

# Preventive Diplomacy: Regions in Focus

DECEMBER 2011



INTERNATIONAL PEACE INSTITUTE

**Cover Photo:** UN Secretary-General Ban Ki-moon (left) is received by Guillaume Soro, Prime Minister of Côte d'Ivoire, at Yamoussoukro airport. May 21, 2011. © UN Photo/Basile Zoma.

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**Suggested Citation:**

Francesco Mancini, ed., "Preventive Diplomacy: Regions in Focus," New York: International Peace Institute, December 2011.

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**ACKNOWLEDGEMENTS**

IPI owes a debt of thanks to its many donors, whose support makes publications like this one possible. In particular, IPI would like to thank the governments of Finland, Norway, and Sweden for their generous contributions to IPI's Coping with Crisis Program. Also, IPI would like to thank the Mediation Support Unit of the UN Department of Political Affairs for giving it the opportunity to contribute to the process that led up to the Secretary-General's report on preventive diplomacy.

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PREVENTIVE DIPLOMACY: DELIVERING RESULTS—  
REPORT OF THE SECRETARY-GENERAL

STATEMENT BY THE PRESIDENT OF THE  
SECURITY COUNCIL



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# Introduction

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Preventive diplomacy—conceived by Secretary-General Dag Hammarskjöld in the mid-1950s and revitalized in the early 1990s by Secretary-General Boutros Boutros-Ghali—is a vital instrument in the United Nations’ conflict-prevention toolkit. While the responsibility for preventing conflict and its escalation ultimately lies with countries themselves, the UN has played an indispensable supporting role since its establishment and will continue to do so.

Over the past few years, there has been a resurgence of interest in employing preventive tools to thwart the outbreak and escalation of violent conflict. At the United Nations, member states have shown increasing interest in the kinds of results preventive engagement can achieve, both as a pre-emptive and cost-saving measure. The UN’s Department of Political Affairs has significantly enhanced its mediation capacity, most notably through its Mediation Support Unit, regional offices in Central Africa, West Africa, and Central Asia, and political missions. The Security Council has dedicated a number of its recent discussions to this subject, both in open debates and in closed sessions. During its July 2010 open debate on preventive diplomacy, the Security Council requested that the Secretary-General submit a report with recommendations on “optimizing preventive diplomacy tools within the UN system...in cooperation with regional organizations and other actors.”<sup>1</sup> It is within this context that the regional papers included in this publication were commissioned, as a contribution to the analysis and discussion that informed the Secretary-General’s report of August 26, 2011, *Preventive Diplomacy: Delivering Results*.<sup>2</sup>

From the Sudan to the Middle East, from Madagascar to Kyrgyzstan, the relevance of preventive-diplomacy initiatives cannot be understated. In fact, this renewed attention has occurred with good reason. There is an increasing realization within the international community that the more traditional measures for forestalling the emergence of conflicts have often fallen short, at times with catastrophic consequences. Today, “new” types of conflicts have arisen, most of them internal tensions over political transitions and regime change, coup d’états and coup attempts, election disputes, constitutional processes, access to natural resources, property, and land issues, among others. In addition, it is more cost-effective and less intrusive to invest in specific preventive initiatives as compared to postconflict reconstruction, peacebuilding, and peacekeeping activities—in terms of helping to save lives and scarce financial resources. Intractable conflicts place a heavy strain on war-torn societies and the international community. The World Bank, for example, estimated the cost of one civil war to be the equivalent of more than thirty years of economic development.<sup>3</sup> Resource constraints have become vitally important at this time of prolonged economic crisis and fiscal austerity in many donor countries.

This renewed interest in conflict prevention follows an earlier period of conceptual, normative, and institutional advances between 1997 and 2002. Preventive action today is, however, quite different from the mid-1990s in at least two significant ways. First, the field of preventive diplomacy has become increasingly crowded, now comprised of a vast array of international, national, and local actors: NGOs, governments, and regional, subregional, and other international organizations. As the papers in this collection show, the United Nations is hardly the sole actor in preventive diplomacy and conflict resolution, with coherence and coordination among

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1 UN Security Council, “Statement by the President of the Security Council,” UN Doc. S/PRST/2010/14, July 16, 2010.

2 United Nations Secretary-General, *Preventive Diplomacy: Delivering Results*, UN Doc. S/2011/552, August 26, 2011.

3 See World Bank, *World Development Report 2011* (Washington, DC, 2011), p. 6.

multiple initiatives and actors quickly becoming a major challenge. Second, this new wave of prevention is no longer primarily externally driven. Local actors, from central governments to local communities and civil society, have become more proactive in expanding their roles in support of preventive initiatives within their own countries. International actors are increasingly focused on strengthening and supporting national and regional capacities and the processes for prevention.

If we look more broadly at the field of conflict prevention, there is yet a third reason why these efforts are different today. The differences between operational and structural prevention are far less pronounced than when the Carnegie Commission on Preventing Deadly Conflict coined these concepts in 1997.<sup>4</sup> Increasingly, both types of preventive intervention aim at achieving results in the medium term. This follows the realization that success at confronting acute crises (operational prevention) typically requires sustained engagement with the conflict parties, and that efforts to address the root causes of conflict (structural prevention) should have an observable positive impact in the medium term.

While there is no one-size-fits-all solution with which to respond to emerging conflicts, UN Secretaries-General employ a number of diplomatic tools when hotspots flare and tensions rise. These include good offices, Groups of Friends of the Secretary-General, fact-finding missions, independent mediators, regional offices, country teams, resident political missions, and the dispatching of special representatives and envoys. An increase in the pace of preventive diplomatic efforts is evident in the growth in the number of UN special representatives engaged in peace operations, which grew threefold from twelve to thirty-six from 1980 to 2005; the number of special envoys deployed has also increased.

The August 2011 report of the Secretary-General on preventive diplomacy (see annex) is the first-ever report on this topic. Secretary-General Ban detailed the growing importance of this practice and its recent accomplishments. At the same time, he outlined five priority areas for strengthening the use of preventive diplomacy: (1) early and decisive action to address emerging threats; (2) investing in and better equipping “preventive diplomats” and their staff; (3) predictable and timely financial support to maximize efforts on the ground and to deliver results; (4) stronger strategic partnerships with regional and subregional organizations; and (5) greater support for national institutions and mechanisms for mediation, including civil society and, in particular, women’s and youth organizations. Far from being a perfect tool, preventive diplomacy will require sustained attention and dedicated resources to be more effective in diminishing conflicts and their devastating costs.

In his remarks to the high-level meeting of the Security Council on preventing conflict in September 2011, Secretary-General Ban Ki-moon indicated that preventive diplomacy would remain a key priority for his second term and that “it is, without a doubt, one of the smartest investments [the UN] can make.”<sup>5</sup> The instruments of preventive diplomacy are more cost-effective than the deployment of a peacekeeping operation and can avert the loss of innocent lives and prevent the devastating consequences produced by internal displacement and economic upheaval. The Secretary-General called on the Security Council, the primary UN organ responsible for the maintenance of international peace and security, to continue “generating political momentum and engaging with key interlocutors in pursuit of a common strategy” for addressing situations of concern.<sup>6</sup>

The Security Council endorsed the Secretary-General’s recommendations in Presidential Statement S/PRST/2011/18 of September 22, 2011 (see annex), expressing “its determination to enhance the effectiveness of the United Nations in preventing the eruption of armed conflicts, their escalation or spread when they occur,

4 More recently, the concept of systemic prevention, which refers to measures of global risks of conflict transcending particular states, was added to the vocabulary of conflict-prevention practitioners. See, the Secretary-General’s *Progress Report on the Prevention of Armed Conflict*, UN Doc. A/60/891, July 18, 2006.

5 See “Daily Press Briefing by the Office of the Spokesperson for the Secretary-General,” *UN News Centre*, September 9, 2011, available at [www.un.org/News/briefings/docs/2011/db110909.doc.htm](http://www.un.org/News/briefings/docs/2011/db110909.doc.htm).

6 United Nations Secretary-General, *Preventive Diplomacy*, para. 14.

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and their resurgence once they end.”<sup>7</sup> The council emphasized the importance of a coordinated early-warning mechanism for the timely detection of imminent conflicts and the need to strengthen cooperation with regional and subregional partners such as the African Union, Association of Southeast Asian Nations (ASEAN), Economic Community of West African States (ECOWAS), and European Union, to name just a few. It encouraged diverse elements of the UN system, including the Peacebuilding Commission, UN Development Programme, General Assembly, Economic and Social Council (ECOSOC), and international financial institutions, to promote better information sharing. The council also noted the need to catalyze cooperation with all relevant actors including NGOs, academics, parliamentarians, and the media.

To transition from a culture of reaction to a culture of prevention, preventive diplomacy should be matched with continued attention to address the root causes of conflict—poverty, food security, access to natural resources, impunity, gender equality, and so forth—as security and development are interdependent factors in preventing conflict. Sustained leadership will also be needed. As one council member noted, preventive diplomacy takes commitment. It is the political will and leadership of the international community and the parties affected that will strengthen the United Nations capacity for preventive diplomacy and, as a result, that will prevent the outbreak and escalation of violent conflict. In the words of the Secretary-General Ban Ki-moon, “preventive diplomacy is not an option; it is a necessity.”<sup>8</sup>

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7 UN Security Council, “Statement by the President of the Security Council,” UN Doc. S/PRST/2011/18, September 22, 2011, para. 4.

8 See United Nations Secretary-General, “Remarks at Security Council High-Level Briefing on Preventive Diplomacy,” *UN News Centre*, September 22, 2011.

## Preventive Diplomacy in Africa: Adapting to New Realities

*Fabienne Hara\**

### INTRODUCTION

The United Nations has lost significant ground in the area of conflict prevention, management, and resolution on the African continent. Despite having a significant presence in almost all crisis situations, making normative progress in some areas like international justice and the responsibility to protect, and diversifying its intervention toolbox from peacekeeping and good offices to more thematic areas like mediation support, constitution making, and human rights inquiries, there are few promising signs that the UN will regain its previous position as the primary port of call to support the resolution of crises on the continent. This trend has manifested itself most visibly in the UN Security Council's and Secretariat's increasing tendency to defer the lead role in managing conflicts in Africa to regional powers or organizations, and also in the withdrawal of consent to the deployment of UN peacekeeping missions by the host governments of Burundi, Chad, Democratic Republic of the Congo (DRC), Eritrea, Sudan, and more recently—after the mission certified that the incumbent president lost the elections—Côte d'Ivoire.

Understanding the UN's new position—its causes and consequences—will be essential if the organization is to engage in effective preventive diplomacy in Africa at all stages of the conflict cycle. A number of factors outside the UN's control have shifted its relative position in the field, including the emergence of new global and regional actors; African disillusionment with perceived Western influence on the continent and selective acceptance of the normative agenda promoted by the UN; and the global financial crisis, which is already impacting the UN's crisis-response capacity, most notably the funding of peacekeeping operations. Other factors are related to the UN's own performance in conflict-affected states, such as the Security Council's perceived loss of legitimacy, due to its lack of reform and the absence of

permanent African representation; the UN's all-too-frequent slow reaction to early warnings; and the Secretary-General's own preference for a regionally-led and state-centric approach. The impact of uprisings in North Africa, particularly in Libya, will also be felt profoundly in ways yet to be fully determined. While the UN-authorized intervention there revived the role of the Security Council for some of its members, it undermined that of the African Union (AU) and created deep resentment among African countries and the leading emerging economies of Brazil, Russia, India, China, and South Africa (BRICS), particularly against the Permanent Three (P3)—France, the UK, and the US. This paper will outline the major trends affecting preventive diplomacy in Africa and examine the effect of these trends on the application of existing efforts. Lessons drawn from this analysis offer a few key observations and recommendations for the UN going forward. Chief among these is a call for the Security Council and the Secretary-General to redefine and reassert the added value as well as peace and security responsibilities of the various parts of the UN system in the context of the current division of labor among multilateral actors, while improving the quality of strategic dialogue and coordination with key regional actors. The vague delineation of roles in the current call for “partnerships” clouds what is expected of whom, and therefore each actor's theoretical accountability.

### CEDING GROUND OR LOSING GROUND? THE UN AND NEW GLOBAL ACTORS

The credibility of the UN as the chief conflict-prevention and management actor in Africa is now challenged on numerous fronts. The proliferation of political actors on the continent and their growing influence in maintaining peace and security means that the UN is no longer the multilateral channel of choice for preventive

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diplomatic efforts. Increasing assertiveness on the part of the African Union, subregional organizations, and influential African leaders in responding to conflicts has in some cases displaced the UN altogether, and in others relegated it to a supporting role. As a result, UN support is often limited to technical assistance, such as electoral or constitution-making support, mediation support, human rights inquiries, or financial and logistical assistance. The mantra of “African solutions for African problems,” increasingly favored by both Western powers and African leaders over the last decade, has bolstered the African Union’s primacy in responding to conflicts on the continent. The concept gained ascendancy as part of the postcolonial assertiveness of African leaders and in the wake of high-profile peacekeeping failures, notably in Somalia and Rwanda, that caused the Western countries that had led the UN missions there to subsequently desire a transfer of responsibility to African countries.

The wider international community, including the Security Council, has largely embraced this trend by deferring responsibility and leadership to the AU and subregional organizations, such as the Southern African Development Community (SADC), Economic Community of West African States (ECOWAS), and Intergovernmental Authority on Development (IGAD). This has been the case in response to the coup in Madagascar, the 2007 electoral crisis in Kenya, the ZANU/MDC dispute in Zimbabwe, the Lansana Conté succession crisis in Guinea, the destabilization of the Transitional Federal Government (TFG) by an Islamist insurgency in Somalia, and the postreferendum negotiations and disputed-areas crises in Sudan.

There are two recent and notable exceptions to this pattern: the Security Council-authorized interventions in Libya and Côte d’Ivoire in March 2011. However, in each case there were marked interests in the situation by one or all of the three permanent members (France, the UK, and the US) known as the P3, combined with failed diplomatic efforts by the African Union. In Côte d’Ivoire, the AU took time to agree on a strategy of peaceful resolution regarding President Gbagbo’s departure while the situation deteriorated, opening the way

for a UN Security Council resolution authorizing the use of force. In Libya, the AU was never perceived as an impartial actor and similarly failed to deliver firm commitments from the Qaddafi regime or the National Transitional Council that would lead to talks. Each case illustrated an initial preference for specific regional partnerships: in Côte d’Ivoire, the Security Council declined to take up the situation for weeks, despite attacks on the UN peacekeeping mission, in favor of allowing the AU/ECOWAS an initial lead role in resolving the crisis; in Libya, the Arab League was seen as a more favorable partner than the AU in promoting a military intervention against the Qaddafi regime. Each case was also exceptional in that strong national interests on the part of the P3 superseded the overall trend of growing regional indifference.

### Regional Organizations

Since its creation in 2002, the AU has become more active and assertive, both in response to the leadership of chairpersons of the commission (currently Jean Ping) and peace and security commissioners (Said Djinnit and now Ramtane Lamamra), and under instruction from Africa’s heads of state, who are willing to be more responsive and make the Peace and Security Council (PSC) decisions more binding. The AU, which included the promotion of peace, security, democracy, and good governance, as well as a common defense policy, in its founding principles, has become increasingly interventionist, in both political crises and military matters. The suspensions of Mauritania (2005, 2008), Eritrea (2009), Guinea (2008), Madagascar (2001, 2009), Niger (2010), and Côte d’Ivoire (2011), each by a PSC decision and mainly as a result of unconstitutional attempts to seize power, are particularly illustrative, as are ECOWAS and AU mediation efforts in the crises of Liberia, Togo, Kenya, Darfur and North and South Sudan, Eastern Congo, Côte d’Ivoire, and now Libya, and the deployment of protection forces in Burundi and Darfur. The sovereignty of individual member states is no longer considered an absolute bar to intervention within the region; in several cases, the AU has already implemented the “principle of non-indifference” embodied in the 2000 Constitutive Act of the AU Charter.<sup>1</sup>

<sup>1</sup> For example, Article 4H of the AU Constitutive Act provides for “the right of the [AU] to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.” See *Constitutive Act of the African Union*, Lomé, 2000.

This push for political intervention within the AU is the result of a combination of factors: the end of apartheid and the subsequent push for an African Renaissance led by South Africa; stability and economic growth in large parts of the continent, including much of southern Africa, Nigeria, Tanzania, Ghana, and Mali; the end or decrease in intensity of extremely violent conflicts in the Mano River and the Great Lakes, as well as the incremental stabilization of Sudan through the Comprehensive Peace Agreement (CPA) process. These developments have gradually opened new political space and freed up the capacity of individual states to intervene. African countries with powerful militaries, such as Ethiopia, Nigeria, Rwanda, and Uganda, having gained some UN peacekeeping experience, now deploy their troops in regional peacekeeping or peace-enforcement operations, such as the AMIB in Burundi, AMIS/UNAMID in Darfur, and AMISOM in Somalia. In most of these cases, the deployments took place in the absence of political will at the Security Council to send UN peacekeeping missions under very unstable conditions.

This trend has been backed by Security Council members and within the UN Secretariat, where there has been much rhetorical support over the last decade for the AU's leadership role on the continent, as well as various commitments to capacity building for the AU. The UN Secretariat has also made a concerted effort to provide technical support to the regional organizations, while maintaining a low profile so as to allow both to build confidence in the new institutions and to provide political cover to prevent potential backlash against UN, perceived as Western, influence. These efforts coincide with a gradual fatigue regarding African conflicts and the P3's shift in focus to counterterrorism and operations in Iraq and Afghanistan. France and the UK, as former colonial powers, have reformulated their African policies and scaled down their military, financial, and political engagement on the continent, which has impacted the UN's own role on the continent too.

Along with its own growing confidence and capacities, the AU's assertion of primary responsibility for African conflicts is also driven by a postcolonial orientation and disillusionment with "Western interventions" and double standards.

African states often perceive the UN Security Council as Western dominated and unrepresentative, making African leaders skeptical of interventions promoted by external actors, whether they involve the use of force under Chapter VII of the UN Charter, issues of human rights accountability, or other conflict-prevention measures. Some even view UN peacekeeping forces as postcolonial operations intended to dominate weak states and question their motives. However, in some cases, this criticism of UN interventions also masks a rejection by some African leaders of the democratic and accountability agenda promoted by the UN. The AU's opposition to the International Criminal Court (ICC) indictment of Sudan's President Bashir, is a case in point: while it was in part justified by a pragmatic perception that the pursuit of accountability would make implementation of the CPA more complicated, it was also rejected by some African leaderships as "judicial imperialism" promoted by the West against an Arab-African head of state, and not backed by principled positions on accountability in other forums. Despite the depth of these disagreements over the UN normative agenda and concerns about representativeness and selectivity in the work of the Security Council, neither the council as a whole nor the P3 has made much effort to address the core-values issue through genuine and open dialogue.

The failure to foster dialogue was most recently exhibited in the marginalization of the AU in the Security Council's decision to intervene in Libya, which gave birth to renewed bitterness and resentment against the West. The council's decision to preference Arab League cooperation over AU engagement laid bare the relatively unchanged political reality that African leaders can still be marginalized whenever overriding national interests of the P3 are present, despite years of rhetoric in favor of AU leadership on the continent. The situation was likely doubly frustrating for many African leaders because it also revealed the weakness of the AU's position in its failure to achieve any real concessions from Muammar Qaddafi or to negotiate a political alternative to NATO-led intervention. It also made clear the paradoxical position of the African countries on the Security Council. Neither South Africa nor Nigeria, as nonpermanent members, abstained or voted against Resolution 1973, unlike emerging powers India and Brazil. The

UN Secretariat made subsequent efforts to bring the AU into the discussions of the Contact Group on Libya and into consultations with UN Special Envoy Al Khatib, but the repudiation of 1973's implementation by top African leaders at a joint meeting between the UN Security Council (UNSC) and the PSC in Addis in June made their frustration evident. As more than half the items on the Security Council agenda are related to African crises and involve some form of intervention in internal affairs—peacekeeping, peacebuilding, or good offices—it is crucial to mitigate the impact of historical legacies on coordination between the UN and regional organizations by sharing analysis on a continuous basis and defining joint policy objectives for any given situation.

The institutional capacity of the AU Commission to support conflict-prevention efforts, much less complex peace processes, remains limited despite ongoing efforts to provide technical and financial assistance to the commission. Even when the AU may lead, mobilization of resources from external actors is often still essential to sustain its work. For example, the UN provided extensive support to Kofi Annan's team during South African Development Community negotiations on Zimbabwe and to the Mbeki panel on postreferendum negotiations in Sudan, and it brought significant technical and political expertise to crisis management in Guinea. Yet, resource mobilization to support regional efforts has also proven to be a highly politicized task that leads to a certain degree of confusion about which institutions have the political lead and ultimately bear responsibility for the intervention. In peacekeeping, for example, expectations that the UN would generate support for the AU have led to tensions over policy formulation and burden sharing, resulting in some mixed experiences of collaboration: in Darfur, the participation of the AU was the *sine qua non* condition imposed by the government of Sudan to allow the deployment in Darfur, which the UN had no choice but to accept. Conversely, in Somalia, the AU intervened in 2007 on the assumption that there would be automatic funding and logistical support, but also an eventual re-hatting of the mission by the UN, which the UNSC has been extremely reluctant to authorize. Unless the fundamental gap between aspiration and growing political legitimacy on the one hand and AU capacity to sustain efforts over a

long period of time and deliver effective interventions on technical and political fronts on the other is openly recognized and addressed, genuine reform will prove difficult.

Effective AU-UN cooperation also assumes there is internal unity in both organizations, which is not always the case. There are well-known divisions within the Security Council on key issues of sovereignty and intervention, as seen in the case of the intervention in Libya, and significant divisions among Africa's most powerful countries that have sometimes led to policy paralysis. Differences of vision and competition between individual leaders and among regional powers, such as between Nigeria and South Africa, have prevented consensus within the AU on key preventive-diplomacy efforts. This was evidenced by failure to promptly tackle the electoral crisis in Côte d'Ivoire. In that case, South Africa and Angola initially supported a power-sharing agreement between former President Gbagbo and elected President Ouattara. Their position was informed by their own liberation struggles, resistance to a perceived Western (French) intervention agenda, old connections within the socialist movement, and gratitude for Gbagbo's position against the Angolan UNITA movement in the 1990s. Nigeria and the majority of ECOWAS countries forcefully promoted respect for the outcome of the election and the departure of Gbagbo from office, but those efforts were hampered through diplomatic bumbling and limited resources to back up the more coercive threats, and because the UNSC did not provide substantial backing. Nigeria and South Africa again took different positions on the conflict in Libya, with the former recognizing the insurgents' National Transitional Council early on and the latter promoting an alternative conflict-resolution framework and expressing concern at the precedent created by Security Council Resolution 1973. Likewise, in Madagascar, it can be argued that the competition between the AU and SADC has been detrimental to existing efforts at mediation. Due to strong differences between member states, there is little willingness to delegate authority to the different secretariats, which makes cooperation with the UN difficult.

### Subregional Organizations

Like the AU, subregional organizations are also asserting an increasingly active role in preventive

diplomacy, with varying degrees of success. The first sign of this was in the 1990s, with the ECOWAS interventions in Liberia, Sierra Leone, and Guinea-Bissau. The subregion's role in peace and security has grown significantly since then. The engagement of ECOWAS and particularly of one of its members, Burkina Faso, in the crisis in Guinea following the September 2009 stadium massacre was largely considered a successful effort to avert further violence or escalation to civil war. Recent ECOWAS efforts in Côte d'Ivoire were perhaps less successful, particularly in their coordination with the AU, demonstrating that the organization's current strength is in its diplomatic response to coups and other unconstitutional attempts to seize power, and not in its capacity to intervene militarily. Meanwhile, IGAD plays an increasingly important role in guiding international policy with respect to Somalia, as illustrated by its recent unilateral decision to recommend extension of the Transitional Federal Government's (TFG) mandate. The dominance of Ethiopia and Uganda as regional powers and a lack of coherence among the other key international actors—including between IGAD and the rest of the international community regarding Somalia—has resulted in a fragmented and ineffective approach to conflict resolution. This has allowed one party, the TFG, to essentially be part of an Ethiopian-led military strategy to contain Islamist groups and Somali irredentists. In this case, a regional power actively prevents the resolution of a conflict through political dialogue and is unchecked by the wider international community in pursuit of its own national agenda, particularly its conflict with Eritrea. This demonstrates the risks of over-reliance on subregional configurations to lead in conflict resolution, where there is little counterbalance from the wider international community, preferably through the UN, to a regional power pursuing narrow interests above conflict prevention or resolution.

The UNSC's deferral to regional organizations, realized both politically and through the Secretariat's activities, has led to the creation of new partnerships and networks of contacts, but also sometimes to an increasingly ad hoc approach. However, as each phase of diplomatic engagement is too often conceived as sequential and hierarchical, the number of policy options and points of leverage at any given decision point may, in fact,

shrink. This has been evident in particular in the response to the elections and security crisis in Côte d'Ivoire, where though a substantial UN peacekeeping mission was under intense pressure, the council repeatedly deferred action to the subregional and regional actors, with no obvious mechanism for coordinating a coherent political strategy among the various actors. The international community, including most notably the UN, did not seem to have planned for a Ouattara victory scenario or a challenge to the election results. In this policy vacuum, and amid contradictory and poorly-coordinated responses from ECOWAS and the AU, the situation was allowed to significantly deteriorate, as each actor looked to the other to lead. For months, both sides fell short of effective response. Finally, the AU achieved consensus by appointing a panel of heads of state, but it failed to appoint a high representative or deliver a diplomatic solution before the political and security situation had deteriorated so far that key actors, including President-elect Ouattara, France, and the Security Council, decided to take robust military action to end the crisis. The last and most violent episodes of the Côte d'Ivoire electoral saga showed the limitations of the current division of labor between international and African organizations.

### New Global Actors

In addition to the new actors that have emerged with the devolution of authority and responsibility to regional and subregional bodies, newly assertive global players are also changing the nature of preventive diplomacy. Most notably in Africa, Chinese bilateral economic engagement (through foreign direct investment, lending mechanisms, and bilateral aid) is shifting the balance of power within the international community and impacting not only discrete points of leverage with various regimes and decision makers, but the overall political calculations of many leaders on the continent. Some, such as Joseph Kabila, Robert Mugabe, Omar Al Bashir, and even Dadis Camara during his brief time in power in Guinea, have become particularly adept at playing these various actors and their interests against each other, diversifying their patronage system and paralyzing the international community.

Growing assertiveness by China and other emerging powers is manifest in the Security

Council as well, particularly among those countries eager to gain a permanent seat, such as India and South Africa. The emergence of new global powers raises the question of their contribution to preventive diplomacy; at present there is little evidence that the permanent seat aspirants represent any real shift away from the more cautious approach preferred by China and Russia, in which strict interpretation of sovereignty and aversion to preventive action predominates. While the IBSA countries (India, Brazil, and South Africa), along with Turkey in some instances, have attempted to promote a “third way” on the council, there has been little evidence of its manifestation in council decision making on situations, including such a high-profile one as Syria. While reforming the Security Council would be an important signal that the council is prepared to remain credible and relevant, it would not necessarily lead to a more engaged and active body. There is also an obligation on the P3 to sustain their engagement in and support to conflict prevention and resolution in Africa through the UN, acting more consistently in support of UN principles, even as their own national interests and capacities may wane. The P3 have proven with the Libya intervention that when they are determined to act, they can still drive an agenda within the UNSC, even if it requires additional diplomatic work to build coalitions, such as with the Arab League. It is vital for these powers to engage in dialogue, through the UNSC, with both the emerging powers and regional leaders in Africa, so as to address the gap between legitimacy and capacity within the AU, as well as selective engagement in peace and security issues by both the Security Council and the PSC.

The emergence of new actors and shifting power centers is a fact of life. The UN has adapted to this changing reality by creating new “partnerships,” but with very little overall strategic vision for either the evolution of multilateral engagement or the coordination of crisis-specific responses. Weakness is evident in both the Secretariat and the Security Council. There is a perceived willingness (or even eagerness) to use chapter VIII of the UN Charter and cede responsibility for conflict prevention to other international actors, in part due to a recognition of the limits of the UN acting alone; this has weakened the organization’s authority and legitimacy, perhaps more than is warranted. On the

council, the US is no longer the lone superpower, and it has generally become more necessary for the P3 to build coalitions than in the past. After making substantive progress in dealing with internal crisis situations over the last fifteen years and engaging massively in major African peace processes and peacekeeping operations in the last decade, the recent weak record of political engagement by the various UN bodies and departments on crises from Eastern DRC to Côte d’Ivoire and Zimbabwe is highly disappointing. Likewise, responding to a relatively weaker P3 and more assertive emphasis on non-intervention by China, Russia, and others, the Secretariat is less able to mobilize enough support from member states for conflict-prevention and preventive-diplomacy initiatives.

On African matters, the Secretariat once relied heavily on France and the UK to champion initiatives, or exercise leverage, but this is less and less feasible now as both countries have lost interest in African affairs, bar some exceptional cases like Libya, and both face declining financial capacity and political influence on the continent as well. To adapt, the UN will need to modify its approach and consider ways to expand its partnerships with diverse member states, including emerging powers.

## REVIEWING PREVENTIVE-DIPLOMACY TOOLS AND ADAPTING TO NEW REALITIES

### Good Offices, Special Envoys, and Mediators

Envoys and formal mediators are key tools of preventive diplomacy. Both have been important factors in cases of recent effective preventive diplomacy in Africa. Kofi Annan in Kenya, Haile Menkerios in Zimbabwe and Sudan, Said Djinnit in Guinea, Thabo Mbeki in Sudan, Blaise Compaoré in Côte d’Ivoire and Guinea, Olusegun Obasanjo in the Rwanda/DRC conflict, Augustine Mahiga and Jerry Rawlings in Somalia, and Joachim Chissano on the LRA-affected areas are all good examples. However, a number of these cases can be viewed only as highly qualified successes.

While Mr. Menkerios may have been instrumental in helping to finally negotiate a unity government in Zimbabwe after eight years of “quiet” South African diplomacy, thus averting the collapse of the country, the lack of international policy coherence and due diligence in the follow-up

to the Global Political Agreement raises serious doubts about whether democratic transformation is afoot and crisis has truly been prevented. Without any clear coordination mechanism to achieve policy coherence, the rest of the international community, including the UN, will be left to wait and watch whether the South African/SADC mediation will be sufficient to help avert a potential crisis in the upcoming elections. In the DRC case, President Obasanjo's mediation between the National Congress for the Defense of the People (CNDP) rebels and President Kabila's government could only carry the process so far. The rapprochement between Presidents Kabila and Kagame, whatever its terms, was deemed sufficient to get a ceasefire and avoid an absolute collapse of Kabila's authority after the CNDP show of force and Kabila's army's defeat in October 2008. However, President Obasanjo was quick to recognize the limitations of this type of diplomacy, when the key international actors, in this case Western governments such as the US, France, and the UK, and regional powers, such as South Africa, were unwilling to support a comprehensive diplomatic process to resolve the underlying causes of the conflicts in Eastern DRC. Without this support, the violence in Eastern Congo continues to fester at an unacceptable level, and no single third party accepts any real responsibility to facilitate a lasting solution to the myriad land, justice, citizenship, intercommunity coexistence, wealth-sharing, and other economic issues in the Kivus. The lens through which the conflict is viewed has been stubbornly state-centric—an insufficient approach to deal with the conflict in Eastern Congo, which also has local and regional dynamics.

Other challenges manifest themselves in more obviously failed mediation efforts, such as those in Darfur, Western Sahara, and Madagascar. In Darfur and Western Sahara, as well as Somalia, important regional dynamics are at play. In such situations, a fragmented international approach, coupled with a highly state-centric mode of engagement has left mediation efforts floundering. Failures of diplomacy in Darfur and Madagascar are equally illustrative of the challenges of proliferating actors and uncoordinated mediation. In each case, individual personalities and institutions were embroiled in competition with one another at the expense of creating a coherent diplomatic strategy.

In the case of Darfur, Thabo Mbeki, Djibril Bassole, and Ibrahim Gambari were competing, while there continues to be no overall political strategy to resolve the crisis. In the case of Madagascar, the UN withdrew its special envoy in large part to give space to the AU and SADC, but the whole process has hit a dead end. Thus, while individual capacities and relationships are highly relevant to the success of any given envoy, the institutional and global dynamics must also be managed through a coherent and organized political process if mediation is to succeed and, as importantly, if coherent follow-up to mediation is to be sustained.

### Regional Offices

The establishment of regional offices in West and Central Africa is an interesting and welcome addition to the UN's preventive-diplomacy capacity. The UN Office in West Africa (UNOWA) played a useful role in the transition in Guinea by providing logistical and technical support to the ECOWAS mediator and helping to ensure policy consensus through regular briefings by Special Representative (SRSG) Said Djinnit to the International Contact Group and the Security Council, as well as through his personal contacts with leaders in the region. While important contributions, the role of the office should not be overstated at the expense of recognizing the unique regional and global dynamics that allowed for a rapid and relatively coherent response to the crisis following the stadium massacre and subsequent departure of Moussa Dadis Camara. Active engagement by the US and France, who, along with willing partners in the region, pushed for the creation of a UN commission of inquiry following the massacre, was a decisive factor, according to US embassy cables available on WikiLeaks. Of course, the assassination attempt on Camara by his aide-de-camp provided the opportunity for all players to promote a quick transition to civilian rule. Here, the leadership of President Compaoré, particularly by facilitating the appointment of Sékouba Konaté as the head of transition and making him agree to organize elections, was crucial. Finally, the diagnosis that the Camara regime would not provide stability to Guinea was shared by ECOWAS members, as well as key players with significant investments in the country, such as Russia and China.

Without diminishing the UN's contributions, the

Secretariat must carefully reflect upon the role it can realistically play in preventive diplomacy, particularly in moments of crisis, and sharpen its attention to those areas in which it can offer the most added value. The UN system should strive to provide an enabling environment for diplomatic efforts by key actors and enhance its capacity to help build and sustain policy consensus through relevant and available mechanisms. Building relationships is key, and the appointment of an SRSG with high credibility in the region is essential. However, without substantial enhancements to the regional offices' budget and capacities, as well as robust political support from key member states, expectations for these offices to meet the existing gaps in early warning and analysis or act as a default principal lead in preventive diplomatic efforts are unrealistic. UNOWA, for example, has to cover sixteen countries with a very small team. It would also be useful to give regional offices the necessary staff and the capacity to support the International Contact Groups on specific crises, which have proven to be useful mechanisms to coordinate international action. When there are no political offices on the ground, the Secretariat should be able to deploy political officers very rapidly. Resident coordinators, who are the representatives of the Secretary-General for development operations, should develop a monitoring and reporting capacity and exercise greater initiative and responsibility to contribute to early warning within the UN system.

### UN Peace Operations

Other UN presences, such as special political missions and complex peace operations, must not be overlooked as critical preventive-diplomacy tools. While renewed interest in structural and early conflict prevention is welcomed, opportunities for preventive diplomacy in the UN context, and particularly in Africa, are most likely to emerge in already fragile states that are in the process of resolving conflicts or consolidating peace. With the largest peacekeeping operations concentrated in Africa, numerous conflict-affected states, and the high risk of relapse to conflict in these states, failure to actively integrate a preventive-diplomacy approach into existing missions is costly. The UN's record is mixed in this regard. In Sudan, too little was done to help prevent the eruption of mass violence in Darfur in 2003, as attention was

narrowly focused on negotiations between the north and south. While diplomatic efforts by the UN and others leading to the referendum for South Sudanese independence were squarely rooted in an understanding of the potential risk of the collapse of the CPA process, more was required to manage the fallout, particularly in northern Sudan. After a worrying initial last-minute push for unity in early 2010, the UN leadership took a less biased position and helped the international community reach a policy consensus on the need to peacefully hold the referendum and ensure respect for the outcome. It also worked cooperatively with the AU to maintain consensus and assisted the parties in peacefully navigating the referendum and launching post-referendum talks. The peaceful referendum was an important and impressive accomplishment for the parties and for the UN. Unfortunately, policy consensus within the international community began to fray after independence, and there is not yet satisfactory coordination on a coherent strategy to deal with the crises in the north, notably in Darfur, and in the transitional areas, Abyei, Southern Kordofan, and Blue Nile. Again, given their respective points of leverage and legitimacy, the P3, UNSC, AU, regional powers, and even the Arab League must act in concert.

In the DRC, on the other hand, the UN appears to be shying away from a preventive-diplomacy role. Focused on perpetual conflict management and security crises in Eastern Congo, the international community and the UN are failing to demonstrate active engagement with the relevant parties to address key potential conflict risks that could cause further deterioration of the security environment through organized mass violence or renewed war beyond the already unacceptable levels now present in the East. The 2011 presidential and parliamentary elections were flashpoints for violence, and the long-neglected governance issues continue to sow the seeds for greater conflict. The preference to take an overly-cautious approach to challenging the government with respect to the conditions in which the elections will be held and to avoid another confrontation "à la Côte d'Ivoire" may prove to be a critical error: indeed, a flawed process in the DRC could open the way to new groups taking up arms and challenging the legitimacy of the central government. The challenges are myriad and compounded by neglected conflict-prevention and

-resolution efforts to thoroughly address the intercommunal and interstate dynamics and drivers of the violence in the East. The greatest attention has seemingly been given to short-term civilian-protection concerns, focused on the proximate causes of discrete attacks; infrastructure building as a means of extending state authority; and rebuilding a relationship with the government, albeit one in which the UN is fundamentally handicapped by a retreating Security Council and hyper-vigilance to prevent any further confrontation over the future status of the mission. However, the UN's significant presence in the country and strong mandate gives it greater authority and responsibility both to protect its reputation and exercise responsible preventive diplomacy. It would be a shame if twelve years of peacekeeping failed to prevent the emergence of an illegitimate government and more violence in eastern DRC.

### Political Missions and Peacebuilding Offices

Special political missions and peacebuilding offices are similarly situated to play an important preventive-diplomacy role at any given point in the conflict cycle. The UN Integrated Peacebuilding Office in Sierra Leone has been credited with playing a constructive role in preventing the potential escalation of violence following tensions between the governing and opposition parties in March 2009. On the other hand, the office in Burundi struggled against an assertive host government, and the UN, which found itself severely weakened by the turnover of the mission's head, too often failed to defend its role in the country.

The UN Political Office in Somalia (UNPOS) has failed to play a strong convening role among the various international actors to help build policy consensus and coherence. Without an effective political process in place and with little or no mandate to chart a new course, the office has limited options. The UN is precariously positioned between key members of the wider international community (e.g., the US and the UK), the dominant regional powers (Ethiopia and Uganda), an extremely weak transitional government, and an AU-led peacekeeping mission. In this case, the UN should focus on one of the few ways it can bring added value to the situation by building substantive relationships with local authorities through both its political and humanitarian work. The robust

diplomatic efforts by SRSG Mahiga in August and September 2011 to establish a way out of the impasse over the Transitional Federal Government's mandate were positive steps and illustrate the critical role of the UN. The organization should go further by challenging the current state model and making very clear that there will be no stability without decentralization.

In all cases, whether Sudan, Somalia, Burundi, Sierra Leone, or DRC, the lesson is clear that diverse parts of the UN system, including development and humanitarian actors, can play an important preventive-diplomacy role. However, the points of leverage, whether opportunistic or inherent in the UN's large presence, must be utilized and informed by an overall conflict-prevention framework that is supported by the Security Council and mainstreamed across relevant actors. This unity of purpose and cohesion is a challenge for the UN, as its system works in silos.

### Justice Mechanisms, Electoral Assistance, and Human Rights Monitoring

For the moment, the UN remains the dominant international actor in the area of peacekeeping and large peacebuilding missions; it also retains unique credibility in the utilization of other prevention tools, such as justice and accountability mechanisms, electoral assistance, and human rights monitoring, despite an increasingly crowded field.

Electoral assistance in a preventive-diplomacy context generally functions in one of two ways. It is either an important component of a transition out of violent conflict, in which assistance is often mandated by the Security Council and conducted through a peacekeeping or peacebuilding mission, or it is provided at the request of a host government, which is often in transition and facing potentially risky elections. To be an effective tool, electoral assistance that gives the UN's Department of Political Affairs (DPA) an opportunity to engage must be provided as part of a broader conflict-prevention strategy. It can be particularly useful in transitions from authoritarian regimes, providing an entry point for political engagement by the UN and donors, such as may prove to be the case in Tunisia.

Unfortunately, the opportunity is too often wasted, as the UN, with the complicity of key



donors, fails to coordinate an overarching strategy, preferring to focus instead on purely technical support to the host government. An overly-technical approach without regard for an overarching political strategy in an at-risk environment not only risks aggravating conflict risk factors, but also jeopardizes the UN's added value as a standard-bearer for peace and security. Whether an existing UN presence or new actors offer to provide electoral assistance, as well as when and on what terms, is a critical and highly political question the UN and the rest of the international community will face with great frequency in the next year in Africa. The UN has the potential to make an important contribution to overall conflict prevention by identifying volatile elections; providing substantial political analysis of the risks, actors, and dynamics; and engaging in preventive diplomacy well in advance of the immediate campaign period. This requires not only sufficient resources and support from member states, but also enhancement of analytical capacities and willingness to bring together diverse actors across the UN system—and outside of it—to ensure policy coherence, including between the Electoral Assistance Division in DPA and the United Nations Development Programme.

Ideally, preventive diplomacy would prevent gross crimes and abuses that merit an international fact-finding mission or a commission of inquiry and threats of international accountability. Unfortunately, in the current environment, preventive diplomacy is likely to remain most effectively mobilized in response to some triggering event. All too often, this triggering event is a violent outbreak or crisis. This is true even when many of the well-known precursors of violence are clearly present. Fact-finding missions have proven useful in shifting the calculations of perpetrators in a few cases, such as Guinea and Kenya. One of the potentially more potent tools of conflict prevention in this category is the Secretary-General's discretion to seize the Security Council of a situation through Article 99 of the Charter; unfortunately, it is rarely tested. In other situations, fact-finding missions or commissions of inquiry have increased pressure on international actors to respond to a triggering event, such as in Darfur. A constant effort must be made to strike a balance between preserving the independence of such missions and ensuring diplomatic coordination to maximize the political

impact of the effort.

Likewise, international justice and accountability mechanisms are important tools in preventive diplomacy, if properly managed and executed. The early engagement of the ICC prosecutor was important for helping to deter further crimes and stabilize the crises in Kenya and Guinea. Containing and pressuring repressive and abusive regimes can be useful, but again this must be carefully managed and attuned to the diplomatic environment. The international justice regime remains an inherently political tool, albeit in the context of a rules-based international order. The arguably counterproductive role played by the ICC indictments in Sudan, widely perceived as advancing an anti-National Congress Party (NCP) political agenda more than doing justice to the victims of Darfur, should serve as a reminder of the need for careful management of preventive-diplomacy efforts.

#### LOOKING AHEAD

In addition to adapting to the global trends and challenges illustrated in the previous sections, the UN and its member states, if they are truly committed to conflict prevention, should actively work against the erosion of the organization's role as a key multilateral actor in the field. There is certainly an important role for regional and subregional actors in conflict prevention and preventive diplomacy, as legitimized by Chapter VIII of the UN Charter, and efforts to improve their technical and political capacity to perform this role effectively should be continued and enhanced. These efforts should not, however, be used by the international community to abrogate UN responsibility for the maintenance of international peace and security. Policymakers must have a clear-eyed approach to the actual capacities of various conflict-prevention actors and be prepared to facilitate coordination, negotiation of common policy objectives, and a division of labor for key activities.

The UN has an important role to play even in the new environment, and the Secretariat should be better prepared to assert its coordination tasks, including internally, and fulfill the responsibilities of guiding a process to reach the greatest possible policy consensus. Capacities that could be enhanced in this regard include: improving relationships with regional and subregional actors;

negotiating clearer roles and responsibilities vis-à-vis these actors; and enhancing the UN's own capacity to guide agreement on a common conflict-risk assessment and vision for preventive action. Strategically, the Secretary-General and his special representatives could work to enhance their own legitimacy and political space by helping to negotiate a division of labor and a common approach among diverse actors, including at the regional and subregional level, as well as with key global actors such as top donors and the international financial institutions. At a technical level, significant improvements could be made to anticipatory analysis, interest mapping in situations of concern, and better integration of existing analytical capacity within the system. This would require enhanced expertise, as well as better internal coordination. Continuing efforts to build a constituency for preventive diplomacy in specific situations and increasing the comfort level of skeptical member states with preventive efforts more generally should be encouraged. The DPA "horizon scanning" briefings on emerging security issues to the Security Council are a welcome initiative and could be bolder in both presentation and analysis.

Looking ahead, the Secretariat should prepare itself to deal with difficult democratization processes. Indeed, there are as many as seventeen elections in Africa in 2012 including crucial ones in North Africa (Egypt and Algeria). Some of these could produce electoral disputes or even lead to armed conflict, including in DRC or Zimbabwe. When democratization is not sustained by an effort to shape democratic societies—with a role for the opposition, economic alternatives to state power, and the will to accommodate diverse communities—elections can prove very divisive, and rebellion can become the only option, as was seen in Côte d'Ivoire. When the political work to make sure that results are acceptable to all sides is not done, results are simply ignored and can lead to a military coup, as in Algeria in 1992. Both DPA and the Department of Peacekeeping Operations (DPKO) need to think innovatively about the current disproportionate emphasis on elections as the natural conclusion to a peace process, and about

more inclusive and sustainable ways to nurture democratic governance, such as with enhanced support through checks and balances, a free press, and strong judiciaries. Attention to the role of political opposition parties to counter the winner-takes-all mentality is also important.

There is a vibrant debate in Africa about whether the revolutionary winds of North Africa will blow southward to Zimbabwe, Cameroon, Senegal, and Equatorial Guinea. Events in the north could inspire sporadic, uneven, or more powerful protests, and the UN needs to prepare contingency plans for difficult eventualities. The impact of the Libya conflict and removal of Qaddafi will create many opportunities to resolve conflicts that his regime was fueling or complicating through patronage and clientelism. But it will also create new problems—for example, in the Sahel region and notably in countries like Chad, Mali, and Niger, where there is already a flow of weapons and fighters towards al-Qaeda in the Islamic Maghreb in northern Mali as a result of the Libyan conflict. The impact will likewise be felt by the AU, as Qaddafi was contributing close to 30 percent of the AU budget.

New causes of conflict can also be anticipated. For example, conflicts over resources as a result of climate change, food insecurity, water shortage, and population movements are expected to intensify. Particular attention must be paid to land issues in Africa, including the strategy by Asian and Arab states to acquire new land in countries such as Ethiopia, Mali, and Sudan. The linkages between organized crime and the erosion of state structures in West Africa are worrying. A number of conflicts are also affected by processes of delayed decolonization and state transformation. And older, persistent challenges will remain. Some large states—for example, the DRC—are slowly imploding, or, in the case of Sudan, breaking up. Authoritarian trends in countries such as Uganda, Rwanda, and Ethiopia are equally concerning, not least because of their regional influence. These transformation processes are long term, often violent, and difficult to address from a conflict-prevention perspective; but they need innovative thinking.

## Optimizing Preventive-Diplomacy Tools: A Latin American Perspective

Sandra Borda\*

### BACKGROUND: THE POLITICAL AND ECONOMIC SETTING FOR PREVENTIVE DIPLOMACY

Latin America is currently going through a time of deep political and economic reconfiguration and transformation. In the political arena, Brazil has been consolidating its power and leadership; several countries have chosen to “Latin-Americanize” their foreign policy, discarding their former alignments with the United States (Venezuela and Argentina being the most outstanding cases);<sup>1</sup> left-leaning governments, clearly critical of US power in the area, have become consolidated; and, finally, many of the region’s countries are adopting an increasingly diversified foreign policy as the presence of extra-regional actors has become more and more visible. All of these phenomena have contributed to the erosion of US power in the region and have resulted in an important increase in Latin America’s autonomy in relation to the United States. Of course, this trend varies significantly among Latin American countries, and it is much clearer in South America than in Central America.

As a consequence, the region has turned toward the design of multilateral mechanisms that reflect this growing autonomy. The creation of the Union of South American Nations (UNASUR), Bolivarian Alliance for the Americas (ALBA), and Community of Latin American and Caribbean States (CELAC), for example, demonstrate this new push for multilateral forums without US presence, which, especially in the case of ALBA, also serve as a form of explicit resistance to American influence and power. The emergence of these institutions has been accompanied by the growing decay and ineffectiveness of the so-called Inter-American System organizations. Among them, the

Organization of American States (OAS) has been particularly upset by the region’s deep ideological divisions and by the decline in US power. The Rio Treaty (TIAR) has for a long time lost practically all of its relevance.

Despite the fact that Latin America has been deemed a “zone of peace” due to the relatively low occurrence of interstate armed conflicts in the region and to the fact that most of its border conflicts have been resolved peacefully, the risks posed by border disputes and other types of conflicts that persist in the region should not be underestimated. As Domínguez et al. suggest,

Since the start of 2000, five disputes have resulted in the use of force, and two others in its deployment. These incidents have involved ten of the nineteen independent countries of South and Central America.... The number of country dyads affected by territorial disputes in the second half of the twentieth century was about the same in Latin America and the Caribbean, the Middle East, and East and Southeast Asia; only Africa had a larger number of such conflict dyads.<sup>2</sup>

In other words, it is imprudent to continue fueling the idea that interstate conflicts are a thing of the past. Argentina’s recently renewed claims over the Falkland Islands and the tensions over territorial and maritime boundaries between Venezuela and Guyana, Guatemala and Belize, Nicaragua and Costa Rica, Honduras and El Salvador, Nicaragua and Colombia, Colombia and Venezuela, Chile and Peru, and Bolivia and Chile all speak to the fact that potential conflict scenarios still exist in the region.<sup>3</sup>

It is important to note that, although part of these tensions result from unsolved territorial or

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1 Antonio Mitre, “De las cenizas de la ideología: sistema regional, fronteras y conflictos interestatales en América Latina,” *Plataforma Democrática Working Paper No. 2*, July 2010, available at [www.plataformademocratica.org/Arquivos/De%20las%20cenizas%20de%20la%20ideologia.pdf](http://www.plataformademocratica.org/Arquivos/De%20las%20cenizas%20de%20la%20ideologia.pdf).

2 Jorge Domínguez, “Boundary Disputes in Latin America,” *Peaceworks* No. 50, Washington, DC: United States Institute of Peace, 2003, p. 13.

3 “Los conflictos territoriales en América Latina,” *BBC Mundo*, November 17, 2010, available at [www.bbc.co.uk/mundo/noticias/2010/11/101115\\_disputas\\_frontera\\_america\\_latina\\_mes.shtml](http://www.bbc.co.uk/mundo/noticias/2010/11/101115_disputas_frontera_america_latina_mes.shtml).

maritime disputes, another important part of them has resulted from the growing internationalization of the Colombian armed conflict.<sup>4</sup> However, in both cases,

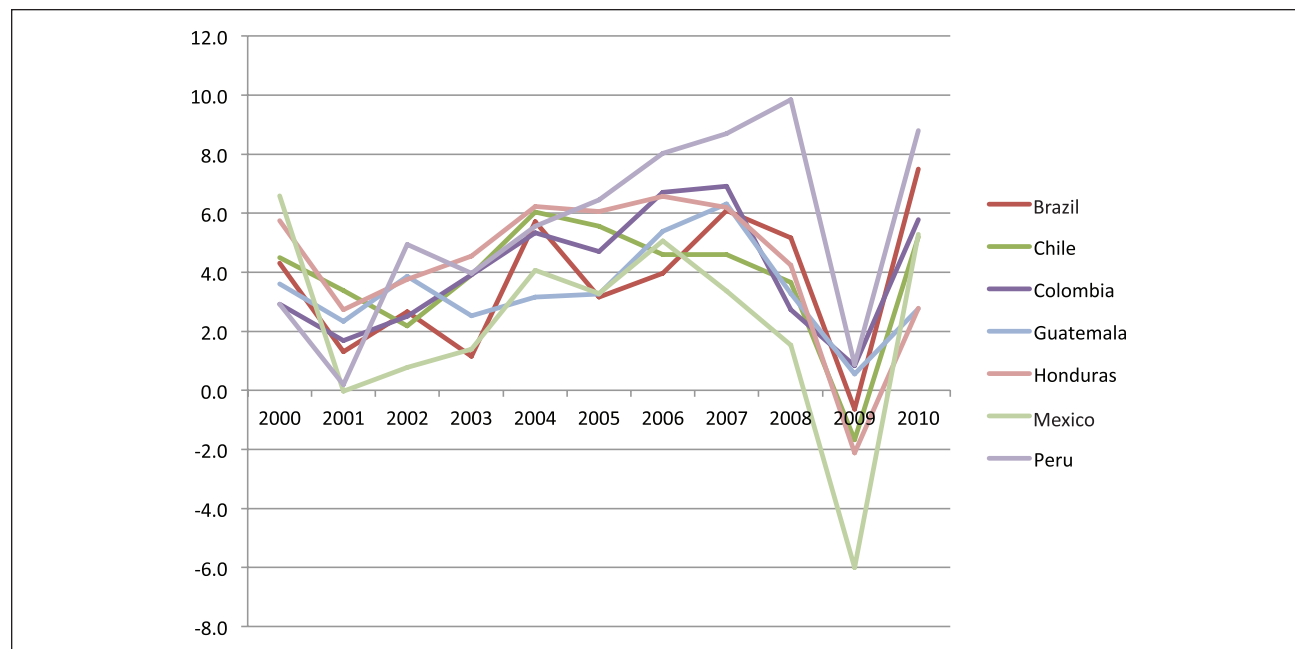
border conflicts continue to harbor the highest potential for becoming interstate wars, and...currently the level of threat is rising as a result of two trends: the intensification of social conflicts in border zones with a weak presence of state authorities, and the diminished power of arbitration of collective bodies as a result of the growing ideological polarization between political regimes.<sup>5</sup>

Another element that has accompanied the decrease of US power in the region has been the increased presence of extraregional powers such as China, Iran, and Russia. Their presence in the

region is solid and growing in terms of investment and trade, but there still remains an important degree of ambiguity and uncertainty with regard to their political agendas. Some Latin American countries, such as Venezuela, Bolivia, and Brazil, have consistently moved closer to those countries and have supported their positions on subjects like nuclear proliferation.<sup>6</sup> In the cases of Iran and Russia, there have also been important sales of weapons materials to various Latin American countries. Predictably, their presence has been less notable in countries with strong and deep relations with the United States, such as Colombia.

A crucial factor that has boosted the region's autonomy is its relative and more or less stable economic growth, only briefly interrupted by the 2009 economic crisis. In fact, the region is experi-

#### Economic Growth in Latin America (GDP Volume, Percentage Change): 2000-2010



Source: Data from the International Monetary Fund database.

4 This is particularly true for relations between Colombia and Venezuela, and Colombia and Ecuador. Clashes among illegal armed actors in Colombia for territorial control and their attempts to expand agricultural frontiers for illicit crops have resulted in violence in areas with no state control, including border zones; the fumigation of illicit crops in Colombian departments bordering with Ecuador and Venezuela have had social, economic, and environmental impacts that further complicate conflict scenarios; and, lastly, the Colombian armed conflict has generated great pressure on neighboring countries due to the high levels of displacement caused by it. See Adrián Bonilla and Hernán Moreano, "Conflicto internacional y prevención en los Andes," *Pensamiento Propio* 20 (2004): 99-134. The United States' formal military involvement in the Colombian armed conflict starting in 2002, its participation in the war on drugs since the 1970s, and the growing distrust generated by its presence in the region are additional sources of tension between Colombia and its neighbors. For a more detailed analysis of the internationalization of the Colombian conflict, see Sandra Borda, "The Internationalization of the Colombian Conflict during the Uribe Administration," in *Coping with Contemporary Terrorism: Origins, Escalation, Expansion, Counter Strategies, and Responses*, edited by Rafael Reuveny and William R. Thompson (Albany: State University of New York, 2010), pp. 127-148; and Sandra Borda, "La internacionalización del conflicto armado después del 11 de Septiembre: ¿la ejecución de una estrategia diplomática hábil o la simple ocurrencia de lo inevitable?," in *Conflicto armado, seguridad y construcción de paz en Colombia*, edited by Angelika Rettberg (Bogotá: Ediciones Uniandes, 2010), pp. 129-159.

5 Mitre, "De las cenizas de la ideología," p. 1.

6 The new administration of Dilma Rousseff in Brazil, however, has distanced itself from the Iranian regime. See Juan Arias, "Rousseff rompe los lazos de Brasil con el régimen de Irán," *El País*, January 29, 2011.

encing solid economic growth due, among other things, to a strong demand in Asia for commodities such as iron ore, tin, and gold, as well as policies in many Latin American economies that have helped control deficits and keep inflation low. In 2010, the region's growth was 6.1 percent and it is expected to decrease at the end of 2011 to 4.5 percent "as inflation and rising interest rates curb expansion."<sup>7</sup>

Such economic growth has facilitated the relative success of subregional integration organizations. The most notable case is, without a doubt, that of MERCOSUR. Unfortunately, the success of integration in Latin America has varied, and while in the Southern Cone these dynamics appear to be undergoing a process of consolidation, in the Andean region multilateral bodies are suffering from chronic weakness, worsened by Venezuela's withdrawal from the Andean Community of Nations.<sup>8</sup>

## MAIN ACTORS

The most important actors to consider when analyzing preventive diplomacy<sup>9</sup> in the region are of three different sorts: multilateral bodies (the usual providers of preventive-diplomacy mechanisms), nation-states that can either require or provide preventive diplomacy, and national or transnational civil society organizations, which occasionally or frequently act as providers of preventive diplomacy.

### Multilateral Bodies and Nation-States

The Inter-American System hosts some of the oldest multilateral bodies in the region.<sup>10</sup> They were created after World War II and initially grew out of two legal instruments: the *American Treaty on Pacific Settlement*, or the Pact of Bogotá (1948), and the *Inter-American Treaty of Reciprocal Assistance*, or the Rio Treaty (1947). Although the Rio Treaty does not require member countries to always resolve their disputes in accordance with OAS norms, countries have tended to consider such

norms an effective form of preventive diplomacy. The Fifth Meeting of Consultation, which took place in Santiago de Chile in 1959, clearly provides the Inter-American Peace Committee with a mandate for preventive diplomacy; this body was put in charge of examining "methods and procedures for averting any kind of activity originating overseas for the purpose of toppling constituted governments or provoking cases of intervention or aggression contemplated by instruments such as the *Convention on Duties and Rights of States in the Event of Civil Strife* (1965). According to Mitre, the committee intervened on thirty-four occasions during the Cold War, playing a "crucial role in the resolution of most conflicts during that period."<sup>11</sup> Another key institution created by Latin American countries during that historical juncture was the Treaty of Tlatelolco, or the *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* (1967), a response to the Cuban Missile Crisis as well as an early instrument for preventive diplomacy.

More recently, the OAS has built a more complete legal framework for the implementation of preventive diplomacy. The Committee on Hemispheric Security was created in 1995, and the declarations on trust and security of Santiago and San Salvador were issued in 1998. The OAS General Assembly has issued a number of resolutions, especially between 1990 and 2000, on hemispheric security, small arms and light weapons, landmine-free zones, chemical weapons, nuclear-weapon-free zones, transparency in conventional weapons acquisitions, confidence building, nonproliferation, military expenditure and arms registers, and clandestine arms trafficking.<sup>12</sup> In 2001, the Third Summit of the Americas in Québec called for moving forward with activities for conflict prevention and peaceful dispute resolution. Additionally, the OAS has sought to expand and perfect its conflict-preven-

7 Fabiola Moura and Gene Laverty, "Latin America Economic Growth to Slow in 2011 on Inflation, IIF Says," Bloomberg, March 26, 2011, available at [www.bloomberg.com/news/2011-03-26/latin-america-growth-to-slow-in-2011-on-inflation-iif-says.html](http://www.bloomberg.com/news/2011-03-26/latin-america-growth-to-slow-in-2011-on-inflation-iif-says.html).

8 "El retiro de Venezuela desata una crisis en la Comunidad Andina," *La Nación*, April 21, 2006.

9 This paper only refers to preventive diplomacy as understood from an operational perspective—that is, measures for building trust, fact-finding mechanisms, early-warning systems, preventive deployment, and demilitarized zones. No reference will be made to more structural, long-term dimensions of conflict prevention such as efforts to address problems like inequality, poverty, poor economic growth, unequal access to justice, and implementation of the rule of law, all of which are closely related in complex ways to the use of force and conflicts, but which go beyond the scope of this paper.

10 See, for example, Organization of American States, "About Us," available at [www.oas.org/en/about/who\\_we\\_are.asp](http://www.oas.org/en/about/who_we_are.asp); and Organization of American States, "Our History," available at [www.oas.org/en/about/our\\_history.asp](http://www.oas.org/en/about/our_history.asp).

11 Mitre, "De las cenizas de la ideología," p. 7.

12 Héctor Gros Espiell, "La prevención de conflictos bélicos en el derecho internacional actual. Las Naciones Unidas y el Sistema Interamericano," *Anuario Mexicano de Derecho Internacional* 3 (2003): 175-194.

tion work by creating the Peace Fund, “a mechanism designed to provide financial resources to OAS Member States that so request in order to enable the Organization to react swiftly to an unforeseen crisis resulting from a territorial dispute, as well as to strengthen the General Secretariat’s knowledge and experience in the field of territorial dispute settlements.”<sup>13</sup>

Due to the end of the Cold War and the rise of democratization and regional integration, additional subregional forums have become institutionalized, carrying out key preventive-diplomacy tasks: the Framework Treaty on Democratic Security was signed by Central American countries in 1996, and the San Francisco de Quito Declaration on the Establishment and Development of the Andean Peace Area was signed by the Andean Community in July 2004. Other resources, such as the Rio Protocol, and individual efforts by the OAS Secretary-General have also contributed to the consolidation of conflict-prevention efforts.<sup>14</sup>

Also on the subregional level, the political development of Mercosur is probably one of the most important achievements in the region in terms of preventive diplomacy. Despite the Bolivian claims against Chile for access to the sea, the likelihood of an armed conflict in the Southern Cone seems to be minimal thanks to the multilateral mechanisms that have been activated to prevent such clashes. Subregional integration under the expanded Mercosur has greatly increased the effectiveness of preventive diplomacy by achieving physical integration in the region, “providing...the subregional bloc with adequate political institutions.”<sup>15</sup> Mercosur has specific mechanisms for preventive diplomacy: the establishment—along with Chile and Bolivia—of the “zone of peace, free of weapons of mass destruction”; the implementation of confidence- and security-building measures; the Mendoza Commitment prohibiting chemical and biological weapons; and the coordination of combined bilateral or multilateral military exercises

in the subregion, among others.<sup>16</sup>

During the past decade, the Rio Group and UNASUR have played a key role in de-escalating tensions generated by Colombia’s raid into Ecuadorian territory against the FARC, a Colombian insurgent group. The tensions among Ecuador, Venezuela, and Colombia rapidly escalated between March and June 2008, going as far as troop mobilizations by Venezuela and Ecuador and the formal break in diplomatic relations between Colombia and these two countries. While the issue was raised at the OAS Permanent Council, the public, televised discussions at the Rio Group meeting in the Dominican Republic also played a crucial role.

It is important to note that, in this case, the OAS played an important role in terms of fact-finding, one of the most important tools of preventive diplomacy. OAS Resolution 930 established a fact-finding mission to investigate Colombia’s violation of Ecuador’s sovereignty, which traveled to the scene of the incident briefly after the attack by the Colombian armed forces, and its evaluation was an important part of the discussions that took place later on.

Almost concurrently, and largely as a result of these incidents, Brazil proposed creating a South American Defense Council within UNASUR, which would be tasked with becoming a mechanism for consultation, cooperation, and coordination on defense issues, and thus allow the region to deal with crises such as that of the Andean countries. This council was not intended to become a collective security body, but in 2009 it did endorse the intention of the region’s countries to strengthen South America as a zone of peace, making a commitment to “establish a mechanism for mutual trust regarding defense and security, upholding our decision to abstain from resorting to the threat or the use of force against the territorial integrity of any other UNASUR state.”<sup>17</sup> The UNASUR presidents instructed their ministers of defense and

13 Organization of American States, “The OAS Peace Fund,” available at [www.oas.org/sap/peacefund/peacefund/](http://www.oas.org/sap/peacefund/peacefund/). The Peace Fund has addressed a maritime boundary dispute between Honduras and Nicaragua, assisted the demarcation of the border between El Salvador and Honduras, and facilitated negotiations in the Belize-Guatemala territorial dispute.

14 Mitre, “De las cenizas de la ideología,” p. 10.

15 José Manuel Ugarte, “Prevención de conflictos y el rol de las organizaciones de la sociedad civil en el Cono Sur,” *Pensamiento Propio* 20 (2004):144.

16 *Ibid.*, pp. 152-155.

17 Tony Phillips, “South American Nations Question US-Colombia Military Base Agreement,” *Americas Program*, September 14, 2009, available at [www.cipamericas.org/archives/1829](http://www.cipamericas.org/archives/1829).

foreign affairs to design confidence- and security-building measures, and the South American Defense Council (CDS) was instructed to carry out a verification of border situations and present it to the organization's heads of state in order to determine the course of action to follow.<sup>18</sup> Peru proposed that the CDS study the amount of military expenditure, military facilities, troops, and new procurements and make them public.

This crisis facilitated the beginning of a crucial debate in the region about the creation of confidence measures. Although it has only been put to the test on very few occasions, the statute of UNASUR's South American Defense Council<sup>19</sup> already contemplated a variety of tools for conflict prevention. CDS members are committed to creating institutional arrangements for the free flow of information in terms of defense and weapons expenditures. They also commit themselves to the preservation and strengthening of the region as a space free of nuclear weapons and weapons of mass destruction.<sup>20</sup> The statute explicitly articulates member states' commitment to "promote the exchange of information and analysis on the regional and international situation, with the purpose of identifying risk factors and threats that may affect regional and world peace."<sup>21</sup>

However, the organization saw the need to take further steps in order to consolidate these mechanisms. In August 2009, at an Extraordinary Summit of the UNASUR Council of Heads of State held in Bariloche, Argentina, the organization's members called on the UNASUR defense council to design security- and confidence-building measures for the region, declaring that such instruments should be developed as complements to existing mechanisms within the OAS.<sup>22</sup> In this sense, Brazil proposed the adoption of a norm requiring all member countries to inform others about the contents of their defense agreements with countries

outside the region.<sup>23</sup> This first proposal was included in the final agreement about confidence-building measures.

During two meetings which took place in Quito on September 15 and November 27, 2009, the foreign affairs and defense ministers of UNASUR member countries held discussions about prospects for a confidence-building mechanism tailored to the region's particularities. As a result, member states were urged to ensure that any military agreement signed by member countries conform to the South American Defense Council's Measures to Promote Confidence and Security. The document reflects the achievements of these meetings.<sup>24</sup>

The South American Defense Council (CDS), through its Executive Board, became the main body responsible for ensuring the effective implementation of the adopted measures. Between September and December 2009, the CDS's pro tempore presidency drafted and proposed a series of procedures for enacting confidence-building measures, including deadlines, mechanisms, and venues for exchanging information, responding to consultations, and submitting notifications about specific activities, among other components. This scheme drew in part from the Organization for Security and Co-operation in Europe's (OSCE) "Vienna Document 1999 of the Negotiations on Confidence- and Security Building Measures."<sup>25</sup>

The proposal also integrated existing instruments from the United Nations and the Organization of American States for dealing with military expenditures and conventional weapons transfers, as well as the conceptual views put forward in various academic studies on confidence-building measures. The project was analyzed and discussed in the course of four meetings in Ecuador between December 2009 and May 2010.<sup>26</sup>

The document's drafting process began in

18 "Preocupante panorama armamentista hizo el presidente de del Perú en carta enviada a la UNASUR," *El Tiempo*, September 15, 2009.

19 Consejo de Defensa Suramericano, *Estatuto del Consejo de Defensa Suramericano de la UNASUR*, 11 de diciembre de 2008, Santiago, Chile, 2008.

20 Ibid., Article 3f.

21 Ibid., Article 5b.

22 "Unasur decide adoptar medidas de confianza," *Hoy*, August 29, 2009.

23 "Brasil propondrá a Unasur 'transparencia' en acuerdos de defensa," *El Universal*, September 14, 2009.

24 Red de Seguridad y Defensa de América Latina, "Reunión extraordinaria de Ministros de Relaciones Exteriores y de Defensa de la Unasur: Resolución," Quito, 2009.

25 OSCE, "Vienna Document 1999 of the Negotiations on Confidence- and Security Building Measures," adopted at the 269th Plenary Meeting of the OSCE Forum for Security Co-operation in Istanbul on November 16, 1999, OSCE Doc. FSC.JOUR/275.

26 Javier Ponce, "El Consejo de Defensa Suramericano y las medidas de confianza," *Revista Atenea*, November 15, 2010.

January 2010 at the group's meeting in Manta, Ecuador, where a proposed plan for civilian and military observers to oversee member states' military exercises was also analyzed as part of the drafting of a document on confidence-building measures in South America.<sup>27</sup> At the same meeting, some suggested that all military maneuvers, deployments, or exercises carried out either individually or jointly by UNASUR countries should be reported to the organization, and a proposal for "guest military and civilian observers to be present" during any such operation was also given consideration.<sup>28</sup>

In May 2010, in Guayaquil, Ecuador, UNASUR agreed to promote transparency in defense expenditures as a way to ensure regional stability, which, according to Venezuela, Bolivia, and Ecuador, was threatened by the military agreement between the United States and Colombia.<sup>29</sup> Following two days of deliberation, the ministers decided to promote such transparency measures, for which Argentina and Chile took on the responsibility to create a working group for developing a system for measuring military expenditures.<sup>30</sup>

Seeking to enact the confidence- and security-building measures agreed upon in May, the vice-ministers of defense of UNASUR member countries met in July 2010 to design a work plan to serve as a common methodology for measuring military expenditures. Two stages were agreed upon for CDS representatives to carry out this objective: the first stage will consist of compiling information on defense expenditures in UNASUR and on national budget cycles, while the second stage will be to design a regional measuring methodology, which will then be verified empirically through a country sample. The initiative's creators and main promoters have been Argentina, Chile, and Peru, and the process will take place at the Center for Strategic Defense Studies (CEED) recently created in Buenos Aires. It is important to note, however, that a strong institutional infrastructure to oversee the fulfillment of these objectives is

still lacking. UNASUR is not an international, supranational organization, and its General Secretariat is made up of a very small staff—a Secretary-General and a diplomat from each member state (not all member states, at the time of writing, have sent their representatives). With a budget in the order of \$3 million per year,<sup>31</sup> the secretariat's work in the area of preventive diplomacy is still very limited, and it has proved to be most effective in more informal contexts. For instance, the good offices of the former UNASUR Secretary-General and former Argentine President Néstor Kirchner were crucial for the reestablishment of diplomatic relations between Colombia and Venezuela.

Bilateral agreements have also contributed to reducing the likelihood of armed conflicts in the region. One of the most paradigmatic cases was the 1990 agreement between Argentina and Brazil, according to which both countries renounced the development of nuclear weapons and submitted themselves to mutual oversight institutions and to inspections by the International Atomic Energy Agency. This agreement later gave way to the creation of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials. Other forms of bilateral action have also contributed to conflict prevention, such as the Binational Border Commissions, the Binational Centers for Attention at the Border, and the Border Integration Zones, all of them in the Andean subregion.

Yet another key mechanism for dispute resolution has been external mediation. Requests for arbitration before the International Court of Justice have been the most recurring type of such mediation. The following table lists all the disputes that Latin American countries have brought before that tribunal.

The Vatican and its diplomatic delegations have also played a fundamental role in dispute resolution, and more recently the Carter Center was crucial in negotiations that resulted in the reestab-

27 "Unasur acuerda impulsar transparencia de gastos de defensa en la región," *Agence France Presse*, May 7, 2010.

28 "Comisión de Defensa de Unasur analiza medidas de confianza mutua," *El Universal*, January 27, 2009.

29 Around this time, information about a military treaty between Colombia and the United States, which would allow the US to station its military personnel in military bases located in Colombian territory, was leaked to the press. This news raised great concern among the region's countries, which were already troubled by recent increases in Colombian military power and now became worried about US military presence in the region.

30 "Unasur decide impulsar transparencia en los gastos de defensa," *El Universal*, May 7, 2010.

31 Diego Cardona Cardona, "El ABC de UNASUR: doce preguntas y respuestas," in *Revista de la integración* No. 2, La Construcción de la integración Suramericana, Lima: Secretaría General de la Comunidad Andina, July 2008, available at [www.comunidadandina.org/public/revista\\_unasur.pdf](http://www.comunidadandina.org/public/revista_unasur.pdf).



Table 1: Conflict cases involving Latin American countries brought before the ICJ

Countries Involved	Contentious Case	First Submitted to the ICJ (Date of Introduction)
Colombia - Peru	Asylum	1949
Colombia - Peru	Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case	1950
Colombia - Peru	Haya de la Torre	1950
Liechtenstein - Guatemala	Nottebohm	1951
Argentina - United Kingdom	Antartica	1955
Chile - United Kingdom	Antartica	1955
Honduras - Nicaragua	Arbitral Award made by the King of Spain on 23 December 1906	1958
Nicaragua - United States of America	Military and Paramilitary Activities in and against Nicaragua	1984
Nicaragua - Costa Rica	Border and Transborder Armed Actions	1986
Nicaragua - Honduras	Border and Transborder Armed Actions	1986
El Salvador - Honduras: Nicaragua intervening	Land, Island and Maritime Frontier Dispute	1986
Paraguay - United States of America	Vienna Convention on Consular Relations	1998
Nicaragua - Honduras	Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea	1999
Nicaragua - Colombia	Territorial and Maritime Dispute	2001
El Salvador - Honduras	Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute	2002
Mexico - United States of America	Avena and Other Mexican Nationals	2003
Costa Rica - Nicaragua	Dispute regarding Navigational and Related Rights	2005
Commonwealth of Dominica - Switzerland	Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations	2006
Argentina - Uruguay	Pulp Mills on the River Uruguay	2006
Peru - Chile	Maritime Dispute	2008
Ecuador - Colombia	Aerial Herbicide Spraying	2008
Mexico - United States of America	Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and other Mexican Nationals	2008
Costa Rica - Nicaragua	Certain Activities carried out by Nicaragua in the Border Area	2010

Source: List of cases from the ICJ database (*International Court of Justice, 2011*)

lishment of diplomatic relations between Colombia and Ecuador.

As is evident from this long list of actors, Latin America's conflict-prevention framework is based on "the existence of a complex and developed system for the peaceful resolution of controversies," the existence of multiple mechanisms intended for building confidence, limited and partial decisions regarding disarmament (both with regard to conventional weapons and weapons of mass destruction), and the creation of zones of peace.<sup>32</sup> This framework, in any case, is flexible enough not to exclude the work of extraregional bodies such as the International Court of Justice or the United Nations, and it is openly linked to them.

For the reasons explained in this section and the previous one, the two most important state actors in relation to preventive diplomacy are Brazil and

the United States. At this present juncture, Brazil has managed to promote the creation of UNASUR and the South American Defense Council,<sup>33</sup> as well as the adherence of South American states to these bodies, maintaining a fragile equilibrium and/or pragmatic balance among the diverse ideological and political orientations that predominate in the region. One of the main goals of these actions is to create subregional preventive diplomacy mechanisms that are able to make up for the OAS's growing inefficiency. Nonetheless, the Inter-American System still continues to play a key role in terms of conflict prevention, as demonstrated during the 2008 Andean crisis. In the Central American and Caribbean context—these regions are not included in UNASUR—US power still remains a key element for conflict prevention, and the Inter-American System still plays a relevant role in dispute resolution.

32 Gros Espiell, "La prevención de conflictos bélicos," p. 10.

33 For more information about the development of these organizations, see José Antonio Sanahuja, "Regionalismo e Integración en Clave Suramericana: Los Orígenes y Evolución de Unasur," and Carlos Malamud, "El Consejo Suramericano de Defensa: Entre Grandes Expectativas y una Realidad Compleja y Fraccionada," both in *La Creación de Unasur en el Marco de la Seguridad y la Defensa*, Documentos de Seguridad y Defensa 29, Spain: Centro Superior de Estudios de la Defensa Nacional, Ministerio de Defensa, 2010. See also Francisco Rojas Aravena, ed., *América Latina y el Caribe: Multilateralismo vs. Soberanía: La Construcción de la Comunidad de Estados Latinoamericanos y Caribeños* (Buenos Aires: Teseo/FLACSO, 2011).

## Civil Society Organizations

Civil society and its organizations have not been as visible in the region for their role in preventive diplomacy—nor in terms of security and defense in general.<sup>34</sup> The region's diverse civil society organizations have been more focused on problems related to human rights violations and the environment. Foreign policy and international conflict have always been seen as the establishment's turf. It is important to note, however, that private-sector organizations have played a key role in the discussion of bilateral economic and trade agendas, as was the case between Venezuela and Colombia, and they have contributed to the restoration of such agendas during times of crisis. In the case of the conflict between Ecuador and Peru, the media, businesspeople, communities, and local authorities were of great importance for "these states to put an end to a contradictory foreign policy marked by a confrontational tradition that was over one-hundred and fifty years old."<sup>35</sup>

According to Andrés Serbin, civil society organizations in Latin America and the Caribbean have had a late development, which has been characterized by five fundamental factors:

1. They were preceded by communal and grassroots organizations in the 1970s, in the context of authoritarian regimes, hence their strongly anti-government character.
2. They are strongly marked by their national experiences and tend to reflect many traits from local political culture, such as patrimonialism, clientelism, and corporatism.
3. As suggested earlier, their development in the 1980s is primarily associated with human rights promotion in the context of democratization processes.<sup>36</sup> More recently, they have also focused on problems such as violence and public insecurity, but their activity on these issues is still incipient.
4. Due to their national origin and traits, they tend to find it difficult to reach out to regional or

transnational networks, with the notable exception of organizations focused on human rights, women's rights, Afro-descendants, indigenous peoples, and the environment, thanks to the fact that their dynamics are conditioned and facilitated by globalization.<sup>37</sup>

In any case, economic, social/ethnic, and equality issues still predominate transnational networks' agendas, while explicitly political and security-related topics are less visible. A possible exception is recent reactions against US unilateral policy after 9/11 and the War in Iraq, mostly in connection with preexisting anti-Free Trade Area of the Americas (FTAA) and anti-globalization movements, which include these issues on their agendas but do not generate significant mobilization in Latin America and the Caribbean.<sup>38</sup> Finally, these organizations often tend to be NGOs with specific agendas focused on a particular sector, often professionalized and middle class, or grassroots social movements with radical demands for change.

All of these traits add to the highly personalistic nature of Latin American diplomacy, and to the secretiveness that characterizes the design and implementation of foreign policy, having a limiting effect on civil society's participation in conflict prevention and regional peace efforts. Thus, there are important obstacles on both sides to the institutionalization of track II diplomacy with regard to these issues. Additionally, multilateral bodies are somewhat reluctant to institutionalize the participation of civil society organizations.

However, there are some instances where these organizations have begun to play an important role in the region. The Americas Summit and the OAS have expanded dialogue mechanisms between governments and civil society on issues like human rights, the environment, and more recently conflict prevention, regional security, and peacebuilding. These mechanisms are nonetheless still incipient or nonexistent in subregional bodies such as Mercosur, the Andean Community of Nations, the Central American Integration System, the

34 Bonilla and Moreano, "Conflicto internacional y prevención en los Andes," p. 101.

35 Ibid., p. 119. For a detailed analysis of this conflict and the role of guarantor countries, see David Scott Palmer, "El conflicto Ecuador-Perú: El papel de los garantes," in *Ecuador - Perú: Horizontes de la negociación y el conflicto*, edited by A. Bonilla (Quito: FLACSO, 1999).

36 For an analysis of the modus operandi of this type of organizations in Latin America, see Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell: Cornell University Press, 1998).

37 Andrés Serbin, "Diplomacia ciudadana, sociedad civil y prevención de conflictos en América Latina y el Caribe," *Revista Futuros* 2, No. 7 (2004).

38 Ibid.

Caribbean Community (CARICOM), and the Association of Caribbean States.<sup>39</sup>

Despite these weaknesses, there are reasons for civil society to organize and play a more active role with regard to preventive-diplomacy issues:

- a. Its participation can help to ensure that any agreement reached as a result of preventive diplomacy is not just a commitment made by a single government but also becomes integrated into long-term state policy.
- b. Civil society in border regions, which depend upon exchange and interaction between two countries, always have the strongest interest in preventing the escalation of armed conflicts between neighbors. In other words, border organizations can have an even more genuine interest than governments in maintaining peace and reaching agreements without resorting to the use of force.
- c. As rightly suggested by Serbin, “regionalization is not exclusive to governments and states, nor is it constrained to the discussion and signing of agreements...; it also involves citizens to understand and commit to the defense and promotion of regional public goods [such as] the prevention of armed conflicts and peace-building.”<sup>40</sup>
- d. What is then required is a citizens’ diplomacy that accompanies, monitors, oversees, and supervises governments’ and international organizations’ diplomacy in order to promote policies that address these types of problems. These organizations are also vital for preventing or ameliorating polarization between nations, which always ends up feeding into and worsening tensions between states.

### Culture and Preventive Diplomacy

As demonstrated by the Rio Group meeting as well as other meetings among UNASUR presidents, what is expected from multilateral venues is not just effectiveness in terms of policy implementation. These scenarios, at least in the case of Latin America, are also flexible and informal spaces for dialogue, where it is possible to air each state’s

grievances in public. While these situations may appear from the outside to be mere media productions, during times of bilateral or multilateral crisis it is important for heads of state to undergo a sort of catharsis after an act of aggression on the part of another state, as was the case for President Correa of Ecuador following Colombia’s attack on a FARC camp in Ecuadorian territory.

In this sense, subregional and regional organizations in charge of implementing preventive-diplomacy mechanisms should not become too rigid in terms of decision making and should continue to be open discussion forums where states can articulate their national interests vis-à-vis those of their counterparts. This does not necessarily mean that legal frameworks are irrelevant or useless. Latin American political culture, as a result of its origins, is highly legalistic. Yet the level of detail and specificity in the rules of the game for preventive diplomacy can coexist, in complex but effective ways, with a relative degree of institutional flexibility.

It is important to keep in mind, moreover, that Latin American diplomacy is highly personalistic and presidentialist. The inclusion of other state actors (e.g., congresses) or nonstate actors (e.g., media, NGOs, political parties) in the daily practices of preventive diplomacy always needs to be designed in coordination with and with direct reference to the role of each nation’s president. This is especially the case in relation to security and defense issues in foreign policy. Clearly, such a restriction creates an inconvenience, which is the lack of continuity in policies for promoting and implementing preventive diplomacy whenever there are changes of administration. The role of other actors is to act in coordination with the executive and to provide a minimal degree of continuity from one administration to another.

Finally, one of the most complicated constraints for the implementation of preventive diplomacy has to do with the “thinness” of Latin American identity ties. Each country’s educational system still emphasizes citizens’ loyalty to their own nationality and underscores how different their nationality is from others. A sense of regional belonging is practically nonexistent, and this makes it easy to activate

39 Bruno Podesta, Manuel Gómez Galán, Francine Jacome, and Jorge Grandi, eds., *Ciudadanía y mundialización. La sociedad civil ante la integración regional* (Madrid: EFIR/CIDEAL/INVESP, 2000).

40 Serbin, “Diplomacia ciudadana.”

national hatreds and acquired attitudes that are predisposed to resorting to the use of force against neighboring countries in moments of tension.

### RECENT TRENDS AND TENDENCIES IN PREVENTIVE DIPLOMACY

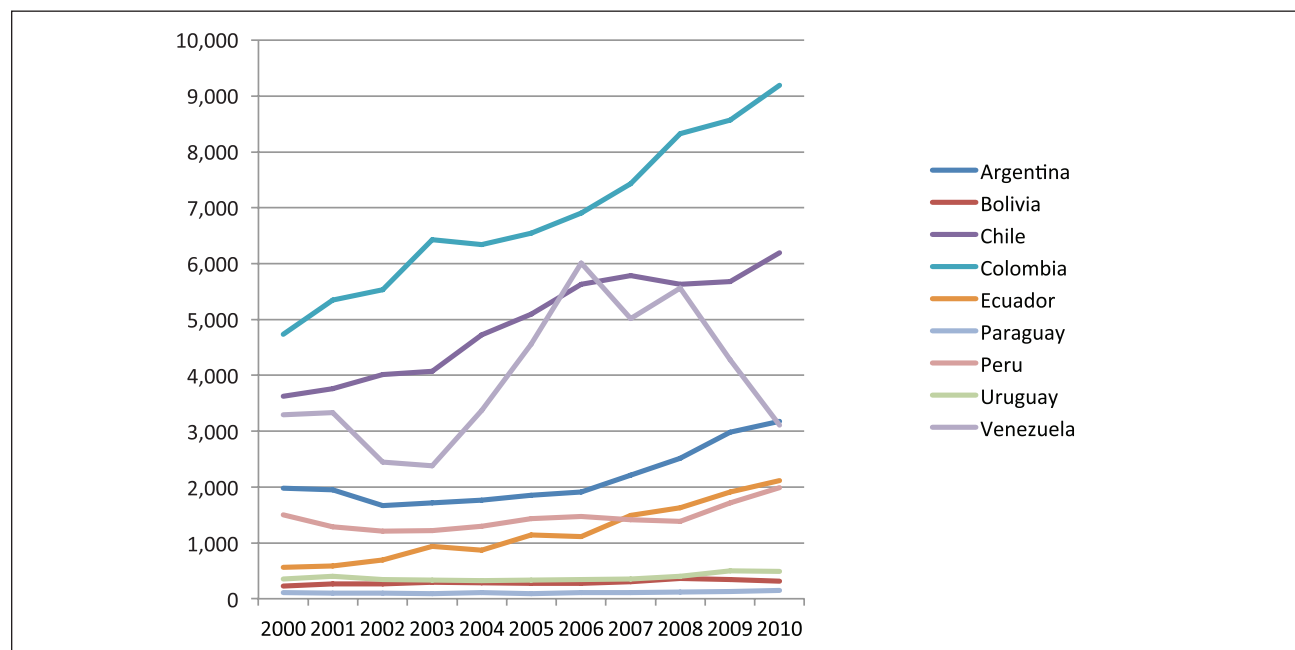
While the current tendency is for conflicts among Latin American countries to be contained and resolved before they escalate to the use of force, there are still tensions that require proper management, as well as other potential conflicts that may arise as a result of the proliferation of transnational criminal activities. In this scenario, the existing institutions for preventive diplomacy are marked by a high level of formalism (especially with regard to the design of OAS mechanisms) but a limited ability to have real influence. In addition, the Rio Treaty has fallen into disuse,<sup>41</sup> and UNASUR is still in the process of consolidation and too weak to act conclusively. In sum, the present situation is one marked by deep transformations and transitions in terms of regional institutions for preventive diplomacy.

In the face of the decline in US power in the region and the relative spread of leftist governments

that are critical of the US, subregional mechanisms are growing in abundance and seem to be becoming stronger and more influential. The case of UNASUR is the most visible example. Since its creation, there has been a positive tendency to turn this body away from a specific political or ideological agenda (whether left- or right-leaning) in order to make it more inclusive and thus more legitimate. Only as a result of this movement toward a sort of “pragmatic center” was it possible, for example, for Colombia to be included in the South American Defense Council at a time of high tension with its neighbors.

In the midst of so much ideological diversity—and even antagonism—it has become more difficult to surmount the region’s security dilemmas. The crisis caused by Colombia’s decision to allow the presence of US military personnel in many of its military bases in 2009 is a clear example of this. This decision, made in the context of growing mistrust among Andean countries, led to and legitimized the acquisition of weapons by many countries in the region. This process of rearmament in the region is evidenced by the growth in countries’ military spending, as shown in the following figure.

Military expenditure by country, in constant (2009) US\$ millions, 2000-2010



Source: Data from the SIPRI Military Expenditure Database 2010 (Stockholm: Stockholm International Peace Research Institute, 2010)

41 Francisco Rojas Aravena, “Construyendo nuevos enfoques para un régimen de seguridad en las Américas,” in *Medio siglo del TIAR: Estudio estratégico de América Latina y el Caribe 1997*, Santiago: FLACSO-Chile/CLADDE, 1998, p. 17; Eira Ramos Martínó, “Diplomacia preventiva y fomento de la confianza en el marco de la OEA,” in *La Organización de Estados Americanos y sus retos*, Caracas: Ministerio de Relaciones Exteriores/Instituto de Altos Estudios Diplomáticos “Pedro Gual,” 2000.

In a scenario such as this one, the implementation of confidence-building measures and efforts to oversee and limit countries' armaments is crucial. Likewise, it is necessary to establish maximum amounts and types of weapons that countries can acquire, as well as incentives for reducing procurement. The region has been successful in the eradication of weapons of mass destruction, and lessons learned in this regard can be applied to reduce the availability and potential use of conventional weapons.

### Challenges and Opportunities Created by Current Preventive-Diplomacy Arrangements

The proliferation of multilateral institutions can create challenges, but it can also represent an opportunity. If their interactions are mediated by some type of division of labor, then the region will be able to have a complex but functional structure for promoting conflict prevention through mechanisms such as early detection, mediation, and confidence-building measures. If, on the contrary, these institutions fail to develop into diverse but compatible venues where Latin American countries can work together to maintain peace in the region, they could end up generating new conflict scenarios and add to the escalation and spread of armed conflicts, instead of their prevention.

The creation of multilateral organizations that contribute to the prevention of armed conflict without US intervention could contribute to more autonomous—and thus more legitimate—decision making and efforts for prevention. In order for preventive diplomacy to be effective, however, it must be backed by strong leadership, and capable of providing incentives for and/or enforcing compliance with prior commitments. In the case of South America, Brazil is in the process of becoming such a leader, but it has not yet faced any significant test. In Central America, as seen during the crisis in Honduras, the United States does not seem to have completely surrendered its leadership role, but its ambiguous and improvised actions speak to the serious deterioration of its ability to act as a guarantor and contribute to conflict prevention in the region.

## LESSONS AND RECOMMENDATIONS

1. Latin America is a fertile ground for the implementation of Chapter VIII of the UN Charter. The region has been developing a variety of regional arrangements and agencies with capabilities to maintain peace and security. These organizations are consistent with the purposes and principles of the United Nations. Some of them, such as the organizations of the Inter-American System, are older, have more experience in terms of preventive diplomacy, but face serious challenges in the context of a politically diverse region. Some others, such as UNASUR, are recent and still need to be consolidated. The UN can contribute to strengthening these regional arrangements to make them more effective, as outlined in recommendations below.
2. The role of civil society is vital, and its effectiveness has been tested on several occasions. However, organizations involved in security and defense issues are few and incipient. It is crucial for states and intergovernmental organizations to provide funds to promote the involvement of NGOs, think tanks, and business groups in these issues. This is a field in which the United Nations' support (financial and logistic) could prove crucial.
3. It is important to allow space for ad hoc formulas and avoid making the current preventive-diplomacy regime too rigid. The potential role of formulas such as guarantor country groups or friendly country groups should not be underestimated.
4. Academic diagnostics are also vital: research needs to be carried out on the societal costs of armed conflict and even of conflict that only comes to the brink of the use of force. How much have Venezuela and Colombia lost in terms of resources after the two countries broke off trade relations during the last crisis? What was the impact of the border region's paralysis in terms of production and trade? It is important to provide conclusive data to show governments and societies that nobody wins when prevention systems fail. Here, the United Nations could contribute by providing funds

and expertise to regional research efforts dedicated to answering these questions.

5. Latin America's key regional and subregional organizations for preventive diplomacy are currently in transition. As a consequence, it is still too early to make predictions, and there are no strong reasons to privilege one institution over another when it comes to putting mechanisms for maintaining peace to work. In other words, this moment of transition should be embraced and seen as a scenario with multiple playing fields for conflict prevention, each one with different advantages. It would be desirable for there to be some sort of division of labor among these actors in the future, in order to get the most from each. For now, however, it would not be wise to issue a death certificate for the Inter-American System as long as there are no clear signs as to where UNASUR is going and what its real potential is for becoming an effective actor for conflict prevention in the region.
6. Early-warning systems and the implementation of confidence-building measures are the least developed dimensions of preventive diplomacy in the region.<sup>42</sup> Regional and subregional governments and multilateral bodies would benefit from a systematic exchange of military missions as well as from the creation of an integrated network of subregional risk-reduction centers and institutional arrangements for the free flow of information regarding arms agreements. In the case of UNASUR, for example, the recently launched Center for Strategic Defense Studies can promote the design and implementation of such mechanisms and have a role in coordinating their efforts. However, so far, this center is composed of only one director, a representative of each member state, and, in most cases, a military representative of each ministry of defense. A small permanent staff with strong academic credentials could act independently of the political will of member states and learn lessons from preventive-diplomacy formulas implemented in other parts of the world. The UN could certainly contribute to achieving these objectives by giving access to information and by partially funding the activities of this center.
7. Insofar as the region lacks sufficient capacity for early-warning systems, it is important to promote the creation of observatories for this purpose, in close cooperation with academic institutions. In addition, the United Nations can be an important partner for this purpose, since it already has a register of military expenditures and arms transfers.<sup>43</sup> Important lessons could be drawn from its experience in the field of preventive diplomacy in other parts of the world.
8. Academic sectors specializing in security and defense formally interact with governments and intergovernmental bodies, but not as much with civil society networks and organizations.<sup>44</sup> It is thus important to foster such interactions to generate more interest in the subject on the part of civil society and enough capacity within it so that it can have more influence on its own.
9. Governments, in turn, should promote more institutionalized dialogue with such organizations. The Colombian Foreign Policy Mission, for example, proposed creating a special office in the Ministry of Foreign Relations to serve as a venue for dialogue with NGOs and other civil society organizations and thus start a process of democratization of Colombian foreign policy.<sup>45</sup> Such an initiative can contribute to including these organizations in later preventive-diplomacy efforts.
10. The publication of white papers on defense should become a generalized practice in order for there to be clarity on the policies of each country in this regard, helping to reduce uncertainty and tensions and to achieve a higher degree of coordination, and making it

42 As mentioned earlier, it should be noted that these confidence-building measures have been institutionalized and made effective with regard to nonproliferation and non-use of weapons of mass destruction. However, comparable developments in relation to the procurement of conventional weapons have not been made.

43 Francisco Rojas Aravena, "Alternativas y mecanismos de prevención en situaciones vinculadas a la soberanía territorial," *Paz y Seguridad en las Américas* 14 (1997): 97.

44 Serbin, "Diplomacia ciudadana."

45 Misión de Política Exterior de Colombia, "Informe final de la Misión de Política Exterior," Bogotá: Ministerio de Relaciones Exteriores/Fedesarrollo/BID/CAF, 2010.

possible to treat peace and conflict prevention as a regional public good.

11. Additionally, spaces for dialogue and exchange between national congresses should be expanded and institutionalized in order to promote long-term conflict prevention. This would contribute to an exchange of ideas about

existing perceptions of tensions and promote the early inclusion of actors who will be crucial for ratifying agreements. An initial step in this direction could be to create a space for this purpose within each multilateral organization, parallel to existing meeting spaces for the presidents of each country.

## Preventive Diplomacy in Southeast Asia: Redefining the ASEAN Way

*Jim Della-Giacoma\**

### INTRODUCTION

Preventive diplomacy in Southeast Asia has traditionally been characterized by much talk and little collective action. While the region is riddled with lingering conflicts, the Association of Southeast Asian Nations (ASEAN) has been proud that, since its formation in 1967, no two members have had a “large-scale” war. Prior to the recent Thai-Cambodian border conflict, the consensus-based nature of the “ASEAN way” lulled the region into a false sense of security in which interstate violent conflict was considered unthinkable. Yet, with many disputes remaining unresolved, including conflicting claims between various countries in the region and China, the potential for clashes remain. While these bilateral disputes are still the subject of various ongoing bilateral negotiations, fora, workshops, dialogues, and talks, ASEAN as an institution has little active role in resolving them.

The fighting in February 2011 on the Thai-Cambodian border demanded that ASEAN’s abstract talk of preventive diplomacy be quickly converted into the real thing.<sup>1</sup> While the association’s intervention was hailed as groundbreaking when the initial shooting stopped, conflict soon flared in a new area of the border less than three months later. Rather than an institutional effort, the preventive diplomacy was ad hoc in nature and dependent on the activism of a single country.

This case set precedents, but it also exposed the limits of the region’s approach and highlighted some old challenges. First, ASEAN still feels the need to define its role in relation to a mandate given

to it by the UN Security Council and later the International Court of Justice (ICJ). It has not been able to independently carve out space for itself as a preventive-diplomacy actor. Second, while described as a group initiative, it is in reality based upon the energy and dynamism of one member, Indonesia, the organization’s chair in 2011. Third, the speed at which a more than forty-year-old border dispute turned into a deadly exchange between “friends” was worrying. Finally, ASEAN was engaged in managing the dispute for more than two years before the 2011 clashes, but it still could not stop them. This has exposed some of the limits to the role the organization can play alone.

The more active postures of ASEAN and some of its members after the recent Thai-Cambodian conflict are welcome. The incident reinforced the importance of preventive diplomacy, the need to strengthen institutions, and the need for all countries in the region to make better efforts to conclusively solve old disputes. It also revealed that there is no ASEAN consensus on a new and more activist role in peace and security for the region’s premier grouping.

In the last decade, there has been much talk about preventive diplomacy in Southeast Asia.<sup>2</sup> Some argue ASEAN is the region’s most powerful conflict-prevention mechanism. It has been praised for easing confrontation between its founding members since the 1960s and, until recently, for having prevented conflict between its member states.<sup>3</sup> This praise has been tempered by the internal strife among its members that occasionally spills across frontiers. The region has many

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1 For a full account of this conflict, see International Crisis Group, “Waging Peace: ASEAN and the Thai-Cambodian Border Conflict,” *Asia Report* No. 215, December 6, 2011.

2 See, for example, ASEAN, “The ASEAN Troika,” Terms of Reference, adopted at the thirty-third ASEAN Ministerial Meeting, Bangkok, July 24-25, 2000; ASEAN Regional Forum, “Concept and Principles of Preventive Diplomacy,” adopted at the eighth ASEAN Regional Forum, July 25, 2001; Institute for Strategic and Development Studies, “Narrative Report on the Seminar on Conflict Prevention and Peace-building in Southeast Asia: Regional Mechanism, Best Practices and ASEAN-UN Cooperation in the 21st Century,” April 17, 2002; and Institute of Defence and Strategic Studies (IDSS), “Third ASEAN/UN Conference on Conflict Prevention, Conflict Resolution and Peace building in Southeast Asia: ASEAN/UN Experiences in Anticipating and Mediating Conflicts,” March 2003.

3 As well as the above, see also “Loose Stalks Posing as a Sheaf,” *The Economist*, February 10, 2011.



unresolved border disputes.<sup>4</sup> The Thai-Cambodia border clash has highlighted the challenge such disputes present, as each one has the potential to quickly turn violent, particularly when stoked by domestic politics.<sup>5</sup> The South China Sea is also an area of concern, for the region's efforts at conflict mitigation and confidence building have seen little progress here in the last decade.<sup>6</sup>

Preventive diplomacy in Southeast Asia has been defined narrowly to minimize the role for those outside the region and to reinforce ASEAN's strong doctrine of non-interference in the internal affairs of member countries. It marginalizes other multilateral institutions and excludes nongovernmental organizations. The ASEAN Regional Forum (ARF) defines preventive diplomacy as any diplomatic or political action taken by states to prevent disputes or conflicts that could threaten regional peace and stability, to prevent such disputes from escalating into armed confrontation, or to minimize the impact of such conflicts on the region.<sup>7</sup> The eight key principles of preventive diplomacy are that it (i) uses peaceful methods such as negotiation, enquiry, mediation, and conciliation; (ii) is noncoercive; (iii) is timely; (iv) requires trust and confidence; (v) involves consultation and consensus; (vi) is voluntary; (vii) applies to direct conflict between states; and (viii) is conducted in accordance with international law.<sup>8</sup>

In the past twenty years, the region has witnessed some seminal moments of diplomatic activity including the key role ASEAN played in resolving the long aftermath of Vietnam's invasion of Cambodia and in ending Indonesia's occupation of East Timor. The UN was also a key player, particu-

larly when these conflicts moved beyond preventive diplomacy into the realm of complex peace operations. There is much active peacemaking going on in Southeast Asia involving internal conflicts.<sup>9</sup> In Indonesia's Aceh and Papua, Myanmar, southern Philippines, and southern Thailand, bilateral actors and NGOs have taken the lead. However, by the ARF's definition, NGOs can not engage in preventive diplomacy. This is a problem and an illustration of ASEAN's non-interference principle, embedded in its Treaty of Amity and Cooperation, at work.

### ASEAN'S CHALLENGES

The Organization for Security and Co-operation in Europe, the European Union, and the African Union are often cited as being institutions of a different character to those found in Asia. When compared with their global peer group, Asian organizations look weak. Despite the existence of several regional institutions, there is no single norm that is widely accepted across the region other than the much vaunted "ASEAN way," which is synonymous with non-interference.<sup>10</sup> Thus, while it is often blamed as the cause of inaction, ASEAN has equally been cited as the most successful Asian regional organization because it has been able to export its strong norm of non-interference to the broader Asian region through the ARF, ASEAN Plus 3, and the East Asian Summit.

Like many multilateral organizations, ASEAN resembles a convoy that moves at the speed of its slowest ship. Its diversity is a brake on concerted action, including preventive diplomacy. Within its ranks there are vibrant democracies, controlled

4 Border disputes between Southeast Asian nations include those between Cambodia and Vietnam (Dak Jerman/Dak Duyt, Dak Dang/Dak Huyt, the La Drang area and the islands of Baie/Koh Ta Kiev, Milieu/Koh Thmey, Eau/Koh Ses, Pic/Koh Thonsáy, and the Northern Pirates/Koh Po); Myanmar and Thailand (Doi Lang, Three Pagodas Pass); between Indonesia and Malaysia (Karang Unarang, Ligitan and Sipadan, Ambalat); Indonesia and Timor-Leste (Citrana, Bijael Sunaen, Memo, Pulau Batek/Fatu Sinai); Malaysia and the Philippines (Sabah/North Borneo); the Philippines and Vietnam (Macclesfield Bank); and Vietnam, the Philippines, Malaysia, and Brunei (Spratly Islands). See also David Lee, "Historical Survey of Borders in Southeast Asia," in *The Borderlands of Southeast Asia: Geopolitics, Terrorism, and Globalization*, edited by James Clad, Sean M. McDonald, and Bruce Vaughn (Washington, DC: National Defense University, 2011), pp. 59-88.

5 "Shooting Breaks Out on Thai-Cambodian Frontier," *Associated Press*, February 4, 2011.

6 At the July 2010 meeting of the ASEAN Regional Forum (ARF), regarded as the preminent "talk shop" on security issues, exchanges between China and the US led to increased tensions. See "Remarks at Press Availability" by Hillary Rodham Clinton, US Secretary of State, Hanoi, Vietnam, July 23, 2010. A year later, the ARF in Bali was seen as making some progress in decreasing the level of confrontation.

7 ASEAN Regional Forum, "Concept and Principles of Preventive Diplomacy," para. 7.

8 *Ibid.*, para. 12.

9 In the peace process involving the Moro Islamic Liberation Front (MILF) in the southern Philippines, which is facilitated by Malaysia, the International Contact Group is comprised of representatives of Japan, Saudi Arabia, Turkey, the UK, the San Francisco-based Asia Foundation, the Geneva-based Centre for Humanitarian Dialogue (HD), the London-based Conciliation Resources, and one of Indonesia's largest Muslim organizations, *Muhammadiyah*. In southern Thailand, HD plays an increasingly formal role, and others, such as the Finnish NGO PACTA, have been seeking involvement. The UN has a good-offices role in Myanmar, the Norwegians have a facilitation role in the conflict with the New People's Army (NPA) in the Philippines, and the Swiss are active funders of the Papua Peace Network.

10 See Rodolfo C. Severino, ASEAN Secretary-General, "The ASEAN Way and the Rule of Law," speech, September 3, 2001; and Gillian Goh, "The 'ASEAN Way': Non-intervention and ASEAN's Role in Conflict Management," *Stanford Journal of East Asian Affairs* 3, No. 1 (Spring 2003).

democracies, communist one-party states, military regimes, and feudal kingdoms. ASEAN's consensus-based decision making gives each member an effective veto over decisions regarding the organization's agenda, interventions, reforms, and decision-making powers.<sup>11</sup> Quite deliberately, authority to make collective policy still rests within the governments or foreign ministries of each member state. Members have no desire to cultivate an independent and activist ASEAN secretariat. Its primary task remains to organize the grouping's more than 600 annual meetings involving working-level officials on highly technical cooperation and to plan for summits with heads of state. The ASEAN Secretary-General has a very limited role, and, to an even greater extent than his UN counterpart, he has been regarded as more "secretary" than "general."

While adherence to the principle of non-interference is not exclusively an ASEAN trait, ASEAN puts a higher premium on it than other regional groupings. Each member has its own internal problems that make it feel potentially vulnerable to outside pressure. Myanmar, which has faced the greatest international condemnation and Western sanctions, has been blamed most for holding back a more enhanced role for ASEAN in peacemaking in order to keep others out of its internal affairs.<sup>12</sup> But each country has its own issues that they would prefer to keep out of the regional and global spotlight.

There are some roles ASEAN is better equipped to play than others. For example, it was well-suited to playing a coordinating role in the delivery of humanitarian aid in the wake of Cyclone Nargis in Myanmar.<sup>13</sup> But when violence broke out in Myanmar's Kokang special region in August 2009, it was Beijing, with its direct interest in stopping the flow of refugees, who intervened to stop it.<sup>14</sup> Most fighting in Myanmar that leads to refugees spilling into Thailand goes unnoticed by ASEAN.<sup>15</sup> Despite

the organization's most recent role on the Thai-Cambodian border, there is not even a limited agreement among the parties—least of which from Myanmar itself—that there is a role for ASEAN in this issue. This leaves the organization on the sidelines as a spectator. China's size gives it more leverage over Myanmar than ASEAN, as does its other large neighbor: India. While less powerful, ASEAN members have important economic relationships, but this is rarely applied to influence political matters.

### THE ROLE OF THE ASEAN CHARTER IN PREVENTIVE DIPLOMACY

The 2007 ASEAN Charter defines the key "institutions" for preventive diplomacy as the organization's current chair and its Secretary-General.<sup>16</sup> Article 25 of the charter goes further and calls for the establishment of dispute-resolution procedures. The follow-up 2009 ASEAN Political-Security Community (APSC) Blueprint also calls for the establishment of an ASEAN Institute for Peace and Reconciliation.<sup>17</sup> In 2011, the office that mattered and made a difference was that of the chair. Under Article 32(c) of the charter, the chairman shall "ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns."

The legal basis for Indonesia's preventive diplomacy role in 2011 comes from the provision of good offices (Article 32) rather than those outlining dispute-resolution procedures (Article 25), although Indonesian diplomats themselves talk about following the spirit of the charter more than any particular section. Even with this authority, Indonesia, in its capacity as the ASEAN chair during the clash between Thailand and Cambodia, still had to build a consensus. Foreign Minister Marty Natalegawa started with shuttle diplomacy

11 ASEAN Regional Forum, "Concept and Principles of Preventive Diplomacy."

12 Institute for Strategic and Development Studies, "Narrative Report." Nonetheless, since July 2011 there have been major reforms underway in Myanmar, including in its foreign policy.

13 See William Sabandar, "Cyclone Nargis and ASEAN: A Window for More Meaningful Development Cooperation in Myanmar," in *Ruling Myanmar: From Cyclone Nargis to National Elections*, edited by Nick Cheesman, Monique Skidmore, and Trevor Wilson (Singapore: Institute of Southeast Asian Studies, 2010), pp. 197-207.

14 For more details, see International Crisis Group, "China's Myanmar Strategy: Elections, Ethnic Politics, and Economics," *Asia Briefing* No. 112, September 21, 2010.

15 Myanmar's recent peace initiative has been unilateral, even though it has been partly negotiated with ethnic groups in Thailand. See International Crisis Group, "Myanmar: A New Peace Initiative," *Asia Report* No. 214, November 30, 2011.

16 See *Charter of the Association of Southeast Asian Nations*, December 2007, Article 23.

17 See Section B.2.2., Action (ii), of the "ASEAN Political Security Community Blueprint," Jakarta: ASEAN, June 2009. See also "ASEAN Leaders' Joint Statement on the Establishment of an ASEAN Institute for Peace and Reconciliation," May 8, 2011.

between the disputing parties and other member states. The matter then went to the UN Security Council for an informal meeting, where the matter was then handed back to ASEAN to act as facilitator in the conflict.<sup>18</sup> Indonesia sought this job as it sees a larger role for itself in international diplomacy, and it was given the role as others regard it as having enough experience, weight, and maturity to perhaps succeed.

Back in the region, a very conscious diplomatic sleight of hand was taking place to make the charter work politically rather than legally. Despite the language of the UN Security Council statement, as far as the group's ten members were concerned, the role was given to Indonesia, "as the current ASEAN chair," rather than to the organization. This was to acknowledge the structural weakness built into the organization's charter with its rotating chairmanship. From January 2012, one of the parties to the conflict, Cambodia, would take over ASEAN's leadership. Yet, the role for Indonesia was custom-made and conceived as a long-term one. Thailand would not have agreed on any other terms. Indonesia has been coy about saying this, but in the region, it is the country rather than the organization that is seen as playing the key role. As early as March 2011, Cambodian Prime Minister Hun Sen said: "Indonesia now plays a significant role in the region, and therefore Indonesia should continue this role."<sup>19</sup>

### WHITHER THE UN?

While some of the UN's peacemaking, peace-enforcement, and peacekeeping efforts have been central to several Asian conflicts in recent decades, including Cambodia, Timor-Leste, Myanmar, and Nepal, overall the UN has never been a significant player in the Asian region, and this is particularly true in Southeast Asia. The UN Charter forms one of the key bases of ASEAN's preventive diplomacy, but the United Nations itself is deliberately written out of the concept by ASEAN members. This leaves the UN and key institutions such as the Security

Council cheerleading from the sidelines.

Some ASEAN members were active in resolving the Timor-Leste conflict independently from the regional body, through their membership on the UN Security Council and participation in peace-enforcement and peacekeeping efforts.<sup>20</sup> There are also other instances in which the institution has participated in resolving conflicts in the region that have not had significant cross-border or interstate dimensions, such as in Aceh or the southern Philippines.<sup>21</sup> Yet, even in such cases, there has been a reluctance to set a precedent against the non-interference principle by involving ASEAN itself in a non-international conflict. While the region as a whole has weak institutions, many Southeast Asian states have strong national identities forged in part by their individual histories of anticolonial struggle or revolution. Relative to other parts of the world, these states have strong capacities and internal legitimacy that lead them to subscribe to a robust doctrine of national sovereignty. With active diplomacy in the UN and elsewhere, China, India, and Thailand can ensure that efforts by outsiders to help resolve internal problems are never made in the first place. They view all possible UN interventions through the lens of their domestic interests and guard carefully against setting any dangerous precedents.

### THAILAND-CAMBODIA BORDER DISPUTE

The best example of recent preventive diplomacy and its regional dynamics is the Thai-Cambodian border conflict. The ingredients for this conflict were first mixed decades ago, creating a deadly brew that been simmering since 2008. Only when it boiled over in early 2011 did it create sufficient pressure to demand a new response from ASEAN.

In a 1962 decision of the International Court of Justice (ICJ), the cliff-top Preah Vihear temple was determined to be in Cambodian territory. The decision did not rule on the border around this cultural property, and by 2011 it had not yet been

18 "Statement by the Chairman of the Association of Southeast Asian Nations (ASEAN) Following the Informal Meeting of the Foreign Ministers of ASEAN," joint communiqué, February 22, 2011.

19 Vong Sokheng, "Hun Sen lauds Indonesia Talks," *Phnom Penh Post*, February 25, 2011.

20 For a history of the resolution of the Timor Leste conflict, see *The United Nations and East Timor: Self-Determination Through Popular Consultation* (New York: United Nations, 2000).

21 The ASEAN Troika was established in July 1997 on an ad hoc basis to play a facilitation role with regard to the internal conflict in Cambodia. It was created after Cambodia's accession into ASEAN was agreed in principle, but had yet to be fully approved. The troika members were Indonesia, the Philippines, and Thailand. Though guidelines were drawn up in 2000, the mechanism was never used again. See ASEAN, "Political Cooperation," available at [www.asean.org](http://www.asean.org) and ASEAN, "The ASEAN Troika."

properly delineated under a 2000 memorandum of understanding on the demarcation of the border. UNESCO added the temple to the World Heritage List in 2008, and while this had initially been supported by Thailand, the details of the management of this site were never subsequently agreed. Fueled by Thai nationalist opinion and used as a weapon against governments allied with ousted Prime Minister Thaksin Shinawatra, the temple became a domestic political battleground. After years of low-level tension following the listing, in February 2011 serious fighting broke out between Cambodian and Thai soldiers near the temple. After the hostilities calmed down, there were new clashes in April of that year at other disputed temples 150 kilometers to the west. Together, these battles left twenty-four dead, dozens wounded, and tens of thousands temporarily displaced on both sides of the border.

While there had been minor clashes since 2008, the fighting in 2011 was on a much larger scale than before and thus drew more attention. In the interim, there had been some half-hearted efforts at preventive diplomacy by ASEAN. In 2008, Singapore, the then ASEAN chair, had argued for the matter to be treated in-house after Cambodia asked for UN Security Council intervention. This request was granted; the Security Council did not formally take up the issue, and regional talks continued.<sup>22</sup> Soon after, the ASEAN chairmanship passed to Thailand for eighteen months, and the organization went mute regarding this conflict as its head was a party to the dispute. Tension and heated rhetoric between the two neighbors continued and, in a precursor of things to come, Indonesia quietly took up a role on the sidelines of a meeting of the Asia-Pacific Economic Cooperation (APEC) forum in November 2009.<sup>23</sup> Cambodia again requested ASEAN intervention in 2010 when Vietnam was the regional chairman, without effect.<sup>24</sup>

Frustrated by earlier attempts to resolve this in-house, Cambodia bypassed ASEAN and went to the

UN Security Council when fighting broke out in February 2011.<sup>25</sup> Thailand responded that the conflict should be solved bilaterally, but it was too late. While not declaring the conflict a war of aggression, the council did regard it as a serious matter within its remit. On February 14<sup>th</sup> it held an informal meeting with the two parties and Indonesia as the ASEAN chair. The Security Council called for a permanent ceasefire and, in a remarkable gesture, referred the conflict back to ASEAN. The foreign ministers informally met in Jakarta on February 22<sup>nd</sup> and called for a ceasefire and negotiations. In addition they requested that both parties accept Indonesian monitors. The ASEAN Secretary-General hailed the precedent-setting Jakarta meetings as historic events.<sup>26</sup>

Some have argued that ASEAN's response to the recent clashes on the Thai-Cambodian border are a "victory" for the grouping, a "historic" moment in diplomacy, and an "unprecedented case" where its members used their own mechanism to resolve a conflict among themselves.<sup>27</sup> By November 2011, at the time of writing, such euphoria looked premature as the conflict had not ended, observers were yet to be deployed, and bilateral border negotiations had not yet restarted.

While there may now be a better-defined "ASEAN option" for regional peacemaking, there is still good reason to be circumspect. The centerpieces of ASEAN's security infrastructure (its Treaty of Amity and Cooperation and its charter) first had to fail before they were patched up with an unusual ad hoc intervention led by a diplomatically activist Indonesia and supported by the current ASEAN Secretary-General. The situation might have been different had another country been in the chairmanship at the time; indeed, ASEAN was lucky that it was Indonesia and not a less confident member in the post. A weaker chairman may have put a higher premium on non-interference rather than on stressing the need for good offices or trying to make preventive diplomacy work. The result

22 UN Security Council, "Annex II to the letter dated 22 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council," UN Doc. S/2008/478, July 22, 2008.

23 "Foreign Minister Has Busy Schedule on Final Day of APEC Meetings," Press Release, Thai Foreign Ministry, November 15, 2009.

24 "Hor Namhong's Letter to Vietnamese Foreign Minister and ASEAN Chair," Cambodian Ministry of Foreign Affairs and International Cooperation, August 14, 2010.

25 See the letters from Cambodian Foreign Minister Hor Namhong and Prime Minister Hun Sen to UN Security Council President Maria Luiza Ribeiro Viotti on February 5, 2011 and February 6, 2011, respectively, UN Doc. S/2011/56 and UN Doc. S/2011/58.

26 "ASEAN Secretary-General Cites Progress in Thai-Cambodian Resolution," *Jakarta Post*, May 5, 2011.

27 Rizal Sukma, "A Victory for ASEAN," *Jakarta Post*, February 24, 2011.

would have probably looked like the inaction of the previous chairs between 2008 and 2010.

At the same time, what has occurred does have the feel of a “typical” ASEAN intervention: all process and no result. Indonesia still has a place as a facilitator, but there is no agreement on the deployment of observers, even after these were ordered by the ICJ in a July 2011 ruling on temporary measures in the revived Preah Vihear case. Cambodia has signed on and says it is ready to deploy them; Indonesia says they can be deployed within five days; but Thailand has a myriad of excuses as to why this cannot be done, from offending its sovereignty to waiting for parliamentary approval for the deployment. After the Thai capital was swept by floods in October 2011, international policymaking in that country ground to a halt. This also means that plans for ongoing bilateral negotiations have been postponed.

Indonesia says ASEAN’s efforts in 2011 to find a solution should be measured in two ways: first, by a cessation of hostilities and, second, by a resumption of negotiations. By these measures, Indonesia has not yet succeeded.

First, while there may not have been fighting on the border since May 2011, the frontier is still militarized, there has been no verified withdrawal, and there is no signed ceasefire. Given the stop-start nature of the border conflict since 2008, observers need to be deployed to prove that the sides have complied with their obligations to withdraw under the ASEAN agreement from February as well as the ICJ ruling from July.

Second, even before the floods in Thailand stopped bilateral negotiations (possibly for months), there was only incremental progress in restarting negotiations. The new government elected in Thailand in July had not made this issue a priority, and the military still resists outside intervention. Beyond fresh talks or diplomatic meetings, the real measure of the resumption of border negotiations will be active cooperation, such as in the deployment of survey teams to the field. Such a development would turn back the clock on this conflict to July 2008—a time before the UNESCO listing when both sides were working together to demarcate their border. Such surveys cannot be done on a militarized frontier, and this would further demonstrate that hostilities had

ended.

Indonesia is set to continue with its facilitation role and may well still succeed in its efforts to have an observer-verified end to hostilities as well as a concrete resumption of bilateral negotiations. But even if this does not happen, ASEAN will take away from 2011 an Indonesian drawn roadmap about how to conduct preventive diplomacy next time there are tensions between neighbors. They must recognize the problem sooner, put less emphasis on non-interference, and act politically with much greater haste. To wage peace successfully, ASEAN must have less of a fear of failure and more of a hope that they might succeed.

## CONCLUSION

Reflecting on these efforts and conflict dynamics in the region, the following conclusions might be drawn.

- *Preventive diplomacy is an urgent issue in Southeast Asia.*

The ease with which Cambodia and Thailand’s festering border dispute turned into war demonstrates both the need for better preventive diplomacy in the region and the inadequacy of ASEAN as a bulwark against future conflict. ASEAN needs to give life to the preventive-diplomacy provisions in its charter and build the mechanisms and permanent bodies envisaged by the ASEAN Political-Security Community Blueprint as playing a conflict-resolution role. It needs to act politically sooner, at the first signs of tensions among member states, rather than wait for a border to become militarized and conflict to break out.

- *Preventive diplomacy can involve more than just states.*

Nongovernmental expertise and facilitation is widely used in internal conflicts throughout the region, such as in Aceh, Papua, the southern Philippines, and southern Thailand. To draw upon this expertise, the concept of preventive diplomacy needs to be loosened and expanded beyond being thought of as just between states. While the focus is often on international NGOs, recent efforts by the Indonesian Academy of Sciences (LIPI) and its Papua Roadmap have highlighted the need and potential for track II initiatives from within the region, especially for those most sensitive cases where the involvement

of outsiders is shunned.

- *ASEAN countries need to make renewed efforts to permanently resolve lingering disputes.*

Indonesia has border disputes with all of its neighbors except Australia. The often heated rhetoric between Indonesia and Malaysia and the constant tension between their armed forces and other border agencies should be now seen in a new and threatening light. Indonesian enforcement agencies' use of weapons against Chinese fishing fleets should not be treated lightly. The need to resolve border disputes—that all have technical solutions—through political means should be treated with great urgency.

- *Despite its own weaknesses, the UN still has a role to play in promoting norms and the exchange of ideas.*

The recent Thai-Cambodian conflict has made ASEAN and its secretariat newly alert to the need for preventive diplomacy. How could the UN help ASEAN better define preventive diplomacy? How could ASEAN as an institution be encouraged to be more active in addressing known

hotspots? How could the region's view of state sovereignty be transformed to allow for a more active ASEAN role? What role should the ASEAN Institute for Peace and Reconciliation play? These are questions that the UN and ASEAN need to reflect on.

- *The UN's lack of a physical presence in the region and its lack of Southeast Asian specialists constrains its actions.*

The UN cannot be taken seriously or be seen as a serious player in Southeast Asian preventive diplomacy when the same senior officials responsible for Fiji also cover Myanmar and Sri Lanka. Given the recent Thai-Cambodian flare-up and even fighting on the Korean Peninsula, the case for a UN Regional Center for Preventive Diplomacy in Asia is strong. While this idea is not new and faces challenges from within the UN system due to a lack of resources, among other reasons, and opposition from without, it should remain on the agenda if the UN is to seek to maintain political relevance in Southeast Asia.

## Preventive Diplomacy on the Korean Peninsula: What Role for the United Nations?

*Leon V. Sigal\**

### INTRODUCTION

The Korean Peninsula remains the cockpit of insecurity in Northeast Asia. If left unresolved, the situation there could destabilize the entire region.

A settlement seemed possible in October 2007, the most promising moment for peace on the peninsula since 2000. On October 4<sup>th</sup>, South Korean President Roh Moo-hyun signed a potentially far-reaching summit agreement with North Korean leader Kim Jong Il. Among its provisions was a pledge “to discuss ways of designating a joint fishing area in the West Sea to avoid accidental clashes and turning it into a peace area and also to discuss measures to build military confidence.”<sup>1</sup> Had that pledge been carried out, it could have opened the way to a peace process on the Korean Peninsula. It might also have averted three deadly clashes in the West (or Yellow) Sea in 2009-2010.

At the same time, the Six-Party Talks on denuclearization of the Korean Peninsula yielded an accord on “second-phase actions” that committed the North to making “a complete and correct declaration of all its nuclear programs” and to disable its plutonium facilities at Yongbyon, pending their permanent dismantlement.<sup>2</sup> In return, energy aid and an end to US sanctions were promised under the *Trading with the Enemy Act*, as well as removal from the US list of state sponsors of terrorism. The accord made no mention of verification, which was left to a later phase of negotiations. Had all the parties fulfilled their obligations, denuclearization of the Korean Peninsula might have moved forward instead of reversing course.

The promise of October 2007 soon evaporated. The past three years have been the most dangerous on the Korean Peninsula since 1968, with three deadly clashes in the contested waters of the West Sea. During that period, the Democratic People’s

Republic of Korea (DPRK) has showed only limited willingness to restrain its nuclear and missile programs.

These unsettling events occurred in a troubled context. An armistice signed in 1953 terminated the Korean War, but no permanent peace treaty has ever been signed.

Northeast Asia also lacks the multilateral institutions found in other regions of the world. The fledgling Trilateral Summit, a much needed mechanism of regional cooperation among China, Japan, and South Korea, has yet to tackle security issues. The ASEAN Regional Forum includes all the concerned parties, but these fora have played little part in securing peace on the peninsula or addressing the nuclear, missile, and related issues. The Six-Party Talks, comprised of the concerned parties, has taken up those tasks, with mixed success.

A September 19, 2005, six-party joint statement committed the DPRK to “abandoning its nuclear weapons and all existing nuclear programs” in return for commitments by the United States and Japan to normalize relations, by the United States, South Korea, Japan, China, and Russia to provide energy aid, and by the “directly related parties”—presumably North and South Korea, the United States and China—to negotiate “a permanent peace regime on the Korean Peninsula.”<sup>3</sup>

If implemented through negotiation and engagement, the October 2007 inter-Korean agreement and the September 2005 six-party joint statement provided all the necessary elements for resolving the nuclear question and for averting further conflict in the West Sea, but the parties have yet to fulfill most of their obligations under these accords. Recent developments raise questions as to whether they remain committed to their respective obliga-

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1 “Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity,” October 4, 2007.

2 “Second-Phase Actions for the Implementation of the September 2005 Joint Statement,” Six-Party Talks, October 4, 2007.

3 “Joint Statement of the Fourth Round of Six-Party Talks,” Six-Party Talks, September 19, 2005.

tions.

The United States and China are the main actors in the region, and while they are both committed to stability and the denuclearization of the Korean Peninsula, they differ on how to accomplish these aims and have shown themselves incapable of imposing their will on either of the Koreans.

The international community, including civil society, has facilitated various forms of economic and cultural engagement on the Peninsula, but the influence of nongovernmental organizations (NGOs) on the political interaction among the parties has been marginal. Track II diplomacy has had some value in exploring ways of resolving contentious issues, but without determined diplomacy and engagement by governments, these efforts have come to naught.

Under these trying circumstances, what can the United Nations system do in terms of preventive diplomacy to defuse the crisis and stabilize the situation?

## THE POLITICAL AND ECONOMIC ENVIRONMENT

### Troubled Waters

The political climate on the Korean Peninsula turned nasty in 2008. After Lee Myung-bak was elected president of South Korea, he backed away from the engagement policy of his predecessors, believing it to be one-sided and ineffective. He decided not to implement the Declaration on the Advancement of South-North Relations, Peace and Prosperity signed by Kim Jong Il and Roh Moo-hyun at an October 4, 2007, summit meeting, and in particular, backed away from the pledge to discuss a joint fishing area in the West Sea and naval confidence measures.<sup>4</sup>

Those waters have been troubled ever since the end of the Korean War, when the United States unilaterally imposed a ceasefire line at sea, north of the Military Demarcation Line (MDL) on land. The DPRK has long objected to this Northern Limit Line (NLL), which is not recognized internationally. It wants the MDL extended out to sea.

The DPRK responded to South Korean backtracking on the 2007 summit pledge by building up shore artillery near the disputed waters. In late March 2008, it accused South Korean vessels of violating “its” territory and launched short-range missiles into the contested waters, underscoring the risks of leaving the West Sea issue unresolved. It also called for a permanent peace treaty to replace the 1953 armistice.

A heated war of words erupted in 2009. On January 17<sup>th</sup>, after assailing the South’s defense minister “for making full preparations for the possible third West Sea skirmish,” a DPRK military spokesman warned, “We will preserve...the extension of [the] MDL in the West Sea already proclaimed to the world as long as there are ceaseless intrusions into the territorial waters of our side in the West Sea.”<sup>5</sup> On January 29<sup>th</sup>, after South Korea had backed away from the Joint Declaration issued at the June 2000 summit, the DPRK abrogated the 1991 North-South Agreement on Reconciliation, Non-Aggression, and Exchanges and Cooperation.<sup>6</sup> A September 1992 protocol to that accord had committed the two sides to abide by the Northern Limit Line until a permanent sea boundary was fixed.<sup>7</sup> A month later, South Korea’s defense minister told the National Assembly that it would “clearly respond to any preemptive artillery or missile attack by North Korea” in the contested waters.<sup>8</sup>

In August 2009, Pyongyang reached out to re-engage with Seoul and Washington. Intent on releasing two American journalists who had strayed across the border from China, Kim Jong Il invited former President Bill Clinton to meet him on August 4<sup>th</sup>. The DPRK also renewed an invitation for US Special Envoy Stephen Bosworth to come to Pyongyang for talks, but his visit was delayed until December. Pyongyang also sent two top officials dealing with North-South relations to Seoul for the funeral of former South Korean President Kim Dae-jung with a personal invitation for President Lee to a third North-South summit meeting, but Lee spurned the invitation.

4 Jung Sung-ki, “Peace Zone Project Faces Derailment,” *Korea Times*, December 30, 2007.

5 “Principled Stand of the KPA to Defend Socialist Country As Firm As Iron Wall Clarified,” *Korean Central News Agency*, January 17, 2009.

6 “DPRK Committee to ‘Nullify’ Inter-Korean Political, Military Agreements,” *Korean Central News Agency*, January 29, 2009.

7 “Protocol on Non-Aggression,” September 1992, Articles 9 and 10. Cf., “Agreement on Reconciliation, Non-Aggression, Exchanges and Cooperation (Basic Agreement),” December 13, 1991.

8 Sam Kim, “S. Korea to Strike Back If N. Korea Provokes Armed Clash: Defense Minister,” *Yonhap*, February 20, 2009.



On October 15<sup>th</sup> the DPRK's navy accused South Korea of sending sixteen warships into the disputed waters, according to a report by the North's state-owned Korean Central News Agency, which noted, "The reckless military provocations by warships of the South Korean navy have created such a serious situation that a naval clash may break out between the two sides in these waters."<sup>9</sup>

Shortly thereafter, just such a clash took place. On November 9<sup>th</sup> a North Korean patrol boat crossed the NLL into the contested waters—precisely what the 2007 summit had sought to forestall—and a South Korean vessel fired warning shots at it. The North returned fire and the South responded with force, severely damaging the North Korean vessel and causing an unknown number of casualties. On November 12<sup>th</sup>, after Pyongyang's demand for an apology went unanswered, its party newspaper, *Rodong Sinmun*, spoke of avenging the attack: "The South Korean forces will be forced to pay dearly for the grave armed provocation perpetrated by them in the waters of the north side in the West Sea of Korea."<sup>10</sup>

On March 26, 2010, a South Korean navy corvette, the Cheonan, was attacked in the West Sea, killing forty-six on board. The DPRK denied responsibility for the attack and a UN Security Council statement condemned the attack, but did not name a perpetrator.<sup>11</sup>

In December 2010 South Korea decided to conduct live-fire exercises in the West Sea. Pyongyang warned Seoul not to go ahead, and then responded with a fatal artillery attack on Yeongpyeong Island.

### Nuclear and Missile Activities

Although the DPRK is often seen as determined to arm itself with nuclear weapons and ballistic missiles, over the past two decades it has exercised some restraint in its nuclear and missile activities. Until recently, the only way for it to generate the fissile material it needs for weapons was to remove spent nuclear fuel from its reactor at Yongbyon and reprocess it to extract plutonium. Yet the International Atomic Energy Agency found that the

North had stopped reprocessing in the fall of 1991, some three years before signing the "Agreed Framework" with the United States. It did not resume reprocessing until 2003. It also stopped operating its fuel fabrication plant before signing the October 1994 accord, having made enough fuel rods for roughly fifteen to seventeen bombs' worth of plutonium. It disabled the plant in 2008. It also shut down its reactor at Yongbyon in 2007 as part of a disablement process and has yet to resume its operation. Similarly, the only way for the DPRK to perfect ballistic missiles for delivering nuclear warheads would be to test them until they work reliably and with a modicum of accuracy. Yet the North has conducted only five sets of medium- and longer-range missile test-launches of its own in twenty years.

The history of nuclear diplomacy on the Korean Peninsula is full of false starts. In October 1994, the United States and the DPRK concluded the Agreed Framework, which verifiably froze North Korea's plutonium program up front. The United States, in return, promised two replacement reactors by a target date of 2003, supplies of heavy fuel oil in the interim, and above all, an end to enmity—"to move toward full normalization of political and economic relations."<sup>12</sup> Contending that Washington was slow to fulfill the terms of the Agreed Framework in 1997, Pyongyang threatened to break the accord. It began acquiring the means to enrich uranium, conducted its first and only test-launch of a longer-range Taepodong-1 missile, and had contacts with Syria about assistance for its nuclear reactor. What it did not do was restart its plutonium program. When the Bush administration renounced the Agreed Framework in 2003, the DPRK resumed reprocessing to extract some four or five bombs' worth of plutonium.

The failure of either side to fulfill its obligations has been repeated in recent years. No sooner had the six parties concluded the September 2005 "Joint Statement of the Fourth Round of Six-Party Talks" than the United States on September 15<sup>th</sup> began pressing banks around the world to freeze the DPRK's hard currency accounts. Those financial

9 "Halt to Intrusion of S. Korean Warships into DPRK Waters Demanded," *Korean Central News Agency*, October 15, 2010.

10 "S. Korea Will Be Forced to Pay Dearly for Armed Provocations," *Korean Central News Agency*, November 12, 2009.

11 UN Security Council, "Statement by the President of the Security Council," UN Doc. S/PRST/2010/13, July 9, 2010.

12 "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea," October 21, 1994.

measures were ostensibly aimed at its illicit activities, but they also blocked proceeds from legitimate foreign trade. After Washington refused to hold bilateral talks on the issue, Pyongyang conducted tests of seven missiles, including the Taepodong-2, on July 5, 2006.

The UN Security Council adopted Resolution 1695 condemning the test-launches, demanding that the DPRK “suspend all activities related to its ballistic missile program” and “requir[ing] all member states” to “prevent the procurement of missiles or missile related-items, materials, goods and technology from the DPRK, and the transfer of any financial resources in relation to DPRK’s missile or WMD programmes.”<sup>13</sup>

The DPRK immediately began preparations for a nuclear test, a test it carried out on October 9, 2006. The UN Security Council then adopted Resolution 1718 condemning the tests, demanding that the DPRK “not conduct any further nuclear test or launch of a ballistic missile” and extending sanctions to, among other items, arms and luxury goods.<sup>14</sup>

The stage was set for the current crisis on June 18, 2007, when the White House announced it intended to delist the DPRK as a state sponsor of terrorism and end sanctions under the Trading with the Enemy Act, as it was obliged to do under the October 3, 2007, joint statement from the Six-Party Talks on second-phase actions—but only if Pyongyang agreed to cooperate in verifying its nuclear declaration. As Secretary of State Condoleezza Rice acknowledged on June 18<sup>th</sup>, “What we’ve done, in a sense, is move up issues that were to be taken up in phase three, like verification, like access to the reactor, into phase two.”<sup>15</sup>

In talks with the United States in early October 2008, the DPRK agreed to allow sufficient access to Yongbyon to ascertain how much plutonium it had made in the past. If this would not suffice, it also agreed to “access, based on mutual consent, to undeclared sites.”<sup>16</sup> During the December 2008

round of Six-Party Talks, South Korea, Japan, and the United States—but not China or Russia—said shipments of promised energy aid would be suspended unless the DPRK agreed to put that verbal commitment into writing. On his departure from the talks, the DPRK negotiator left no doubt of retaliation for any renegeing on energy aid.<sup>17</sup>

In late January 2009 the DPRK began assembling a rocket at the Musudan-ri launch site, an effort that would take two months. In public, it did its best to portray the test-launch as a peaceful attempt to put a satellite into orbit, but in private it made clear to visitors that without the promised energy aid, it would have no recourse but to strengthen its deterrent. On April 5, 2009, North Korea launched a three-stage rocket. The president of the UN Security Council then issued a statement that condemned the launch for contravening Resolution 1718 and agreed to “adjust” the sanctions to cover certain designated entities and goods.<sup>18</sup>

In response, on April 14<sup>th</sup>, a DPRK Foreign Ministry spokesman denounced the Six-Party Talks as “an arena which infringes on our sovereignty and which aims only at disarming us and overthrowing our system” and said it “will no longer be bound by any agreement.” This called into question the DPRK’s commitment to “abandon” its nuclear weapons and existing programs. The spokesman listed three other steps Pyongyang would take in response. First, “we will actively examine the construction of a light-water [nuclear] plant of our own.” Such a plant would require the North to enrich uranium to fuel it. Second, its Yongbyon facilities “will be restored to the original state for normal operation,” which stopped short of saying it would restart its reactor to generate more spent nuclear fuel. And third, the 6,500 spent fuel rods removed during disabling “will be reprocessed.”<sup>19</sup>

By extracting another bomb’s worth of plutonium, the DPRK could conduct its second nuclear test that May without depleting its stock of plutonium.

13 UN Security Council Resolution 1695 (July 15, 2006), UN Doc. S/RES/1695.

14 UN Security Council Resolution 1718 (October 14, 2006), UN Doc. S/RES/1718.

15 Secretary of State Condoleezza Rice, “US Policy towards Asia,” address at the Heritage Foundation, Washington, DC, June 18, 2008.

16 US Department of State, Office of the Spokesman, “US-North Korea Understandings on Verification,” October 11, 2008.

17 “North Korea Warns Nuclear Disabling Might Slow,” *Associated Press*, December 13, 2008.

18 UN Security Council, “Statement by the President of the Security Council,” UN Doc. S/PRST/2009/7, April 13, 2009.

19 “DPRK Foreign Ministry Spokesman Vehemently Refutes UNSC’s ‘Presidential Statement,’” *Korean Central News Agency*, April 14, 2009.

On June 12, 2009, the UN Security Council adopted Resolution 1874, greatly expanding sanctions and called upon member states to enforce the embargo by inspecting vessels suspected of transporting arms or related material to the DPRK.<sup>20</sup>

The DPRK's response was not encouraging. On September 3, 2009, the DPRK permanent representative to the United Nations informed the Security Council president by letter that Pyongyang's "experimental uranium enrichment has successfully been conducted to enter into completion phase."<sup>21</sup> This implied that it was constructing an enrichment facility. Last November, DPRK officials showed a delegation headed by Dr. Siegfried S. Hecker what looked like a uranium enrichment facility at Yongbyon, which they said was operational.

### Economic Engagement

The DPRK economy experienced a sharp decline in the 1990s. Over the past decade it experienced modest growth, but for that growth to be sustained, it needs capital from abroad. It also would benefit from a more secure political environment that might enable it to reallocate scarce resources from military to civilian use.

A harsh terrain and a short growing season make the DPRK dependent on the outside for food, whatever its agricultural policies. Anticipating shortages this spring, it recently approached the United Nations, the United States, and other governments for food assistance.

With the exception of China, the DPRK's economic engagement with the other concerned parties has been fitful at best. Its trade with China and South Korea has grown appreciably over the past decade, hitting record highs in 2010. It has also increased its trade with Europe and the rest of Asia, albeit from a low base. Economic sanctions have sharply curtailed its trade with Japan and the United States in the last few years. That is likely to be the case with South Korean trade as well in the coming year.

NGOs have played a useful role in providing aid and technical assistance to the DPRK in energy, food production, drinking water, and other

community development projects, but their role has often been limited by governments.

### WHAT ROLE FOR THE UNITED NATIONS?

This brief history of recent events on the Korean Peninsula presents two major implications for preventive diplomacy: first, sustained negotiation and engagement are the only way to defuse the crisis and resolve the extremely challenging peace and security issues there; and second, although the concerned parties have made occasional headway in resolving their differences by themselves, they have been unable or unwilling to sustain negotiations or engagement. As such, the United Nations, particularly its Secretary-General, could play a useful role.

The UN Charter is unambiguous about how to deal with situations like the one on the Korean Peninsula. Article 33 states, "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."

The principal locus of UN action has been the Security Council. To date, however, UN Security Council resolutions have emphasized punishment and enforcement—with no discernible positive effects on the situation. Negotiation has been relegated largely to the parties concerned and the Six-Party Talks. Recently, the United Nations' emphasis has been on disengagement from the DPRK, rather than engagement with it.

The General Assembly has usefully enacted resolutions welcoming the two inter-Korean summits. It could do more to voice support for diplomatic give-and-take.

Among the UN agencies that have programs in the DPRK are the United Nations Development Programme (UNDP), the World Food Programme (WFP), the World Health Organization (WHO), the United Nations Population Fund (UNFPA), the Food and Agriculture Organization of the United Nations (FAO), and the United Nations Children's

20 UN Security Council Resolution 1874 (June 29, 2009), UN Doc. S/RES/1874.

21 "DPRK Permanent Representative Sends Letter to President of UNSC," *Korean Central News Agency*, September 4, 2009.

Fund (UNICEF). But the one with the most conspicuous involvement has been the International Atomic Energy Agency (IAEA).

The IAEA does have an engagement function: it provides technical assistance to civilian nuclear activities, such as power plants, and it did so in the DPRK. But its main involvement in the DPRK has been to safeguard nuclear facilities against their misuse for nuclear arming. Safeguards require the consent and cooperation of the host government. In negotiating for the access to data and facilities that it needs to do its job, the IAEA has relatively few positive inducements to offer. Instead, it relies on the ultimate threat of sanctions to conduct inspections and detect violations of safeguards. When it detected anomalies in the DPRK's initial declaration of nuclear facilities and material in 1992, the IAEA sought to conduct a special inspection of two nuclear waste sites at Yongbyon, only to be thwarted by the DPRK. On February 25, 1993, the IAEA Board of Governors took the unprecedented step of setting a one-month deadline for access to the waste sites and warned of "further measures" by the UN Security Council if North Korea failed to comply. Refusing the demand for access, the DPRK announced its intention to withdraw from the Non-Proliferation Treaty (NPT). North Korea might have been willing to trade away its nuclear program in high-level talks with the United States, but it was not about to let the IAEA whittle away that nuclear leverage without getting something politically significant in return. To the DPRK, the IAEA's crime-and-punishment approach was the very antithesis of negotiation and engagement.

Negotiation and engagement by UN agencies, such as UNDP or WFP, and bodies, such as the Human Rights Council or the UN Special Rapporteur on Human Rights in North Korea, have been hindered in the past because their activities have become politicized. The suspension of UNDP programs in the DPRK and the dispute over WFP food monitoring are cases in point. It is an abiding principle of the United Nations that humanitarian and development assistance should be insulated from peace and security. In the case of the DPRK, that principle has been breached more often than observed.

Given the high stakes for the two Koreas, the region, and the world, what else could the United Nations, the Secretary-General, the Secretariat, and

its specialized agencies do to contribute to a resolution?

When the parties themselves seem incapable of settling their differences, the Secretary-General and Secretariat can serve as a catalyst and honest broker. The Secretary-General has a general duty to assist member states in peace and security. His reputation for fair, balanced, and objective appraisal should be an asset in this effort.

His voice matters. He can come out clearly in favor of peaceful resolution through dialogue, negotiation, and engagement—and do so in a publicly visible way.

At the same time, he can also consult in a low-key way with the parties concerned on how to advance dialogue, even though in the end that may require taking a position not always to the liking of all of them.

In the past, the Secretary-General has appointed an agent, or personal envoy, to act on his behalf on the peninsula. Appointment of such an agent now, one adequately resourced to take on this challenging task, might be a useful step. The incumbent Secretary-General's status as a career diplomat of Korean origin unquestionably makes him a valuable asset in any serious effort to resolve the nuclear and other issues on the peninsula through dialogue and engagement, including ones relating to inter-Korean cooperation. The personal involvement of the Secretary-General, or his envoy, should facilitate a coherent approach by the United Nations system as a whole, in support of the security, humanitarian, and development objectives of the international community.

In view of their coercive nature, the UN Security Council resolutions have, in effect, encouraged disengagement from the DPRK when engagement might be a preferable course in fostering change. Isolation freezes current policies in place; economic engagement focusing on the needs of the civilian populace provides an opportunity for change. It opens space for North Koreans to have greater contact with the outside, and vice versa.

UN agencies have played a useful role in this engagement effort in the past; they can be empowered and funded to do so again. They can help most by being allowed to do their job, whether it is providing technical assistance, spurring economic growth, improving health care, or

feeding people in need.

In the context of deeper engagement by various UN agencies, the DPRK might become more amenable to discussions on sensitive issues like

human rights, perhaps starting with less controversial areas like the rights of the disabled or of women and children, and perhaps not with the UN special rapporteur, but with other UN entities.

## ANNEX I

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# Preventive Diplomacy: Delivering Results

## Report of the Secretary-General

UN Doc. S/2011/552, August 26, 2011

This report is dedicated to the memory of former Secretary-General Dag Hammarskjöld as we mark this year the fiftieth anniversary of his death in 1961.

*I believe we have only begun to explore the full potentialities of the United Nations as an instrument for multilateral diplomacy, especially the most useful combinations of public discussion on the one hand and private negotiations and mediation on the other.\**

### SUMMARY

The present report examines the opportunities and the challenges the United Nations and its partners currently face in conducting preventive diplomacy in a changing political and security landscape.

Focusing specifically on diplomatic action taken to prevent or mitigate the spread of armed conflict, the report describes the relevance of preventive diplomacy across the conflict spectrum and as part of broader, nationally owned strategies to promote peace. It highlights the growing expectations placed on the United Nations system and other organizations in the area of conflict prevention and stresses the central importance of partnerships to this end.

The report illustrates how recent preventive diplomacy engagements have made a difference on the ground in a range of different contexts. It discusses the risks and obstacles that continue to hamper preventive efforts and identifies key elements which, in the experience of the United Nations and its partners, have proven critical in maximizing the success of these efforts: early warning, flexibility, partnerships, sustainability, evaluation and resources. The report concludes with recommendations to further strengthen international capacity for preventive diplomacy over the next five years.

### I. INTRODUCTION

1. Preventive diplomacy has been an enduring idea at the United Nations for many decades. Since Dag Hammarskjöld first articulated the concept over half a century ago, it has continued to evolve in response to new challenges. An integral part of broader conflict prevention efforts, preventive diplomacy refers specifically to diplomatic action taken, at the earliest possible stage, “to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur”.<sup>1</sup> Preventive diplomacy remains highly relevant along the entire conflict spectrum.
2. When I took office over four years ago, I made it a priority to re-energize the Organization’s preventive diplomacy and to improve our machinery and expand our partnerships to that effect. My efforts were encouraged by Member States, which are themselves placing greater emphasis on conflict preven-

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\* Extract from an address by former Secretary-General Dag Hammarskjöld to the American Political Science Association, Washington, D.C., 11 September 1954.

<sup>1</sup> See “An agenda for peace: preventive diplomacy, peacemaking and peace-keeping” (A/47/277-S/24111), 17 June 1992.

tion and see a key role for the Organization in supporting and complementing their endeavours. There are several reasons for this renewed interest. Foremost is the recurring and devastating impact of armed conflict on individuals, societies and economies, coupled with the recognition — all the more acute in these strained financial times — that failure to prevent conflict is extremely costly. Moreover, although quiet successes rarely make the news, a number of recent engagements have reconfirmed that through a combination of analysis, early warning, rapid response and partnerships, we can help to defuse tensions in escalating crises and assist parties in resolving disputes peacefully.

3. Reflecting this support, the Security Council, under the presidency of Nigeria, held an open debate on preventive diplomacy in Africa on 16 July 2010. In the ensuing presidential statement (S/PRST/2010/14), I was requested to submit a report with recommendations on how best to optimize the use of preventive diplomacy tools within the United Nations system and in cooperation with regional and subregional organizations and other actors. The present report is prepared pursuant to that request.

## II. THE CHANGING LANDSCAPE

4. Preventive diplomacy today is being conducted by a broader array of actors, using a wider range of tools, than ever before. This is due in part to the emergence of stronger normative frameworks in favour of international efforts to prevent violent conflict and mass atrocities and to ensure the inclusion of more voices in governance, peace and security. The 2005 World Summit was a watershed moment, when Member States committed to building a “culture of prevention”, strengthening the capacity of the United Nations to that end and taking “effective collective measures for the prevention and removal of threats to the peace”. Earlier, in its resolution 1325 (2000) the Security Council significantly called for greater participation of women in conflict prevention and recognized the importance of indigenous conflict resolution mechanisms.
5. Normative developments at the global level were underpinned by those at the regional level in Africa, Asia, Europe and the Americas. On the African continent, most notably, the doctrine of non-interference has been replaced by the African Union’s principle of “non-indifference” to imminent threats to peace, security and populations, including unconstitutional changes of government. A number of subregional organizations in Africa either anticipated or followed the new stance. In the Americas, the Organization of American States (OAS) has made the resolution of differences that may lead to crises a priority. New groupings, such as the Union of South American Nations, have become active regional players, including in preventive diplomacy.<sup>2</sup> Other examples include the Pacific region, where the Biketawa Declaration of the Pacific Island Forum (2000) provided a framework for early diplomatic response to emerging security concerns. The 2001 Inter-American Democratic Charter, the 2005 Charter of the Francophonie, the 2007 Charter of the Association of Southeast Asian Nations (ASEAN) and the 2008 Charter of the Organization of the Islamic Conference<sup>3</sup> (OIC) are all reflective of a growing expectation that emerging crises should be addressed in a timely manner by the appropriate regional or international forums. As a result, we have witnessed, to varying degrees, a shift to more proactive preventive diplomacy in different regions of the world.
6. To give life to these normative innovations, the past decade has also seen the creation of new preventive capacities across the international community, in international and regional organizations and in many Member States. These include the development of early warning systems<sup>4</sup> and targeted funding

<sup>2</sup> Declaration of the Council of Heads of State and Government of the Union of South American Nations, Buenos Aires, 4 May 2010, para. 5.

<sup>3</sup> In June 2011, the name of the Organization was changed to the Organization of Islamic Cooperation.

<sup>4</sup> For example, the European Union, the Organization for Security and Cooperation in Europe (OSCE), the African Union and a number of African subregional organizations have developed early warning systems.

mechanisms for rapid response,<sup>5</sup> the establishment of dedicated prevention structures<sup>6</sup> and the ongoing use of special envoys. The Mediation Support Unit established at the United Nations in 2006 has become a service provider to both United Nations and non-United Nations mediation efforts, and an increasing number of regional organizations are seeking to enhance their own mediation capacities.<sup>7</sup> Political missions are increasingly being used; in 2010, the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and OAS deployed almost 50 such missions in the field, many with a preventive diplomacy and good offices mandate.<sup>8</sup> The OSCE High Commissioner on National Minorities has helped to defuse tensions over national minority issues in many countries through quiet diplomacy.

7. Despite serious challenges that continue to hamper preventive diplomacy efforts, which will be discussed later in this report, there are growing indications that our collective efforts at prevention are responding better to the needs on the ground. The number of low-intensity conflicts that started in the period from 2000 to 2009 is only roughly half as high as those that started in the 1990s. In the same period, the number of new high-intensity conflicts (onsets and escalations) also dropped, from 21 to 16.<sup>9</sup> While a number of factors explain this decline, more and better preventive action by Member States and international organizations is an important part of the story.

### III. MAKING A DIFFERENCE ON THE GROUND

8. In the face of political tensions or escalating crises, preventive diplomacy is often one of the few options available, short of coercive measures, to preserve peace. It is also potentially a high-return investment. The biggest return comes in lives saved. However, prevention also makes strong economic sense. The World Bank has calculated that “the average cost of civil war is equivalent to more than 30 years of gross domestic product (GDP) growth for a medium-size developing country”.<sup>10</sup> The most severe civil wars impose cumulative costs of tens of billions of dollars, and recovery to original growth paths takes the society concerned an average of 14 years.<sup>10</sup> By contrast, prevention efforts can be much less costly: the United Nations Office for West Africa, which has played an important role in prevention efforts in Guinea, the Niger and elsewhere in the subregion, has a regular budget of less than \$8 million per year.
9. The following section seeks to highlight ways in which the United Nations is using its existing instruments, honing new ones and working with key actors in new and creative partnerships to make a difference on the ground through diplomacy.

#### A. Key actors, tools and instruments

##### General Assembly

10. Pursuant to Articles 10 and 11 of the Charter of the United Nations, the General Assembly has broad authority to consider conflict prevention in all its aspects; develop recommendations as appropriate; or call the attention of the Security Council to situations that are likely to endanger international peace

5 Examples include the European Union’s Instrument for Stability, the flexible financing mechanism for rapid response set up by the Department of Political Affairs of the United Nations Secretariat and the Immediate Response Facility of the Peacebuilding Fund.

6 For example, the Member State-supported strengthening, in 2008, of the Department of Political Affairs, the Panel of the Wise of the African Union, the Council of the Wise of the Economic Community of West African States (ECOWAS), new structures of the European External Action Service of the European Union, such as the Directorate for Conflict Prevention and Security Policy and, within that, the Peacebuilding, Conflict Prevention and Mediation Unit.

7 For example, the Organization of American States (OAS) and the United Nations have concluded a joint mediation partnership, which includes the funding of a mediation fellow to be based at OAS; joint mediation training for Member State officials; and support to the development of an OAS expert roster, after-action review methodologies and gender strategy.

8 See Richard Gowan, ed., *Review of Political Missions 2010* (Center on International Cooperation, 2010).

9 Uppsala Conflict Data Program/Peace Research Institute Oslo Armed Conflict Dataset, version 4-2010, 1946-2009 available from [http://www.pcr.uu.se/digitalAssets/19/19228\\_UCDP\\_PRIO\\_ArmedConflictDataset\\_V4\\_2010.xls](http://www.pcr.uu.se/digitalAssets/19/19228_UCDP_PRIO_ArmedConflictDataset_V4_2010.xls).

10 See World Bank, *2011 World Development Report: Conflict, Security and Development* (Washington, D.C., 2011).



and security.

11. Through its norm-setting capacity and deliberative functions, the General Assembly has a central role in contributing to a conducive environment for conflict prevention. Its adoption, on 22 June 2011, of a consensus resolution aimed at strengthening the role of mediation in the peaceful settlement of disputes and conflict prevention and resolution (resolution 65/283) is a groundbreaking development that positions the Organization as a setter of standards for mediation and provides a broad framework for productive collaboration with Member States, regional organizations and other mediation actors. As the Organization's supreme budgetary authority, the General Assembly also reviews and approves the budgets of political missions and other instruments relating to conflict prevention and peacemaking. In 2008, it made possible the strengthening of the Department of Political Affairs of the Secretariat, with a view to bolstering the Organization's preventive capacity. Furthermore, at the request of the Assembly, I am submitting to its sixty-sixth session a report containing recommendations on improved funding and backstopping of our special political missions, with the aim of ensuring more flexible and rapid deployment of this increasingly mandated instrument.

### Security Council

12. As the United Nations organ with primary responsibility for the maintenance of international peace and security, the Security Council has a key role to play in the prevention of armed conflict. In the past, the Council focused largely on dealing with conflicts and emergencies after they occurred, but recent years have seen a push for greater engagement and flexibility in addressing emerging threats before they are placed on the Council's formal agenda. For example, since early 2008, the Council has held "informal interactive dialogues" on a range of situations, which are intended to promote a more proactive approach to preventive diplomacy. It has requested the Department of Political Affairs to deliver monthly "horizon scanning" briefings that focus on current and emerging conflicts. I also use our informal monthly luncheons with the Security Council to raise many items that are not on any formal agenda. Since 2007, the thematic item "peace and security in Africa" has served to address a variety of country-specific issues in formal meetings, including situations not officially on the Council's agenda, such as, in the early stages, Libya.
13. How, and how early, the Security Council should become involved in a situation of concern is a question that must be answered on a case-by-case basis. At times, the Council decides to keep its clout in reserve, in order to leave space for quiet diplomacy and the good offices of the Secretary-General. In other instances, highly visible and decisive action by the Council, such as missions to the field, initiatives by its President and press communiqués, has opened political space for prevention which otherwise would not have existed, strongly supporting my efforts.
14. When the Security Council forms a common vision for addressing a situation of concern, as it did in the case of Guinea's constitutional crisis in 2009 and 2010 and the Southern Sudan 2011 independence referendum, it has proven its effectiveness in generating political momentum and engaging with key interlocutors in pursuit of a common strategy. The Council has begun to develop stronger and more structured relationships with regional organizations to that effect. Council support for mediation initiatives, whether undertaken by the United Nations or regional actors, has also proven crucial. At later stages of a conflict, more coercive tools such as targeted sanctions have added critical leverage to diplomatic efforts. The Security Council also plays a unique role in preventing the escalation of conflict or a slide back into war by establishing political and peacekeeping missions with appropriate mandates.

### Peacebuilding Commission

15. The Peacebuilding Commission, which is an intergovernmental advisory body of the Security Council and the General Assembly, ensures sustained international attention to countries emerging from conflict, including to the reconstruction and institution-building efforts necessary for recovery from conflict. Six countries are currently on the Commission's agenda: Burundi, the Central African Republic, Guinea, Guinea-Bissau, Liberia and Sierra Leone. Country-specific configurations of the Commission have been established in each case, which could help to prevent relapse into violence through representation efforts by their Chairs and my Special Representatives.

### Good offices of the Secretary-General

16. My mandate for conflict prevention originates in Article 99 of the Charter, which provides that the Secretary-General may bring to the attention of the Security Council any matter which, in his opinion, may threaten the maintenance of international peace and security. Successive Secretaries-General have used their good offices to help parties find solutions to problems at the earliest possible stage. The effectiveness of the good offices is often a function of how much political space the Secretary-General has in which to act. In my own experience, the most difficult scenario is when international interest is strong but conflicted, because the parties know that there is no unity of vision. As a custodian of the Charter, I also have the duty to speak out in certain situations, an obligation which may or may not enhance mediation efforts. At times, public advocacy in full view of the media is necessary; more often, however, good offices are deployed behind the scenes. Irrespective of the approach, the key is to practise diplomacy that is as determined as it is flexible.
17. The Department of Political Affairs serves as the main operational arm for the conduct of my good offices. With regular and extrabudgetary support from the Member States,<sup>11</sup> the Department was strengthened over the past three years to play its lead role in preventive diplomacy within the United Nations system more effectively. It has enhanced its analytical capacities, its technical expertise in key areas such as electoral assistance, its partnerships and its ability to learn lessons, distil best practices and facilitate system-wide responses. As a result, it is becoming better geared towards rapid response and, through its reinforced regional divisions and Mediation Support Unit, can assist good offices and mediation initiatives worldwide, whether undertaken by the Organization or its partners. Its standby team of mediation experts is able to deploy within 72 hours to assist negotiators on peace process design, security arrangements, constitution-making, gender, power-sharing and wealth-sharing. A dedicated mechanism, supported by voluntary contributions, provides more flexible financing for rapid response.

### Envoys

18. Over the past few years, I have appointed envoys to help to defuse tensions and resolve problems in the context of border disputes, territorial questions, regional conflicts, constitutional and electoral crises, reunification negotiations, peace talks and a range of other issues. My special advisers on the prevention of genocide, the responsibility to protect and other important cross-cutting concerns bring specific thematic expertise to the table. In many cases, United Nations envoys have played a key role in pulling a country or region back from the brink of conflict.
19. For example, in the autumn of 2008, I appointed former Nigerian President, General Olusegun

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<sup>11</sup> Regular budget strengthening was approved in General Assembly resolution 63/261, and I elaborated on that strengthening in A/65/161. With only half of the requested posts approved by the General Assembly, and with increasing Member State demands for Department of Political Affairs core capacities, the Department recently received increased extrabudgetary support. See [http://www.un.org/wcm/content/site/undpa/annualreport\\_13052011](http://www.un.org/wcm/content/site/undpa/annualreport_13052011).

Obasanjo, as Special Envoy for the Great Lakes in the context of growing tension and a widespread fear that the Democratic Republic of the Congo would again become the theatre of regional war. With backstopping from Headquarters and in close consultation with the United Nations peacekeeping operation on the ground, the Special Envoy engaged in intense shuttle diplomacy in search of a negotiated peace in the eastern Democratic Republic of the Congo. Collaborating with the International Conference on the Great Lakes Region, these efforts resulted, within just a few weeks, in complex peace talks under United Nations auspices, made possible through the rapid deployment of a mediation support team, together with associated logistics, translation services and conference and travel support. By March 2009, the talks had led to a set of agreements foreseeing the demobilization and disarmament of rebel groups and measures to address their underlying grievances. With ongoing engagement by the Special Envoy to monitor progress, the bulk of the commitments were implemented within less than a year. In late 2009, Presidents Kagame and Kabila met for the first time in many years, and shortly thereafter Rwanda and the Democratic Republic of the Congo resumed formal diplomatic relations. While the situation in the eastern Democratic Republic of the Congo remains serious in terms of generalized insecurity and humanitarian suffering, renewed regional war was averted.

20. In other instances, the Organization has played a supportive role. In January 2008, for example, amid post-election violence in Kenya, the African Union mandated a process chaired by former Secretary-General Kofi Annan, to avert further deterioration into a civil war along ethnic lines. This effort was strongly supported by the United Nations country team on the ground and staff secondments from the Department of Political Affairs, drawing strategically on expert advice from the Department's Electoral Assistance Division and other actors. The powersharing agreement reached not only served to avert conflict but also provided the basis for a new constitution. Similarly, in Madagascar, a United Nations mediation support team has been deployed to assist the mediation efforts of the Southern African Development Community (SADC) aimed at resolving the political crisis in the country and restoring constitutional order.
21. Many of the instruments we are developing to increase the impact of preventive diplomacy, such as rapidly deployable funding and technical expertise, are also benefiting envoys who are working to resolve current conflicts. One example is Libya, where my Special Envoy is working to arrive at a political resolution of the conflict in accordance with Security Council resolutions 1970 (2011) and 1973 (2011) and to prevent further humanitarian suffering. Other envoys are engaged in long-term political processes which the United Nations has a special responsibility to facilitate, such as those in Cyprus and Western Sahara. In some instances, the very existence of a process has intrinsic preventive value, as it can serve as a valve to release tensions, build confidence and ensure that the parties continue to talk to each other.

### **Regional offices**

22. A critical innovation in recent years is the establishment of the United Nations regional offices which serve, inter alia, as forward platforms for preventive diplomacy in West Africa, Central Asia and, since March 2011, Central Africa. The former two have already forged sustained, innovative working relationships with local, regional and other actors to address a broad range of potentially explosive issues throughout their subregions.
23. In 2010, for example, the United Nations Regional Centre for Preventive Diplomacy for Central Asia was able to provide immediate good offices and support for crisis response in Kyrgyzstan, following the ouster of the former President in April and the outbreak of inter-ethnic violence in June. Working closely with national actors, the United Nations country team, OSCE, the European Union, the Collective Security Treaty Organization, the Commonwealth of Independent States (CIS) and the

Shanghai Cooperation Organization, the Centre facilitated assistance for reconstruction, recovery and elections in the country, while fostering a dialogue between political leaders and civil society representatives and helping to lay the groundwork for reconciliation.

24. In Guinea, the United Nations Office for West Africa partnered with ECOWAS, the African Union, the International Contact Group and others in facilitating the country's transition from military to constitutional rule throughout 2009 and 2010. Preventing political tensions from escalating into full-blown conflict was a major preoccupation during that period, not least because of the potential destabilization of neighbouring Côte d'Ivoire, Guinea-Bissau, Liberia and Sierra Leone. Through steady support to the political process and to the ECOWAS-led mediation, the United Nations assisted Guineans in steering the transition to its completion through the inauguration, in December 2010, of Alpha Condé, Guinea's first President elected through democratic multiparty elections.
25. The mandate of the new United Nations Regional Office for Central Africa is to make a similar contribution to preventing conflict in the subregion and to help to address such cross-border challenges as arms trafficking, organized crime and the presence of armed groups, including the Lord's Resistance Army.

### Resident political missions

26. The critical importance of peacekeeping operations in the Organization's overall peace and security toolkit has been recognized for decades. Less well-known is the role played by its much smaller political missions, which are increasingly relied upon to deliver on a range of complex peacemaking and peacebuilding mandates.
27. Political missions vary widely in terms of their purpose, activities, size and scope. They include the regional offices described above, a new liaison office to the African Union, sizeable operations in Afghanistan and Iraq and a number of much lighter peacemaking and peacebuilding offices.<sup>12</sup> Most are deployed in crisis management mode rather than for a purely preventive objective. However, all accompany complex political or peace consolidation processes, and their mandates tend to include a good offices role, typically carried out by the head of mission.
28. Working with host or partner Governments and other actors, these missions routinely assist with national initiatives to foster dialogue, build capacity, ease tension and prevent violence. The steady political accompaniment they provide and their success in addressing problems before they escalate have been significant albeit often low-profile. The role of the United Nations Assistance Mission for Iraq in facilitating dialogue over the city of Kirkuk and other disputed internal territories and in smoothing the path to elections in 2009 and 2010 shows the value of civilian assistance missions working the political track alongside military operations deployed by other actors. The United Nations Special Coordinator for the Middle East Peace Process has been working continuously to promote calm and alleviate tensions in the region. In Sierra Leone, the United Nations Integrated Peacebuilding Office helped to prevent the potential escalation of violence following tensions between the governing and opposition parties in March 2009. From Afghanistan and Nepal to the Middle East, Burundi, the Central African Republic, Guinea-Bissau and Somalia, United Nations political missions have worked in recent years to support dialogue among key actors and to shore up political and peace processes. In

<sup>12</sup> The United Nations resident political missions include the following: Office of the United Nations Special Coordinator for Lebanon; Office of the United Nations Special Coordinator for the Middle East Peace Process; Special Adviser of the Secretary-General on Cyprus; United Nations Assistance Mission for Iraq (UNAMI); United Nations Assistance Mission in Afghanistan (UNAMA); United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL); United Nations Integrated Peacebuilding Support Office in Guinea-Bissau (UNIOGBIS); United Nations Integrated Peacebuilding Support Office in the Central African Republic (BINUCA); United Nations Office in Burundi (BNUB); United Nations Political Office for Somalia (UNPOS); United Nations Representative to the Geneva International Discussions; and United Nations support for the Cameroon-Nigeria Mixed Commission.

nearly every case, more integrated approaches and structures in these missions have allowed the Organization to embed conflict prevention in longer-term peacebuilding strategies, enhancing the prospects of a more durable peace.

### **Peacekeeping operations**

29. Given that, as recent World Bank findings show, 90 per cent of civil wars in the past decade took place in countries that had already experienced a civil war in the previous 30 years,<sup>10</sup> all United Nations missions serve as an important first line of crisis response and represent assets for preventive diplomacy across the conflict spectrum. Multidimensional peacekeeping operations have been playing this role for many years — strengthened, as needed, by the parallel role of a special envoy. The Southern Sudan self-determination referendum in January 2011 presents a recent example of how a peacekeeping mission can help to steer complex peace processes through delicate transitions.
30. In the year running up to the referendum, the mission leadership, working closely alongside the African Union High-level Implementation Panel on the Sudan, mediated between the central Sudanese Government and the Government of Southern Sudan, breaking deadlocks at key moments. My Special Representative also helped to align the international community to exercise its influence and assisted the African Union Panel in facilitating negotiations on post-referendum arrangements. Complementing the efforts of the mission and significant technical and logistical electoral assistance, I also deployed a Panel on the Referenda in the Sudan, headed by the former President of the United Republic of Tanzania Benjamin Mkapa, at the request of the parties. My Panel and its staff monitored the pre-referendum atmosphere, provided high-level good offices and built confidence among the parties. In January 2011, 3 million people across the Sudan and abroad went to the poll in a largely peaceful atmosphere, voting overwhelmingly for secession. While the situation in the region remains fragile with key challenges ahead, the absence of major violence around the referendum itself and the widespread acceptance of its outcome were viewed as a success for preventive diplomacy.

### **Groups of friends and other diplomatic support**

31. Coordination of international efforts is indispensable and is often carried out by contact groups and “groups of friends”. Such groups have played an important role in, for example, Guinea, Libya, Mauritania and Western Sahara. When they are united, these formations can act as a multiplier of diplomatic efforts, bringing collective influence, resources and expertise to bear. They can further provide a constituency for the envoy, help to uphold key demands and principles, and ensure that the international community speaks with one voice, stays focused and aligns aid behind strategy.

### **Fact-finding, inquiries and investigations**

32. Member States faced with situations of politically sensitive crimes, violent incidents or alleged grave human rights violations have increasingly turned to the Organization to conduct impartial inquiries. Some of these have been mandated by the Security Council or by the Human Rights Council, while others have been established by the Secretary-General. The entities created are as diverse as the situations and requests they respond to. Though not part of the traditional conflict prevention toolkit, these mechanisms have, in recent years, been effectively leveraged to support preventive diplomacy efforts, helping to shift the calculations of the parties, defuse tensions and build confidence. For instance, a joint factfinding inquiry carried out with ECOWAS into the deaths of Ghanaian migrants found in the Gambia in 2007 was seen as helpful in rebuilding relations between the two countries. Other examples include the United Nations-backed International Commission against Impunity in Guatemala, created in 2007 to help the country to investigate and dismantle clandestine criminal

networks; the Commission of Inquiry to investigate the events of 28 September 2009 in Conakry; and the Panel of Inquiry on the Gaza flotilla incident of 31 May 2010.

### United Nations country teams

33. When political tensions arise in countries where the United Nations has neither an envoy nor a mission, resident coordinators and country teams are frequently propelled to the forefront of facilitating a response and assisting national actors in addressing emerging challenges. In recognition of this reality, we have worked to improve both the immediate assistance the United Nations can provide to our teams on the ground in such situations and the services we can offer to the country concerned. In recent years, such services have included assistance to locally led mediation efforts and technical expertise on electoral processes, constitutional reforms, truth commissions, national dialogues, reconciliation talks and the creation of national dispute resolution mechanisms. Characteristically, this kind of support is provided discreetly, with minimal resources and as a complement to ongoing development and governance programmes.
34. For example, in Egypt, Tunisia and elsewhere in the region, resident coordinators and country teams, with enhanced support from Headquarters, played an important role in facilitating the Organization's response to the Arab Spring by supporting dialogue initiatives, fostering processes to share comparative experiences of transitions or offering focused technical advice. In the context of the political crisis in Honduras, a strengthened Resident Coordinator's office provided expertise on a broad range of issues related to the national reconciliation process initiated by the Government of President Porfirio Lobo in January 2010. In order to defuse political tensions in the Comoros, the Resident Coordinator co-chaired, with the President of the National Electoral Commission, a monitoring and transparency committee that brought together political parties, civil society and the international community in the run-up to the Presidential elections in 2010. In Fiji, the United Nations supported, through its team on the ground, efforts to maintain a conversation between the military Government, civil society and other stakeholders in a round-table process focusing on peace and development.

### B. New areas of focus

35. In recent years, the United Nations has increasingly been asked to act in preventive diplomacy mode in the context of such severe constitutional crises as unconstitutional changes of government and violent electoral disputes.

### Response to unconstitutional changes of government

36. Coups d'état and coup attempts run counter to democratic norms and the rule of law and have a potentially detrimental effect on governance and human rights. In addition, they frequently serve as a trigger of violent conflict, having set off, according to one count, roughly two dozen civil wars since 1945.<sup>13</sup> In this context, the Organization has become increasingly active in helping countries to return to constitutional order. Over the past three years, we have deployed senior envoys to facilitate or mediate, in partnership with regional or subregional organizations, the resolution of crises in the aftermath of military coups and revolts in Guinea, Madagascar, Mauritania and the Niger. With the exception of Madagascar, where the crisis remains unresolved, these facilitation efforts, empowered by increasingly strong regional frameworks against unconstitutional changes of government, have been critical in paving the way to a return to constitutional order.

<sup>13</sup> James D. Fearon, "Why Do Some Civil Wars Last So Much Longer than Others?", *Journal of Peace Research*, vol. 41, No. 3.

37. In the cases of Guinea, Mauritania and the Niger, my Dakar-based Special Representative shuttled among the actors, making the case to the de facto authorities for a return to constitutionality, ensuring coordination of the international community and offering advice to the lead regional organization. In Madagascar, the United Nations made significant substantive and technical contributions to the Maputo and Addis Ababa agreements, unfortunately as yet unimplemented. In all cases, mediation and preventive diplomacy efforts drew heavily on the Organization's technical expertise in power-sharing and constitutional and electoral questions.

#### **Election-related violence prevention**

38. The majority of elections held around the world are positive expressions of the right of peoples to freely choose their leaders. In fragile situations, they have the potential to unify and to consolidate peace. However, in certain circumstances, elections also have the potential to divide and destabilize, as recently observed in Afghanistan, Côte d'Ivoire, Kenya and Zimbabwe. This risk is particularly high in countries with systemic, long-standing and unresolved grievances, combined with a "winner takes all" approach to competitive politics. As domestic and international scrutiny grows and the flow of information increases, the potential for elections to be contested may increase, which could further heighten the possibility of election-related violent conflict. Consequently, the United Nations is working with partners, including regional organizations, to develop a broader approach to preventing election-related violence that combines mediation, good offices and electoral assistance expertise.

39. This approach seeks to offer support in addressing underlying grievances, even in a limited way, by, for example, encouraging the design of political institutions to prevent the monopoly of power. It also encourages inclusive election processes; the establishment of election management bodies that enjoy broad trust and confidence; adequate measures to enfranchise all eligible voters; transparency in all phases of the process; and a fair, expeditious and accessible dispute resolution mechanism.

40. In Sierra Leone, for example, the Organization is working closely with all stakeholders to create the best possible technical and political environment for the 2012 presidential and parliamentary elections, which are seen as a pivotal step in sustaining the peacebuilding process in the country. In addition, we have deployed a number of election-related good offices missions in recent years, which helped to increase confidence in the election processes while seeking to mitigate the risk of violence. Such missions were deployed in, for example, Guinea, Haiti, Kyrgyzstan, the Niger and Papua New Guinea (Bougainville). I have mentioned already our efforts with regard to the Sudan referendum.

#### **IV. KEY CHALLENGES AND ELEMENTS FOR SUCCESS**

41. While preventive diplomacy has grown and evolved significantly, it is neither easy nor straightforward nor inevitably successful. It continues to face great obstacles and long odds, with success often hostage to multiple factors, one of the most critical of which is the will of the parties. If the parties do not want peace or are unwilling to compromise, it is extraordinarily difficult, especially for outsiders, to persuade them otherwise. In such cases, the linkage between preventive diplomacy and the power to produce incentives and disincentives can be critical to convince key actors, with due respect for their sovereignty, that there is value in choosing dialogue over violence and, if necessary, to accept external assistance to that end.

42. In situations of internal crisis in particular, there may be concerns about undue interference or unwanted "internationalization" of a country's internal affairs. A lack of openings for engagement can tie the international community's hands while the human cost climbs in a visibly deteriorating situation — at which point, ironically, the space for political action sometimes opens up. In the face of

a particularly grave or imminent threat to international peace and security, diplomacy alone may not be effective and may need to be complemented by other forms of leverage including, if necessary, coercive measures under Chapter VII of the Charter.

43. Nevertheless, despite the myriad challenges, steps can be taken to maximize diplomacy's chances of success. Key elements which, in the experience of the United Nations and many of our partners, have proven essential in that respect are described below.

#### A. Early warning

44. Although early warning has expanded and improved, its context has changed over the past decade. Only a few years ago, information on brewing situations around the globe was scant; the challenge was to obtain more of it. Today, the challenge is, in some ways, the reverse: information is voluminous and must be sifted, evaluated and integrated. However, predicting crises remains an uncertain business, and the international community is still, on occasion, taken by surprise, as it was by the ethnically targeted violence that ripped through southern Kyrgyzstan in June 2010 and the timing of the wave of popular unrest that has shaken the Middle East and North Africa in 2011.
45. Cooperation within the United Nations on early warning has improved. Specialized parts of the system such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the Special Adviser for the Prevention of Genocide and Mass Atrocities are playing a key role in filtering information and drawing attention to such dangerous indicators as patterns of human rights violations or hate speech, which might otherwise escape detection. Similarly, closer cooperation between the United Nations and regional organizations such as the African Union and ECOWAS, both of which operate early warning systems, has ensured more and better data. However, the extent to which we pool our analysis of these data still varies. Above all, there is a need for us to better anticipate those "threshold moments" when parties to a conflict decide, or feel compelled, to use or escalate violence to achieve their aims. The more we understand the motives and calculations of key actors, the better we will be able to tailor a preventive response.
46. Our analysis of any situation improves with proximity, local knowledge and regular contact with a multitude of actors. In addition to its partners in regional and subregional organizations, the United Nations has begun to work more closely with civil society, parliaments, the business community, influential academic institutions and think tanks on the ground. Women's groups in particular play an important role in early warning. We must continue to expand these critical networks, which have significantly increased our analytical capacities.
47. No matter how accurate the early warning, the real test is whether it leads to early action. The difference between a successful engagement and one that is likely to fail can often be measured in the time lapsed between the first warning signs of a problem and the first steps taken to address it. This "warning-to-action continuum" is the challenge the international community can find hardest to meet, for a variety of reasons, as described in this report. However, even if the actions taken are small, for example a statement of concern by the Security Council, the deployment of a fact-finding mission or a well-timed *démarche* by the Secretary-General, these can have a more important effect on the calculations of key actors than a larger but more slowly developed response. This is true especially when these actions clearly signal a sustained focus by the international community.

#### B. Flexibility

48. Conflicts are by nature dynamic and unpredictable. Intra-State wars, for example, start and stop



frequently. They can suddenly both deepen and widen. Every intervention to prevent, transform, manage or resolve conflict must therefore be flexible, configured to the needs on the ground and not according to our institutional set-ups. This holds particularly true for preventive diplomacy, precisely because much of its value lies in its adaptability.

49. Different regions, societies and groups tend to prefer different preventive diplomacy approaches. Indirect talks (between third parties and one party to a dispute) appear to be the preferred model in some regions, while direct talks (between parties to a dispute) are significantly more common in others.<sup>14</sup> In some regions, independent actors not affiliated with larger institutions will have comparative advantages that others do not. Whatever the approach chosen, and whoever carries it out, our engagements are more likely to succeed if they take into account local preferences and remain flexible, while pursuing clear objectives.
50. We work in a highly fluid geopolitical landscape and must also show flexibility in adapting our tools to address changing patterns of violence. Countries stricken by armed conflict today often see a concomitant rise in transnational organized crime, in particular trafficking in people, drugs and looted resources. This often complicates efforts to end conflict and fuels high levels of violence even in the post-conflict phase. Our existing preventive diplomacy tools could help to address these challenges by reinforcing a series of regional and global efforts to curb transnational organized crime and by feeding into a long-term effort to help fragile countries to strengthen the rule of law.

### C. Partnerships

51. Regional and subregional organizations have a unique influence on, leverage over, and access to crisis situations in their region. The framers of the Charter of the United Nations were visionaries in foreseeing a global collective security architecture with a clear role for regional arrangements. In the richly complex landscape we face today, the United Nations is working increasingly in tandem with regional actors in a variety of ways: in a lead role, in a supporting role, in a burdensharing role, in sequential deployments and in several joint operations.
52. In the past five years, we have deepened existing or established new conflict prevention and mediation partnerships with the African Union, the European Union, OSCE, OAS, the Caribbean Community (CARICOM), ECOWAS, SADC, ASEAN, OIC and others. Partly through the use of extrabudgetary resources, we have been able to undertake initiatives to help to build regional capacities and learn from regional experiences. Joint training programmes on a broad range of peace and security issues are now available. Still, synergies take time and hard work to attain and are not rendered easier by the fact that, with very few exceptions,<sup>15</sup> the United Nations, regional organizations and other actors have no shared mechanism or procedure to decide, in real time, who should do what in a given case. As we work to improve our formal institutional channels and protocols in that regard, we are also investing in key personal relationships with regional partners, which form the bedrock of closer cooperation.
53. Meanwhile, our cooperation with the World Bank and other international financial institutions in fragile and conflict-affected States has grown over the past few years, and we have seen real benefits when the leverage of these institutions, based on the unique incentives only they can offer, is lined up behind a common diplomatic effort. We welcome the publication by the World Bank of the *2011 World Development Report: Conflict, Security and Development* as an important contribution to our combined efforts to address these critical linkages.

<sup>14</sup> See the data set entitled “Managing low-intensity intra-State conflict” of the Department of Peace and Conflict Research of Uppsala University, Sweden, which covers 122 such conflicts during the period from 1993 to 2004.

<sup>15</sup> The United Nations and the African Union recently finalized joint guidelines for mediation partnerships.

54. The role of independent mediators is increasingly important, and we have begun to forge closer links with some of these. We have also reached out to other actors in the field of preventive diplomacy, such as elders' groups, civil society organizations, women's groups, think tanks, academia, the media and the business community. A necessary shift is under way to improve the way we work with civil society, especially women and young people, who are often marginalized and yet can lead the charge for peaceful change.
55. Lastly, we are working to improve partnerships within the United Nations system itself, integrating our numerous, though often disparate, tools to maximize the impact of our preventive efforts. The recent engagement in Guinea, for example, required the involvement of the Security Council, my personal intervention and over 40 working visits to Conakry by my Special Representative in Dakar. It also required effective leadership and backstopping from the Department of Political Affairs and the United Nations Office for West Africa, the active contribution of the Resident Coordinator and the United Nations country team, a United Nations-led Commission of Inquiry and the opening of a new OHCHR office, as well as the assistance of political analysts, electoral experts and mediation advisers alongside development, humanitarian, human rights and security sector specialists. Critical contributions were also made by our Peacebuilding Fund, which supported both the ECOWAS mediation and a dedicated security force to safeguard the electoral process. At one key juncture, a United Nations helicopter on loan from our Liberia mission ensured the transport of time-sensitive electoral materials from remote areas to Conakry.

#### D. Sustainability

55. Preventive diplomacy typically engages official decision makers during periods of rising political tensions or emerging crises. Once the impasse is resolved or the critical moment has passed, preventive diplomacy efforts tend to scale back down, leaving the question of how diplomatic gains can be sustained. In the context of post-conflict mediation, much importance has been ascribed in recent years to the durability of peace agreements. Although preventive diplomacy engagements do not necessarily lead to formal agreements, the most successful ones have assisted national counterparts in laying the foundations for a longer-term process to address underlying causes of conflict, as the Annan mediation did in Kenya in 2008. Key in this regard are locally designed and owned institutions that can prevent conflict through championing dialogue and providing a forum for the peaceful resolution of disputes. In a number of contexts, these have become known as “national infrastructures for peace”.
57. In parallel with building national resources for conflict prevention, quiet international or regional facilitation must remain available longer than has generally been the case to date, in the event that it is needed at specific junctures.<sup>10</sup> The Peacebuilding Commission as well as our regional offices, in-country political missions, and country teams have an important role to play in this regard.
58. In order to be durable, preventive diplomacy engagements must also be broadened from the circle of decision makers and senior officials to civil society at large. However, working with civil society leaders towards lasting solutions frequently exceeds the terms of reference — and capacity — of an envoy whose main focus is Track I preventive diplomacy. Ideally, therefore, envoys and their teams should develop joint strategies and a division of labour with United Nations and other actors on the ground who are engaged in longer-term peacebuilding efforts. Non-governmental organizations that specialize in supporting Track II and “people-to-people” Track III diplomacy can also be valuable interlocutors in such contexts.

## E. Evaluation

59. We know when preventive diplomacy is effective, but proving this empirically is difficult. Our existing assessment frameworks are not well-suited to the complex realities we find on the ground, and important political outcomes can be hard to quantify. Further, in the words of former Secretary-General Pérez de Cuellar, “no one will ever know how many conflicts have been prevented or limited through contacts which have taken place in the famous glass mansion, which can become fairly opaque when necessary”.<sup>16</sup> Quiet diplomacy lives on in the oral tradition of the United Nations, of regional organizations or of a council of elders, but its intricacies are rarely committed to paper.
60. However, we know that, in an era of budgetary hardship and scrutiny from treasuries and voters alike, we must improve our ability to monitor outcomes, measure impact, present hard evidence that prevention works and communicate success. The more we do, the more we learn what is effective and what is not. Within the Organization, we have made strides over the past few years in documenting engagements, analysing lessons and distilling promising practice.

## F. Resources

61. Diplomacy is an intensely personal craft, and our most valuable resources are human. To be effective, mediators and envoys must possess credibility, an intangible quality which is hard to acquire and easy to lose. They must know how to earn trust and inspire confidence, working on the basis of discretion, impartiality, transparency and confidentiality. They must also be able to project the conviction that even the most intractable problem is solvable. These are not skills that are easily assessed. The “human factor” in diplomacy is the most uncertain, the hardest to plan for, and yet arguably the most pivotal in making any preventive diplomacy engagement work. The best tools and strategies are worth little without the right people to use them and to execute them.
62. Accordingly, the Organization has devoted considerable energy over the past few years to improving its rosters of senior envoys, mediators and experts who can be deployed to fragile situations around the globe. We count on our partnerships with Member States, regional actors and others to expand our mutual networks in this respect. The recently released independent report of the Senior Advisory Group on civilian capacity in the aftermath of conflict (A/65/747-S/2011/85, annex) also makes a number of valuable recommendations for strengthening rosters and enhancing their interoperability. I have established a steering committee that will propose ways to operationalize these recommendations.
63. However, even the most experienced envoys cannot do it alone. At the United Nations, we are invested in building up a cadre of staff who can provide highquality support and backstopping to senior envoys and eventually join their ranks. We are redoubling efforts to promote Headquarters–field mobility. Through our Mediation Support Unit and other capacities in the system, we are also working to improve the technical expertise we can offer our envoys on key thematic and practical concerns.
64. Preventive diplomacy is cost-effective but needs continued financial investment to deliver results. In 2010, the Security Council reaffirmed the need to provide the Organization with “predictable, coherent and timely financial support to optimize the use of preventive diplomacy tools”.<sup>17</sup> Voluntary contributions remain essential to permit fast and flexible responses to crises and to peacemaking opportunities that arise. Their availability allows us to complement the stability and predictability of the regular

<sup>16</sup> Adam Roberts and Benedict Kingsbury, eds., *United Nations, Divided World: The UN's Roles in International Relations* (Oxford, Clarendon Press, 1988).

<sup>17</sup> Statement of the President of the Security Council (S/PRST/2010/14), adopted during the Security Council open debate on “Maintenance of international peace and security: optimizing the use of preventive diplomacy tools: prospects and challenges in Africa”, on 16 July 2010.

budget with a genuine rapid response capability, and I encourage Member States to continue to provide this support.

## V. OBSERVATIONS AND THOUGHTS ON THE WAY FORWARD

65. The Security Council requested that I submit a report making recommendations on how best to optimize the use of preventive diplomacy tools within the United Nations system and in cooperation with regional organizations and other actors. In this report, I have set out innovations and evolving practices of recent years, the tools at our disposal and the main challenges that we continue to face. There are a number of issues raised in this report which, if successfully addressed, would help to smooth the path ahead as we pursue our forward agenda.
66. We should build on the improvements that have been made in the United Nations and in various regional and subregional organizations in developing early warning mechanisms. The establishment of regular and informal early warning dialogues between the United Nations and regional and other partners would allow us to pool information and help us to anticipate “threshold moments” when key actors might decide to use violence. However, early warning is useful only if it leads to early action, and we need to consider a broader range of options for addressing an emerging threat, including seemingly small steps, such as multi-actor statements of concern or fact-finding missions, which can affect the calculations of parties on the ground early on.
67. We must also continue our efforts to invest in and better equip “preventive diplomats”, who lead our efforts on the ground to avert violent conflict. We will need to expand our pool of highly skilled envoys and mediators who can be deployed rapidly to situations of concern, with a focus on increasing the number of senior female mediators.<sup>18</sup> Once deployed, they need to be able to easily and rapidly draw on top-notch thematic expertise, such as the in-high-demand services of the Standby Team of Mediation Experts. A longer-term priority for the United Nations, regional organizations and Member States is to invest in the training of staff to support senior envoys and mediators and eventually join their ranks.
68. Preventive diplomacy needs adequate financial investment to deliver results. In particular with regard to rapid response capabilities, I appeal to Member States to ensure predictable and timely financial support. At the same time, we will continue our work to maximize the impact of the resources we already have.
69. The United Nations has come a long way in developing partnerships with regional and subregional organizations, Member States and civil society in the area of conflict prevention. However, to live up to our full potential in this field, we need to further strengthen these relationships, in particular those with regional partners. We see scope for a more strategic dialogue on issues of potential concern, as well as a more regular exchange of views and information at the working level. In crisis situations, we need to be able to decide quickly on who can do what to help. The Security Council may wish to build on recent efforts and develop stronger relationships with regional organizations.
70. We also need to recognize that internationally led preventive diplomacy efforts might serve only to avert violence in the short term. Ultimately, only national mechanisms and institutions can sustainably prevent violent conflict in the long run. We will therefore continue to prioritize support to national capacities for mediation, facilitation and dialogue, and to assist our counterparts at their request in building national systems for conflict prevention. We must also improve the way we work with civil

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<sup>18</sup> See the report of the Secretary-General on enhancing mediation and its support activities (S/2009/189, para. 62 (f)).

society, especially women and young people, who can be key agents for peaceful change.

71. In conclusion, preventive diplomacy today is delivering concrete results, with relatively modest resources, in many regions of the world, helping to save lives and to protect development gains. It is an approach that may not be effective in all situations and will continue to face the uncertainty, risks and evolving challenges which, in a sense, come with the terrain. However, I firmly believe that better preventive diplomacy is not optional; it is necessary.
72. With increasing knowledge, stronger partnerships and better instruments, I am convinced that it is possible to further strengthen the international community's capacity for preventive diplomacy in the interest of peace, security and development. This has been an enduring idea at the United Nations, and one that manifestly has a future. Preventive diplomacy will remain a key priority for the Organization throughout my second term as Secretary-General, and I count on the support of Member States, regional organizations, civil society and other partners as we collectively take this work forward. It is, without doubt, one of the smartest investments we can make.

## ANNEX II

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### Statement by the President of the Security Council

UN Doc. S/PRST/2011/18, September 22, 2011

At the 6621st meeting of the Security Council, held on 22 September 2011, in connection with the Council's consideration of the item entitled "Maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council recalls its previous relevant resolutions and presidential statements on preventive diplomacy, prevention of armed conflict, and mediation and the peaceful settlement of disputes.

"The Security Council welcomes the report of the Secretary-General on 'Preventive Diplomacy: delivering results' (S/2011/552), and takes note of the recommendations contained therein.

"The Security Council reaffirms its primary responsibility for the maintenance of international peace and security, acting in accordance with the purposes and principles of the Charter of the United Nations. The Council further expresses its determination to enhance the effectiveness of the United Nations in preventing the eruption of armed conflicts, their escalation or spread when they occur, and their resurgence once they end.

"The Security Council underlines the overriding political, humanitarian and moral imperatives as well as the economic advantages of preventing the outbreak, escalation or relapse into conflicts.

"The Security Council recalls that the prevention of conflict remains a primary responsibility of States, and further recalls their primary responsibility to respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction, as provided for by relevant international law, and also reaffirms the responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

"The Security Council reaffirms that actions undertaken within the framework of conflict prevention by the United Nations should support and complement, as appropriate, the conflict prevention roles of national governments.

"The Security Council pays tribute to the efforts undertaken by the Secretary-General in using his good offices, and dispatching Representatives, Special Envoys and mediators, to help facilitate durable and comprehensive settlements. The Council encourages the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for the purpose of enhancing mediation and its support activities, and recalls in this regard resolution A/RES/65/283 of 28 July 2011, as well as the report of the Secretary-General of 8 April 2009 (S/2009/189). The Council further encourages concerned parties to act in good faith when engaging with prevention and mediation efforts, including those undertaken by the United Nations.

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“The Security Council encourages the Secretary-General to continue improving coherence and consolidation within the United Nations system, with a view to maximizing the impact of swift and timely preventive efforts undertaken by the Organization. The Council underlines the importance of the regular briefings it receives on such efforts and further calls on the Secretary-General to continue this good practice.

“The Security Council recalls that a comprehensive conflict prevention strategy should include, *inter alia*, early warning, preventive deployment, mediation, peacekeeping, practical disarmament, accountability measures as well as post-conflict peacebuilding, and recognizes that these components are interdependent, complementary, and non-sequential.

“The Security Council recognizes that conflict prevention strategies should address the root causes of armed conflict, and political and social crises in a comprehensive manner, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, gender equality, end of impunity, rule of law, and respect for and protection of human rights.

“The Security Council encourages the peaceful settlement of local disputes through regional arrangements in accordance with Chapter VIII of the Charter. The Council acknowledges the efforts undertaken to strengthen operational and institutional cooperation between the United Nations and regional and sub-regional organizations for conflict prevention, and in this regard reiterates the need to continue strengthening strategic dialogue, partnerships, and more regular exchange of views and information at the working level, with the aim of building national and regional capacities in relation to the preventive diplomacy tools of, *inter alia*, mediation, information gathering and analysis, early warning, prevention and peacemaking.

“The Security Council intends to continue to strengthen its partnerships with all other relevant players at both the strategic level and on the ground, in particular the General Assembly, the Economic and Social Council, the Peacebuilding Commission, and international financial institutions, such as the World Bank. The Council further intends to continue to strengthen its partnership with the United Nations regional offices.

“The Security Council emphasizes that an effective preventive diplomacy framework requires the active involvement of civil society, especially youth, and other relevant actors, such as academia and media. The Council also reaffirms the important role of women in the prevention and resolution of conflicts and in peacebuilding, and reiterates its call to increase the equal participation, representation and full involvement of women in preventive diplomacy efforts in line with resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and the statements of its President S/PRST/2010/20 and S/PRST/2010/22.

“The Security Council recognizes the importance of enhancing efforts, including coordination among relevant bilateral and multilateral donors, to ensure predictable, coherent and timely financial support to optimize the use of preventive diplomacy tools, including mediation, throughout the conflict cycle.

“The Security Council looks forward to further consideration of the report of the Secretary General on ‘Preventive Diplomacy: delivering results’ by the General Assembly and the Economic and Social Council, as well as other actors including international financial institutions, and supports strengthening the capacity of the United Nations and its partners in the field of preventive diplomacy.”











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