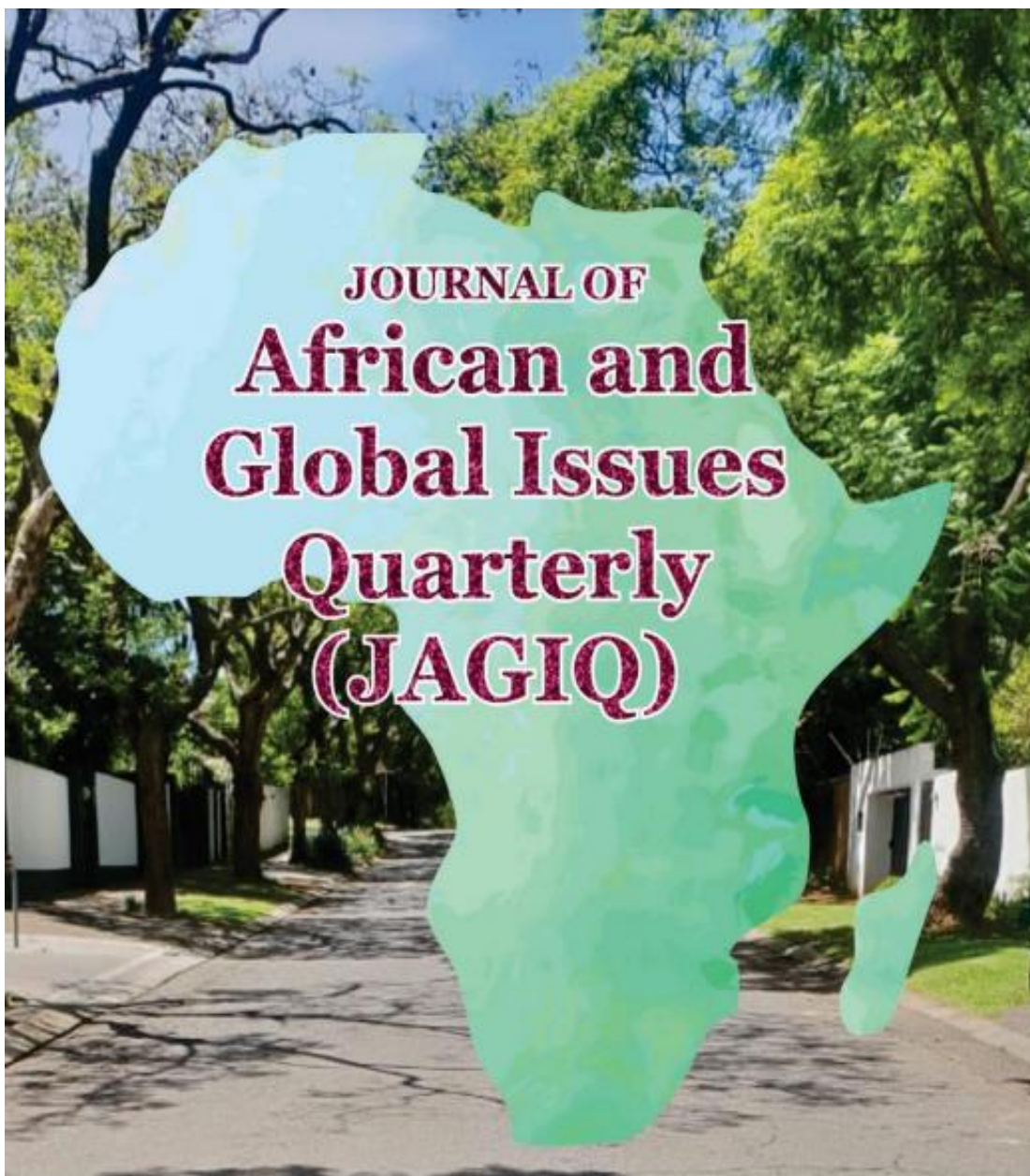




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Editorial Note

Indigenous Knowledge, Institutional Capacity, And Africa's Quest For Self-Determination

Welcome to the October 2026 issue of the African and Global Issues Quarterly. The collection of articles assembled here reflects the journal's enduring commitment to interrogating the multifaceted challenges and opportunities confronting the African continent and its place in the global order. The contributions in this volume share a common thread: a determination to look inward for solutions while engaging critically with external frameworks and legacies.

Several articles in this issue foreground the imperative of harnessing indigenous knowledge and frameworks as vehicles for progress. Nkemakolam and Amaechi propose "Igbozealotism" as an indigenous framework for socio-political and economic advancement, challenging scholars and policymakers to centre African philosophical traditions in contemporary governance discourse. Similarly, Mthethwa, Kolanisi, and Singh explore the repositioning of indigenous knowledge in fostering "studentpreneurship," while Mahlala and colleagues examine indigenous governance systems through a public administration lens. Kilonzo and her co-authors contribute a profile of indigenous banana cultivars, reminding us that agricultural biodiversity and traditional knowledge are integral to food security and rural livelihoods. These contributions collectively affirm that sustainable development in Africa must be rooted in, rather than detached from, local epistemologies and practices.

The issue also engages critically with questions of institutional effectiveness and the delivery of public goods. Lamidi and Hofisi examine the implementation gap in South African public service delivery, highlighting the centrality of bureaucratic capacity. Malope's study of community health worker programmes illuminates the intersection of recruitment, governance, and the democratisation of public administration. These articles underscore that institutional strengthening is not merely a technical exercise but a deeply political one, requiring accountability, inclusivity, and responsiveness to community needs.

On the continental and global stage, Odaudu's analysis of post-Françafrique dynamics in the Sahel offers a penetrating account of shifting dependencies and external realignments in Mali, Burkina Faso, and Niger, a region of immense strategic significance. Taleat, Lukamba, and Diedericks examine the localisation of the

Sustainable Development Goals, arguing that global agendas must be adapted to local realities if they are to deliver meaningful prosperity. Maeresera's study of strategic communication and nation branding during Zimbabwe's COMESA chairmanship illustrates the role of media in projecting regional leadership.

Finally, the issue addresses pressing social and demographic concerns. Omopo and Pillay investigate the psychological distress associated with food insecurity and housing conditions among school-going children and adolescents, while Ifanayajo, Palamuleni, and Adebowale provide a decomposition analysis of fertility rates among women of reproductive age in Sub-Saharan Africa.

Taken together, these thirteen articles offer a rich and diverse body of scholarship. They challenge us to think deeply about the relationship between indigenous agency and institutional effectiveness, between local realities and global agendas. We trust that this issue will stimulate further research and debate and contribute meaningfully to the advancement of knowledge on African and global affairs.

We thank our authors, reviewers, and readers for their continued support.

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ARTICLE 33 OF THE UNITED NATIONS CHARTER AND THE PEACEFUL SETTLEMENT OF DISPUTES: AN AFROCENTRIC CRITIQUE

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Abstract

Chapter VI of the United Nations (UN) Charter gives expression to the global call for the pacific settlement of international disputes. With the endless and renewed global geostrategic shifts, the idea of peaceful settlement of disputes has once again caught the attention of both scholars and practitioners in International Relations, Law and related disciplines. What emerges from the discourse is the deficit of an Afrocentric perspective, which leaves the existing literature with a partial ability to generate a comprehensive understanding of the phenomenon under study. Based on the blend of Afrocentricity and literature review, this study uses Article 33 as a primary unit of analysis for re-interpreting Chapter VI of the UN Charter. The major finding of this study is that the official documents of the UN are replete with inconsistencies in the United Nations Security Council (UNSC) decisions, a grave situation also worsened by the disconnect with operational realities.

Keywords: *Afrocentricity, consultations, negotiation, peace-making, settlement,*

Introduction

The UN Charter- Chapter VI has been described as one of the most poorly drafted chapters of the UN Charter (Yeini, 2020:646). In this context, the argument in this article is that the link between the obligation of states to settle disputes and the powers of the UNSC under Chapter VI of the UN Charter has not been strengthened normatively by law-making resolutions. The third-party element in the UNSC practice is much exaggerated in the UN Charter-Chapter VI. The UNSC has continued to conduct the majority of its negotiations behind closed doors. The lack of effective dialogue between the UNSC, countries contributing troops and police, and the UN Secretariat has resulted in frustration with mandate implementation. The UN Charter-Chapter VI did not express in textual form the full range of peace making authority which the UNSC is expected to realise. The UNSC has focused on dealing with armed conflicts after they have occurred, leaving the UN Secretariat to handle preventive diplomacy. Under UN Charter-Chapter VI, the UN Secretary General has identified a number of strategies by which the UNSC could improve its contribution to preventive diplomacy. In analysing such a pacific settlement of disputes, the authors of this conceptual study specifically address Article 33 of the United Nations Charter on the basis of Afrocentricity.

Theoretical and methodological issues

In scientific research, a choice of theory is a critical decision with a snowball effect on methodology. The authors of this study are alive to this reality, hence a choice of an unconventional theory to make sense of cross cutting issues in International Relations, Law, Security Studies and other cognate academic disciplines. As articulated by Asante (2003) and other pioneers, Afrocentricity is adopted and used as an alternative but contextual theoretical lens for this study. This study uses Article 33 and its default method of dispute resolution. These include negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice as a primary unit of analysis for re-interpreting Chapter VI of the UN Charter. The choice of Afrocentricity as a theoretical lens for this study was informed by the ontological standing of the authors as Africans in their own right, a very reality that presents Afrocentricity as their inherent epistemic identity. Research shows that when analysing African reality, afrocentricity puts Africa and the African people at the center (Kugara, Mvula, Fasser & Nengovhela, 2025:58). The point also is that precolonial African customs and culture are the foundation of African philosophy (Adejumo-Ayibiowu, 2025:295). Equally important is that

Afrocentricity theory elevates the investigation to a level where methodology and the collection of knowledge are prioritised over the welfare of the subjects under study (Makoka, 2024:104). On the contrary, Afrocentricity's central claim is that studying African cultures and phenomena through foreign perspectives does not improve understanding of Africans (Maphaka & Shai, 2021:189). Afrocentricity in education argues for the acceptance of African ways of knowing and being while opposing the hegemonic domination of Western epistemologies (Kugara et al, 2025:58). Given these points, Western philosophical method is not the only methodology that may be utilised, and it should not be the benchmark for philosophical study (Adejumo-Ayibiowu, 2025:296). In contrast to the rationalism of the Eurocentric model, which precludes the rational and so excludes much of the human experience, the Afrocentricity approach implies a universal knowledge anchored in the knowledge of human beings themselves (Makoka, 2025:95). Makoka (2025:28) acknowledges that the right of Europe to see the world from its cultural center is not diminished by afrocentricity. In fact, in order to obtain accurate understanding about an African problem, afrocentricity required academics to focus on African experiences (Maphaka & Shai, 2021:189). Afrocentricity places African ideals, histories, and worldviews at the center

of research in an effort to recreate historical, educational, and cultural narratives (Kugara et al., 2025:58). As can be seen, a way of thinking and acting that prioritises African interests, values, and viewpoints is known as Afrocentricity (Makoka, 2025:32). Thus, Afrocentricity has a rich potential to aid this study to produce a qualitatively rich picture of the phenomenon under study, based on the unique African experience. Afrocentric epistemic location of this study empowers it to embrace the utility value of non-empirical sources of data, as equally important as empirical sources of data (Maserumule, 2015).

Article 33 of the United Nations Charter

Article 33(1) of the UN Charter requires “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” (Abass, 2012:111). According to Article 33(2) of the UN Charter, when required, the UNSC will request that the parties use these default methods of dispute resolution to resolve their disagreement (Higgins, 1970:12; de Carvalho & Abdenur, 2017:4). Article 2(3) of the UN Charter emphasises states' general responsibility for resolving disputes peacefully (Romita,

2011:4). On the contrary, Article 33(1) of the UN Charter, which embodies the first step in pacific conflict resolution under Chapter VI of the UN Charter, is extremely problematic (Yeini, 2020:676). This is because states might be hesitant to approach the other state and offer to act upon Article 33 of the UN Charter (Yeini, 2020:649). For example, there was failure of the Syrian Arab Republic to adopt measures under UN Charter Chapter VI which include Article 33(1) and its default method of dispute resolution. As a result, default method of dispute resolution did not lead the UNSC to consider the situation to be one requiring a response under UN Charter Chapter VII (White, 2019:63). States also with a history of conflict and animosity frequently find it difficult to take the first step towards conflict resolution outlined in Article 33(1) of the UN Charter (Yeini, 2020:676). This is because of different barriers including a genuine suspicion of the other state's intention (Yeini, 2020:676). All things considered, the UN intervention in a situation that is likely to result in a breach of the peace may be nothing more than the use of the peaceful means contemplated in Article 33 of the UN Charter" (Jha et al., 2018:21).

The preamble of the UN Charter provides specificity of the emerging concern that agreements on particular matters are only possible through the adoption of very broad language in the text (Byers, 2004:167). Some

agreements, such as those in Angola and Rwanda, have not been implemented (Jubilut, 2011:33). Important also to realise is that third-party dispute resolution is not addressed in the Nuclear Non-Proliferation Treaty text (Fleck, 2016:403). The outcome of the 2010 debate strengthens the case for greater use of UN Charter Article 33 (Rodiles, 2013:349). This is because the flexibility of Article 33(1) of the UN Charter is both necessary and problematic at the same time (Yeini, 2020:649). On the contrary, countries have plunged back into the horrors of conflict (Ramos-Horta & Haq, 2015:20). In terms of finding a solution to the Western Sahara conflict, the UN is still in the same place more than 11 years after Baker's resignation (Theofilopoulou, 2016:45). Accordingly, in the Central African Republic (CAR), Libya, the Syrian Arab Republic, and Yemen, UN missions have been forced to conduct evacuations (Ramos-Horta & Haq, 2015:20). This is bound to raise eyebrows and raise more questions in light of failures in Somalia, Rwanda, Cambodia, and twice in Angola (Cavalcante, 2019:197). These cases had been due to the UNSC's incapacity to *inter alia* understand the nuances of particular contexts (Cavalcante, 2019). Given this evolution, it could be said that within five years, half of all war-torn countries relapse into violence (Jubilut, 2011:33). Under these circumstances, gaining mutual consent to a method of dispute resolution might

prove a great challenge (Yeini, 2020:649). This is because states are both hesitant to make the initial offer but also resistant to every offer from their adversary (Yeini, 2020).

Settlement of disputes of setting defaults

In general, using a default method of dispute resolution may help states overcome pre-negotiation obstacles in order to initiate peace talks (Yeini, 2020:625; Fleck, 2016:390 & Henderson, 2018:232). Not only but also a mechanism of this type is selecting a default method of dispute resolution from the options listed in Article 33(1) of the UN Charter (Yeini, 2020:623).

- **Negotiation**

When the UNSC authorised force in Libya before pursuing negotiations, the responsibility to protect framework was abused (Bell, 2014:294). This is contrary because the same UNSC has been declaring that disagreements between the parties must be resolved through negotiations (Fox et al., 2018:683). China also was concerned that the International Criminal Court (ICC) intervention would stymie the Syrian Arab Republic peace talks (Birdsall, 2015:64). To put it differently, the UNSC members engaged in arduous bargaining to ensure that there was no hint of automaticity in resolution 1441 (Herranz, 2010:24). Negotiations are mechanism for selecting a single solution from a set of alternatives with

varying distributive effects (Gehring et al., 2019:112; Johnstone, 2008:283; Black-Branch, 2016:352). Likewise, negotiation is defined as "discussions at different levels of authority with a view to achieving common understanding or agreement in international relations" (Yeini, 2020:660). However, the UNSC has continued to conduct the majority of its negotiations behind closed doors (Koester, 2015:381). Certainly, the UN General Assembly considers negotiation to play an important role in achieving the UN Charter's goals (Yeini, 2020:660). Generally speaking, negotiation of resolutions 1373 and 1540 suggest that the UNSC was governed by deliberative principles (Johnstone, 2008:283).

There is agreement among those who took part in the negotiations for the drafting of resolution 1967 (Dolinger, 2019:98). The issue was that Israel's armed forces would not have to leave all of the territories it has occupied (Dolinger, 2019). Similarly, the Austrian delegation faced challenging tasks in preparing the ground for informal negotiations on the successor resolution (Rodiles, 2013:356). This resolution evolved into resolution 1904, which established the Ombudsperson's Office (Rodiles, 2013). This is due to recent attempts to re-establish a legal agenda in which treaties and customary laws are legally enforced rather than politically negotiated (Black-Branch, 2016:370).

Nevertheless, because of their belligerent dispositions, disputing parties are unlikely to resort to negotiation (Boye, 2014:16). As an illustration, the withdrawal issue could be addressed explicitly by the negotiating states (Koplow, 2016:191). First thing to remember is that the UNSC was ready to apply resolution 1737 with a four-months delay deadline set in resolution 1969 following extensive closed-door negotiations (Carisch et al., 2017:423). Failure to engage the Syrian Arab Republic regime in sustained negotiations means that the conflict continued (White, 2019:63). This quandary is also present in the Western Sahara conflict, where Personal Envoy van Walsum requested guidance from the UNSC after informing them that no negotiations had taken place (Theofilopoulou, 2016:45). Negotiation is considered the most common means of dispute resolution between states as well as the simplest and the cheapest (Yeini, 2020:660). Explicitly, the UNSC has stated that there can be no military solution to domestic disputes (Fox et al., 2018:683). Given these points, the UNSC urges parties to adhere to peace agreements already negotiated (Fox et al., 2018).

- **Consultations**

The UNSC's consultation with the UN Secretariat and potential troop and police contributing countries aids in defining the mission's political, security, and humanitarian case (Le

Roy & Malcorra, 2009:11). Uniquely, the extensive consultations with those most affected serve to legitimise a highly contentious decision (Johnstone, 2008:290). However, consultations have never been formalised in amendments to the UN Charter (Hurd, 2014:9). Notably, one critical missing dimension is greater consultation with civil society voices participating in peace processes (Barnes, Chiarelli, Cohn, Johal, Kihunah & Olson, 2006:6). Given these concerns, an intriguing suggestion is to institute an informal process of consultations among all UNSC members in order to achieve inclusiveness (Rodiles, 2013:349). This means that through effective consultations, feasible mandates can be crafted (Ramos-Horta & Haq, 2015:13). Brazil introduced legal framework of consultation for the UNSC (Bell, 2014:294). As can be seen, a wider consultation within the UN will not necessarily lead to the UNSC paralysis (Johnstone, 2008:299).

- **Dialogue**

The UNSC set out measures to enhance dialogue in resolution 1327 and resolution 1353 (Le Roy & Malcorra, 2009:13). Of course, the interactive dialogue is a valuable addition to the UNSC's working methods (Romita, 2011:20). That is to say, dialogue principles must guide the international community's actions (Herranz, 2010:29). On the contrary, the lack of effective dialogue between the UNSC,

countries contributing troops and police, and the UN Secretariat has resulted in frustration with mandate implementation (Ramos-Horta & Haq, 2015:61). Under these circumstances, Syrian Arab Republic has avoided engaging in dialogue with the international community (Meyer, 2011:99). In this case, responsibility to protect supporters should be initiating dialogue within the UN and other international organisations (Bell, 2014:263). This obvious point was evident when President Obama planned to send high-level USA officials to the Islamic Republic of Iran to engage in dialogue (Carisch et al., 2017:423). Channels for dialogue with states expand through workshops (Johnstone, 2008:284). More important is that the United Nations Department of Political Affairs and Peacebuilding Affairs (UNDPPA) is enhancing strategic dialogue with the UNSC on potential conflict situations (Feltman, 2015:14). Ultimately, the wording of resolutions 1327 and 1353 makes it clear that dialogue between states and other actors is becoming an intrinsic component of the rule of law (Rodiles, 2013:342).

- **Peacemaking**

Peacemaking is the action of bringing hostile parties to an agreement through peaceful means such as those envisioned in Chapter VI of the UN Charter (Findlay, 2002:160). Also, the UN Secretary General focused on the UN's efforts in peacekeeping and conflict resolution (Boye, 2014:25).

That is to say, strengthening of the normative framework of peacemaking may improve both the legitimacy and effectiveness (White, 2019:61). This can be done by developing the methods of peaceful settlement (White, 2019:61). In contrast, the UNSC has been frustrated in its efforts to exercise its peacemaking authority (Murphy, 1992:196). This is because states have increasingly sought to resolve their differences by methods and procedures which preserve their independence of action (Murphy, 1992:196). Within the UNSC's context, the body of law that governs peacekeeping is deplorable and ineffective (Yeini, 2020:623). Under these circumstances, without a political strategy and a commitment to support a peace agreement in the long term, peacemaking will make little progress (Feltman, 2015:9). On the positive side, resolution 2254 offers some reassurance that the UNSC can still play a role in promoting peace (White, 2019:66). It was on this basis that the UNDPPA is responsible for providing political analysis to the UN Secretary-General as the lead department for peacemaking (The United Nations Department of Political Affairs, 2016:6). Usually, the UN Charter contains specific provisions for resolving disputes and threats to international peace and security (de Carvalho & Abdenur, 2017:4). This inspired the UNSC's efforts to develop peacemaking responses (de Carvalho & Abdenur (2017).

The UNSC permanent members do prevent the UN to play decisive role in peacemaking initiatives (Boye, 2014:25). The assertion is based on the UNSC's failure to carry out the peacekeeping functions entrusted to it in 1945 (White, 2019:66). This collapsed the UNSC into pragmatism (White, 2019:66). Boye 2014:16) states that peacekeeping typically entails UN military and/or police personnel, as well as civilians. The point is emphasised further by the resolution's preamble, which states that the United Nations Protection Force (UNPROFOR) had no civilian mission commander (Findlay, 2002:135). This is due to the UN Secretary-General's desire to keep peacemaking efforts separate (Findlay, 2002). Significantly, for non-international armed conflicts, the UNSC continues to pursue a low-odds peacemaking strategy (Fox et al., 2018:683). This implies a determination to intervene despite compelling practical reasons not to (Fox et al., 2018). The drafters of resolution 2254 were also aware that peacemaking is important for creating a conducive environment for dispute resolution (Boye, 2014:16). Peacemaking is action to bring hostile parties to agreement (The Department of International Relations and Cooperation, 2020:19). The UN Charter- Chapter VI did not express in textual form the full range of peacemaking authority which the UNSC is expected to realise (Murphy, 1992:200). Truly, the international community needs to make better

efforts in the field of peacemaking (Yeini, 2020:625). This is given the importance that international law attributes to achieve peace and security (Yeini, 2020). Especially post-conflict efforts encompass peace-making (Jubilut, 2011:54). In contrast, a broader mandate for the UNSC draws attention to the inadequacy of peacekeeping funding (Elliott, 2002:22). An existing mechanism may need to be reconstructed to provide states with the best terms for reaching a peace agreement (Yeini, 2020:625). In any event, collective security measures need peacemaking measures (Jha et al., 2018:21).

- **Mediation**

The provision in Article 33(1) of the UN Charter requires disputing parties to seek a resolution through mediation (Boye, 2014:16). Comparatively, one of the procedures available to people who want the UN to comply with international law is mediation (Mukuki, 2020:134). Specifically, the UN tools include mediation capacities which help parties avoid conflict (Le Roy & Malcorra, 2009:2). However, the UNSC is confronted with the dilemma during the mediation process (Daase, 2011:68). The UNSC has remained silent since 1965 (Jha et al., 2018:30). This was the last time the UNSC articulated recommendations and relinquished its role as a mediator (Jha et al., 2018:30). For this reason, the desperate situations in Libya, the Syrian Arab Republic, and Yemen demonstrate the UNSC's mediation's

limitations (Ramos-Horta & Haq, 2015:20). It is worth remembering that in 2005, the World Summit agreed to improve the UN Secretary General's ability to mediate disputes (Daase, 2011:61). With this in mind, mediation should be made a default option under Article 33(1) of the UN Charter, with the UN Secretary General serving as the default mediator (Yeini, 2020:670). To put it differently, the UN Secretary General has an important role to play as mediator (Iacob, 2012:986). That is to say, in collaboration with other parts of the UN system, mediation should be built into mission mandates (de Carvalho & Abdenur, 2017:12). Given these points, only one-quarter of civil wars in which mandates were given political and material resources have seen success through mediation (Chesterman, 2006:11).

Another key point is that a mediation team comprised of the UNSC's five permanent members, augmented by Germany, presented a number of proposals to the Islamic Republic of Iran (Carisch et al., 2017:423). This was done to persuade the country to stop enriching uranium (Carisch et al., 2017). The UNSC's recommendations and attempts at mediation did not result in a permanent resolution for the Islamic Republic of Iran (Jha et al., 2018:30). China also was seen as a stumbling block to the UN's efforts to mediate the Darfur conflict (Boye, 2014:25). Important to realise is that firmness is necessary for persuading obstinate opponents to cooperate

(Theofilopoulou, 2016:49). Resolution 2378 encourages the UN Secretary-General to continue using mediation to help resolve conflicts peacefully (Henderson, 2018:232). The UN Charter- Chapter VI requires states to use mediation (Abbott & Snidal, 1998:19). On the contrary, mediation is increasingly being used in private contracts with the UN and states (Mukuki, 2020:134). It is different with the sphere of international customary law (Mukuki, 2020). There is also cause for concern that the route to implementing private contracts with the UN and states might be difficult (Yeini, 2020:670). This is because it is not clear that mediation can be set as default by means of interpretation (Yeini, 2020). The one thing to realise, of course, is that tight timelines create challenges in mediation processes to ensure the overall sustainability of the decisions taken (de Carvalho & Abdenur, 2017:11). Given these points, mediation has proven ineffective (Ramos-Horta & Haq, 2015:18).

- **Preventive diplomacy**

Diplomacy is the day-to-day conduct of international relations (Basaran, 2014:591). Additionally, preventive diplomacy, as defined by the UN, refers to diplomatic actions taken to keep disputes from escalating into violent conflicts (de Carvalho & Abdenur, 2017:7). Under UN Charter-Chapter VI, the UN Secretary General has identified a number of strategies by which the UNSC could improve its contribution to preventive diplomacy

(Elliott, 2002:17). Surely, military capabilities provide a background of assuredness and stability for preventive diplomacy (Neethling, 2011:135). Nevertheless, states facing threats from a powerful neighbour may lack the diplomatic firepower to initiate discussions and reach an agreement (Knight, 2005:1555). For example, Gaddafi's regime rejected the demands set out in resolution 1970 on the diplomatic front (Williams & Bellamy, 2012:274). Above all, it is a difficult time to talk about preventive diplomacy as the Syrian Arab Republic conflict entered years without effective preventive diplomacy (The United Nations Department of Political Affairs, 2016:20). For this reason, a number of factors work against the UNSC becoming more involved in preventive diplomacy (Elliott, 2002:17). However, international law claims to define the boundaries of preventive diplomacy (Basaran, 2014:591). In addition, the presence of the veto means that the UNSC is intended to perform both executive and diplomatic functions (White, 2004:645). Under these circumstances, Article 2(7) of the UN Charter may impose a legal barrier to the UNSC preventive diplomacy in the absence of acquiescence by the governments in the event of a dispute (Kirgis, 1995:532). Ordinarily, non-military methods, such as preventive diplomatic efforts, produce long-term results with fewer side effects (Garwood-Gowers, 2016:17).

The decisive preventive diplomacy that emerged as the UNSC addressed the events in the Persian Gulf was the most recent evidence of the UNSC's ability to fulfil its intended role (Sabec, 1991:63). In contrast, the UNSC has focused on dealing with armed conflicts after they have occurred, leaving the UN Secretariat to handle preventive diplomacy (Ramos-Horta & Haq, 2015:33). Accordingly, the haphazard manner in which the resolution was adopted in the twilight hour in the face of a humanitarian disaster in Benghazi resulted in a regrettable example of preventive diplomatic fudging (Thielbörger, 2012:18). This was in the event that the UN Secretary-General spoke with Libya's leader personally (Williams & Bellamy, 2012:274). Forthwith, a forty minutes conversation with Gaddafi failed to persuade him to comply with the UNSC's demands (Williams & Bellamy, 2012). Markedly, Chapter VI of the UN Charter is clearly founded on traditional forms of preventive diplomacy (White, 2019:56). For this reason, resolving disputes between the new behemoths would necessitate old-fashioned preventive diplomacy rather than executive settlements in which international law would play little role (White, 2019:57). According to the UN Secretary General, the UNSC's role in preventive diplomacy may necessitate the creation of new mechanisms, such as informal working groups (Elliott, 2002:17). Surely, forceful language could not be expected from any kind of preventive diplomacy where the values

of sovereignty and human rights are pitched against each other (Bring, 2011:59). The testing of a nuclear device by the Democratic People's Republic of Korea (DPRK) is one of the most delicate issues in international preventive diplomacy (Black-Branch, 2016:359). As shown above, the practice of international preventive diplomacy on a daily basis may test the boundaries established by international law (Basaran, 2014:591).

- **Special political missions**

The UNSC has frequently sought to bridge the gulf between getting the parties to agree between themselves and making its own recommendations by appointing special political missions of the UNSC (Higgins, 1970:13). Likewise, many of the world's most complex conflicts are being addressed by special political missions (Feltman, 2015:15). That is to say, special political missions serve as tools for conflicts prevention (The United Nations Department of Political Affairs, 2016:16). Surely, special political missions assist in allowing to support ongoing efforts to reduce tensions while simultaneously moving towards comprehensive peace agreements (The United Nations Department of Political Affairs, 2016). Resolution 2254 backed the UN Secretary General's special political mission's efforts to find a long-term political solution to the Syrian Arab Republic crisis (White, 2019:63). The UNSC has not used special political missions to their full potential (de Carvalho & Abdenur, 2017:10). China maintained contact with both the Syrian Arab Republic and opposition groups (Lei, 2014:7). On the positive side, this is done

by sending special political missions to the Middle East (Lei, 2014). In particular, special political missions of the UN Secretary-General are integral actors in supporting conflict prevention and peacemaking efforts (The United Nations Department of Political Affairs, 2016:6). For this reason, special political missions have to be careful of their independence (Iacob, 2012:980). Special political missions help to avoid conflict with the UN's definitive policy positions in order to ensure coherence in peace agreements (Iacob, 2012).

Nevertheless, special political missions frequently struggle to carry out their mandates due to limited resources (Ramos-Horta & Haq, 2015:98). It must be remembered that special political missions operate in the midst of major civil wars (Feltman, 2015:7). Surely, when the UN Secretary General dispatches special political missions to seek settlements and end hostilities, it is clear that extensive efforts are being made to find a peaceful solution to the crises (Francioni & Bakker, 2013:13). Chiefly, the UNDPPA continues to prioritise operational requirements for dealing with special political missions over broader approaches to conflict prevention (de Carvalho & Abdenur, 2017:10). Significantly, special political missions are central to the UN's peace and security efforts (Ramos-Horta & Haq, 2015:17). One example from practice is seen from both sides of Western Sahara conflict modifying their stubborn approach when dealing with UNSC and the UN Secretary-General (Theofilopoulou, 2016:49). For the most part, the UNDPPA provides assistance to special political missions in Africa, Central Asia, and the

Middle East (The United Nations Department of Political Affairs, 2016:5).

- **Electoral support**

Electoral support is other peaceful means in Article 33(1) of the UN Charter for the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security. The right to hold elections on a regular basis is on its way to becoming a customary legal norm (Thielbörger, 2012:33). The premise is that everyone is able to express consent through an electoral process (Herranz, 2010:8). This is done so that politicians are held accountable to the citizenry (Johnstone, 2008:299). With this in mind, the UNSC backed Libya's efforts to hold free, fair, and credible elections during its peaceful transition period (Carisch et al., 2017:441). In fact, the UNDPPA has the electoral affairs division dedicated to providing electoral assistance to those states who request it (Farrall, 2009:917). However, the UNSC's response to the 2008 Zimbabwean presidential elections called into question (Farrall, 2009:913). The political violence that occurred following the elections, prompted the USA to take more focused action (Boon, 2008:1019). Concerns were expressed among UN members that unfair elections would set an unfavourable precedent, necessitating UNSC intervention (Boon, 2008:1019). As an illustration, periodic elections can help to keep government abuse under control (Davidsson, 2003:2). This has resulted as the requirement which prompted the UN to start performing interventions in states internal affairs ranging from monitoring elections to oversight of peace agreements (Jubilut, 2011:29). Given these points, the international territorial administrations of the 1990s in East Timor, Kosovo, and

Bosnia are the clearest examples of the UNSC approving electoral democracy for post-conflict states (Fox et al., 2018:682).

The Cold War's aftermath took the form of UN-backed elections as part of larger peacekeeping operations (White, 2019:62). This is to bring an end to internationalised civil conflicts (White, 2019). Accordingly, the UNSC noted the need to consolidate democratically elected institutions in Burundi (Farrall, 2009:927). The United Nations Mission in Sierra Leone (UNAMSIL) was established by the UNSC to monitor compliance with the Lomé Peace Agreement (Findlay, 2002:297). Markedly, the UNDPPA's work is preventing election-related violence in order to increase trust in electoral processes (The United Nations Department of Political Affairs, 2016:13). However, hurried peace agreements and the hasty execution of mandates that prioritise elections has proven to be counterproductive (Stamnes & Osland, 2016:13). The proposals for indirect elections in Iraq failed due to opposition from the majority Shia population (Wheatley, 2006:234). With this intention, Resolution 1511 requested the Governing Council to provide a timetable for the holding of democratic elections under that constitution (Wheatley, 2006:234). This is the case notwithstanding the fact that the creation of democratic processes, as embodied in free and fair elections, is the modern approach to post-conflict reconstruction (Fox et al., 2018:680). The evidence is that the election's preventive component was instrumental in shaping the international community's response to post-election violence in Kenya (Garwood-Gowers, 2016:4). As has been noted, elections are an important

component of democratic transitions (The United Nations Department of Political Affairs, 2016:19).

- **States democracy**

Making state democracy a right would be the most effective way to promote global peace and non-violence (Thielbörger, 2012:33). Similarly, the UNSC has consistently expressed its support for the establishment of state democracy (Wheatley, 2006:532). Notably, state democracy is an essential component of restoring international peace and security (Wheatley, 2006). That is to say, state democracy is a form of state in which the government is in the hands of the masses (Silva Gonzalez, Crespo & Vigil Garcia, 2020:74). Especially, almost exclusively in the context of post-conflict reconstruction, the UNSC has dealt with issues of state democracy (Fox et al., 2018:683). On the contrary, enforcement measures of state democracy have in the past infringed upon the principle of self-determination (Ferreira-Snyman, 2011:142). The momentum for global state democratisation has faded (Farrall, 2009:920). In resolution 1973, any mention of democracy was carefully avoided (Thielbörger, 2012:45). Albeit, state democracy is nothing more than a ruse to increase the power of Western countries (Benard & Leaf, 2010:1439). Given these points, the establishment of a representative government necessitates the recognition of all citizens' equal political participation rights (Wheatley, 2006:234).

Markedly, a draft resolution aimed at achieving a genuine democratic transition of Myanmar's government was vetoed (Tladi, 2008:25). Research also shows that acting in Kosovo without UNSC approval placed international justice in the hands of

a small group of powerful Western democracies (Benard & Leaf, 2010:1439). The UNSC authorised the bombing of Libya solely to protect the lives of peaceful pro-democracy protesters (Khouri, 2019:247). It is to be noted also that the rationale for establishing democracy in Iraq was not articulated in the relevant UNSC resolutions (Wheatley, 2006:545). There is no gainsaying that, in international law, democracy is not defined by a specific institutional arrangement (Wheatley, 2006:240). This is due to the UNSC's efforts to deter aggression, promote humanitarian efforts, and impose democracy (Quigley, 1996:249). In this case, states democracies have a unique ability to legitimise international action (Benard & Leaf, 2010:1439). Notably, state democracy is not limited to the holding of democratic elections (Silva Gonzalez et al., (2020:74). Certainly, the UNSC's relationship with international law has important implications for the interactions with state democracy (Farrall, 2009:919). With this in mind, the argument that was made in favour of the Haiti resolution stressed the UNSC need to strengthen state democracy to rid Haiti of its military dictatorship (Kirgis, 1995:511). The Haiti resolution also stressed the UNSC needs to restate President Aristide legitimate authorities (Kirgis, 1995). All things considered, the rise of civil society and the growing voice of the people are providing strong impetus for the global spread of state democracy (Ramos-Horta & Haq, 2015:18).

Conclusion

Based on the foregoing discussion, this study submits that Article 33 of Chapter VI- UN Charter and Chapter VI- UN Charter as a whole is highly contentious among both scholars and practitioners. This study did not attempt to provide all the answers pertaining to the limits and other dynamics about Article 33. Imperfect as is, Article 33 represents a necessary legal intervention in the UNSC's quest for pacific settlement of disputes. To be meaningful, it has to be read within a particular context, that is in sync with Articles 34, 35, 36, 37 and 38. However, Article 33 has broadened the knowledge of settling disputes through a default method of dispute resolution such as negotiation, consultations, dialogue, peacemaking, mediation, preventive diplomacy, special political missions, election support and state democracy.

The study concludes that the UNSC assists the parties in reaching an agreement by tying the obligation to settle disputes placed on states to the UNSC's powers.

The criticisms of the UNSC are that many international disputes have little or no interest to the major powers. The analysis also shows that states with a history of conflict and animosity

frequently find it difficult to take the first step towards conflict resolution outlined in Article 33(1) of the UN Charter. The research further found that Syrian Arab Republic has avoided engaging in dialogue with the international community. The results further indicate that China was seen as a stumbling block to the UN's efforts to mediate the Darfur conflict. Hence, non-involvement or reluctance of big powers, who are also permanent members of the UNSC. The foregoing analysis should be understood within the context of real politik's contention that, while international organisations are formed with good intentions, they are often used as instruments for the articulation of the national interests of the big powers. When the big powers do not have strategic interests over a particular dispute, they would ordinarily do little to capacitate the UNSC's engagement. Security situations are a subject of varying interpretations, which can be swindled either way for the purpose of advancing a particular political cause. The UNSC's recommendations and attempts at mediation did not result in a permanent resolution for some countries.

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