Preventive Diplomacy as a Means of Avoiding Wars

By

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Abstract

Preventive Diplomacy is a term that means prevention of conflicts, internal and external, within states, and between states as well. But how effective Preventive diplomacy has been in the prevention of conflicts, and how functional it has been in contemporary times is of more significance? Today, many countries and peoples still face wars and conflicts, which have been tragic to both its victims and humanity. On the failure of the League of Nations and the human tragedies of the World Wars I and II, many had assumed that the United Nations Organization would end up in like manner. However, it has endured and is still wading through the torrents, but how much of its role of maintaining the global peace and security is it playing out? Therefore, Preventive diplomacy precisely refers to the role that the United Nations Organization (UNO) should play in conflict prevention and the establishment of world peace. This paper's main focus is to outline and analyse the concept of Preventive Diplomacy. Is there a legal basis in international law for preventing conflicts and the preservation and protection of human rights? Then, what are the roles of conflict prevention and peacebuilding, as well as measures that should be taken to prevent the beginning of conflicts and response in times of crises, the role of Preventive diplomacy as well as what it should be.

Introduction

Diplomacy has been there from the inception of humankind, and the act of conducting negotiations between persons, or nations at a large scope is essential

to the upkeep of international affairs. Among the many functions of diplomacy, some include preventing wars and violence, and fortifying relations between two nations. Diplomacy is most importantly used to complete definite agenda. Therefore, without diplomacy, most world affairs would have ended, international organizations would have ceased to be, and especially the world would have been in an endless state of war. Therefore, diplomacy is the reason for most countries existing in harmony.

Modern diplomacy has become more advanced and many aspects of it has changed over time too. "Diplomacy is neither the invention nor the pastime of some particular political systems, but is an essential element in any reasonable relation between man and man and between nation and nation" Nicolson (1977). For the upkeep of the International System, diplomacy is used in every part of the world. Without which many countries would not be able to conduct successful negotiations.

Some have argued that diplomacy is a product of society and history itself. As countries progress different aspects are added to diplomacy. Separation of powers, national interest, and a country's sovereignty are only a few elements that were added to modern diplomatic history. Therefore, diplomacy can be seen as an ever-changing concept, the same way International Relations between countries fluctuate. Author of The Pure Concept of Diplomacy José Calvet De Magalhães stated that "continuity of the diplomatic institution throughout thousands of years and in all known civilizations shows that diplomacy is an institution inherent to international life itself, one that may undergo transformations or may be used with more or less intensity, but cannot be dispensed with" Szykman (1995). Henry Kissinger also states that "By pursuing its own selfish interests, each state [is] presumed to contribute to progress, as if some unseen hands were guaranteeing that freedom of choice for each state assured well-being for all" Kissinger (1995), in the course of all diplomatic history.

While the structure of diplomatic posts has changed, the functions always remained the same, and there are four functions of diplomacy. The first function involves "representing a state's interests and conducting negotiations or discussions designed to identify common interests as well as areas of

disagreement between the parties, for the purpose of achieving the state's goals and avoiding conflict" Ameri (2009). Representations of a state as well as negotiation are the most important functions of diplomacy. Negotiations between two representatives are a key component in diplomacy, because in doing so the representatives find a common interest. Finding a common interest is vital in conducting negotiations because with a common interest, representatives are able to devise a solution that is in the interest of both sides. Berridge also says that negotiation "can produce the advantages obtainable from the cooperative pursuit of common interests; and it is only this activity that can prevent violence from being employed to settle remaining arguments over conflicting ones" Berridge (2001).

Great thinkers such as Machiavelli, for him, diplomacy was a tool of deception to grant more powers to the state Berridge (2001), arguing that leaders should be headstrong and be reserved. Guicciardini promoted the upkeep of good relations, and cautioned for care with whom one deals with and that reputation is key in a negotiation Berridge (2001). Advising that diplomatic positions should be assigned to those that can be trusted who can promote their country's interests. Since the subject of diplomacy is always growing and changing, it can be said that because of its vast effect on the world, everybody needs diplomacy to survive. It has become such a vital part of everyone's life that is indirectly becoming a trait for survival. Power corrupts, however diplomacy seeks to rid corruption and reinforce the international system as well as international law. It is because of diplomacy that international organizations can exist. In a diplomatic way, an international organization is merely a many member space for finding common grounds on particular subjects. In the United Nations for example, all its members try to find common interests for positive changes. Although it is sometimes perceived to be slow for the changes to be, its diplomatic approaches lead to fewer casualties. If diplomacy were not in existence, international organizations would not exist. The world would be at a constant state of war, and war would in fact never end, because they normally end with diplomatic negotiations

What is Preventive Diplomacy?

The notion of preventive diplomacy implies conflict prevention, which is considered as the perception of intervention and not the escalation of the situation

into a greater human tragedy Georgieva (2004), which could be "one of the most original contributions in the system of the United Nations for the maintenance of peace and international security" Diplomacy (1996). "Preventive diplomacy implies" the action of prevention of objections between the parties before their escalation into a conflict with the purpose of limiting their later spread" Reka (1994). According to the Charter of the United Nations the aim is" to maintain the global peace and international security and for this purpose, to take effective collective measures to prevent and avoid threats to peace" (The United Nations Charter Article 1, 1945). One of the basic concepts for the peacekeeping philosophy of the United Nations Organization was the concept of Early Warning. Early Warning is used to present a management cycle composed of peacekeeping action, to ensure peaceful evolution of conflicts. It eventually opened the way for the subsequent establishment of the concept of "preventive diplomacy" in initially concretizing this process in the Congo crisis. Reka (1994).

For the first time, the term Preventive diplomacy was proposed by Dag Hammarskjöld, Secretary General of the United Nations from 1953 to 1961, more than half a century ago and since then, as a concept it has continued to develop in response to new challenges Jenca (2013). Preventive diplomacy is defined by Michael Llundi as a last level in the life cycle of conflict instigation, it is also characterized by the non-military equipment or arms and ammunitions. Other interpretations - as that of Brus V. Xhentleson, also views preventive diplomacy as characterized by non-violence and opposes military diplomacy which should mainly be directed towards limitation or termination of violence Latifi (2004).

Also, the term "preventive diplomacy has found prominence as a key element in the role of the United Nations Organization in international peace and security during the Cold War. It suggests pro-active actions and not reactive, responses to international crises, and seems to be firmly embedded in contemporary global agreements of collective security Zyck & Muggah (2012). The concept of "observation of peace", also practiced by the United Nations Organization and its predecessors, the League of Nations, was "an international instrument to prevent animosities," while its subsequent idea, "peacekeeping" is defined by the International Peace Academy as "prevention, control, moderation and interruption of animosities between or within states ..." In this broad sense, as Inis

Claude highlights, "the development of the theory and practice of preventive diplomacy" is one of the most original contributions of the United Nations system for maintaining international peace and security" Acharya A. (1994). An integral part of the wider efforts of conflict prevention and preventive diplomacy specifically refers to diplomatic actions to be taken at the earliest stage possible, to prevent disagreements arising between parties, to prevent existing disagreements from escalating into conflicts, and to limit the spread of the latter when they occur. Preventive diplomacy remains important throughout the entire spectrum of conflict management (Preventive Diplomacy, 2011).

Although the Security Council has been without doubt paying more attention to the issue of preventive diplomacy and intermediation in recent years, views are mixed on how effective and popular it has been in using these and other tools of peaceful solution under Chapter VI of the Charter. On the one hand, there has been a growing interest on conflict prevention, especially in the early 1990s after the end of the Cold War. The council's role in encouraging preventive measures is certainly increased since then, as preventive diplomacy has become a more important feature of its identity and purpose. (International Peace Institute, 2012). The United Nations in its Agenda for Peace also stresses that preventive diplomacy specifically refers to " actions to prevent disagreements that occur between parties, to prevent existing disagreements, escalation in conflicts and to limit the spread of the latter, when they occur" Zyck & Muggah (2012).

The idea that conflicts are better dealt with when nipped on the bud than resolved, or when prevented, started as a strategy of contemporary society and, was promoted in the beginning of the 90s. That conflicts in the international community can be treated in a way completely different from what is presented in the traditional responses during the Cold War. Series of internal conflicts that escalated in different parts of the world (from the former Yugoslavia) and its consequences like human sufferings, destruction, political and violent adventures and financial losses from conflicts, motivated a large number of international experts and several leaders, as well as some international institutions to recognize prevention as an idea and as a means of dealing with conflicts" Georgieva (2004).

The Character and Significance of Preventive Diplomacy

The United Nations Organisation established after World War II's mission was the maintenance of peace in the world Mitrevska, Grizold, Buckovski, & Vanis (2009). But, after the failure of the League of Nations, many would not have believed that the United Nations Organization as the largest organization, with the involvement of the majority of states would have endured through time. Although its mission was and is to maintain peace and the creation of global stability, wars and conflicts between nations are not going downwards, on the contrary, their number keep growing, especially in modern times Kissinger (1999).

As stated by Robert Cooper, in the era of globalization, legitimacy is an important element and for the "security agenda ". The existence of the United Nations who owns an international legitimacy to intervene, but that is incompetent and not very functional and the United States, which are de-legitimized, but sufficiently empowered to act, make it very difficult to achieve this goal. This, perhaps, enables the European Union, which however is highly divided and powerless to be able to handle this role. Therefore, there are no easy solutions to ensuring a perfect strategy for stability and peace Selimi (2013).

But, in many cases of conflicts the role of the United Nations Organization has been great in preventing and deescalating wars or monitoring borders and peace after conflicts. "The greatest contribution in preventive diplomacy and the whole of peacekeeping mechanism of the United Nations Organization is contained in Brutus-Brutus Ghali's "An Agenda for Peace ". This means that the action or behavior of hostile parties to peace agreements during peacekeeping would determine the presence of the United Nations Organization, and what they include, whether military, police and civilian operations with the aim of preventing conflict Reka (1994).

"Preventive diplomacy today is being developed by a broader group of actors, using a wide range of tools, as never before. This is partly due to the occurrence of strong normative frameworks in favor of international efforts to prevent violent conflict and atrocities, but also to ensure the inclusion of more voices in governance, for peace and security. The World Summit of 2005 was a turning point, when member states of the United Nations committed to building a "culture

of prevention", by strengthening the capacity of the United Nations for this purpose and taking effective collective measures for the prevention and removal of threats to peace. Earlier, in its resolution 1325 (2000) the Security Council of the United Nations, called for the significant and greater participation of women in conflict prevention, to recognize the importance of indigenous mechanisms in conflict resolution (Preventive Diplomacy, 2011).

A system for maintaining peace in which all participating countries have undertaken a fundamental principal to renounce military force against other states, and adopt stern measures collectively against an aggressor. This is different from when an alliance is simply defensive and the aggressor is a country which in itself is a member of the organization. A collective security system of this type is, therefore, not only externally, but also internally directed. An example of such an organization is the United Nations which is not forced to participate in offensive military measures (The ABC of International Law).

In 2010, for example, the regional center of the United Nations for preventive diplomacy for Central Asia was able to provide offices and support for response to the crisis in Kyrgyzstan, after the ouster of its previous president in April and outbreak of ethnic violence in June. They worked closely with the national actors there, the United Nations team, OSCE, European Union, Organization of the Collective Security Treaty, the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization. The Center facilitated reconstruction assistance, recovery and elections in the country, promoting a dialogue between political leaders and representatives of civil society and supporting the building of the foundation for compliance - Preventive Diplomacy (2011).

How Preventive Diplomacy Works

Preventive diplomacy can work through the following ways:

a) Building trust – Preventive diplomacy requires measures to create trust (Opiyo, 2010). Also, it can only be implemented successfully if there is a high level of trust Strachan (2013), which includes transparency, exchanges, notifications, etc.

b) Building of institutions - refers to formal and informal ways of organizing institutions, in the pursuit of interests or objectives. The earliest example is that of

the United Nations which clearly and specifically have helped countries to develop their governance structures, like in the case of Libya. In 1949 the General Assembly of the United Nations Organization appointed a Commissioner for Libya to help both administrative powers, France and the United Kingdom, in the preparation Libya for its independence Wolfrum, (2005).

c) The beginning - includes monitoring developments in the political, military, ecological and other areas (such as natural disasters, refugees, the threat of famine and the spread of diseases) that can, if not implemented, lead to the outbreak of violence or major humanitarian disasters.

d) Humanitarian preventive action - is primarily concerned with the prevention and management of humanitarian costs of political conflicts as well as political and humanitarian consequences of natural phenomena that occur Acharya (1994). Responses in times of crisis are important, and must be carried out on a timely basis too, knowing that the timeliness is what would determine the escalation or reduction of the crisis.

a) Fact-finding - The primary mission would be the collection of information about a potential internal conflict of economic, social and political field (including the lack or loss of legitimacy of regimes and existing leaders, a high level of violence and violation of human rights) Latifi, (2011).

b) Good Officials - The aim of such missions is not necessarily to engage in serious efforts for intermediation, but rather to express the concern of the international community, and to promote a climate of trust and to establish areas of agreement between the parties in conflict.

c) Crisis management - aims to reduce the immediate possibility of acts of violence in a conflict situation and may require measures such as conciliation, intermediation and arbitration that would help in the decrease of tensions Acharya (1994, p. 7) and Centre for Security and Defense, (2010). Timeliness is also of essence here as any time lost would degenerate the existing situations.

d) Prevention placement - The central modern feature of the international legal system is its normative attempt to control the use of force and the threat or use of force. The Charter outlines a system of measures such as economic, political and military interventions against aggression in Chapter VII, using a collective security approach Opiyo, (2010). Prevention placement may include the establishment of demilitarized zones which will create a physical barrier between opponents Acharya (1994). It is also noteworthy that based on the Resolution 1244 (1999) the Security Council of the United Nations has authorized the Secretary General to establish an international civil presence, known as the Mission of Interim Administration of the United Nations in Kosovo (UNMIK) with the mandate to ensure an interim administration for Kosovo Muharremi, Peci, Malazogu, Knaus, & Murati (2003).

What is most important here is the political will to 'act' and to act on a 'timely' bases to avert disaster, and all of the above outlined processes are time bound to achieve success. This why the UN should have a serious re-think and review to enhance timely intervention in the face of the biting bureaucracies within this organization which the next sub-heading would address.

Challenges of Preventive Diplomacy

The UN is challenged by its inherent problems such as its structures, and its lack of early warning systems and finances. Challenges arising from the principle of state sovereignty also limit the UN in preventing internal problems, especially at the pre-escalation stages. At this point, it would be key to propose that strengthening the Secretary-General's good offices to enhance conflict early warning systems and encourage the international community to work together could give legitimacy to the UN preventive diplomacy endeavours. Fundamentally, the realisation that violent political problems require political solutions is instrumental in order for the UN to play its Preventive Diplomacy roles.

However, with the end of the Cold War, it was expected that both interstate and intrastate conflicts would decline. But it's (Cold War) end rather reduced the typical East-West ideological competitions that often instigated both intrastate and interstate disputes. Surprisingly though, these crises and conflicts are not

disappearing but multiplying, and evolving in different forms. Immediately after the end of the Cold War, in the 1990s, there was an upsurge in United Nations (UN) involvement in peacekeeping, peacebuilding, peacemaking, and the reconstruction of war-ravaged states. These activities placed constraints on the UN budget and resources. The UN's burden of trying to contain conflicts is made heavier by global financial crises, a sense of international fatigue and the massive cost of activities around the aftermath of conflicts.

At the UN, there is always the need for better-tailored cost-effective options for dealing with crises. The increase in conflicts and the post-Cold War demands on the UN resources call for a different approach in dealing with crises. This requires a review of practices and a need to consider preventive measures and identify the most appropriate entry point in the conflict cycle. This is the point at which preventive diplomacy (PD) and mediation can begin to play a critical role. In this role, the UN is rebalancing its capabilities so that diplomats and mediators can be mobilised as the first responders

Peacemaking sometimes is facilitated through international action to ameliorate circumstances that have contributed to the dispute or conflict. If, for instance, assistance to displaced persons within a country is of priority, then the United Nations draws upon the resources of all agencies and programmes concerned within its system Luard (1994). The main challenge lies in the diversity of the UN agencies and the time required to activate the implementation of the principles concerned. The bureaucracy at the UN often delays the possibility of responding appropriately and on time. In circumstances when peacemaking requires the imposition of sanctions under Article 41 of the Charter, it is important that states confronted with special economic problems do not only have the right to consult the Security Council regarding such problems, as Article 50 provides, but also have a realistic possibility of having their difficulties addressed. Also, the indifference of the international community to a problem, or the marginalisation of it, can also thwart the possibilities of solutions or timely interventions.

Conclusions

Strengthening United Nations Preventive Diplomacy

Viewed in terms of international law as well as the protection of human rights, especially in armed conflicts, the role of preventive diplomacy is crucial and necessary in these circumstances. From elaboration of the notion of Preventive Diplomacy we understand that the United Nations as the highest body of the world should play the role for which it was formed, that of maintaining world peace and security. But, after the end of World War II where also the purpose of the establishment of the United Nations Organization was that human tragedies with global proportions, which were brought by the World War I and World War II not be repeated. With the end of the Second World War and the beginning of the Cold War, as if the function and role of the United Nations started to be paralyzed. During this period, but even now in modern times, the United Nations and the Security Council as if have remained mortgage of balancing of forces between the major powers, especially between the United States and Russia. Now, we witness that conflicts and wars in many countries are on the rise, especially the case of Syria where today, Preventive Diplomacy is faced with incapacity and impotence to intervene and prevent such human tragedies.

Many researchers consider the importance of Preventive Diplomacy as an obstruction of conflict and violence within a country as well as between countries, with the aim: better to prevent conflicts than to recover. In addition, from the study we see that Preventive Diplomacy in most cases, but not only, has succeeded only when the interests between the major powers are in compliance, especially the permanent members of the Security Council. "As stated by Robert Cooper, in the era of globalization, legitimacy is an important element and in the " security day agenda ". The existence of the Organisation of the United Nations who owns an international legitimacy to intervene, but that is incompetent and not very functional and the United States, which are de-legitimized, but are sufficiently empowered to act, make the achievement of this goal very difficult. This, perhaps, may be enabled by the European Union, but it is highly divided and powerless to be able to do today. Therefore, there are no easy solutions to ensure perfect strategies and through them stability and peace" (Selimi, 2013, p. 22).

Measures to be taken before the beginning of the conflict, as well as measures to be taken when conflicts begin differ in their forms. If measures are taken before a conflict begin, the possibilities of establishing a lasting peace are easier, because even the disagreements are smaller, that can find acceptable solutions to both sides. Whereas measures taken when a conflict begin are more difficult, now many factors affect, from the loss of innocent people, infrastructure destruction, damage of the economy, weakening in the military aspect, as well as the lead that either party could have, as in military and diplomatic aspect.

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