To protect women and children from sexual exploitation, meet the needs of local communities, and prevent retraumatization of victims and survivors, and to build lasting peace, it is imperative that a standing entity not only address current failures but incorporate a forward-looking perspective that is gender sensitive, victim-centric, and culturally attuned. Therefore the UN, working closely with civil society and other stakeholders, should establish a gender-equitable, diverse, and multifunctional service to preemptively detect and respond to security and humanitarian emergencies, and related or consequential health, governmental, and environmental crises.

Further Recommendations

In addition to these primary policy changes, further recommendations include:

- States must reaffirm and redouble their commitments to addressing the long-term root causes of violence while simultaneously doing as much as possible to alleviate the immediate suffering of those in active conflict zones and those displaced or otherwise affected by active conflict. At the Summit of the Future, States must abjure any violations of current international humanitarian law permitting unrestricted humanitarian access in conflict and should expand these rights and obligations to include a wider array of NGOs and other relief groups. These efforts should eventually be coordinated through the standing UN peacekeeping organ to ensure the maximum efficiency, effectiveness, and timeliness in getting basic life-saving supplies to those in the most desperate need.
- Planning and financing of post-conflict reconstruction, rehabilitation, and reconciliation efforts should begin as early as possible – even before the outset of hostilities where vulnerabilities are detected for humans, the environment, infrastructure, and government systems. To the extent feasible, they should be borne in mind during the throes of conflict. These efforts should be carried out in tandem with proactive peacebuilding measures to help directly address the underlying causes

of conflict, including by expanding economic opportunities, investing in education, promoting sustainable development, reducing corruption, and inequality to promote lasting peace and security. To help achieve these ends, the UN Peacebuilding Commission should be upgraded to a UN Peacebuilding Council.

- All human rights should be respected in conflict and post-conflict settings, including the non-derogation of certain rights that international law holds cannot be suspended or restricted at any time, and the limitation of other human rights only to the extent strictly necessary as permitted by international law. Moreover, the human right to peace itself is a fundamental right established in principle by the UN Charter and outlined in more detail in UN General Assembly resolution 39/11. Some progress has been made on the Human Rights to Peace through the UN Human Rights Committee General Comments on the Right to Life and the adoption by the UNGA of a Declaration on the Right to Peace. However, a full treaty on the human right to peace remains elusive. The UN Summit should elevate the Human Right to Peace, affirm its connection to the UN Charter prohibition on the threat or use of force in international relations, Moreover, it should call on all Member States to consider the Human Right to Peace in the implementation of their human rights obligations and their reports on this to the Human Rights Council under the Universal Periodic Review and in fulfilling their reporting and implementation obligations to Treaty Bodies and Special Procedure mechanisms.