

Bertrand Ramcharan
Robin Ramcharan

Conflict Prevention in the UN's Agenda 2030

Development, Peace, Justice and Human
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Bertrand Ramcharan
Segny, France

Robin Ramcharan
Bangkok, Thailand

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Foreword

It is an occasion for reflection, being asked to write a Foreword to this welcome new book on Contemporary Preventive Diplomacy in international organizations such as the United Nations and the African Union (AU).

The peace and security architecture of the African Union is dedicated to the goals of peace, justice, development, and equitable institutions of governance, all of which are highlighted in the UN Sustainable Development Goals, particularly SDG 16, to which Africa subscribes wholeheartedly.

The AU Commissioner for Peace and Security is ever attentive to situations that might benefit from discreet diplomatic intercession with a view to heading off crisis or conflict and with a view to advancing the cause of human dignity and rights in Africa. I am pleased to note that the Commissioner's initiatives have often been received with respect and appreciation and have sometimes contributed positively to the cause of peace.

The members of the AU Panel of the Wise also extend their good offices in situations of need and have, since their establishment, helped calm different situations that might otherwise have spun out of control. The Commission maintained the closest relations with the distinguished members of the AU Panel of the Wise, who are eminent African leaders committed to the cause of peace and security.

The *Conflict Prevention Division* of the AU Peace and Security secretariat and the Situation Room analyse and bring to my attention situations where they consider that a discreet AU diplomatic intercession might be useful. Since their establishment they have accumulated invaluable experience in the practice of preventive diplomacy.

The Chairperson and Members of the AU Peace and Security Council are constantly in diplomatic contacts with leaders in African countries when endeavouring to help calm and defuse situations of concern. From this perspective, the practice of preventive diplomacy is an on-going exercise within the African Union.

Sometimes AU preventive diplomacy is met with success, a phenomenon that, in the nature of things, we need to keep discreet. On other occasions, preventive

diplomacy might be adversely affected by the influence of external powers or by lack of resources.

Nevertheless, the AU is always at the ready to offer our good offices to help prevent or mitigate the effects of conflict, to help prevent their spilling over, and to help in the search for peace. The recent AU intercession in Sudan undoubtedly helped contain and defuse the situation in that country and facilitated the conclusion of an agreement on the way forward to national reconciliation. This is AU preventive diplomacy in practice.

The AU is ever on the look-out for new ways and means of exercising preventive diplomacy and has recently launched a new initiative that highlights the role of women as ambassadors for peace on the Continent. The AU now has a cadre of female ambassadors for peace, and we are adding more and more prominent names to our cadre.

Reinforcing these diplomatic initiatives, we have in the AU an elaborate normative and institutional architecture that seeks to foster peace in the long term. We have an initiative to silence the guns; we have norms against weapons of mass destruction; we have norms on disarmament. And we have development initiatives that seek to anchor peace in sustainable development, justice, and equitable institutions. AU peacekeeping serves the cause of prevention with great distinction.

While we undoubtedly continue to experience problems, our sights, our norms, our institutional architecture, our diplomacy, and our peacekeeping are geared towards the eventual goal of silencing the guns in Africa. This is the defining hallmark of AU preventive diplomacy.

The present volume brings out some of these experiences in its discussion of Contemporary Preventive Diplomacy in the world. It also brings out some interesting new initiatives in developmental preventive diplomacy, such as the UN's designation of peace and development advisers and the UN's facilitation of the role of local mediators.

This book will certainly stimulate further reflection within international and regional organizations on ways and means of enhancing preventive diplomacy in the future. I had the pleasure of meeting the co-author, Dr. Bertrand Ramcharan, when he came to the AU in Addis Ababa for an exchange of views. He has previously written *Preventive Diplomacy at the UN* for the UN Intellectual History series and with this volume, he shares further reflections on the future development of preventive diplomacy.

A former Director in the UN *Department of Political Affairs* dealing with African issues, *UN High Commissioner for Human Rights*, Chancellor of the University of Guyana, and Professor at the Geneva Graduate Institute of International and Development Studies, he brings a welcome sense of partnership and solidarity with the African Union in the quest for the future development of preventive diplomacy. For this, we are deeply appreciative.

Dr. Robin Ramcharan, the co-author of this book, is Professor of International Affairs in Thailand and Director of the Research Institute on Preventive Diplomacy in ASEAN. He brings to this work insights into current problems in international affairs, conflict prevention by the Association of Southeast Asian Nations (ASEAN),

and conflict resolution in the wider Asian region, which he has researched over the past two decades.

Centre for Dialogue, Research and
Cooperation, Addis Ababa, Ethiopia
31 July 2019

Tefera Shiawal Kidanekal

Preface

Conflict prevention is a crucial part of the United Nations' (UN) Agenda 2030. It is essential that the mobilization around the Agenda help bring about tangible results in the prevention of conflicts so as to lay the groundwork for peace, development, justice, and respect for human rights, the interlocking themes of this book.

There is much hope in the world that cooperative efforts might be able to head off conflicts and thereby spare huge amounts of human lives and suffering. But notwithstanding efforts in good faith and occasional successes, prevention has not been elusive. The reasons are many and complex, as we shall see below.

The prevention of conflicts was an aim of the founders of the League of Nations and became an earnest goal of its successor, the United Nations. Unfortunately, the prevention of conflicts turned out to be difficult in the circumstances of the Cold War although, even then, Secretary-General Dag Hammarskjöld sought to promote preventive diplomacy in conflicts outside of the sphere of the Cold War protagonists. During the most dangerous crisis in human history, the Cuban missile crisis, Secretary-General U Thant contributed to defusing the crisis through the exercise of his preventive diplomacy.¹

After the end of the Cold War, the *Security Council* met in 1992 at the level of Heads of State and Government and asked the then Secretary-General Boutros Boutros-Ghali for a report on how the United Nations could better contribute to the prevention of conflicts. Secretary-General Boutros-Ghali submitted a landmark report to the Council, *Agenda for Peace*, which has inspired hope ever since, even if, in a Supplement to *Agenda for Peace* issued shortly after, the Secretary-General highlighted the difficulties of exercising preventive diplomacy.

An Agenda for Peace defined preventive diplomacy as follows: "Preventive diplomacy is action 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". The aims of United Nation action, it submitted, must be: "To seek

¹See Ramcharan (2008).

to identify at the earliest possible stage situations that could produce conflict and to try through diplomacy to remove the sources of danger before violence results”.

An Agenda for Peace contained a range of ideas for the use of preventive diplomacy at the United Nations. Among these were the following:

- To ease tensions before they result in conflict.
- If conflict breaks out, to act swiftly to contain it and resolve its underlying causes.
- Preventive diplomacy may be performed by the Secretary-General personally or through senior staff or specialized agencies and programmes, by the *Security Council* or the *General Assembly*, and by regional organizations in cooperation with the United Nations.
- Preventive diplomacy requires measures to create confidence.
- Preventive diplomacy needs early warning based on information gathering and informal or formal fact-finding.
- Preventive diplomacy may involve preventive deployment and in some situations, demilitarized zones.²

Boutros-Ghali thought that an increased resort to fact-finding was needed, in accordance with the Charter, initiated either by the Secretary-General to enable him to meet his responsibilities under the Charter, including Article 99, or by the *Security Council* or the *General Assembly*. Contacts with the Governments of Member States could provide the Secretary-General with detailed information on issues of concern. “I will supplement my own contacts by regularly sending senior officials on missions for consultations in capitals or other locations”.

Formal fact-finding could be mandated by the *Security Council* or by the *General Assembly*, either of which might elect to send a mission under its immediate authority or might invite the Secretary-General to take the necessary steps, including the designation of a special envoy. In exceptional circumstances, the *Security Council* might meet away from Headquarters as the Charter provided, in order not only to inform itself directly but also to bring the authority of the Organization to bear on a given situation.

In strict terms, preventive diplomacy should refer to efforts to avert conflicts before they actually break out and that remains the over-arching goal. But in the light of the difficulties in achieving this, there is some justification for applying the term to efforts for the mitigation of the effects of conflict and to contain the spread of conflicts. Senior officials in the UN and regional organizations like the African use the term preventive diplomacy in its triple aspects: prevention *stricto sensu*, mitigation, and containment.

Preventive diplomacy has historically been considered in three tracks: Track I is state-based or inter-state diplomacy and includes initiatives to mitigate conflict.

²Boutros-Ghali (1992).

Track II is the diplomacy applied by intergovernmental organizations, while Track III is the diplomacy of local and international civil societies.³ One should now add a Track IV, diplomacy by prominent individuals such as the African Union Panel of the Wise (see below Box), which comprises a team of five to seven highly distinguished African personalities constituted to support the peace efforts of the African Union through preventive diplomacy and peacemaking. In 2008, for example, a member of the AU Panel of the Wise, Dr. Salim Salim played an important role in helping to prevent a crisis in South Africa from spilling over into violence after the removal from office of President Thabo M'Beki.

Whether it be at the United Nations or in regional or sub-regional organizations such as the African Union, ASEAN, IGAD, ECOWAS, OAS, OSCE, SADC, and others, as well as in civil society and academia, there are continuing efforts to promote preventive diplomacy so as to reduce the risks of conflicts which, alas, remain at high levels in different parts of the world. The Security Council, the UN *Secretary-General*, and the UN *Secretariat* pursue various policies and programmes to help prevent conflicts. So have all the regional organizations referred to above and sometimes there are successes. Oftentimes, prevention proves elusive and the issue then becomes one of crisis management. One could see this in the address of Secretary-General Antonio Guterres in the *Security Council* on 12 June 2019, speaking in a meeting devoted to the prevention of conflicts.

Conflict prevention and mediation, Guterres told the *Security Council*, were two of the most important tools to reduce human suffering: “When we act early and are united, we can successfully prevent crises from escalating, saving lives and reducing suffering—fulfilling the most fundamental mandate of the United Nations”.⁴ Guterres noted some encouraging signs, such as recent successful constitutional transfers of power in Mali and Madagascar, the rapprochement between Ethiopia and Eritrea, the revitalized agreement in South Sudan, and after decades of dispute, international recognition of the name of the Republic of North Macedonia—a dispute with Greece that had lasted over two decades with ever attendant risks of spilling over into conflict.

The UN, he added, had also continued to push back against serious challenges posed by complex conflicts such as those in Yemen, the Central African Republic, and Burkina Faso. In the Central African Republic, the UN was helping to implement the African Union-mediated peace agreement, conducting robust operations to ensure armed groups’ adherence and facilitating local peace accords. In Burkina Faso, the UN was working with a wide range of national actors to strengthen infrastructures for peace in response to rising sectarian violence.⁵

This statement of Secretary-General Guterres gives a realistic portrayal of the current efforts to deal with different conflict situations. Guterres’ reference to

³See Omeje (2008).

⁴UN News (2019).

⁵Ibid.

complex conflicts was diplomatic language for conflict situations in which major powers are involved directly or indirectly. This factor, the involvement of external powers, is one of the major phenomena affecting the exercise of preventive diplomacy in our times—as it had been during the time of the Cold War.

Indeed, the Commissioner for Peace and Security of the African Union, Smail Chergu, briefing the AU PRC on 14 May 2019, told that among the challenges at hand for the continent to achieve effective conflict prevention were: the complex competition between super powers; the Gulf crisis and their adverse impact on the African continent; the expansion of the threat of terrorism, violent extremism, and radicalization; the adverse effects of climate change, as seen in the recent cyclone that had ravaged parts of Southern Africa; inter-communal violence; low/weak economic growth in parts of Africa; limited capacity in some countries to deliver basic services, which sometimes triggered social instability, particularly in urban areas.⁶

In Asia, ASEAN leaders carefully measure their moves in the light of possible reactions of the regional hegemon, China. ASEAN and China have had on their agenda for many years an item aiming at drawing up a code of principles to guide their cooperation, but there was little work on this for many years because China desired it thus. Discussion of the item was recently reactivated, but it remains to be seen where it will actually lead. Elsewhere in Asia, the room for preventive diplomacy in situations of concern may be determined by the attitudes of China, Russia, or the US.

In Africa, competition among major powers is a fact of life in regions such as the Horn of Africa and the Sahel. An article in the Ethiopian paper, *The Reporter* on 22 June 2019, carried the title, “Horn of Africa: Enchained by geopolitical and transnational veto players”. The author, L.G. Haile, wrote: “The Horn of Africa is increasingly turning into a space of rivalry and competition between rival external powers”. There were, he said, signs of a new cold war involving military, economic, and diplomatic stand-offs, and that one could see in the Horn the emergence of a multi-polar world order in which multiple powers competed to assert their interests and influence. This referred not only to great powers but also to regional powers from the Middle East as well as Turkey.

The same week as when the preceding article was written, the Ethiopian paper *Fortune* carried, on 23 June 2019, an article entitled “Sudan’s Hijacked Revolution”. The author, H. Andebrhan wrote: “What makes peacemaking especially difficult in Sudan is the involvement of so many actors. There are so many countries from near and far that are keenly interested in the political affairs of Sudan. And their agendas are at cross-purposes to each other”. Earlier, the *New York Times* had carried reports

⁶African Union (2019).

that Middle-Eastern powers had intervened actively to prevent the military from accepting the demands of peaceful Sudanese demonstrators. Fortunately, as at the time of writing, the Sudanese parties, with facilitation from the African Union and the Government of Ethiopia and the support of the United States of America (US) had reached an agreement on the formation of a shared transitional government authority. Had the U.S. in particular not exercised its influence on some leading Middle-Eastern powers, this agreement would not have been possible.

Elsewhere in North, Sahelian, and Central Africa, leading powers have been actively involved in the various conflicts for a variety of reasons: historic interests from the time of colonialism, interest in uranium, and combatting extremist religious organizations.

In Europe, the possibility of exercising preventive diplomacy in situations such as Eastern Ukraine or the Baltics has been near impossible because of the stance of Russia, which considers itself at the receiving end of NATO expansionism. In the Americas, the US has effectively ruled out the possibility of the exercise of preventive diplomacy by the OAS, the UN, or Latin American Governments. Put simply, the US wants its preferred solution in Venezuela, the overthrow of President Maduro government and has openly asserted the Monroe Doctrine in that regard.

Moving beyond the impact of major powers on particular conflict situations, climate change, dictatorial governance, and resource shortages are having an impact on the room for the exercise of preventive diplomacy. The encroaching desert was certainly a factor that led to conflict in Darfur. As we shall see later in this book, conflicts between herders and settlers are something that has occasioned border conflicts in the Horn of Africa and the preventive diplomacy system of IGAD has been tailored to address such conflicts and to prevent them from escalating into inter-state conflicts on the part of the States concerned.

Governance problems have adversely influenced opportunities for the exercise of preventive diplomacy inasmuch as dictators do not readily accede to efforts to negotiate inclusive political solutions in their countries. Dictatorial leaders have only one aim: to stay in power. They only concede to efforts for democratization when they are left with little choice but to accept calls for change. In situations of recalcitrant dictators, it is quite hard for preventive diplomacy to make headway—even though the United Nations regional conflict prevention centres in West Africa and Central Africa have occasionally been able to make useful contributions in some situations.

Poverty and shortage of resources definitely do impact adversely on efforts to exercise preventive diplomacy. The African Union has sought valiantly to develop a culture of peace and to contain particular conflicts. But it is often lacking in resources, especially for preventive peacekeeping. And this does affect its ability to engage in successful preventive diplomacy in different situations.

From the foregoing, it will be seen that the room for the exercise of preventive diplomacy is affected by the impact of external powers, climate change, governance, poverty, and shortage of resources. These factors are largely responsible for the difficulties of successfully anticipating and heading off conflicts. It remains to be seen whether these four factors can be neutralized by a recent new approach to

conflict prevention, namely sustainable development for prevention. This is the thrust of Sustainable Development Goal (SDG) 16 and of a recent World Bank/UN Report that seeks to ground conflict prevention in efforts for development. Furthermore, one can see in practice efforts by the *UN Department of Political and Peacebuilding Affairs* (DPPA) and the *United Nations Development Programme* (UNDP) to deploy peace and development advisers and to support the efforts of local mediators.

UN SDG Goal 16 is devoted to peace, justice, and effective institutions. It has a preventive rationale, grounded in justice and good governance. It remains to be seen what SDG 16 will yield, something we discuss in the opening chapter of this book.

Contemporary preventive diplomacy, as we have sought to show, has to contend with the roles of external powers, climate change, governance, poverty, and resource shortages while, hopefully, taking some heart from SDG 16. Seeing how this is being done on the ground is the aim of this book.

The African Union Panel of the Wise

“... ”

II. Mandate

1. The Panel shall advise the Council and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa.
2. The Panel shall undertake all such actions deemed appropriate to support the efforts of the Council and those of the Chairperson of the Commission for the prevention of conflicts.
3. The Panel may, as and when necessary and in the form it considers most appropriate, pronounce itself on any issue relating to the promotion and maintenance of peace, security, and stability in Africa.
4. In carrying out its mandate as outlined above, the Panel may act either at the request of the Council or the Chairperson of the Commission, or at its own initiative.”

Modalities for the Functioning of the Panel of the Wise as Adopted by the Peace and Security Council. . .on 12 November, 2007.

In 2008, the ruling party in South Africa, the African National Congress (ANC) experienced serious disagreements between the supporters of President Thabo M'Beki and those of Vice-President Jacob Zuma. In the end result, the party decided that President M'Beki should demit office before the end of his constitutional mandate.

(continued)

The situation was tense and could have easily spilled over into unrest and violence. A member of the AU Panel of the Wise travelled to South Africa and facilitated delicate discussions between the two sides. This contributed to the peaceful hand-over of power to Jacob Zuma, who succeeded Mr M'Beki as President. Dr Salim Salim engaged in an invaluable exercise of preventive diplomacy in the cause of stability and peace. He was accompanied by Dr Dawit Toga, Political Analyst in the AU Peace and Security Department.

Segny, France
Bangkok, Thailand

Bertrand Ramcharan
Robin Ramcharan

References

- African Union (2019) Briefing by Ambassador Smail Chergui, Commissioner for Peace and Security to the PRC on the activities of the Peace and Security Department, 14 May, Statement provided by the AU Secretariat
- Boutros-Ghali B (1992) Agenda for peace. United Nations, New York
- Omeje KC (2008) Understanding conflict resolution in Africa. In: Francis DJ (ed) Peace and conflict in Africa. Zed Books, London, pp 68–91
- Ramcharan BG (2008) Preventive diplomacy at the United Nations. Bloomington, Indiana University Press
- UN News (2019) Conflict prevention, mediation: among ‘most important tools’ to reduce suffering, Guterres tells Security Council. 12 June 2019

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We would like to thank Ambassador Smail Chergu, Peace and Security Commissioner of the African Union, and Dr. Dawit Toga, Political Analyst in the *African Union (AU) Conflict Management Division*, who both helped us understand the rich preventive diplomacy of the African Union.

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Ms. Tegiste Hailu, Communications Officer of *Intergovernmental Authority on Development* (IGAD). IGAD provided helpful insights and information on the preventive diplomacy of that organization.

Contents

- 1 Introduction 1**
 - References 13
- 2 Sustainable Development, Peaceful, Just and Equitable Societies . . . 15**
 - 2.1 Introduction 15
 - 2.2 Development, Peace and Conflict Prevention 17
 - 2.2.1 Development and Conflict Prevention 17
 - 2.2.2 Peace and Conflict Prevention 22
 - 2.2.3 Justice and Conflict Prevention 24
 - 2.3 Equitable and Effective Institutions and Conflict Prevention 26
 - 2.4 Cooperation and Monitoring and Evaluation in Support of the Implementation of SDG 16 28
 - 2.4.1 Cooperation in Support of the Implementation of SDG 16 28
 - 2.4.2 Monitoring and Evaluation 29
 - 2.5 Conclusion 34
 - References 36
- 3 Climate Change, Weapons of Mass Destruction, Terrorism 37**
 - 3.1 Introduction 37
 - 3.2 Climate Change 37
 - 3.3 Weapons of Mass Destruction 42
 - 3.3.1 Nuclear Weapons: The Comprehensive Test Ban Treaty . . . 43
 - 3.3.2 Treaty on the Prohibition of the Employment of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (G.A. Resolution 2660 (XXV)) 44

3.3.3	Biological Weapons: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction(GA Resolution 2826 (XXVI))	44
3.3.4	Chemical Weapons	45
3.3.5	Agenda for Disarmament (2018)	46
3.4	Terrorism and Violent Extremism	47
3.4.1	International Norms Against Terrorism	47
3.4.2	Plan of Action to Prevent Violent Extremism	48
3.4.3	International Cooperation for the Prevention of Terrorism	49
3.4.4	United Nations Office of Counter-Terrorism	52
3.5	Conclusion	53
	References	54
4	Great Power Conflicts	55
4.1	Introduction	55
4.2	Preventing Conflict Between China and the U.S.	56
4.2.1	Risks	58
4.2.2	Guiding Principles?	64
4.2.3	Dialogue?	69
4.3	Can the UN <i>Secretary-General</i> and the Security Council Help Neutralise the Thucydides Trap?	71
4.4	Preventing Conflict Between Russia and the U.S.	72
4.5	Conclusion	76
	References	78
5	Inter-State and Intra-State Conflicts	81
5.1	Introduction	81
5.2	The United Nations and Sub-regional Offices for Preventive Diplomacy	81
5.2.1	The Economic and Social Track	81
5.2.2	The Political Track	82
5.2.3	UN Sub-Regional Offices for Preventive Diplomacy	84
5.2.4	UNOWAS	84
5.2.5	UNOCA	84
5.2.6	UNRCCA	85
5.3	The <i>African Union</i> and Sub-regional African Organizations	89
5.3.1	IGAD's CEWARN	92
5.4	Organisations in Asia, North America and Europe	95
5.4.1	ASEAN	95
5.4.2	OAS	99
5.4.3	OSCE	100
5.5	Conclusion	102
	References	104

6 Human Rights	105
6.1 Introduction	105
6.2 Existing Preventive Diplomacy to Head off Gross Violations of Human Rights	106
6.2.1 ICRC Visits to Prisons and Places of Detention	106
6.2.2 Visits to Prisons and Places of Detention Within the Framework International and Regional Treaties	107
6.2.3 The Efforts of UN Human Rights Special Procedures (Investigators and Analysts)	107
6.2.4 Human Rights Treaty Bodies	108
6.2.5 The Good Offices of the UN <i>Secretary-General</i>	108
6.2.6 The UN High Commissioner for Human Rights	109
6.2.7 The UN Human Rights Council and Its President	111
6.2.8 The Prevention of Genocide	112
6.2.9 Protecting Human Rights Defenders	114
6.2.10 Special Mandates on Children and Armed Conflict; Women, Peace and Security; Protection of Women Against Sexual Violence	115
6.2.11 The Efforts of Regional Organizations	116
6.2.12 The Efforts of NGOs Such as the International Crisis Group	116
6.2.13 Assessment	116
6.3 Human Rights Up Front Initiative	117
6.4 Efforts Underway to Develop the Preventive Role of the UN Human Rights Council	119
6.5 Conclusion	121
References	123
7 A Global Watch Over Human Security	125
7.1 The Idea of a Comprehensive Global Watch Over Human Security	127
7.1.1 National Watches Over Human Security	129
7.1.2 Regional Diplomacy in Support of a Global Watch Over Human Security	130
7.2 The Security Council's Role in Supporting a Global Watch Over Human Security	130
7.3 United Nations Diplomacy in Support of a Global Watch Over Human Security	132
7.4 Conclusion	133
References	135
8 Conclusion: Towards Enhanced Conflict Prevention	137
Reference	143
Index	145

About the Authors

Bertrand Ramcharan a Barrister with degrees in philosophy, history, and law, has been Chief Speechwriter to the UN Secretary-General, Director of the International Conference on the Former Yugoslavia (Prevention, Peacemaking, Peacekeeping, Peacebuilding), Director in the UN Department of Political Affairs, Under-Secretary-General for Human Rights, Professor at the Geneva Graduate Institute, and Chancellor of the University of Guyana. He wrote the first draft of Agenda for Peace and has published books on UN preventive diplomacy, peacemaking, peacekeeping, and human rights.

Robin Ramcharan Professor of International Relations (IR) at Webster University Thailand, with qualifications in International History, human rights, IR, and International Law. He is also Executive Director of Asia Centre, a regional think tank and Director of the Research Institute on Preventive Diplomacy in ASEAN (RIPDA), both in Bangkok. He specializes in international security issues, especially traditional and non-traditional security in Southeast Asia. He has held teaching positions in Canada, India, Switzerland, and Thailand, notably at McGill University and the University of Toronto. He was also Professor at Alliance University, Bangalore, India, Visiting Fellow at the Institute of Southeast Asian Studies, Singapore, and Visiting Researcher at Jawaharlal Nehru University, New Delhi, India. He worked in international development cooperation at the World Intellectual Property Organization and in global problem solving at the World Economic Forum.

Abbreviations

ASEAN	Association of Southeast Asian Nations
AU	African Union
CEWARN	Conflict Early Warning and Response Mechanism
CTBT	Comprehensive Test Ban Treaty
CTITF	Counter-Terrorism Implementation Task Force (UN)
DPPA (UN)	UN Department of Political and Peacebuilding Affairs
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
IGAD	Intergovernmental Authority on Development
OAS	Organisation of American States
OSCE	Organization for Security and Cooperation in Europe
SADC	Southern African Development Community
SDG	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNOCA	UN Office for Central Africa
UNOWAS	UN Office for West Africa and the Sahel
UNRCCA	UN Regional Office for Preventive Diplomacy for Central Asia

Chapter 1

Introduction



The maintenance of international peace and security is a core mission of the United Nations. Security, as explained by Barry Buzan and Lene Hansen, embraces military security, political security, economic security, societal security, and environmental security.¹ One could add human security to this list, although it is envisaged in societal security. Global threats are many, including climate change, and a danger, identified by scientists, of an asteroid calculated to be heading for a collision with Earth—some years hence.² Scientists are working on ways of possibly preventing this danger.

The World in Conflict, a book recently published by the Economist of London, analysed the underlying causes of conflicts and provided a survey of regional flash-points, some of which had already broken out into conflicts and many that could do so in the future.³ Alas, conflicts do occur, and preventing them remains a challenge. But one must try. That is the rationale of Sustainable Development Goal 16, devoted to Justice, Peace, and Strong Institutions. That is the *raison d'être* of this work on Contemporary Preventive Diplomacy.

The challenges of prevention, and of preventive diplomacy, are becoming more and more complex. The title of a recent article in the Economist, on 25 May, 2019, was: “How to think about global warming and war. They are linked – and that is worrying”. Global warming, the Economist pointed out, had made some wars more likely than they would otherwise have been, and will make others more so in the future. Seasonal rains and monsoons were becoming more variable and less predictable. As one area grew parched, its inhabitants encroached on land traditionally farmed or used for grazing by others. Disputes erupted, some of which were already turning violent. Climate-induced war was a reason, The Economist counselled, for Governments to take global warming seriously.

¹Buzan and Hansen (2009).

²Kaplan (2019), p. 44.

³Andrews (2017).

Launching his Disarmament Agenda on May 24, 2018, UN *Secretary-General* Antonio Guterres cautioned: “We are living in dangerous times. Cold War tensions are back, global military spending is at its highest and protracted conflicts are causing unspeakable human suffering. This is why I launched my disarmament agenda. . .Disarmament prevents and ends violence. Disarmament supports sustainable development. And disarmament is true to our values and principles.”⁴

Writing in the *Wall Street Journal* on April 11, 2019, George P. Schultz, former United States (U.S.) Secretary of State, William J. Perry, former U.S. Secretary of Defence, and Sam Nunn, former U.S. Senator and Chairman of the Armed Services Committee, warned, in the title of their article, that “The Threat of Nuclear War is Still With Us”. The U.S. , its allies and Russia, they explained, were caught in a dangerous policy paralysis that could lead—most likely by mistake or miscalculation—to a military confrontation and potentially the use of nuclear weapons for the first time in nearly 74 years.

The U.S. and Russia, they counselled, should work toward a mutual vision for a more stable security architecture and identify the tools and policy initiatives necessary to get there. The U.S. and Russia, joined by other nuclear states, must decisively confront the problems that threaten global security.⁵

A recent book, *Falter*, asked, “Has the human game begun to play itself out?”⁶ Bill McKibben, a famous author, surveyed the state of the world and found that even as climate change shrinks the space where human civilization can exist, new technologies like artificial intelligence, robotics, and life-prolonging treatments threatened to ‘bleach away the variety of human experience.’ He warned of the risks of nuclear war and multiple hazards associated with climate change, increasing atmospheric carbon dioxide, threats to food production, rising sea levels, and ocean warming and acidification. He discussed forces opposing solutions to these problems, motivated by self-interest, grim realities, power, ideals and views about the proper role of government.⁷

Serious challenges thus face humankind. These are compounded by what Michael Mandelbaum has dubbed the rise and fall of peace on earth. In a 2019 book of this title, he argued that while the quarter-century between 1989 and 2014 had seen inter-state peace in Europe, East Asia and the Middle East, this had come to an end in all three regions because one important country in each region had ended it through policies aimed at overturning the prevailing peaceful, political and military arrangements: Russia in Europe, China in East Asia, and Iran in the Middle East. Their aggressive nationalism, he contended, had destroyed the post-Cold War peace in all three regions. Aggressive nationalism stemmed, among other things, from the domestic needs of autocratic regimes to survive in a democratic age. ‘Autocracy destroyed peace’.

⁴UN News (2018).

⁵Schultz et al. (2019), p. A17.

⁶McKibben (2019), p. 182.

⁷Diamond (2019), p. 13.

Mandelbaum's presentation may appear to some a tendentious one in parts, overlooking factors that might have influenced the behaviour of the three states in question. We don't need to go into these here. Nevertheless, his basic presentation that war has returned to the three regions is an accurate one. He thinks that the key to a return peace on Earth lies in the advent of genuine democracy, including both popular sovereignty—free elections—and the protection of religious, economic, and political liberty in Russia, China and Iran. "Alas", he lamented, "democracy cannot be imposed from outside and there is no knowing when or indeed whether it will come to any of the three, let alone to all of them."⁸

The global situation presented in the preceding paragraphs is indeed a daunting one. And yet, diplomatic management is the only available and feasible approach for dealing with the risks of conflict. That is the central message of William J. Burns' *The Back Channel*, published in 2019.⁹ He writes about the adept diplomacy he had seen under George Herbert Walker Bush and James Baker "and marveled at the skill with which they harnessed America's extraordinary leverage to shape a post-Cold War order."¹⁰ He lamented the passing of such sophisticated diplomacy and urged its restoration.

A diplomat, Burns wrote, serves many roles including an early-warning radar for troubles and opportunities; a builder and fixer of relations, a maker, driver, and executor of policy; a protector of citizens abroad and promoter of their economic interests; an integrator of military intelligence and economic tools of statecraft; an organizer, convener, negotiator, communicator, and strategist.¹¹

Burns was speaking about American diplomacy, backed by the power of the pre-eminent state on earth. A United Nations diplomat seeks to perform a similar role but without the backing of state power, and with only the spirit of the United Nations Charter, its Purposes and Principles. There are times when UN preventive diplomacy has served the world well, as during the Cuban Missile Crisis of October, 1962. At other times, UN preventive diplomacy could not take off because of the stances of powerful governments. A bold effort by *Secretary-General* Antonio Guterres to help avoid war in Libya, in April, 2019, was brushed aside by a military strongman backed by regional powers and later backed by U.S. President Donald Trump.¹²

The UN could hardly launch a preventive diplomacy effort in relation to the crisis in Venezuela raging at the time of writing because the U.S. supports one side while Russia, China, Turkey and Cuba support the other side. The UN *Secretary-General* does what he can to counsel peaceful resolution to the different sides. At the time of writing, the Government of Norway was endeavouring to engage in preventive diplomacy with the Venezuelan parties.

⁸Michael Mandelbaum (2019), p. xiii.

⁹Burns (2019).

¹⁰Ibid.

¹¹Ibid, p. 10.

¹²New York Times (2019b), p. A8. England (2019), p. 4.

Notwithstanding the challenges mentioned above, it behoves the United Nations and other international and regional institutions to be prepared to offer their good offices to help avert or contain crises or conflicts when circumstances allow. The aim of this book is to see the extent to which this is happening in practice. It is hoped that by studying preventive diplomacy one might contribute to its future development and practice. We are realistic about what preventive diplomacy can achieve. But we think that there should be preparedness for it, especially at the United Nations and in other international and regional institutions. That is why we place their efforts under the spotlight in this book.

The discussion of contemporary preventive diplomacy in this book will seek to elucidate its four dimensions: advocacy, structural, promotional, and operational or trouble-shooting preventive diplomacy. The book will also seek to make the case that the UN take the lead in coordinating a global watch over human security.¹³

Prevention may be the only way of saving the Earth from, for example, collision with an asteroid. There is reason for hope that scientists may be able to avert this danger. Our concerns in this book are more terrestrial in nature, namely, the prevalence of violent conflicts that, alas, take their toll in loss of lives and human suffering. Often, preventive diplomacy and crisis management become rolled into one continuing process.

This is a time of climate change, extensive poverty, inequality, conflicts, terrorism, gross violations of human rights, widespread bad governance, massive displacement of people and the threat of millions more moving to safety should the oceans rise because of climate change.¹⁴ It is a time of tension involving the three leading powers, the U.S., China and Russia and also of regional tensions in Asia and the Middle East. It is a time of hot conflicts in parts of Africa and Eastern Europe.

The risks of the proliferation of nuclear weapons are increasing,¹⁵ as is the risk of terrorists getting hold of weapons of mass destruction. In brief, this is a time of insecurity world-wide, with many scholars and practitioners openly wondering whether China and the U.S. might fall into the ‘Thucydides trap’ leading to war between them. At the same time, it is also an era of hope in the UN Agenda 2030: the Sustainable Development Goals, notably its Goal 16, which aims to promote a world of peace, justice, and strong institutions. A book on contemporary preventive diplomacy has to have these various dimensions of insecurity in mind, as well as the promise of SDG 16.

Preventive diplomacy as a concept has been around for a while, both in inter-state relations and at the UN. The conference system of the Congress of Vienna was at heart a system of preventive diplomacy. It worked well until the growing rivalry between Britain and Germany in the latter part of the nineteenth century brought it crashing down. Preventive diplomacy helped save the world during the Cuban

¹³As an example of new global threats to human security constantly arising, see Richtel and Jacobs (2019), pp. 16–17.

¹⁴See on this, Griffin (2018), “Major Global Trends and Risks,” pp. 824–829

¹⁵Schultz et al. (2019), p. A17.

missile crisis, and UN *Secretary-General* U Thant contributed to defusing that crisis.¹⁶

Contemporary preventive diplomacy can be seen through four perspectives: (i) *Advocacy of preventive diplomacy*, in which well-meaning leaders highlight its importance, and value, while leaders of government profess cooperation but, for the most part, behave as they wish. (ii) *Structural preventive diplomacy*, notably the sixteenth Sustainable Development Goal, which advocates peace, justice, inclusive societies and strong institutions but whose achievements are yet to materialize. (iii) *Promotional preventive diplomacy*, in which international, regional, national and non-governmental leaders organize activities that are meant to induce behaviour conducive to the prevention of conflicts or violence, or to train national, regional, and international personnel in ways of heading off violence and conflict. (iv) *Operational or trouble-shooting preventive diplomacy* in which international, regional and national actors endeavour to head off conflicts, if possible, or to bring them to an end through good offices, mediation, and similar activities.

Advocacy of preventive diplomacy is undertaken by the UN *Secretary-General* and by Member States in the *Security Council*, the *General Assembly*, the *Human Rights Council*, and in regional and sub-regional organizations. Structural preventive diplomacy is the objective of the sixteenth Sustainable Development Goal whose implementation is just beginning. Promotional preventive diplomacy is undertaken by actors such as the UN *Secretary-General* and his Special Representatives, for example, his Special Representatives on the Prevention of Genocide and the Responsibility to Protect. The former has been holding meetings of regional leaders worldwide, urging them to help prevent violence. Operational or trouble-shooting preventive diplomacy is undertaken by various actors internationally, regionally and nationally who seek to head off conflicts and to bring them to an end as soon as possible.

As far as the diplomatic craft is concerned, one might recall its history as presented by Henry Kissinger in his book on *Diplomacy*.¹⁷ One might also bear in mind what Ronan Farrow has identified as the U.S. military's displacement of diplomats, a story he tells in his recent book, *War on Peace*.¹⁸ One should also have in mind the insights of a seasoned diplomatic and policy practitioner, Richard Haas who, in his book, *A World in Disarray*, offers suggestions for managing great power issues, including avoiding the Thucydides Trap, and suggestions for future security architectures in Asia and the Middle East.¹⁹

The potential and limitations of diplomacy could be seen recently in relation to three situations that have attracted much interest. First, in February-March 2019, India and Pakistan, both nuclear-armed powers, faced a tense situation after a terrorist attack in Indian-administered Kashmir and an Indian aerial attack on targets

¹⁶Ramcharan (2008).

¹⁷Kissinger (2004).

¹⁸Farrow (2018).

¹⁹Haas (2017).

inside Pakistan. During the latter attack, an Indian plane was shot down and the pilot paraded on Pakistani television. Indian Prime Minister Narendra Modi demanded his return and implicitly threatened harsher measures. Pakistani Prime Minister Imran Khan exercised statesmanship, remained calm and announced that Pakistan would release the Indian flyer. It is widely recognized that Prime Minister Khan's actions had helped defuse the situation.

The second situation involved Venezuela where the Monroe Doctrine is in evidence as the hegemonic power, the U.S., dictates the parameters of any diplomatic action that the *Organisation of American States* (OAS) or other regional actors might take to contain and turn around the political and humanitarian crisis in that country.²⁰ At the same time, Russia, China, Turkey and Iran are making their presence felt in the situation in a signal that they will not let the U.S. have its way without a struggle.²¹ At one point, some 100 Russian military personnel were flown in openly.

On 28 February, 2019, the Security Council held a debate on the situation during which Russia and the U.S. traded accusations. Each tabled a resolution that failed. The U.S. resolution was vetoed by Russia, while the Russian resolution did not secure enough votes for passage. All sides agreed that some three million Venezuelans had fled the country because of shortages of food, goods and basic commodities. Venezuela and its allies charged that the crisis in Venezuela was due to biased U.S. sanctions and aggressive American measures to enforce regime change in the country. The U.S., which does not hide the fact that it wishes to rid its sphere of influence in Latin America of the socialist policies of the Maduro government, charged that the Maduro presidency was illegitimate and that there should be fresh Presidential elections.

Both sides undoubtedly had grains of truth in their positions. But the end result was that mediation efforts of Latin American countries could not develop traction because Maduro refused to accept the need for fresh elections and because the U.S. insisted on the outcome of its choice, namely the departure of Maduro. In the meantime, the people of Venezuela continued to suffer. At the time of writing, representatives of the two sides are in talks facilitated by Norway.

The third situation was in Libya. At the beginning of April, 2019, the General commanding the forces of the Benghazi faction in the country, General Khalifa Haftar, announced that he would launch a military offensive against the Tripoli faction where the Government recognized by the UN resided. *Secretary-General* Antonio Guterres made a strong appeal for peace and made an emergency visit to the

²⁰In an interview on the CNN programme, State of the Union on 3 March, 2019, US National Security Adviser John Bolton expressly invoked the Monroe Doctrine in explaining American policy towards Venezuela. He said that the U.S. was seeking to stamp out in the US sphere of influence the kind of socialist policy espoused by former Venezuelan President Hugo Chavez and his successor Nicolas Maduro. He grouped Venezuela, Cuba and Nicaragua as a group of three undesirable governments of the same ilk that the U.S. wished to see disappear from the region.

²¹Sanger (2019), p. 6. See also, New York Times (2019a), Editorial: The options narrow for Venezuela."

country in an effort to prevent the outbreak of war again. Unfortunately, his efforts were rebuffed by General Haftar. But it was a courageous attempt at preventive diplomacy nevertheless.

As we write, in the summer of 2019, Libya is afflicted by open conflict as major powers and regional rivals back different sides, thwarting efforts by the United Nations and its *Secretary-General* to contain the situation. An article in the Financial Times on April 22, 2019 reported that the UN had warned that international rivalries and foreign support for competing Libyan factions was pushing the country to the brink of full-blown war. A United Nations spokesperson said that war materiel was pouring into the country for both sides. Reportedly, the United Arab Emirates, Egypt, Saudi Arabia, France, and the U.S. were supporting General Khalifa Haftar, who was seeking to capture Tripoli. Turkey, Qatar, and Italy backed groups aligned to the Tripoli based government. A dramatic visit of preventive diplomacy by UN *Secretary-General* Antonio Guterres to Libya at the beginning of April came to naught because of these foreign entanglements in the situation.²²

If the above situations give reasons for caution when contemplating the future of preventive diplomacy, there is some ground for hope in the UN Agenda 2030 and its Sustainable Development Goals (SDGs). SDG 16 highlights the importance of working for peace, justice, inclusiveness, and strong institutions, in recognition of the fact that conflicts and violence have serious negative effects on the prospects for peace and human rights globally.

The preventive aspirations of Goal 16 are widely recognized and the UN community, including civil society, are developing and applying indicators of varying types with a view to measuring its implementation. These include indicators of the number of deaths in conflicts, the number of national human rights institutions and their effectiveness, the incidence of inequality and discrimination, and the number of deaths of human rights defenders. Other indicators being monitored at the time of writing are the number of people incarcerated without trial and the number of children born without their births being registered. Civil society organizations have done significant studies on the links between justice and peace, inclusiveness and peace, and the need for strong institutions for the maintenance of peace. One of them, the Fund for Peace, as we shall see in this chapter, publishes an annual report on countries at risk of conflict. All of this is important work but, as of the time of writing, it remains to be seen how it will contribute tangibly to the prevention of conflicts and violence.

Climate change represents perhaps the most serious threat to human security. The UN has sought to alert the world about the dangers involved, to promote international agreements and to encourage their implementation. But not all governments see eye to eye on the risks, and the *Secretary-General of the United Nations* is deploying his best endeavours on the issue, including through the designation of a special envoy on the subject to engage in diplomatic efforts on behalf of stronger international cooperation.

²²England (2019), p. 4.

Weapons of mass destruction pose acute dangers, be they nuclear, biological or chemical weapons. Ever since its establishment, the United Nations has sought to promote disarmament, and there is a measure of public diplomacy in the deliberations of the *Security Council*, the *General Assembly* and the *Conference on Disarmament*. It would, however, be difficult to make the case that this public diplomacy has had much preventive effect to date—even after *Secretary-General* Antonio Guterres launched his Agenda for Disarmament in May, 2018.²³

One should also note the endeavours of the Secretariat's disarmament department, which engages in diplomacy to promote disarmament. However, keeping in mind that governments are jealous of their sovereignty and power, this is unlikely to have an impact on the issue of nuclear non-proliferation. The secretariat established under the Comprehensive Test Ban Treaty (CTBT), on the other hand, engages in significant promotional preventive diplomacy.

The CTBT seeks to ban nuclear explosions by everyone, everywhere on the Earth's surface, in the atmosphere, underwater and underground. 184 countries have signed the treaty, of which 168 have also ratified it (as of summer, 2019), including three nuclear weapon States: France, the Russian Federation and the United Kingdom. But 44 specific nuclear technology holder countries must sign and ratify it before the CTBT can enter into force. Of these, eight are still missing: China, Egypt, India, Iran, Israel, North Korea, Pakistan and the U.S. India, North Korea and Pakistan have yet even to sign the CTBT.²⁴

The Executive Secretary and staff of the Organization engage in various kinds of promotional preventive diplomacy. The Executive Secretary and governing body promote contacts and dialogue in instances where it is feared that a State might be about to trigger a nuclear explosion.

The imposition of United Nations sanctions on Iran was intended to induce that country to give up its quest for nuclear weapons—a quest that it denied, asserting instead that it is interested in nuclear energy for peaceful purposes. The subsequent six-party agreement that Iran embraced was widely seen as a positive exercise of preventive diplomacy. Unfortunately, the U.S. under President Donald Trump unilaterally withdrew from the agreement and, despite the fact that the other five signatories continued to back it for a while, the situation at the time of writing is highly precarious, with the U.S. and Israel openly warning that they would attack Iran to prevent it from acquiring nuclear weapons. Preventive diplomacy had initially worked here and then faltered.

When it comes to terrorism in the world, both the *UN Security Council* and the *United Nations General Assembly* have established programmes of action with specific preventive components, in addition to their generic preventive rationales. A dedicated secretariat visits Member States for discussions on their efforts to implement Security Council resolutions against terrorism. Another part of the UN

²³Bronson (2019), p. 1.

²⁴CTBTO (2018).

secretariat promotes international cooperation against terrorism on the basis of recommendations of the *General Assembly*.

Turning to the Great Powers, many commentators are openly wondering whether China and the U.S. are destined to fight, as John Mearsheimer argued in *The Tragedy of Great Power Politics*.²⁵ Not necessarily, Henry Kissinger countered in his book on China.²⁶ Kissinger thought that the right policies and diplomacy could prevent this.

In his resignation letter to President Trump at the beginning of 2019, former U.S. Defence Secretary James Mattis warned that China and Russia were seeking to shape the world in their authoritarian images. A strident Russia, he cautioned, had flexed its muscles in different places, including in Syria, where Russian and American forces co-existed in a precarious relationship. Are Russia and the U.S. destined to clash? Could this happen in Venezuela?²⁷

These two sets of relationships, China-U.S. and Russia-U.S. need careful diplomatic management if the world is to avoid catastrophic conflict. What, then, exists at the present time by way of preventive strategies against the dangers of accidental or deliberate conflict? What can preventive diplomacy contribute to this endeavour?

During the Cold War, the U.S. and the Union of Soviet Socialist Republics (USSR) established a hot-line to help guard against misunderstandings leading to conflict. At different times, U.S. Secretaries of State and USSR Foreign Ministers worked together to promote mutual understanding. Summit meetings between the leaders of the U.S. and the USSR sometimes helped to promote confidence and sometimes did not. During the Cold War, preventive diplomacy helped defuse the most dangerous moment in the history of the world, the Cuban missile crisis.²⁸

What preventive diplomacy exists at the present time between Russia and the U.S. ? The relationship is burdened by evidence that Russia intervened in the U.S. Presidential election of 2016. President Putin is said to have been particularly angered by the policies of former U.S. Secretary-of State Hilary Clinton. The least that could be said is that there was little confidence-building during the tenure of Secretary Clinton.

President Trump and President Putin had a one-on-one meeting in Helsinki in 2018 but the topic (or topics) of their conversations has not been disclosed. Theoretically, it is possible that such diplomacy at Head of State level might help to reduce the risks of conflict. But this needs to be supported by on-going preventive diplomacy at the working level between the two countries.

The relationship between China and the U.S. is considered to be, potentially, the riskier one.²⁹ China's economic power is more or less on par with that of the U.S. and it is rapidly building up its military arsenals to be able to match—and maybe

²⁵Mearsheimer (2014).

²⁶Kissinger (2011).

²⁷Financial Times (2019), p. 3.

²⁸Ramcharan (2008).

²⁹Allison (2017).

even outstrip—those of the U.S.³⁰ As China seeks to close off the South China Seas there have already been close calls between their navies.

The U.S. and China, at the time of writing, are locked in a trade war, with mutual recriminations. The Trump Administration says that it is determined to protect America's economic interests and so is the Administration of Chinese President Xi Jinping. President Trump vaunts his friendship with the Chinese President but China, following the humiliations it suffered at the hands of the 'West' in the nineteenth and twentieth centuries, is determined to reassert its historic stature and not to lose face. As the two major powers vie for supremacy, is conflict inevitable, or can it be averted?

During the Cold War there were dangerous moments in the relationship between China and the U.S. They fought in Korea, nearly fought over Taiwan, and locked horns in Vietnam. At different moments, both Chairman Mao and American leaders advocated the use of nuclear weapons, but fortunately, that dismal prospect did not materialize.

The diplomacy of President Nixon and Secretary-of-State Kissinger, combined with the policies of Chairman Mao and Premier Chou en Lai, brought the China-U.S. relationship into a period of cooperation for mutual advantage. After the Tiananmen square massacres, then President George H.W. Bush and Secretary of State James Baker engaged in finessed diplomacy to prevent the American-Chinese relationship from heading for the rocks after the U.S. imposed sanctions on China. Premier Deng understood President Bush's intentions, and the relationship was held together. This was a notable moment in the exercise of preventive diplomacy.

But now the relationship is fraught with danger, and the question arises, how can diplomacy help keep it from the abyss? China and the U.S. do engage in military, economic, and human rights dialogues, but these are not of such level and depth as to safeguard two countries from falling into conflict. What, then, can contribute to such conflict avoidance? Is there confidence-building diplomacy on the part of the Foreign ministers of the two countries? Are the Presidents of the two countries conscious of, and attentive to the need to manage their relations so as to avoid conflict? Can third party action help the two sides avert disaster? Might the UN *Secretary-General* play a role?

Moving beyond the Great Powers to inter-state and intra-state conflicts, some 65 million persons around the world have been displaced because of conflicts. Development in Africa, Asia and Latin America is being stultified by conflicts and bad governance. For decades now, organizations such as the United Nations, the African Union, *Association of Southeast Asian Nations* (ASEAN) and others have pledged their commitment to act for the prevention of conflicts. But what actually is taking place at the present time, and with what results? ASEAN seems to be stuck in a time-warp. The African Union has elaborate structures that are affected by shortage of resources and by the competition of external powers. OSCE is at a road-block

³⁰Hille and Zhang (2019), p. 4.

because of ideological cleavages and clashes among major powers. The OAS operates within a circle drawn by the U.S.

Successive UN Secretaries-General have announced their intention to engage in preventive strategies. At the present time, UN regional offices devoted to preventive diplomacy do useful work in Central Asia, Central Africa and West Africa. The UN is known to have wanted to establish offices in Northern Africa and Southern Africa but encountered resistance from countries such as Egypt and South Africa. *Secretary-General* Guterres has on occasions aired the idea of establishing a prevention 'platform' but has so far not given this content.

The regional divisions of the UN political department engage in 'regional quarterly reviews' to assess the risks in countries of concern. The UN is designating more political/development advisers, located in the UN country offices to advise on conflict prevention. *Secretary-General* Antonio Guterres has designated an *Under-Secretary-General* in his Executive Office focusing on the promotion of preventive diplomacy, but it is early days to know what this official will bring.

In ASEAN, its annual 'Regional Forum' has, for years, brought together Member States and other leading powers for discussions on cooperation for conflict avoidance. It is difficult to assess what this produces tangibly, especially since ASEAN is an organization that works on the basis of consensus. The ASEAN Constitution provides significant competence for its *Secretary-General* and competent bodies to act urgently to head off or mitigate potential crises, but it is unclear what this actually produces. Kishore Mahubani has pointed out that the ASEAN secretariat is quite small and has called for its expansion to help it play a greater role.³¹

The African Union now has a peace and security architecture with a Peace and Security Council at its centre. The constitution provides explicitly for African Union intervention in situations of crisis to help head off or mitigate human suffering and to help resolve crises. In the face of numerous crises in the continent, the African Union has been quite active in intervening in such situations but has had to deal with shortage of resources and lack of political will. Conflict prevention institutions have been established in the Horn of Africa (IGAD), Central Africa, West Africa (ECOWAS), and Southern Africa (SADC). They yield varying results.

Moving to the field of human rights, this is a time when the U.S. has withdrawn from the UN Human Rights Council and has launched an initiative to re-define human rights, and when China, Russia, and the majority of developing countries are advocating approaches of cooperation and dialogue even when dealing with egregious violations of human rights.³² Both the UN *Secretary-General* and the UN High Commissioner for Human Rights are feeling the pressure from these countries and that leads one to ask what role there might be for preventive human rights diplomacy in the future.

There is some diplomacy to prevent gross violations of human rights, such as the efforts of the *Secretary-General's* Special Adviser on the Prevention of Genocide.

³¹Mahubani and Sng (2017).

³²Richardson (2018).

But there is need for considerably more. The main problem is not one of lack of information or know-how but of political obstacles. Governments and Non-State actors are the main violators of human rights and they are not receptive to diplomacy to prevent the violations. The challenge of the human rights movement is to try out approaches that might possibly help bring about the receptivity of these Governmental and Non-State actors to intercessions that could help head off violations.

Finally, there is the outstanding challenge of the establishment of a Global Watch over Human Security, an idea first advanced by then UN *Secretary-General* Pérez de Cuéllar in the *Perspectives for the 1990s*, which he presented to the General Assembly in 1987. This document, penned by the late James Sutterlin, is one of the most important ever presented in the quest for comprehensive prevention strategies. The vision set out was one in which international security, including disarmament and international law, development and international economic cooperation, social advancement, basic rights and fundamental freedoms, and human well-being would be the focus of integrated preventive strategies at the UN.³³

Mindful of the above, de Cuellar argued that the United Nations must give very high priority to monitoring potential causes of crises and conflicts and to communicating warning signs to those in a position to act. The report argued for coherent and integrated policies and preventive strategies in the economic and social areas at the national, regional and international levels. Regional cooperation would need to be strengthened. The state of the human condition necessitated such policies and strategies. The vision of a global watch over human security would help assess the state of contemporary preventive diplomacy and guide the conclusions of the book.

In what follows, this chapter discusses SDG 16, which focuses on peace, just, inclusive and strong societies. Chapter 2 discusses climate change, weapons of mass destruction, and terrorism. Chapter 3 discusses great power conflicts, while Chap. 4 discusses inter-state and intra-state conflicts. Chapter 5 discusses the prevention of human rights violations, while Chap. 6 discusses the idea of a global watch over human security. The final chapter offers some concluding observations. A suggested reading list is appended.

PREVENTIVE DIPLOMACY

“The ECOWAS Conflict Prevention Framework (ECPF) was enacted by the ECOWAS Mediation and Security Council in January 2008. . . and adopted as a reference for the ECOWAS System and Member States in their efforts to strengthen human security in West Africa. Achieving this objective requires effective and durable cooperative interventions to prevent or de-escalate violence within and between states, and to resolve conflicts in a peaceful manner, while supporting peacebuilding in post-conflict environments.

...

(continued)

³³Ramcharan (2008).

The need for preventive diplomacy within West Africa has arisen out of the political, military and humanitarian crises that have engaged the region. ECOWAS leaders have been compelled to intervene in Member States to avert imminent political crisis, manage conflicts which have become violent from further escalating, or ensure that post-conflict peacebuilding processes are sustained. Often times, some of these initiatives are undertaken by local, regional and international actors. This has occasioned the need for, and the enhancement of, coordination and synergy between the mediation efforts undertaken by national and local actors on the one hand, and regional mediation processes on the other hand.

The Preventive Diplomacy Component therefore aims at defusing tensions and ensuring the peaceful resolution of disputes within and between Member States by means of good offices, mediation, conciliation and facilitation based on dialogue, mediation and arbitration. Usually applied in the face of imminent crisis, preventive diplomacy shall be applicable in the management, resolution and peacebuilding phases of conflict. Linked to transforming the region from ECOWAS of States to ECOWAS of peoples, the Component derives its mandate from the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999; the Supplementary Protocol on Democracy and Good Governance of 2001; the ECOWAS Conflict Prevention Framework, and the Monrovia Declaration adopted at the ECOWAS International Conference in 2010. The Component also fits into Goal Three of the Community Strategic Framework 2016-2020, which has the purpose of deepening the process of political cohesion and participation, and with the strategic objective of ensuring peace, security and good governance.”

*ECOWAS, Plans of Action for the 15 Components
Of the ECOWAS Conflict Prevention Framework
Undated; circa 2017.*

References

- Allison G (2017) *Destined for War*. Scribe, Melbourne
- Andrews J (2017) *The world in conflict. Understanding the world's troublespots*. The Economist, London
- Bronson R (2019) A new age of nuclear instability. *The New York Times International Edition*, p 1 (5 February)
- Burns WJ (2019) *The back channel. A memoir of American diplomacy and the case for its renewal*. Random House, New York
- Buzan B, Hansen L (eds) (2009) *The evolution of international security studies*. Cambridge University Press, Cambridge
- CTBTO (2018) *CTBT: ending nuclear explosions*. Vienna
- Diamond J (2019) *How it Ends*. *New York Times Book Review*, p 13 (21 April)

- England A (2019) Foreign actors risk driving Libya into war, says UN. *Financial Times*, London, p 4 (April 22)
- Farrow R (2018) War on peace. The end of diplomacy and the decline of American influence. W.W. Norton & Company, New York
- Financial Times* (2019) NATO chief urges unity among members amid Russian threat, p 3 (4 April)
- Griffin M (2018) The UN's role in a changing global landscape. In: Weiss TG, Daws S (eds) *The Oxford handbook of the United Nations*, 2nd edn. New York University Press, New York, pp 824–829
- Haas R (2017) *A world in disarray*. Penguin Press, New York
- Hille K, Zhang A (2019) China exhibits naval power to world. *Financial Times*, London, p 4 (April 23)
- Kaplan S (2019) Face to face with a killer. *The Nation* (Bangkok), p 44 (31 May)
- Kissinger HA (2004) *Diplomacy*. Simon and Schuster, New York
- Kissinger HA (2011) *On China*. Allen Lane/Penguin, New York
- Mahubani K, Sng J (2017) *The ASEAN miracle. A catalyst for peace*. Ridge Books, Singapore
- Mandelbaum M (2019) *The rise and fall of peace on earth*. Oxford University Press, Oxford
- McKibben B (2019) *Falter. Has the human game begun to play itself out?* Henry Holt and Co., New York
- Mearsheimer JJ (2014) *The tragedy of great power politics*, Updated edn. W.W. Norton & Company, New York
- New York Times* (2019a) The options narrow for Venezuela (5 April)
- New York Times* (2019b) In Sharp Policy Reversal, Trump Backs Libyan Uprising, p A8 (April 20)
- Ramcharan BG (2008) *Preventive diplomacy at the UN*. Indiana University Press, Bloomington
- Richardson S (2018) Is China winning its fight against rights at the UN. *Human Rights Watch*, (December 12)
- Richtel M, Jacobs A. (2019) Fungus immune to drugs quietly sweeps the globe. *The New York Times*, pp 16–17 (Sunday April 7, 1)
- Sanger DE (2019) Trump faces a test of his Venezuelan strategy. *New York Times International Edition*, p 6 (3 April)
- Schultz GP, Perry W, Nunn S (2019) The threat of Nuclear War is still with us. *The Wall Street Journal*, p A17 (Thursday April 11)
- UN News (2018) UN Chief launches new disarmament agenda 'to secure our world and our future' (24 May)

Chapter 2

Sustainable Development, Peaceful, Just and Equitable Societies



2.1 Introduction

This chapter will discuss some new approaches under way to anchor the prevention of conflicts generally, and preventive diplomacy in particular, in efforts for sustainable development and to draw on preventive diplomacy in the development process. It will show, for example, the *UN Department of Political and Peacebuilding Affairs* (DPPA) and the *UN Development Programme* (UNDP) operating a joint programme that deploys peace and development advisers to countries at risk. It will also show UNDP facilitating local mediators, as well as contributing to national infrastructures of prevention in the aftermath of conflicts or natural disasters.

The chapter will also show that the United Nations' Agenda 2030, particularly Sustainable Development Goal 16, has introduced a new a new philosophy of prevention grounded in the pursuit of development, peace, justice, inclusive and strong institutions in all countries. SDG 16's main contribution thus far has been to energise civil society organizations, ("We the Peoples") in giving inspirational and operational content to the concepts of peace, justice, and equitable institutions. It will hopefully move Governments to act similarly in the future.

This is of some importance. The UN's Millennium Declaration had laid down a set of values for the twenty-first century, including the values of democracy, solidarity, the rule of law and universal respect for human rights. The associated Millennium Development Goals, however, had focused more on bread and butter issues and lacked an inspirational, human rights dimension. It took some struggle to achieve this, but the inclusion of SDG 16, which focuses on peace, justice and inclusive institutions, carries great promise because, as we shall see in this chapter, NGOs, and some supportive some governments, have been alerting the international community dramatically about the risks of conflicts in particular situations, have been spelling out how considerations of justice should contribute to prevention, and have been underlining the centrality of inclusive, equitable and effective national institutions for good governance and the protection of human rights.

We need to recognize, however. SDG 16 is no panacea, and its dividends are still in the future. In fact, the UN SDG Report 2019 candidly stated:

Realizing the goal of peaceful, just and inclusive societies is still a long way off. In recent years, no substantial advances have been made towards ending violence, promoting the rule of law, strengthening institutions at all levels, or increasing access to justice. Millions of people have been deprived of their security, rights and opportunities, while attacks on human rights activists and journalists are holding back development. More countries are ramping up efforts to uncover human rights abuses and designing laws and regulations that foster more open and just societies. But much more work is needed to ensure that these mechanisms are implemented properly.¹

SDG 16 was a compromise between those who wanted stronger provisions for the promotion and protection of human rights based on democracy and the rule of law among the SDGs and powerful governments opposed to giving a central role to human rights among the SDGs. This tension is still there and has influenced the choice of indicators for measuring follow-up of SDG 16. The goals of SDG 16 are to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

SDG 16 specifies the following concrete objectives:

- 16.1: Significantly reduce all forms of violence and related deaths rates everywhere.
- 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.
- 16.3: Promote the rule of law at the national level and international levels and ensure equal access to justice for all.
- 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- 16.5: Substantially reduce corruption and bribery in all their forms.
- 16.6: Develop effective, accountable and transparent institutions at all levels.
- 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.
- 16.8: Broaden and strengthen the participation of developing countries in the institutions of global governance.
- 16.9: By 2030, provide legal identity for all, including birth registrations.
- 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.
- 16.a: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.
- 16.b: Promote and enforce non-discriminatory laws and policies for sustainable development.

¹UN, The Sustainable Development Goals Report, 2019. New York, 32.

SDG 16 serves as a rallying cause for civil society partners and could turn out to be an important political, intellectual, and normative framework for the pursuit of the overarching goals of peace, justice, and equitable institutions. People of goodwill mobilising in support of SDG 16 see a major role for preventive approaches and strategies.

In this chapter we shall first look at the development-related approaches to prevention before turning to the look, in turn, at each of the core concepts of SDG 16: peace, justice and effective institutions, always keeping in mind the centrality of respect for human rights for the attainment of all three.

2.2 Development, Peace and Conflict Prevention

2.2.1 *Development and Conflict Prevention*

A development-oriented approach to prevention and preventive diplomacy has been building up for some time. In 20[17], the Office of UN High Commissioner for Human Rights submitted to the *General Assembly* at its request, a report, which we shall discuss in more detail in a later chapter, pointing out that violations of economic, social and cultural rights were often the root causes of violence, social unrest and conflict.²

Considerations such as these led to the publication of *Pathways to Peace: Inclusive Approaches to Preventing Violent Conflicts*, a recent World Bank/UN Report that tried to offer a structural approach to prevention.

Pathways to Peace opened by recognizing that there had been a surge in violent conflict in recent years: In 2016, more countries had experienced violent conflict than at any time in nearly 30 years. Reported battle-related deaths in 2016 had increased tenfold from the post-Cold War low of 2005, and terrorist attacks and fatalities had also risen sharply over the preceding 10 years. “The benefit of preventive action, then, seems self-evident.”³ The report considers that with conflict today often simultaneously subnational and transnational, “sustained, inclusive, and targeted engagement is needed at all levels.”⁴

The aim of the study was to help improve the way in which domestic development processes interact with security, diplomatic, justice and human rights efforts to prevent conflict from becoming violent. “Its key audiences are national policy makers and staff of multilateral and regional institutions”.⁵ The study’s findings revolved around eight key messages: First, violent conflict had increased after decades of relative decline. Second, the human and economic cost of conflicts

²See OHCHR, Early warning and economic, social and cultural rights. Geneva (2017), p. 22.

³Ibid., p. xvii.

⁴Ibid.

⁵Ibid., p. xviii.

around the world required all of those concerned to work more collaboratively. The Sustainable Development Goals (SDGs) should be at the core of this approach.” Development actors needed to provide more support to national and regional prevention agendas through targeted, flexible, and sustained engagement. Prevention agendas, in turn, should be integrated into development policies and efforts, because prevention was cost-effective, saved lives, and safeguarded development gains.⁶

Third, the best way to prevent societies from descending into crisis, including but not limited to conflict was to ensure that they are resilient through investment in inclusive and sustainable development. Fourth, the primary responsibility for preventive action rested with states, both through their national policy and their governance of the multilateral system. Fifth, exclusion from access to power, opportunity, services and security created fertile ground for mobilizing group grievances to violence, especially in areas with weak state capacity or legitimacy or in the context of human rights abuses.

Sixth, growth and poverty alleviation were crucial but, alone, would not suffice to sustain peace: “Preventing violence requires departing from traditional economic and social policies when risks are building up or are high. It also means seeking inclusive solutions through dialogue, adapted macroeconomic policies, institutional reform in core state functions and redistributive policies.”⁷

Seventh, inclusive decision-making was fundamental to sustaining peace at all levels, as were long-term policies to address economic, social, and political aspirations. Eighth, alongside efforts to build institutional capacity to contain violence when it did occur, acting preventively entailed fostering systems that created incentives for peaceful and cooperative behaviour: “In order to achieve more effective prevention, new mechanisms need to be established that will allow greater synergy to be achieved much earlier among the various tools and instruments of prevention, in particular, diplomacy and mediation, security and development.”⁸

The study advocated inclusive approaches to prevention that would recognize and address group grievances early: “Effective prevention requires acting before grievances harden and the threat of violence narrows the choices available for leaders and elites, understood as groups who hold power or influence in society.”⁹ The study introduced the term “pathway” for the trajectory that every society shapes through the constant, dynamic interaction of its actors, institutions, and structural factors over time.¹⁰

One has to welcome the call to development actors to become involved in conflict prevention and preventive diplomacy and to express the hope that the strategies indicated will yield positive results.

⁶Ibid.

⁷Ibid, pp. Xvii–xix.

⁸Ibid., p. xix.

⁹Ibid., p. xxi.

¹⁰Ibid.

Along the same lines of reasoning of *Pathways to Peace, A Joint UNDP-DPPA Programme on Building National Capacities for Conflict Prevention*, has, since its establishment in 2004, provided peace-building support to more than 60 countries, including through the deployment of Peace and Development Advisors. These advisors support the efforts of the UN system to adapt and respond to complex political situations and identify areas for preventive action.

According to the 2017 Annual Report on the programme, notable results had been achieved such as strengthening the role of local actors in mediation and dialogue in El Salvador, Nigeria and Ukraine, supporting local stakeholders to prevent violent extremism in the Philippines and Tunisia, enabling conflict prevention efforts across borders in the South Caucasus and Myanmar, as well as establishing and consolidating national infrastructures for peace in Malawi and Lesotho.¹¹

The Annual Report 2017 added that the deployment of 48 Peace and Development Advisors (PDA) to support Resident Coordinators and United Nations Country Teams had continued to be one of the most visible aspects of the Programme. Peace and Development Units had also been set up in nine countries. The Programme had supported national partners in dialogue processes, the development of national infrastructures and mechanisms for peace, and other initiatives to build national capacities for conflict prevention. It had also responded to growing demand for support to joint conflict analysis, conflict sensitive programming and strategic leadership on conflict prevention within UN Country Teams.¹²

The deployment of Peace and Development Advisors is recognized as an innovative approach to conflict prevention and preventive diplomacy. According to a UNDP briefing paper, the work of Peace and Development Advisors (PDAs) represents an innovative approach to conflict prevention. PDAs play a unique role in guiding UN initiatives to support countries in developing their own capacities to prevent conflicts and build sustainable peace based on a profound understanding of the country dynamics.

PDAs are embedded in UN Country Offices. They offer timely conflict and political analysis to UN Resident Coordinators, UN Country Teams and UN Headquarters. They also offer strategic guidance for the implementation of conflict prevention and peacebuilding initiatives to national counterparts. At the time of writing there are some fifty PDAs deployed across the world.

To give an idea of their practical work on the ground, PDAs have accompanied and facilitated community consultations, political dialogues, national dialogues, coached insider mediators in their design of infrastructures for peace, helped build the capacity of national institutions in early warning mechanisms, brought conflict sensitive approaches to international community responses to crises, assisted the UN and its partners to frame a response strategy to crisis. PDAs help national actors lay

¹¹See Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention – Annual Report 2017, 23 May, 2018, 11–12.

¹²Ibid, 5.

the foundations for building peace, and can contribute significantly to developing effective infrastructures for peace in particular countries.¹³

Peace Connection, a quarterly newsletter for PDAs, published in the Spring of 2016, provided insightful glimpses on the deployment of PDAs. In the Maldives, for example, the PDA in that country began an initiative to identify and understand the root causes of the on-going phenomenon of identify alienation that might lead to radicalization, by targeting issues related to vulnerability and inequality in the country. The initiative took into account the quickly changing political climate and growing radicalization in order to feed this knowledge into conflict sensitivity programming and planning for possible interventions of the UN agencies on the ground. UNDP, OHCHR, as well as regional offices of *UN Women* and UN Office on Drugs and Crime (UNODC) were closely involved in the exercise.

In Fiji, following a request from the Government, the PDA in that country supported the organization of a multi-stakeholder expert consultation in Suva on the National Security Strategy (NSS). The objective of the workshop was to contribute to Fiji's capacity to implement security policies that are inclusive and in line with international best practices and human rights principles.¹⁴

The Newsletter provided accounts of PDA activities in other countries such as Colombia and Ukraine. There is clearly much of value taking place through the activities of the PDAs.

UNDP has also pioneered the development of a system of 'insider mediators' who can help, and have helped in the prevention of conflicts. A recent UNDP *Guidance Note* on Insider Mediators recalled that turbulent political transitions, recurrent tensions and instability and conflicts over land and natural resources were some of the challenges to peace faced today by numerous countries. The concept of insider mediators had emerged out of recognition that countries at risk of conflict could be helped with the appropriate skills for mediation and dialogue, especially as external mediation was not always possible or desired.¹⁵

The UNDP *Guidance Note* further explained that insider mediation drew upon the abilities of institutions or individuals seen as insiders within a given context. These civic, political and governmental leaders had the advantage of being trusted and respected individuals who brought with them cultural closeness with the parties and an ability to convene relevant stakeholders as well as those impacted by conflict. In recent years insider mediators had proved successful in ensuring peaceful elections, facilitating dialogue, breaking political deadlocks and establishing the groundwork for formal peace negotiations in a number of countries.

UNDP's work on crisis prevention and recovery, as we shall see next, also has significant bearing on the prevention of crises and conflicts. A UNDP Issue Brief on

¹³See UNDP, Peace and Development Advisors. <https://peaceinfrastructures.org/SitePages/The-matic.aspx?Id=Thematic=5>.

¹⁴See UNDP (2016).

¹⁵UNDP Guidance Note, Strengthening Insider Mediation: Strengthening Resilience to Conflict and Turbulence, 2014.

Rule of Law, Justice, Security, and Human Rights & The 2030 Agenda for Sustainable Development of April 2018 records UNDP's policy and programme support for the rule of law, justice, security and human rights. The briefing paper noted that UNDP had long recognized that strong commitments to the rule of law and human rights were imperative to achieving and sustaining peace and building resilience, as well as to realizing the vision set forth in the SDGs.

UNDP's Strategic Plan 2018–2021 outlined its work on rule of law, justice, security and human rights as cutting across all three outcome areas of eradicating poverty, accelerating structural transformations, and building resilience. UNDP's approach to rule of law and access to justice focuses on empowering poor and disadvantaged groups to seek remedies for injustices through formal and informal mechanisms. UNDP also utilizes a rights-based development approach to support national partners in fostering a rule of law culture where people experience greater peace and security and can exercise their rights, advance their livelihoods and protect those of future generations.

Working in different contexts in over 100 countries, UNDP supports justice, security and human rights through providing technical assistance, supporting programming on justice and security, promoting a community security approach to reducing armed violence, supporting national human rights institutions in the promotion and protection of human rights, facilitating access to justice programming focused on vulnerable and marginalized groups, supporting societies recovering from violence and human rights abuses in order to establish transitional justice measures, and ensuring access to justice for women and girls.¹⁶

UNDP also contributes to efforts for the prevention of man-made and natural disasters, and to recovery from the consequences of both. When contributing to recovery in post-conflict situations, UNDP strives, to the extent that circumstances allow, to help build up national capacity for conflict prevention in the future. In crisis-affected and fragile countries, where conflict and violence have undermined rule of law institutions, UNDP supports national authorities in restoring justice and security services during and in the immediate aftermath of conflict, crisis, or large-scale violence to rebuild confidence in national systems, reinforce political settlements, and contribute to peace dividends and community resilience.¹⁷

UNDP's *Crisis Bureau* develops and maintains a set of response tools and coordination mechanisms to respond quickly to crisis in a broad range of contexts including, where appropriate, in crisis prevention mode. The Bureau has several deployable capacities that can be drawn upon, including SURGE Advisors and external experts. In 2018, UNDP's Crisis Bureau facilitated 406 deployments to over 90 countries.

¹⁶See UNDP, Issue Brief: Rule of Law, Justice, Security and Human Rights & The 2030 Agenda for Sustainable Development, April, 2018.

¹⁷See UNDP, Issue Brief: Rule of Law, Justice, Security and Human Rights & The 2030 Agenda for Sustainable Development, April, 2018, 5. The briefing paper details UNDP post-conflict activities in Somalia, Tunisia, Central African Republic, Liberia, Guatemala, Democratic Republic of Congo, Bosnia-Herzegovina, and Rwanda.

The Crisis Bureau maintains a Global Policy Network Experts Roster for Rapid Response (GPN/ExpRes). The roster contains pre-vetted consultants for quick support to UNDP Country Offices. In 2018 the roster consisted of 2404 vetted consultants, including experts on conflict prevention and peacebuilding.¹⁸

UNDP, through its country offices, and with technical and financial back-up from the *Bureau for Crisis Prevention and Recovery* (BCPR), supports disaster-prone countries in the development of comprehensive disaster reduction programmes, strengthening of institutional and legislative systems, implementation of community-level disaster preparedness activities, including contingency planning and early warning, and establishment of coordination mechanisms to ensure the integration of risk reduction into human development as well as the development of national capacities for recovery planning.¹⁹

UNDP's disaster-risk reduction and recovery programming at the national level focuses on three key areas: (i) strengthening national capacities in disaster prevention, risk reduction and reducing vulnerability to future hazard events; (ii) supporting the post-disaster response and recovery efforts; and (iii) addressing programming principles of UNDP, namely gender equality and South-South cooperation.

In 2008, UNDP developed an Eight-Point Agenda for women's empowerment and gender equality in crisis settings. The complex interface of disaster with conflict and political instability is also an essential consideration in UNDP programming.

Globally, UNDP provides services to high-risk countries such as policy guidance, advocacy, technical assistance, global knowledge-sharing and partnership building with other global actors on issues such as global risk identification; capacity for disaster reduction; climate risk management; urban risk management; governance and mainstreaming of disaster risk reduction into development planning; gender-sensitive disaster reduction and recovery; and international recovery.

UNDP has a Global Risk Identification Programme (GRIP), launched in 2007, which is designed to support worldwide activities to identify and monitor disaster risks. UNDP's Climate Risk Management (CRM) seeks to assess and manage societal vulnerability associated with existing and future patterns of risk stemming from short-term climate variability and long-term climate changes, and integrates them into development strategies, policies, plans and projects.

2.2.2 *Peace and Conflict Prevention*

Rangita de Silva de Alwis, writing in a history of SDG 16, highlighted the preventive role of SDG 16 and considered that it must be predictive in order to achieve the preventative aims of the Sustainable Development Agenda. She urged that since goal

¹⁸See <https://www.undp.org/content/undp/en/home/crisis-response/how-we-do-it.html>.

¹⁹See UNDP, Bureau for Crisis Prevention and Recovery – UNDP (BCPR-UNDP) PreventionWeb net.

16 is a benchmark for peaceful and inclusive societies, it must be proactive, instead of adapting after the fact. The international community must anticipate and begin responding before the fact. Goal 16 should prevent obstacles to development, not just react to them.²⁰ de Silva thinks that in order to achieve Goal 16, development actors would need to engage with security institutions, particularly when working in environments (especially fragile and post-conflict ones) that may be vulnerable to terrorism and violent extremism.

UN *Secretary-General* Antonio Guterres has on more than one occasion sounded the alarm that the number of conflicts in the world, internal and international, is at an all-time high and he has made the prevention of conflicts one of his high priorities. The question that arises for reflection is whether there has been any noticeable innovation in the prevention of conflict since the launch of SDG 16.

In order to answer this question, we need to take a look at what existed before SDG 16 was launched. At the United Nations, the UN *Secretary-General*, with the assistance of the UN Department of Political Affairs, has sought to support the efforts of the *Security Council* for the prevention of conflicts. The *Secretary-General* sometimes engages in preventive diplomacy, as when *Secretary-General* Guterres endeavoured, earlier in 2019, to head off further conflict in Libya. The *Department of Political Affairs* periodically engages in 'horizontal scanning' to help detect situations of concern and to advise the *Secretary-General*. The *Security Council* has not itself been keen to participate in such horizontal scanning.

The United Nations has three regional centres focused on preventive diplomacy in Central Africa, Central Asia and West Africa and the Sahel. They do useful practical work on the ground and regularly brief the *Security Council*. The *United Nations Secretariat* has been known to be keen to establish more regional centres, including in North Africa and Southern Africa, but this has met with political resistance on the part of governments.

The UN *Department of Political Affairs* and the UNDP have had a programme for some years under which peace and development advisers have been deployed to countries on some fifty occasions so far, and these advisers have made useful contributions. UNDP also has a programme under which it facilitates local mediators in situations of need, and this has also been a useful initiative. UNDP's *Crisis Bureau* helps not only in the aftermath of natural disasters but of man-made disasters as well, and in the course of providing its assistance in such situations, seeks to contribute to the preventing the resurgence of conflicts.

Regionally, organizations such as the African Union, ECOWAS, IGAD, ASEAN, OAS, OSCE, and SADC have arrangements to help prevent conflicts and they have made useful contributions on occasions. However, it is not always an easy matter to prevent conflicts, and the tasks of some of these regional organizations has become more and more difficult.

It would certainly be good if SDG 16 contributed, by 2030, to better prediction and prevention of conflicts. The 2018 the *Fund for Peace 2018 Fragile States Index*

²⁰Rangita de Silva de Alwis (2018). See also, Ahrens et al. (2019).

warned about the risks of conflict in numerous States; elevated warnings about 39 States; high warning about 29 States; alerts about 19 States; high alerts about 7 States; and very high alerts about 6 States: Congo (Dem. Rep.), Central African Republic, Syria, Yemen, Somalia, and South Sudan.²¹

2.2.3 *Justice and Conflict Prevention*

Justice is a formidable aspiration, and the concept has been debated ever since the Socratic dialogues of Plato. Amartya Sen, in his book on Justice saw it as prevention: preventing adverse phenomena to the extent that one could.²² A rather plausible concept of justice put forward in the literature is Ian Shapiro's concept of democratic justice: democratic societies work out what is just and equitable through participatory political processes.²³ It could be argued that SDG 16, in seeking to promote development grounded in peace, justice and effective institutions, does represent a structural approach to justice.

The Centre for International Cooperation of New York University, which cooperates with various governments and international organizations in support of the implementation of SDG 16 published, on 14 December, 2018, *Challenge paper: Justice as Prevention*, which has some interesting insights on justice as prevention. It argues that there is need to look beyond individual justice needs to systemic challenges, that is to say, building justice systems that uphold human rights norms, protect societies from a range of risks, and provide a platform for people to fulfil their potential.

The view advanced in the report is that justice as prevention has two interrelated dimensions: (i) *From justice systems to the wider society*: Use of justice systems as a tool for prevention, as justice actors design and implement strategies that reduce the number of disputes, decrease risks of conflict and levels of violence, and protect human rights. (ii) *From the wider society to justice systems*: Multi-sectoral approaches to prevention that reduce the number of legal problems, decreasing the burden on justice systems and allowing scarce resources to be devoted to the most serious legal needs.²⁴

The Challenge Paper has an extensive section on Justice and the Prevention of Human Rights Abuses. In this section, it noted that a quantitative study had shown that increased abuse of human rights led to increased risk of conflict and to higher levels of violence when a conflict begins. Rights abuses by security and justice actors, such as political imprisonment, extrajudicial killings, disappearances, and

²¹FFP (2018). Fund for Peace 2018 Fragile States Index. Table: State Fragility in 2018.

²²Sen (2011).

²³See Shapiro (2003, 1999).

²⁴New York University Centre on International Cooperation (2018), "Challenge Paper: Justice as Prevention. Background paper for the Task Force on Justice", 14 December.

torture, were all associated with increased risk of conflict, or increased severity, or both. Abuses also fuelled violent extremism with communities often more afraid of state security forces than violent extremist groups.²⁵

The report went on to argue that effective prevention of human rights abuses also required strengthening constitutional guarantees, by enshrining the principle of judicial independence, or defining the roles of the police, military, and intelligence services. A distinctive feature of prevention in this domain is the role of independent monitoring institutions. A comprehensive framework for the prevention of human rights violations would include measures in different sectors such as education, housing, health and employment.

The report concluded that justice actors must aim to achieve different types of preventive outcomes. (i) *For individuals*, outcomes included fewer or less serious disputes, lowered risk of violence in all its forms, and lowered risk of rights abuse. More broadly, prevention should provide a platform for human development, with impacts felt across sectors (health, education, prosperity). (ii) *For societies*, outcomes included decreased risk of violent conflict, the more peaceful management of disputes, and higher trust in governments and institutions. Governments should also see a fiscal return, if they prevent or reduce the escalation of legal problems which in turn can mean reduced costs to other taxpayer funded services. (iii) *For the justice system* itself, outcomes included improved confidence that the system is fair, and an increased capacity to devote scarce resources to responding to the most serious risks and abuses. Effective prevention, on other words, should support a more effective *response* to legal needs and problems.

It would be fair to say that, as with the component of peace, not much practical headway has so far been made on the issue of justice. There is, however, a dimension of injustice that is glaring in the world and which numerous Governments are opposed to dealing with, and that is the prevalence of gross violations of human rights world-wide. Wanton killings, extra-judicial executions, torture, enforced disappearances, violence against women and children, trafficking in persons, the persecution of minorities and indigenous populations are rampant in the world. Within the UN Human Rights Council, the majority of its membership prefer to deal with these issues through dialogue and cooperation rather than principled accountability on the part of the perpetrators, prominent among them being Governments themselves making decisions at the United Nations.

So far, one or two expert bodies such as the *Committee on Economic, Social and Cultural Rights* and the *Human Rights Committee* have sought to call attention to human rights considerations that should be taken into account in the implementation of the SDGs and the Human Rights Council has had an initial discussion of the topic. But the fact of the matter is that human rights considerations have so far not been

²⁵On 11 March, 2019, France and Peru co-hosted an Arria Formula meeting of the Security Council on “Human Rights, accountability and justice: contributions to international peace and security.”, with contributions, among others, from UN High Commissioner for Human Rights, Michele Bachelet. See, Security Council Report, 8 March, 2019, “Arria Formula meeting on “Human rights, accountability and justice: contributions to international peace and security.”

centralized in the implementation of SDG 16, and this a major deficiency in the approach so far to the implementation of the justice component. The same could be said about the third component, to which we turn next, namely the concept of inclusive, just, and effective institutions.

Addressing the challenges of making societies more just, the *Sustainable Development Reports* 2016 and 2017 both highlighted the fact that one third of the world's prisoners are being held without having been tried and sentenced.

2.3 Equitable and Effective Institutions and Conflict Prevention

The will of the people, the Universal Declaration of Human Rights nobly proclaimed in 1948, shall be the basis of the authority of Governments. This dimension of inclusive, just and effective institutions has so far not been addressed in the implementation of SDG 16, and it is a formidable challenge for the future.

The principle of self-determination is a foundation principle of the United Nations. Each people is entitled to choose its system of governance, in free and fair choice. There is admittedly room for choice as to the form of government, but the essence must respect the principle that governance should be grounded in the will of the people.

This is a vexed and vexing topic in our time. We see around us rule by vanguard parties, dictatorial rulers, feudal rulers, populist rulers, many times the shell but not the substance of democracy. Freedom House has recorded for some years a steady decline in the number of democracies in the world.

Alas, the majority of decision-makers in the United Nations are representatives of these very governments that are far removed from the precept that the will of the people shall be the basis of the authority of governments. We are thus faced with searing issues of conscience.

How can the institutional component of SDG 16 be taken forward in these circumstances? This issue has so far not been addressed in the deliberations around the SDGs at the UN. It is not likely that the governmental leopards will change their spots any time soon. So one has to search for approaches that might be helpful even in these adverse circumstances.

Second, there is the concept of inclusivity. One of the great advocates of inclusivity was Mahatma Gandhi. Professor Dennis Dalton of Columbia University, a scholar of Gandhian political thought, noted that Gandhi believed “that in perceiving the essential unity of humanity, we will desire to uplift others.”²⁶ Through non-violent action, economic and social equality could be reconciled with individual freedom.

²⁶Dennis (1998), pp. 132–134.

Professor Theodoor Van Boven has written extensively about the concept of inclusivity in international human rights law. His basic thesis is that one must strive for implementation of the foundation article of the Universal Declaration of Human Rights, Article 1, which provided that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards in a spirit of brotherhood.”

The Public Administration Division of the UN *Department of Economic and Social Affairs* (DESA), recognizes that public administration—the corner-stone of government’s work—plays an essential and critical role in improving people’s lives. Reinventing public administration was a positive and necessary way forward. Without public administration modernization and transformation to adapt to today’s needs, realizing a better future for all would be impossible. Where capable administrations are lacking, governments are incapacitated; and where governments are incapacitated, sustainable development falls short. This vision is guiding the work of the Division, which will seek to assist countries in readying their institutions and public administrations for realizing the SDGs and in making them effective, transparent and inclusive.

From the foregoing, it may be considered that SDG 16, in bringing forward the concepts of peace, justice, and effective institutions, potentially offers room for better governance, more justice, better prevention of conflicts, and better implementation of human rights on the basis of genuine democracy and the rule of law. Advancing tangibly on these aspirations will require dialogue and cooperation in good faith, and will call for carefully chosen approaches in a world of great complexity, politically, economically, socially, and in the universal observance of human rights and fundamental freedoms.

Finally, there is the concept of strong and equitable institutions. These would require participatory, efficient and accountable governance, something that is lacking in so many parts of the world.

One cannot help thinking that ‘strong institutions’ present fundamental challenges of governance. There are so many unrepresentative and dictatorial governments in the world, and they are represented at the United Nations, where they draw the parameters of what can and what cannot be discussed under the rubric of governance in the implementation of SDG 16. At the beginning of June 2019, soldiers fired on peaceful demonstrators in Sudan, killing many. This is something that one has seen on numerous occasions. ‘Life-Presidents’ are back in vogue.

This is not what is meant by strong institutions. Strong institutions must be democratic and just. Dictatorial and corrupt strong-men (and they are men) present serious challenges for prevention.

2.4 Cooperation and Monitoring and Evaluation in Support of the Implementation of SDG 16

2.4.1 *Cooperation in Support of the Implementation of SDG 16*

To date, some diplomatic and other initiatives have been undertaken with a view to supporting the implementation of SDG 16. We refer briefly to some of these next.

The Pathfinders for Peaceful, Just and Inclusive Societies are a group of member states, international organizations, global partnerships, and other partners committed to accelerating the delivery of the Agenda 2030 targets for peace, justice and inclusion (SDG 16). It is convened by the Governments of Brazil, Sierra Leone and Switzerland with New York University's Center on International Cooperation. The Pathfinders launched a Roadmap for Peaceful, Just and Inclusive Societies at the UN *General Assembly* in September, 2017. The roadmap provides a shared vision for how SDG 16 can be delivered.

The Pathfinders are now taking forward three objectives identified in the roadmap: (i) National implementation, using the roadmap to support national ambition, coherence, innovation and reporting so that a growing number of pathfinder countries make and fulfil commitments to implement SDG 16. (ii) International implementation—strengthening strategies and momentum at international and regional levels so that partners increase support for delivery of elements of the roadmap. (iii) Grand challenges—using grand challenges on peace, justice and inclusion to build ambition and act as a focus for learning, leading to increased political will and strengthened strategies for justice, violence prevention and inclusion.

The Pathfinders have established a Task Force on Justice chaired by Ministers from Argentina, the Netherlands and Sierra Leone and by The Elders. The Task Force will estimate the scale of the justice gap, make the case for investment in justice, set an agenda for implementation of SDG 16.3 based on what works, and provide a platform for action and commitments. The Pathfinders' joint priorities include maximizing the number of countries with strong reporting on SDG 16, launching a registry of voluntary national commitments, developing an advocacy and communications strategy that draws on the strengths of multiple partners, and working closely with partners from other sectors. At the heart of the Pathfinders' ambitions are three transformative strategies: the prevention of all forms of violence, an institutional renewal to underpin sustainable development, and action to increase social, economic and political inclusion.

The Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies is a multi-stakeholder initiative operated by 7 UN Member states, 3 civil society organizations and 3 businesses. The Alliance uses the reporting framework of the 2030 Agenda as a 'hook' to drive the evidence-based and multi-stakeholder action necessary for progress on the SDGs. The data needed to report on progress on SDG 16—the peace, justice and strong institutions that underpin all the SDGs—is

located in the various parts of government, civil society, private sector and international institutions. The Alliance seeks to help governments to conduct the participatory planning, monitoring and reporting which pulls all of this data together—enabling the evidence-based policy, and the joint action needed for transformative change.

In April, 2016, *the World Federation of United Nations Associations (WFUNA)* launched the 16+ Forum to bring together governments, local and international civil society organizations, members of the UN system, the private sector and academia to discuss efforts to implement SDG 16 at the national, regional and local levels. The Forum provides a platform to share best practices. Created as a partnership between the Permanent Missions of Denmark, Guatemala, Sierra Leone, Sweden, the Republic of Korea, Timor Leste, Tunisia and WFUNA, the Forum has since been extended to include Australia, the Czech Republic, Costa Rica, Georgia and Peru.

2.4.2 *Monitoring and Evaluation*

Monitoring the implementation of SDG 16 thus far has taken four main forms: Data gathering and analysis by the secretariats of the UN system using indicators agreed upon with Member States; monitoring by NGOs such as the Small Arms Survey; voluntary national evaluations and reports; high-level political reviews within ECOSOC and the GA. The functional Commissions of the ECOSOC also share their insights with the ECOSOC.

On the issue of data-gathering and analysis, the indicators applied in the 2019 report covered the following topics (we use the actual titles in the report): young men are at higher risk of murder overall, while most victims of partner homicide are women; the majority of trafficking victims are taken for sexual exploitation and forced labour; birth registration is a human right, yet less than three quarters of children under 5 years of age worldwide are registered; murder rates among human rights defenders, journalists and trade unionists are rising; more countries are establishing legal and institutional frameworks for the defence of human rights, but the pace of progress is slow.

The topics discussed in the annual SDG reports are somewhat eclectic. The SDG Report 2016, discussing Goal 16,²⁷ adduced data in respect of SDG 16 on four points: intentional homicide rates varied widely across regions; children, a majority of them girls, represented almost 50% of victims of human trafficking worldwide; thirty per cent of prisoners worldwide, two-thirds of them in developing countries, were being held without being sentenced; birth registration is the first step in securing recognition before the law, yet one in four children are denied this fundamental right.²⁸

²⁷United Nations (2016), p. 42.

²⁸Ibid, pp. 42–43.

The *Sustainable Development Report* 2017 provided data on the following topics: a decline in homicide rates over the past decade hid wide disparities among countries and regions; homicide rates are higher in countries with income inequality; violent forms of child discipline are pervasive; no region is immune from human trafficking; one third of the world's prisoners are being held without sentencing.²⁹ Its overall assessment was that progress in promoting peace and justice, and in building effective, accountable and inclusive institutions remained uneven between and within regions.³⁰

Taken together, and referring to some of the themes dealt with in these annual reports, the situation of children was given a good deal of coverage. The reports noted that one of the first steps towards protecting individual rights is the implementation of worldwide birth registration and the creation of more independent national human rights institutions around the world.³¹ Globally, only 73% of children under 5 have had their births registered; the proportion was less than half (46%) in sub-Saharan Africa.

It was noted that nearly 8 in 10 children aged 1 to 14 years had been subjected to some form of psychological aggression and/or physical punishment on a regular basis at home in 81 countries (primarily developing), according to available data from 2005 to 2017. In all but seven of these countries, more than half of children had experienced violent forms of discipline. Children's rights violations through aggression and sexual violence had continued to plague many countries around the world, especially as under-reporting and lack of data aggravated the problem. Approximately 28.5 million children of primary school age who were out of school lived in conflict-afflicted areas.

On the protection of human life, the annual SDG reports have noted that while homicide and trafficking cases had seen significant progress over the past decade, thousands of people were still at greater risk of intentional murder within Latin America, Sub-Saharan Africa and around Asia. More than 570 different flows involving trafficking in persons had been detected between 2012 and 2014, affecting all regions; many involved movement from lower-income to higher-income countries. In 2014, the majority of detected trafficking victims had been women and girls (71%) and about 28% were children (20% girls and 8% boys). Over 90% of victims detected were trafficked for sexual exploitation or forced labour.

Still on the protection of human life, it was noted that at least 1019 human rights defenders, journalists and trade unionists had been killed in 61 countries since 2015. This was equivalent to one person killed every day while working to inform the public and build a world free from fear and want.

On the issue of detention without trial, the reports noted that the proportion of prisoners held in detention without being tried and sentenced for a crime had

²⁹United Nations (2017), pp. 50–51.

³⁰Ibid., p. 50.

³¹United Nations (2019a).

remained almost constant in the last decade: from 32% in 2003–2005 to 31% in 2014–2016.

In the annual SDG reports it was noted that advances in promoting the rule of law and access to justice had been uneven. However, progress was being made in regulations to promote public access to information, albeit slowly. Laws and policies had been adopted by 116 countries, with at least 25 countries doing so over the last 5 years. However, in many instances, these laws were not being implemented faithfully.

On national institutions, the SDG reports noted that since 1998, more than half of countries (116 of 197) had established a national human rights institution that had been peer reviewed for compliance with internationally agreed standards (the Paris Principles). Only 75 of these countries had institutions fully compliant with the Paris Principles.

NGOs such as the *Small Arms Survey* contribute invaluable information as part of the monitoring process. In December 2017, for example, Small Arms Survey published a report, *Global Violent Deaths 2017*, which it shared with the UN membership and with other partners. The report contained the following findings: In 2016, at least 560,000 people were killed violently, which corresponded to about 7.50 violent deaths per 100,000 population. Of the 23 countries with highest violent death rates in 2016, nine were affected by armed conflict. Globally, 99,000 people had died in armed conflict in 2016. The five most violent countries in 2016, in terms of recorded violent death rates, were Syria, El Salvador, Venezuela, Honduras, and Afghanistan.³²

In May 2019, *Small Arms Survey* published a Briefing Paper analysing global violent deaths scenarios for the remainder of the SDG years, 2018–2030. It noted a significant rise in violent deaths in 2017 that could mark the start of a major deterioration of the global outlook for violence reduction, with the ‘business-as-usual’ scenario likely to result in a round 660,000 violent deaths by 2030. Almost half the lives that could be saved by concerted policy action to prevent lethal violence would be in South and Central America and the Caribbean.³³

Turning to the issue of voluntary national reviews, the 2030 Agenda specified that Member States should “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven”. These reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders “in line with national circumstances, policies and priorities.” National parliaments and other institutions “can also support these processes.”

The 2019 High-Level Political Forum on Sustainable Development met under the auspices of the Economic and Social Council from 9 to 18 July, 2019, including a three-day ministerial segment from 16 to 18 July, 2019. The overall theme of the review was “Empowering people and ensuring inclusiveness and equality.” The

³²Mc Evoy and Hideg (2017).

³³Hideg and Alvazi del Frate (2018).

HLPF later convened at the level of Heads of State and Government under the auspices of the UN General Assembly for one and a half day in September, 2019.

The SDG goals reviewed during the HLPF in 2019 included Goal 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. Prior to the HLPF, the Pathfinders, a group of Governments and organizations supporting the implementation of SDG 16, issued a policy brief expressing the hope that the review of SDG 16 would demonstrate progress and results; mobilize actions to accelerate implementation; build the movement for peaceful, just and inclusive societies; and consolidate links to all 17 SDGs.³⁴

Forty seven countries submitted reports containing Voluntary National Reviews (VNRs) during the July 2019 session of the HLPF, : Algeria, Azerbaijan, Bosnia-Herzegovina, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chad, Chile, Congo (Republic of), Cote d’Ivoire, Croatia, Eswatini, Fiji, Ghana, Guatemala, Guyana, Iceland, Indonesia, Iraq, Israel, Kazakhstan, Kuwait, Lesotho, Liechtenstein, Mauritania, Mauritius, Mongolia, Nauru, New Zealand, Pakistan, Palau, Philippine, Rwanda, St. Lucia, Serbia, Sierra Leone, South Africa, Timor Leste, Tonga, Tunisia, Turkey, Turkmenistan, United Kingdom, United Republic of Tanzania, and Vanuatu.

For the most part the national reports were brief documents of two to three pages focusing on development aspirations and policies. These national reports contained little explicitly on SDG 16, peace, justice and strong institutions: Azerbaijan mentioned the conflict in Nagorno-Karabakh. Burkina Faso referred to its High Council for Reconciliation. Cameroon referred to terrorism. The Central African Republic mentioned conflicts briefing. Chad referred to the internal situation. The Republic of Congo referred to the victims of homicide. Guatemala made a general reference to peace and justice. Indonesia referred generally to issues of justice. Iraq mentioned the issue of governance. The Philippines made a general reference to peace. Vanuatu mentioned corruption. In no instance was there a serious discussion of the challenges of bringing about peace, justice and effective institutions.

The Indonesian report, in its section on realizing access to justice and inclusive institutions referred to an improvement in Indonesia’s democracy index; Indonesia’s anti-corruption behaviour index; birth registration; and legal aid to the poor. The section of the report of the Philippine on peace, justice and strong institutions, stated that a major milestone had been the ratification of the Bangsamoro Organic Law to address a long-standing conflict in southern Philippines.

The high-level review in ECOSOC, probably reflecting the content of the national reports, focused very little on peace, justice, and strong institutions. [The same was the case of the high-level review in the General Assembly].

One outcome document was issued from both the ECOSOC and GA components of the HLPF review.

³⁴Pathfinders (2019).

On 24 and 25 September 2019, Heads of State and Government gathered at UN Headquarters in New York to follow up and review progress in the implementation of the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals (SDGs). This was the first UN summit on the SDGs since the adoption of the 2030 Agenda in September 2015.

In a letter dated 20 September, 2019 addressed to Permanent Representatives, the President of the General Assembly invited all Member States to share their experience in implementing of Agenda 2030. Speakers were requested to keep their remarks to 3 min, so as to give each Member State to participate in the process. The President also invited Member States to use the opportunity provided by the SDG Summit to announce their ambitions and plans on the margins of the Summit at a VIP Social Media event.

In the Introduction to a special SDG Report 2019 written for the occasion, *Secretary-General* Antonio Guterres drew attention to the fact that the global landscape for SDG implementation had generally deteriorated since 2015, hindering the efforts of Governments and other partners. Moreover, the commitment to multilateral cooperation, which was central to implementing major global agreements, was under pressure.

Conflicts and instability in many parts of the world, the *Secretary-General* continued, had intensified, causing untold human suffering, undermining the realization of the SDGs and even reversing progress already made. With developing countries hosting more than 85% of the 68.5 million people forcibly displaced in 2017, pressures on existing support systems were immense.

In the chapter of his report devoted to SDG 16, the *Secretary-General* reported that advances in ending violence, promoting the rule of law, strengthening institutions and increasing access to justice had been uneven and continued to deprive millions of their security, rights and opportunities and undermined the delivery of public services and broader economic development. Attacks on civil society were also holding back development progress. He emphasized that renewed efforts were essential to move to the achievement of SDG 16.

Providing some additional details on SDG 16, the *Secretary-General* noted that the number of intentional homicides per 100,000 people had increased slightly. Various forms of violence against children persisted. There had been a modest overall increase in the detection of victims of trafficking in persons. The share of unsentenced detainees in the overall prison population had remained largely constant at 30%. Killings of human rights defenders, journalists and trade unionists were on the rise. Globally, birth registrations averaged just 73%. The pace of progress to put in place national human rights institutions compliant with the Paris Principles needed to be accelerated. In 2018, a total of only 39% of all countries had in place an institution that was fully compliant with the internationally agreed standard. At this rate, by 2030 only a little over one half (54%) of all countries worldwide would have compliant national human right institutions.

The SDG Summit and High-level Political Forum were largely diplomatic exercises that still left the world with the challenges detailed in the *Secretary-General's* report. As the *Secretary-General* highlighted in his report, the commitment to

multilateral cooperation, so was central to implementing global agreements, is under immense pressure.

2.5 Conclusion

The challenges ahead for the implementation of SDG 16 by the year 2030 are many and formidable. In his Foreword to the *Sustainable Development Report 2018*, Secretary-General Antonio Guterres pleaded that with just 12 years left to the 2030 deadline, there was need to inject a sense of urgency. In some areas, progress was insufficient to meet the Agenda's goals and targets by 2030. This was especially true for the most disadvantaged and marginalized groups.³⁵

As we have seen above, the indicators so far developed, and the areas of concentration of partners, have focused up to now on limited, even though important, issues that do not seem to go to the heart of the challenges of peace, justice, inclusivity, and building strong societies. What is lacking so far is a framework for the implementation of SDG 16. Elements such as the following still need to be addressed:

Inclusive Vision All states are in need of an inclusive vision that give all parts of the population a stake in the future and can help steer them to a shared future. An inclusive vision, implemented in good faith, will help to reduce grievances and the risks of conflict.

Preventive Strategies All states, especially fragile and post-conflict states are in need of preventive strategies that highlight potential pressure points or grievances and seek to contain them. A national human rights institution, for example, can be attentive to the concerns of particular communities or minority groups, analyse them and provide the benefit of its recommendations. In this way, a country can be in a constant dialogue with itself with a view to achieving equity, addressing concerns and grievances, and shaping an equitable society.

Development/Basic Needs Strategies All states need strategies designed to meet the basic needs of their populations, keeping in mind the Sustainable Development Goals. It is fundamental that, in order to achieve the goals of peace, justice, and equitable and strong institutions that people within a country do not undergo hunger and deprivations, or are without access to health or educational services. A society must strive for decency and justice for all.

Horizontal Equality It will help for Governments to be attentive to the need for horizontal equality in the distribution of available national resources. Horizontal equality is a term that economists use to measure the share of resources enjoyed by different groups in the society.

³⁵Guterres (2018).

Gender Equality Governments need to be proactive in assuring gender equality and in drawing on the peacemaking skills of women.

National Protection Systems All states are in need of national protection systems to ensure the implementation of human rights and fundamental freedoms. A national protection system embraces six elements: constitutional guarantees of human rights, adequate legislation for the protection of human rights, judicial protection of human rights, education in human rights, human rights institutions such as the ombudsman or a national commission, and processes for detecting grievances within the society that need to be addressed.

Protection of Vulnerable Groups All states, especially fragile and post-conflict states, need to pay particular attention to the protection of vulnerable groups: minorities, indigenous peoples, children. It is particularly important to pay attention to the plight of vulnerable parts of the population in multi-ethnic states. Parliaments, where they are functioning normally, or institutions such as a national human rights commission, can help monitor the situation of vulnerable groups of the population.

Regional and International Solidarity Fragile and post-conflict states are in particular need of international and regional international solidarity. Within ASEAN it may be said that there are elements of an ASEAN spirit. The *African Union* has tried to generate a similar spirit of solidarity in Africa but Africa is a large continent and it will take time for this to penetrate the different parts of the continent. Among OSCE countries there was probably such a sentiment of solidarity at one stage, but whether that still holds at the present time is open to discussion. The OAS has historically been somewhat remote from the American peoples and it would be difficult to make the case that there is a sentiment of solidarity in the organization.

The National Consultation Process Under the SDG Voluntary National Review Process

In considering how the VNR may contribute effectively to achieving Goal 16, one East Asian country that reported to a preparatory meeting in Bonn in February 2019 noted:

...the country's progress in mainstreaming the SDGs and linking its development perspective with the VNR and the goal framework. Rather than being a mere SDG report, the VNR is expected to come up with specific policy recommendations and assign responsibilities to entities that would be carrying these recommendations out after the HLPF. A national consultation was held in October 2018 to identify the scope of the VNR report. As there are a wide range of issues and possible solutions, it was decided to look at policy coherence and interlinkages across SDGs by applying a matrix-based tool to prioritize. The national multi-stakeholder working group on the VNR led by the government finalized the table of content and the scope of the report in December 2018. Subsequently, tightly schedule activities were organized to reach out to stakeholders. The outreach process is led by the National Development Agency. The private sector was engaged through the Chamber of Commerce. A civil society representative is part of the multi-stakeholder government working group. Furthermore, a civil society organization representative was selected as Head of an advocacy team that engages with all CSOs in the country.

(continued)

This testifies to the kind of comprehensive consultation process needed in preparing VNRs that can help with resolving conflicts in society.

Second Global Workshop for countries conducting a Voluntary National Review at the July 2019 High-level Political Forum on Sustainable Development UN Campus Bonn, Germany 19 – 20 February 2019, Summary

References

- Ahrens H et al (2019) Equal access to justice for all and Goal 16 of the sustainable development Agenda: challenges for Latin America and Europe. LIT VERLAG, Zurich
- de Silva de Alwis R (2018) Conclusions: future trends of sustainable development. In: Y Lalaguna PD Miguel C, Barrado D (eds) Sustainable development goals. Goal 16: peace, justice and strong institutions. CEDRO/Thomson Reuters, Navarra, Spain
- Dennis D (1998) Power over people. The Great Courses. Chantilly, Virginia, pp 132–134
- Fund for Peace (FFP) (2018) Fund for Peace 2018 Fragile States Index. Table: State Fragility in 2018
- Guterres A (2018) Foreword, the sustainable development report. United Nations, New York
- Hideg G, Alvazi del Frate A (2018) Darkening Horizons. Global Violent Death Scenarios, p 30. <https://www.undp.org/content/undp/en/home/crisis-response/how-we-do-it.html>
- Mc Evoy C, Hideg G (2017) Global Violent Deaths 2017. Time to Decide. Small Arms Survey, Geneva, December
- New York University Centre on International Cooperation (2018) Challenge Paper: Justice as Prevention. Background paper for the Task Force on Justice. 14 December
- Office of the High Commissioner for Human Rights (OHCHR) (2017) Early warning and economic, social and cultural rights. Geneva
- Pathfinders, Sixteen Plus Forum (2019) The Path to HLPF 2019: from ambition to results for SDG 16+. 6 p
- Peaceinfrastructures.org (2019) Peace and Development Advisors. <https://peaceinfrastructures.org/SitePages/Thematic.aspx?id/Thematic=5>
- Security Council Report (2019) Arria Formula meeting on “Human rights, accountability and justice: contributions to international peace and security.” 8 March
- Sen A (2011) The idea of justice. Belknap Press, Cambridge
- Shapiro I (1999) Democratic justice. Yale University Press, New Haven
- Shapiro I (2003) The moral foundations of politics. Yale University Press, New Haven
- Small Arms Survey Briefing paper, May 2019
- UNDP (2016) Peace connection. A quarterly Newsletter for PDAd. Spring
- UNDP, Bureau for Crisis Prevention and Recovery – UNDP (BCPR-UNDP) PreventionWeb net
- UNDP, Issue Brief: Rule of Law, Justice, Security and Human Rights & The 2030 Agenda for Sustainable Development, p 5 (April, 2018)
- UNDP-DPA Programme on Building National Capacities for Conflict Prevention – Annual Report 2017, 23 May, 2018, 11–12
- United Nations (2016) The Sustainable Development Report, 2016. United Nations, New York, p 42
- United Nations (2017) The Sustainable Development Report. United Nations, New York
- United Nations (2019a) SDG site, “Societies”, 16. Peace, Justice and Strong Institutions
- United Nations (2019b) The Sustainable Development Goals Report, 2019. New York, p 32
- United Nations Development Programme (UNDP) (2014) Guidance Note, Strengthening Insider Mediation: Strengthening Resilience to Conflict and Turbulence

Chapter 3

Climate Change, Weapons of Mass Destruction, Terrorism



3.1 Introduction

This chapter will discuss preventive diplomacy efforts relating to threats from climate change, weapons of mass destruction; and terrorism. The chapter will show that while a normative framework has been established in key areas, compliance with them has not been straightforward and requires persistent efforts. Moreover, there has been regression when it comes to the control of nuclear weapons.

This chapter also notes *Secretary-General* Guterres's launch, on 24 May, 2018, of his Agenda for Disarmament. The *Secretary-General* stated on that occasion that the world was living in dangerous times. Cold War tensions were back, global military spending was at its highest and protracted conflicts were causing unspeakable human suffering. That was why he had launched his disarmament agenda: "Disarmament", he said, "prevents and ends violence. Disarmament supports sustainable development. And disarmament is true to our values and principles."¹

3.2 Climate Change

"How to think about global warming and war. They are linked." was the title of a lead article in the *Economist* on 25 May, 2019. Global warming, the article warned, had made some wars more likely than they would otherwise have been, and will make others more so in the future. Some already worried that the Arctic could be a flashpoint. As the ice-cap shrank, the North Atlantic Treaty Organisation (NATO) and Russia were bolstering their military presence there and China was building a nuclear-powered ice-breaker. Accidents could happen.

¹UN News (2018).

Accumulating green-house gases in the atmosphere, The Economist continued, were increasing the frequency and intensity of extreme droughts and floods in some regions. Seasonal rains and monsoons were becoming more variable and less predictable. As one area grew parched, its inhabitants encroached on land traditionally farmed or used for grazing by others. Disputes erupted, some of which were already turning violent, especially in the Sahel. Environmental stress already played a role in deadly conflicts in Burkina Faso, Chad, Cameroon, Mali, Niger, northern Nigeria and South Sudan, as well in states such as Yemen.

Climate-induced war was a reason, The Economist counseled, for Governments to take global warming seriously. Since climate change will make some areas uninhabitable, people will leave them. Many will move to towns or cities in their own country. Moving was a rational way to adapt to a changing environment. Governments should manage the influx, build roads and schools to accommodate the newcomers. Unless carefully managed, conflicts would ensue.²

The United Nations has long recognized that climate change is the defining challenge of our time. One may note in this regard the provisions of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (GA resolution 31/72).

There is near-universal acknowledgement that we are at a defining moment in history. From shifting weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic flooding, the impacts of climate change are global in scope and unprecedented in scale. Without drastic action now, adapting to these impacts in the future will be more difficult and costly.³

The United Nations has played a historic role in alerting the international community to the dangers from climate change, has sought to promote international treaties to help halt global warming; and continues to promote cooperation among countries to help implement internationally agreed norm. This has not been an easy task as not all governments have been cooperative, but the United Nations persists in its efforts.

The *Fifth Assessment Report* of the UN Intergovernmental Panel on Climate Change (IPCC), provided a comprehensive assessment of sea-level-rise, and its causes, over the past few decades. It also estimated cumulative CO₂ emissions since pre-industrial times and provided a CO₂ budget for future emissions to limit warming to less than 2 degrees centigrade. About half of this maximum amount had already been emitted by 2011.

In 1992, the UN's Earth Summit had negotiated the UN Framework Convention on Climate Change (UNFCCC) as a first step in addressing the climate change problem. It has near universal membership with 197 States Parties. The ultimate aim of the Convention is to promote international cooperation against dangerous human interference with the climate system.

²The Economist (2019), pp. 15–16.

³UN (2015) Climate Change.

The Kyoto Protocol, adopted in 1997, legally bound developed country Parties to emission-reduction targets. The Protocol's first commitment period started in 2008. The second commitment period started on January 2013 and runs until 2020. There are 197 Parties to the Convention and 192 Parties to the Kyoto Protocol.

At the 21st Conference of the Parties in Paris, in 2015, Governments concluded an agreement, popularly known as the Paris Agreement, intended to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low-carbon future. According to the UN's website, "The Paris Agreement builds upon the Convention and - for the first time - brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global effort."

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping the global temperature rise this century well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 °C.

The UN website comments: "On Earth Day, 22 April, 2016, 175 world leaders signed the Paris Agreement at United Nations Headquarters in New York. This was by far the largest number of countries ever to sign an international agreement on a single day. There are now 184 countries that have joined the Paris Agreement."

In September 2019, *Secretary-General* Antonio Guterres convened a Climate Summit to bring world leaders of governments, the private sector and civil society together to support the multilateral process and to increase and accelerate climate action and ambition. The *Secretary-General* designated Luis Alfonso de Alba, a former Mexican diplomat, as his Special Envoy to lead the preparations. The Summit focused on key sectors where action can make the most difference— heavy industry, nature-based solutions, cities, energy resilience, and climate finance. World leaders reported on what they are doing and what more they intend to do when they convene in 2020 for the UN Climate conference, where commitments are expected to be renewed and may be increased.

Secretary-General Antonio Guterres called on all leaders to come to New York on 23 September, 2019 in view of the gravity of the situation of accelerating global emissions, with concrete, realistic plans to enhance their nationally determined contributions by 2020, in line with reducing greenhouse gas emissions by 45% over the next decade, and to net zero emissions by 2050.

Secretary-General Guterres acted because global emissions were reaching record levels and showed no signs of peaking. The previous 4 years had been the 4 hottest on record and winter temperatures in the Arctic had risen by 3°C since 1990. Sea levels were rising, coral reefs were dying and the world was starting to see the life-threatening impact of climate change on health, through air pollution, heatwaves and risks to food security. The impacts of climate change were being felt everywhere and were having very real consequences on people's lives.⁴

⁴United Nations (2019a).

The Summit brought together governments, the private sector, civil society, local authorities and other international organizations to develop ambitious solutions in six areas: a global transition to renewable energy, sustainable and resilient infrastructures and cities, sustainable agriculture and management of forests and oceans, resilience and adaptation to climate impacts, and alignment of public and private finances with a new zero economy.

The outcome of the Climate Summit was as follows. On 24 and 25 September 2019, Heads of State and Government gathered at UN Headquarters in New York to follow up and review progress in the implementation of the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals (SDGs). This was the first UN summit on the SDGs since the adoption of the 2030 Agenda in September 2015.

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needed to be accelerated. In 2018, a total of only 39% of all countries had in place an institution that was fully compliant with the internationally agreed standard. At this rate, by 2030 only a little over one half (54%) of all countries worldwide would have compliant national human right institutions.

The SDG Summit and High-level Political Forum were largely diplomatic exercises that still left the world with the challenges detailed in the *Secretary-General's* report. As the *Secretary-General* highlighted in his report, the commitment to multilateral cooperation, so was central to implementing global agreements, is under immense pressure.

In recent years, the *Security Council* has held debates on the topic, seeking to highlight the security risks from climate change and to generate international cooperation to contain and hopefully reverse them. Among other innovations has been the establishment, following the initiative of Germany, of a Group of [40] countries seeking to concert their efforts on this problem.

The *Security Council* had discussed climate change for the first time on 17 April, 2007. On that occasion views had been divided on whether this was a proper topic for the Council. The Council next discussed the issue on 20 July, 2011, Again, views were divided on the issue. Related meetings were held on 23 November, 2011, 30 July, 2015, and 22 November, 2016. Some “Arria Formula” meetings were also held in the intervening period.⁵

At the latest *Security Council* meeting on the topic, in January, 2019, over 70 Member States participated and statements were made in the debate by a dozen Ministers. Addressing the meeting, the UN Under-*Secretary-General* for Political, Peacebuilding and Electoral Affairs, called for attention to key issues such as the development of stronger analytical capacity with integrated risk assessment frameworks; collecting a stronger evidence base so that good practices on climate risk prevention and management could be replicated in the field; and building and reinforcing partnerships to leverage existing capacities within and outside the UN system.

A youth representative and researcher on environmental security, Ms Lindsay Getschel, who spoke in the debate, called on the Council to adopt a resolution officially recognizing climate change as a threat to international peace and security. She also called on the Council to commission an assessment on how climate change impacts local youth, for example, through displacement, unemployment, food insecurity and recruitment in armed groups. She urged the Council to agree on a reduction of reliance on fossil fuel energy in UN missions worldwide and a commitment that 50% of energy used would be from renewable sources by 2025, with regular reporting to the *Secretary-General* to monitor progress.

Next to climate change, weapons of mass destruction present serious risks to the survival and future of humanity, a topic we discuss next.

⁵Security Council Report (2017).

3.3 Weapons of Mass Destruction

Writing on “The United Nations and the Struggle for Disarmament” in the *Quarterly Newsletter* of the Academic Council on the United Nations System in 2014, the then *UN High Representative for Disarmament Affairs*, Angela Kane, recalled that disarmament and the regulation of armaments had been among the oldest goals of the United Nations. On the positive side, multilateral treaties had been concluded to ban biological and chemical weapons, The *Nuclear Non-Proliferation Treaty* (NPT) had outlawed the geographical spread of nuclear weapons and legally committed all its parties to undertake negotiations in good faith on nuclear disarmament. Five regional nuclear-weapon-free zones had been established covering virtually the entire Southern Hemisphere and Central Asia. Other treaties had excluded nuclear weapons from the seabed, the Antarctic, the moon, and earth orbit. In 2013, a major multilateral treaty had established some norms governing the trade in conventional arms. One treaty had outlawed or restricted the use of certain conventional arms that had uniquely inhumane effects. There were treaties banning anti-personnel landmines and cluster munitions. Another treaty had banned the use of weather modification as a weapon. Awaiting entry into force was a treaty banning all nuclear tests.

On the negative side, Ms Kane continued, talks on nuclear disarmament had dragged on from the 1950s through the early 1960s and then ceased all together. Some 17,000 nuclear weapons remained—many on high-alert status—and most of the world’s population still lived in countries that either had nuclear weapons or were members of a nuclear alliance. Not one nuclear weapon, she pointed out, had been destroyed pursuant to a treaty, bilateral or multilateral. Quite the contrary, the states with nuclear arsenals all had long-term, well-funded plans to modernize them and their delivery systems. None of the key Weapons of Mass Destruction (WMD) treaties had universal membership or was likely to achieve it any time soon. Efforts over many decades to establish a Middle East zone free of nuclear weapons and other WMD had come to naught. The relevant UN institutions—the *Disarmament Commission* and the *Conference on Disarmament*—had been deadlocked for years and the *Security Council* had avoided this issue, especially nuclear disarmament. Meanwhile, global military spending remained high at around \$ 1.7 trillion a year in 2014, while pressing needs for social and economic development remained unmet.⁶

This is a bracing picture indeed. And yet, there have been some worthwhile efforts in preventive diplomacy. The Comprehensive Test Ban Treaty is one of them. Prior to its conclusion, there had been some 2000 tests of nuclear devices. Since its conclusion there have been only ten, two each from India and Pakistan, and six from North Korea.

⁶Kane (2014), pp. 3–4, and 9.

3.3.1 *Nuclear Weapons: The Comprehensive Test Ban Treaty*

The Comprehensive Test Ban Treaty seeks to ban nuclear explosions by everyone, everywhere on the Earth's surface, in the atmosphere, underwater and underground. 184 countries have signed the treaty, of which 168 have also ratified it (as of September, 2017), including three nuclear weapon States: France, the Russian Federation and the United Kingdom. But 44 specific nuclear technology holder countries must sign and ratify it before the CTBT can enter into force. Of these, eight are still missing: China, Egypt, India, Iran, Israel, North Korea, Pakistan and the U.S. India, North Korea and Pakistan have yet to sign the CTBT.⁷

If and when it enters into force, the Treaty will bring in an elaborate verification system to make sure that no nuclear explosion goes undetected. This regime consists of three pillars: an international monitoring system, an international data centre, and on-site inspections.

Notwithstanding the fact that the treaty is not yet in force, an Organization has been established, the Preparatory Commission for the *Comprehensive Nuclear-Test Ban Organization* (CTBTO), founded in 1996 and headquartered in Vienna. It has a staff of over 260 from over 70 countries, and is headed by Executive Secretary. The Organization's main tasks are the promotion of the Treaty and the build-up of the verification regime so that it would be operational when the Treaty enters into force. The International Monitoring System will, when complete, consist of 337 facilities worldwide to monitor the planet for signs of nuclear explosions. Over 90% of the facilities are already up and running.

The Executive Secretary and staff of the Organization engage in various kinds of diplomacy that have a preventive rationale. First, they engage in dialogue with the countries whose signature and ratification is needed to bring the treaty into force. The Executive Secretary travels regularly to these countries for discussions on signature and ratification.

Second, the organization has a Liaison office at United Nations headquarters in New York who engages in on-going diplomacy to promote the CTBT with delegations of the Member States of the United Nations, in particular those not represented in Vienna—some 70 Governments.

Third, the Executive Secretary and the Preparatory Committee, which serves as a sort of interim governing body, promote contacts and dialogue in instances where it is feared that a State might be about to trigger a nuclear explosion. Fourth, in the event that a nuclear explosion has been detected, computer programmes in Vienna process and analyse the incoming data to provide crucial information on a detected event, such as its location and nature. Experts review analysis results to ensure the highest possible quality. If radioactive particles or noble gases have been detected by one of the radionuclide stations, their region of origin can be identified. A cooperation agreement with the *World Meteorological Organization* (WMO) providing

⁷See CTBTO (2018a).

access to ATM computations from world-renowned centres enhances the CTBTO's capabilities in this field.

The processing and analysis of data provides States with the information needed to answer the most pressing questions after the detection of an event, such as its location and its nature. Consequently, the raw data and analysis results are distributed electronically to CTBTO Member States around the world for their final assessment.⁸

3.3.2 Treaty on the Prohibition of the Employment of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (G.A. Resolution 2660 (XXV))

In adopting this treaty, the UN *General Assembly* expressed its conviction that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reducing international tensions and strengthening friendly relations among States, recognizing the common interest of mankind in the reservation of the seabed and the ocean floor exclusively for peaceful purposes.

The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limits of a sea-bed zone, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. The States Parties undertake not to assist, encourage or induce any State to carry out activities referred to above and not to participate in any other way in such actions.

Verification of the implementation of this treaty is no easy matter and one is dependent on the good faith of the States with nuclear weapons.

3.3.3 Biological Weapons: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (GA Resolution 2826 (XXVI))

The biological weapons convention was opened for signature on 10 April, 1972 and entered into force on 20 March, 1975. It currently has 182 States Parties. The convention bans the development, stockpiling, acquisition, retention, and production

⁸See CTBTO (2018b).

of: biological agents and toxins ‘of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes’; weapons, equipment and delivery vehicles designed to use such agents or toxins for hostile purposes or in armed conflict; the transfer of, or assistance with acquiring the agents, toxins, weapons, equipment, and delivery vehicles mentioned above.

The convention requires States Parties to consult with one another and cooperate, bilaterally or multilaterally, to solve compliance concerns. It also allows States Parties to lodge a complaint with the UN *Security Council* if they believe other States Parties are violating the convention. The *Security Council* can investigate complaints [but this power has never been used so far.] According to the Arms Control Association, the convention has been ‘flagrantly violated in the past’ by states such as Russia, Iraq, North Korea, Iran, Libya, and Syria.⁹

3.3.4 Chemical Weapons

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction states the intent of the States Parties to prohibit and eliminate all types of weapons of mass destruction. The convention prohibits the development, production, acquisition, retention, stockpiling, transfer and use of chemical weapons. It requires each State Party to destroy chemical weapons and chemical weapons production facilities under its jurisdiction or control as well as any chemical weapons it abandoned on the territory of other States Parties. All States Parties are prohibited from engaging in military preparations to use chemical weapons, from assisting or encouraging anyone to engage in activities prohibited by the convention and from using riot control agents as a method of warfare.

Each State Party is required to submit to the OPCW detailed declarations with respect to chemical weapons, providing a plan for their destruction. The convention further contains detailed provisions regarding the destruction of chemical weapons, the verification of such destruction, and for reporting by States Parties.

States Parties must take measures and enact legislation in order to ensure national implementation of the convention and the establishment or designation of National Authorities to serve as contact points for the Organisation for the Prohibition of Chemical Weapons (OPCW) and other States Parties.

The Convention provides for the establishment of the OPCW whose mission is to implement the provisions of the convention with a view to achieving its vision of a world free of chemical weapons and the threat of their use and in which chemistry is used for peace, progress and prosperity.

⁹See Arms Control Association (2019).

The chemical weapons regime has been reasonably successful even if there have been occasions when countries such as Syria have cheated, produced, stockpiled, and used chemical weapons.

3.3.5 *Agenda for Disarmament (2018)*

On 24 May, 2018 *Secretary-General* Antonio Guterres launched “*Securing our Common Future: An Agenda for Disarmament*” at the University of Geneva. According to a Fact Sheet issued by the *UN Office for Disarmament Affairs*, his agenda was aimed at reviving serious multilateral dialogue and bringing disarmament and non-proliferation back to the centre of the work of the United Nations.¹⁰

The Agenda for Disarmament brings back to mind former *Secretary-General* Boutros Boutros-Ghali’s *Agenda for Peace*; *Agenda for Development*; and *Agenda for Democracy*. Agenda for Peace has had lasting significance in the philosophy and doctrines of the UN about preventive diplomacy, but the other two agendas left little imprint on world affairs. It remains to be seen whether Guterres’s Agenda for Disarmament will take traction in light of the attitudes of major powers.

The Agenda for Disarmament, as summarised by UNODA, outlines practical measures across the range of disarmament issues, including weapons of mass destruction, conventional arms and new weapon technologies. It seeks to generate fresh perspectives, create new momentum and explore areas where serious dialogue is required to bring disarmament back to the heart of common efforts for peace and security. To accomplish these goals, the Agenda integrates disarmament into the priorities of the entire United Nations system, laying the foundations for new partnerships and greater collaboration among different parts of the Organization and Governments, civil society, the private sector and others.

The Agenda rests on four pillars: (i) Disarmament to save humanity: The existence of nuclear weapons poses a continuing threat to the world. Their total elimination can only be achieved through reinvigorated dialogue and serious negotiations. (ii) Disarmament that saves lives: As armed conflicts grow more deadly, destructive and complex, the world needs a new focus on mitigating the humanitarian impact of conventional arms and providing for more effective regulation. International approaches to regulate arms need to be brought in line with the magnitude of these problems and integrated into broader work for prevention and sustainable development. (iii) Disarmament for future generations: As advances in science and technology continue to revolutionize human life, the world must remain vigilant in its understanding of new and emerging weapons technologies. (iv) Strengthening partnerships for disarmament: The existing multilateral disarmament institutions need to be reinvigorated and better utilized, through increased use of political will and by improving coordination and integration of expertise into their work. The United

¹⁰UNODA (2019).

Nations and regional organizations should work together to strengthen existing platforms for regional dialogue on security and arms control.

On the crucial issue of implementation of the Agenda, UNODA has written that the implementation plan details the activities of entities that the United Nations will undertake to carry out each of the 40 actions contained in the Agenda. “The implementation plan will be a living document. As work progresses, new steps and activities will be added as needed. The status of activities will be updated on a regular basis, and links to specific outputs will be uploaded on the page for each action.”¹¹

It is legitimate to ask: Can action by entities within the UN system move the powerful Governments concerned to cooperate in the implementation of the Agenda? Will idealism move realism? The Agenda for Disarmament lives in hope.

3.4 Terrorism and Violent Extremism

Terrorism, in the view of the United Nations *General Assembly* “constitutes one of the most serious threats to international peace and security”.¹² The *General Assembly* therefore adopted, in 2006, the United Nations Global Counter-Terrorism Strategy based on four pillars: (i). Addressing conditions conducive to the spread of terrorism. (ii). Preventing and combatting terrorism. (iii) Building Member States capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this area. (iv). Ensuring respect for human rights for all and the rule of law as the fundamental basis for countering terrorism.¹³ Prevention is at the heart of the UN’s efforts in this area, and it has pursued this goal through a variety of measures that we discuss below.

3.4.1 *International Norms Against Terrorism*

Historically, the United Nations has facilitated the adoption of sixteen international counter-terrorism conventions with the aim of outlawing terrorism: 1. The 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft. 2. The 1979 Convention for the Suppression of Unlawful Seizure of Aircraft. 3. The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. 4. The 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons. 5. The 1979 Convention against the Taking of Hostages. 6. The 1980 Convention on the Physical Protection of

¹¹Ibid.

¹²United Nations (2006).

¹³Ibid.

Nuclear Material. 7. The Amendments to the Convention on the Physical Protection of Nuclear Material. 8. The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. 9. The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation on terrorist activities aboard ships. 10. The 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. 11. The 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. 12. The 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. 13. The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection. 14. The 1997 International Convention for the Suppression of Terrorist Bombings. 15. The 1999 International Convention for the Suppression of the Financing of Terrorism. 16. The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.

The UN has followed up these conventions, *inter alia*, through a plan of action to prevent violent extremism, a generic source of terrorism.

3.4.2 Plan of Action to Prevent Violent Extremism

The United Nations has tried to tackle the heart of international terrorism by pursuing a Plan of Action to Prevent Violent Extremism. On 15 January, 2016, UN *Secretary-General*, Ban ki Moon presented a plan of action to prevent violent extremism to the *General Assembly*. His report presenting the plan of action recognized that violent extremism undermined collective efforts towards maintaining peace and security, fostering sustainable development, protecting human rights, promoting the rule of law and taking humanitarian action.

The report noted the presence of certain recurrent drivers, common to a wide variety of countries and regions, which led, to radicalization and violent extremism. These included lack of socio-economic opportunities; marginalization and discrimination; poor governance, violations of human rights and the rule of law; prolonged and unresolved conflicts; and radicalization in prisons.

The *Secretary-General's* report contained over 70 recommendations to Member States and the United Nations system to prevent the further spread of violent extremism. These included the pursuit of national and regional plans of action for preventing violent extremism; dialogue and conflict prevention; strengthening good governance, human rights and the rule of law; engaging communities; empowering youth; promoting gender equality and empowering women; education, skills development and employment facilitation; strategic communications, the Internet and social media; and supporting Member States, regional bodies and communities through the United Nations. It ended with an appeal for concerted action: "I am

convinced that unity in principled action will overcome the rhetoric and appeal of violent extremism and, ultimately, the violent extremist groups themselves.”¹⁴

On 12 February, 2016, the *General Assembly* welcomed the initiative of the *Secretary-General* and, later that year, on 7 and 8 April, 2016, the Geneva Conference on Preventing Violent Extremism provided an opportunity for the international community to share experience and good practices in addressing the drivers of violent extremism and to build support for the *Secretary-General*’s plan of action. Building further upon this, the *General Assembly*, on 1 July, 2016, adopted a resolution, by consensus, recognizing the importance of preventing violent extremism as and when conducive to terrorism, and recommended that Member States consider the implementation of relevant recommendations of the *Secretary-General*’s plan of action.

The United Nations has also sought to promote international cooperation for the prevention of terrorism, as we shall see next.

3.4.3 *International Cooperation for the Prevention of Terrorism*

The United Nations has spearheaded international cooperation against terrorism and for its prevention. After the terrorist attacks in the United States on 11 September, 2001, the *Security Council* passed a series of resolutions aimed at preventing future attacks. The *Security Council* called upon Member States of the United Nations to bring in broad measures at the national level, including the passing of legislation and the adoption of counter-terrorism measures. The *Security Council* established a Counter-Terrorism committee and Secretariat. The latter, in particular, has sought to engage with Member States in national capitals to strengthen their national preventive efforts.

In resolution 1373 of 28 September, 2001, the *Security Council* called upon Member States to implement a number of measures intended to enhance their legal and institutional ability to counter terrorist activities, taking steps to criminalize the financing of terrorism; freeze any funds related to persons involved in acts of terrorism; deny all forms of financial support for terrorist groups; suppress the provision of safe haven, sustenance or support for terrorists; share information with other governments on any groups preaching of planning terrorist acts; cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice. The resolution also called on States to become parties as soon as possible to the relevant international counter-terrorism legal instruments.¹⁵

¹⁴United Nations (2015), para. 61.

¹⁵This summary is taken from the UN website, loc. cit. above.

The *Security Council* established a Committee consisting of all the members of the Council, to monitor the implementation of resolution 1373. Guided by resolution 1373 and a subsequent resolution 1624 (2005),¹⁶ the UN *Counter-Terrorism Committee* (CTC) works to support the ability of United Nations Member States to prevent terrorist acts, both within their borders and across regions. The CTC is assisted by the *Counter-Terrorism Committee Executive Directorate*, which carries out the policy decisions of the CTC, conducts expert assessments of each Member State and facilitates counter-terrorism technical assistance to countries.

The work of the CTC and CTED includes country visits—at the request of countries—to monitor progress, as well as to evaluate the nature and level of technical assistance a given country may need in order to implement resolution 1373; technical assistance—to help connect countries to available technical, financial, regulatory and legislative assistance programmes, as well as to potential donors; country reports—to provide a comprehensive snapshot of the counter-terrorism situation in each country and serve as a tool for dialogue between the CTC and Member States; best practices—to encourage countries to apply known best practices, codes and standards, taking into account their own circumstances and needs; and special meetings—to develop closer ties with relevant international regional and sub-regional organizations and to help avoid duplication of effort and waste of resources through better coordination.¹⁷

In its resolution 2129 (2013), the *Security Council* recognized the advantages of a comprehensive approach to preventing the spread of terrorism and violent extremism, consistent with resolutions 1373 (2001) and 1624 (2005) and in this regard invited CTED, as appropriate, and in consultation with relevant Member States, to further engage and enhance its partnership with international, regional and sub-regional organizations, civil society, academia and other entities in conducting research and information-gathering, and identifying good practices, and in that context to support the CTC's efforts to promote the implementation of resolutions 1373 (2001) and 1624 (2005). The Council underscored the importance of engaging with development entities.

The *Security Council* has, on numerous occasions, reacted critically to particular situations or acts of terrorism. On 15 October, 1999, the *Security Council* adopted resolution 1267 (1999) imposing financial and other sanctions on the Taliban in Afghanistan for its support of Usama bin Laden. The resolution also set up a Committee, usually termed the 'Al-Qaida and Taliban Sanctions Committee', comprising all fifteen Members of the Council, to oversee implementation of the sanctions regime by Member States. The sanctions were subsequently modified by

¹⁶Resolution 1624 (2005) dealt with incitement to commit acts of terrorism and called on UN Member States to prohibit incitement by law, prevent such conduct and deny safe haven to anyone 'with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.'

¹⁷United Nations (2019b), <http://www.un.org/en/sc/ctc>.

subsequent resolutions. In December, 2000, an arms embargo was added and those individuals and travel bans instituted against named individuals.

The sanctions required all States to freeze the funds and other financial assets or economic resources of the listed individuals and entities, prevent entry into or transit through their territories of the listed individuals, and to prevent the direct or indirect supply or transfer of arms and related material of all types to the listed individuals and entities.

In 2009, The *General Assembly*, for its part, in follow-up to its 2006 Global Counter-Terrorism Strategy, endorsed the establishment of a *UN Counter-Terrorism Centre* and the establishment of the *UN Counter-Terrorism Implementation Task Force* (CTITF) with offices in the UN Department of Political Affairs. The CTITF consisted of 34 international entities which, by virtue of their work, had a stake in multilateral counter-terrorism efforts. The CTITF established nine inter-agency working groups focusing on priority areas: (1) Conditions Conducive to the Spread of Terrorism; (2) Protection of Critical Infrastructure including Internet, Vulnerable Targets and Tourism Security; (3) Preventing and Responding to Weapons of Mass Destruction (WMD) Terrorist Attacks; (4) Border management and Law Enforcement relating to Counter-Terrorism; (5) Countering the Financing of Terrorism; (6) Legal and Criminal Justice Responses to Counter Terrorism; (7) Promoting and protecting Human Rights and the Rule of Law while Countering Terrorism; (8) Supporting and Highlighting Victims of Terrorism; and (9) National and Regional Counter-Terrorism Strategies.¹⁸

The UN has strongly urged that fundamental human rights and freedoms be respected in the struggle against terrorism. In its resolution 68/276, mentioned earlier, the *General Assembly* called on Member States and the United Nations entities involved in supporting counter-terrorism to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism. The *General Assembly* urged all States to respect and protect the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in the context of digital communication, also while countering terrorism, in accordance with international law, in particular international human rights law, and to take measures to ensure that interferences with or restrictions on that right are not arbitrary, are adequately regulated by law, and are subject to effective oversight and to appropriate redress, including through judicial review and other legal means.

Furthermore, the *General Assembly* urged member States to ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, in particular the principles of distinction and proportionality.

¹⁸See United Nations Counter-Terrorism Centre (UNCCT) (2011).

In similar vein, the *Security Council*, in its resolution 2129 (2013), reminded Member States, as it had done many times before, that effective counter-terrorism measures and respect for human rights are complementary and mutually reinforcing and are an essential part of a successful counter-terrorism effort. The Council noted the importance of respect for the rule of law so as to effectively combat terrorism and encouraged CTED to further develop its activities in this area to ensure that all human rights and rule of law issues, relevant to the implementation of *Security Council* resolutions are addressed consistently and even-handedly including, as appropriate, on country visits that are organized with the consent of the visited member State and in the delivery of technical assistance.

CTFITF developed and disseminated Basic Human Rights Reference Guides to provide member States with practical tools on how to protect human rights in the context of countering terrorism at the regional and national levels. The development of the Guides drew on the expertise of the members of the CTITF Working Group on Protecting Human Rights while Countering Terrorism. As practical tools, these guides served as reference documents to guide national action, clarify international human rights obligations, provide checklists for national assessment processes and address capacity building needs of member States. Guides have included “Stopping and Searching of Persons” and “Security infrastructure”, “Detention”, “Proscription of Organizations”, “Conformity of National Counter-Terrorism Legislation with International Human Rights Law” and “The Right to a Fair Trial and Due Process in Context of Countering Terrorism” CTITF works closely with the Office of High Commissioner for Human Rights (OHCHR), which is the lead agency on the substantive work on these projects.

3.4.4 United Nations Office of Counter-Terrorism

On 15 June, 2017, the *General Assembly* approved *Secretary-General* Antonio Guterres’ initiative to establish the *United Nations Office of Counter-Terrorism*, headed by an *Under-Secretary-General*, to take forward the implementation of the UN Global Counter-Terrorism Strategy. This office incorporated the former Counter-Terrorism Implementation Task Force and the UN Counter-Terrorism Centre.

The Office of Counter-Terrorism has five main functions: (i) provide leadership on the *General Assembly* counter-terrorism mandates entrusted to the *Secretary-General* from across the United Nations system; (ii) enhance coordination and coherence across the 38 Global Counter-Terrorism Coordination Compact (former CTITF) Task Force entities to ensure the balanced implementation of the four pillars of the UN Global Counter-Terrorism Strategy; (iii) strengthen the delivery of United Nations counter-terrorism capacity-building assistance to Member States; (iv) improve visibility, advocacy and resource mobilization for United Nations counter-terrorism efforts; and (v) ensure that due priority is given to counterterrorism

across the United Nations system and that the important work on preventing violent extremism is firmly rooted in the Strategy.

3.5 Conclusion

This chapter has shown the United Nations striving in good faith to prevent catastrophes in the areas of climate change, weapons of mass destruction, and terrorism. Norms have been laid down, policies and programmes launched, and cooperation fostered. Yet, all three areas are fraught with danger. As at the time of writing, young people are taking the lead in seeking to mobilize international action to reverse climate change. Demonstrations have also occurred in some Western capitals such as London to help make Governments and people more aware of the perils that await humanity. The threats of the use of weapons of mass destruction through accident, miscalculation, or the actions of terrorists remain seriously high. At the time of writing, terrorists have attacked places of worship in New Zealand and Sri Lanka, killing hundreds of people.

The UN persists valiantly in its efforts in all three areas but it is grappling with the structures of the international community: Governments that are in the drivers' seats when it comes to climate change, Governments that control the levers of weapons of mass destruction, and terrorist movements that have no scruples when it comes to killing innocent people. The task of the UN is not an easy one in these circumstances but it has been thoughtful and persistent in its efforts.

The Ban on Nuclear Testing

"Throughout the Cold War, nuclear testing thoroughly poisoned the political environment, not to mention the poisonous effects on human health and the environment in literal terms. While 400 to 500 nuclear explosions were carried out every decade between 1945 and 1996, the good news is that we have come a long way: we have witnessed a mere three tests this millennium. . .

The 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT), which bans all nuclear explosions, everywhere and by everyone, has played a key role in this tide of change. . .

Comprising 337 monitoring facilities and 250 communication assets in nearly 90 countries around world, this verification regime represents the most expansive monitoring system ever designed. The system employs seismic, infrasound, hydroacoustic and radionuclide technologies to monitor the entire globe for any signs of a nuclear explosion. . .

Member States also appreciate our data and services for the spin-off benefits they bring in addition to detecting nuclear tests. . . We are currently

(continued)

providing data from around 110 IMS Stations to tsunami warning centres in 154 countries to help them issue more timely and precise warnings. . .

Scientists have found our monitoring data useful for studying meteor blasts, climate change, the Earth's inner structures, and even the migration patterns of marine mammals. . .”

Dr Lassoma Zerbo,
Executive Secretary,
Preparatory Commission for the CTBTO
“Not yet in force but already effective”
ACUNS Quarterly Newsletter, Issue 1, 2015, 7-8.

References

- Arms Control Association (2019) The Biological Weapons Convention, <https://www.armscontrol.org>
- Comprehensive Test Ban Treaty Organization (2018a) CTBT: Ending Nuclear Explosions. Vienna, 2018
- Comprehensive Test Ban Treaty Organization (2018b) The CTBT Verification Regime: Monitoring the Earth for nuclear explosions. Vienna
- Kane A (2014) UN high representative for disarmament affairs, “The United Nations and the Struggle for Disarmament”. *ACUNS Quart Newsl* (4):3–4, 9
- Security Council* Report (2017) August 2017 Monthly Forecast: “In Hindsight: The *Security Council* and Climate Change – An Ambivalent Relationship”
- The Economist (2019) How to think about global warming and war. They are linked – and that is worrying. pp 15–16 (25 May 2019)
- United Nations (2015) Plan of Action to Prevent Violent Extremism. Report of the *Secretary-General* A/70/674, para. 61
- United Nations (2018) UN Chief launches new disarmament agenda ‘to secure our world and our future.’ 24 May
- United Nations (2019a) Climate Change. UN Website
- United Nations (2019b) Climate Action Summit 2019. A Race We Can Win. [Assets/html/summit.shtml](https://assets.html/summit.shtml)
- United Nations Counter-Terrorism Centre (UNCCT) (2011) Counter-Terrorism Implementation Task Force (CTITF) Office, Progress and Achievements, 2011–2014. UN Department of Political Affairs, New York
- United Nations *General Assembly* (2006) Resolution 60/288
- United Nations *Security Council* (2005) Resolution 1624 S/RES/1624 (2005)
- UNODA (2019) Fact-Sheet, The *Secretary-General’s* Agenda for Disarmament, January, 2019

Chapter 4

Great Power Conflicts



4.1 Introduction

This chapter will discuss the risks of conflict involving the three great powers, the U.S., China and Russia, more specifically, the risks of clashes between China and the U.S. on the one hand and Russia and the U.S. on the other. It will be seen that while seasoned commentators warn that clashes are possible, there is little evidence of preventive diplomacy at the present time. Nevertheless, history has shown that in times of acute crisis, such preventive diplomacy can be crucial in saving the world from conflagration.

The Cuban Missile Crisis of 1962 was one such moment. Even before that, during the Korean war, General Macarthur had advocated the use of nuclear weapons against the Chinese and President Dwight Eisenhower himself had kept the nuclear option on the table in the confrontation with China over Taiwan. After the Tiananmen square massacres, President Bush senior, engaged in sophisticated preventive diplomacy in managing relations between China and the U.S. Preventive diplomacy thus has its relevance even in relation to great power conflicts.

In his 2018 book, *Great Delusions*, John Mearsheimer highlighted the dangers posed by the three Great Powers that most threaten the world: the U.S., China, and Russia. The risk of conflict between China and the U.S. in the South China Sea is an ever present one. In his 2018 book, *Asia's Reckoning*, Richard McGregor wrote: "In a March 2016 Meeting in Washington, Obama laid down a red line to Xi [the Chinese President]. We understand that we both have vital interests at stake, he told the Chinese leader, but the United States has obligations to its allies and we take them seriously. It would be a historic tragedy, Obama added, if we were to fall into conflict in protecting these interests. The President wanted an understanding with Xi that Beijing would not try to turn the Scarborough Shoal into another Chinese island outpost. The timing of Obama's warning was significant, because in a few months an international court was established to rule on Manila's challenge to Beijing's expansive claims in the South China Sea. Xi remained non-committal in the meeting,

but if China did have construction plans they were, after Obama's warning, shelved."¹

In this chapter, we look closer at the risks of great power conflicts and the possibilities of heading them off. We begin with China and the U.S. and then proceed with Russia and the U.S.

4.2 Preventing Conflict Between China and the U.S.

China and the U.S. are the two leading world powers of the twenty-first century and preventive diplomacy will be required on their part in respect of at least four categories of potential conflicts: disputes between themselves, disputes involving their friends or allies, disputes requiring their attention as permanent members of the UN *Security Council*, and issues arising in the management of global resources or addressing global threats and challenges such as climate change and international terrorism. The U.S. 'pivot' to Asia' has already brought the two great powers into controversies over their respective interests and spheres of influence.

Historical legacy continues to be a key factor in China's relations with the U.S. and with the world and vice versa.² In his Memoirs, President William J. Clinton writing on his visit to China, noted that the then Chinese President had 'emphasized our different histories, cultures, ideologies, and social systems.'³ In his highly regarded study of *Mao's China and the Cold War*, Chen Jian repeatedly cites the centrality of the victim mentality of the Chinese government and people. He noted that Mao had counted greatly on the Chinese people's 'profound victim mentality'. This theme is also discussed prominently by Manjari Chatterjee Miller in *Wronged by Empire*, which sees 'victimhood' on the part of China and India leading to their desire to be recognized as victims and also to ensure that they will not be victimised again in the future⁴:

Throughout modern times, the Chinese consistently believed that that the political, economic, and military aggression by foreign imperialist countries had humiliated China and the Chinese people. As a result, a victim mentality—one that had been reinforced by China's age-old Central Kingdom concept—emerged to dominate the Chinese view of the China's position in the world. Consequently, almost every time that China encountered an international crisis (no matter how the crisis began), the deep-rooted Chinese victim mentality would readily provide the Chinese leaders with a theme to encourage nationwide mobilization—provided that the

¹Mearsheimer (2018), p. 253.

²See generally Tepperman (2013).

³Clinton (2004), p. 793.

⁴Miller (2003), p. 2.

leaders were able to present the Chinese as a victimized party or as endeavouring to resist China being continuously victimized in the international community.⁵

This victim mentality is very much still with the Chinese government and people and one could this see in the recent flare-up with Japan, a country that had invaded China and with which China had fought a war of liberation for a number of years.

In the case of the U.S., the perceptions of anti-communists and of the 'China lobby' definitely had an impact on successive American governments room for manoeuvre. As Prof Henry Kissinger has written, 'America's historic feeling of friendship for China collapsed when the Communists won the civil war in 1949 and entered the Korean War in 1950. It was replaced by a policy of deliberately isolating the communist rulers in Beijing.'⁶ A telling symbol of this state of mind was Dulles' refusal to shake hands with Zhou Enlai at the 1954 Geneva conference on Indo-China. The sole remaining diplomatic contact between the two nations at that time was through their respective ambassadors in Warsaw, who met at irregular intervals to exchange invectives. During the Cultural Revolution in the late 1960s and 1970s, all Chinese ambassadors (except the one in Egypt) were recalled to China, interrupting the Warsaw talks and leaving Washington and Beijing with no diplomatic or political contact whatsoever.⁷

Turning to the U.S., there remains, in the twenty-first century a strong sense in influential parts of the American populace that China is a major threat to the U.S. that must be countered by all means.⁸ Both China and the U.S. must be aware of this Cold-War mentality hangover as they endeavour to craft policies and strategies of cooperation and for the prevention of conflicts, the essence of preventive diplomacy.

An important lesson from Cold War interactions between China and the U.S. is that it is wiser for both sides to be guided by interests, not rhetoric. Mao Tse Tung is reported to have said in 1972: "I do not trust the imperialists, but I am willing to talk with them." "I do not expect the U.S. to lay down the butcher knife and become a Buddha, but if the U.S. wishes to be a realist, I shall be a realist too."⁹

Richard Nixon had stressed the value of identifying common interests: 'Relations between great nations are not a tea party or a love fest; they are complicated, intricately structured devices that have to be watched and tended constantly. Unless we take care, anything that can go wrong probably will.'¹⁰ In his meeting with Mao he said: 'Mr Chairman, . . . What brings us together is a recognition of a new situation in the world and a recognition on our part that what is important is not a nation's internal political philosophy. What is important is its policy toward the rest of the world and toward us.'¹¹

⁵Ibid., p. 203.

⁶Kissinger (1994), p. 719.

⁷Ibid.

⁸Kissinger (1969), pp. 11–52.

⁹Buss (1974), p. 64.

¹⁰Nixon (1999), p. 262.

¹¹Nixon (1978), p. 562.

4.2.1 Risks

The U.S. has treaty commitments to defend the security of Taiwan, which China considers an integral part of its territory. Chinese ships have clashed with those of neighbouring countries over disputed territories in the South China Sea, and Japan and China are at serious loggerheads over the Diaou/Senkaku islands. The U.S. has security commitments to Japan, while Japanese Prime Minister Shinzo Abe has openly talked about the risks of a clash between China and Japan similar to that between Great Britain and Germany at the beginning of the twentieth century. Learned authors and commentators have raised the question whether China and the U.S. are destined to a face-off similar to the First World War clash between Great Britain and Germany.

Four insights concerning risks may be derived from the Cold War experience of the two powers: risks from policies, accidents, mistakes, and miscalculations. We treat each in turn. During the Cold War the risks of confrontation between the two powers was inherent in the **policies** pursued by each. China initially allied itself with the U.S.S.R. and professed the aim of advancing equality and justice under communism world-wide. The U.S. was determined to contain and roll-back communism. China largely fought the Korean war against the U.S. and then provided active support for Communist parties in Indo-China, particularly Vietnam, where its military involvement was extensive against the U.S. Mao-Tse Tung deliberately sought provocation on occasions, such as during the Taiwan crises of 1954 and 1958 in order to mobilise the Chinese population behind his radical economic and social policies inside China. The two powers clashed ideologically, politically, and militarily on different occasions.

Clashing policies are still a feature of our times. Gideon Rachman, writing in the *Financial Times* on 4 June, 2013, provided a good snapshot of the threats and challenges before China and the U.S. at the present time. He noted that China's rise meant that America's reign as sole superpower was coming to a close. 'The central geopolitical question of our time is how the two countries deal with this shift. Both sides are well aware that if things go really badly wrong it could lead to war.'¹² He recalled that Graham Allison, a Harvard professor, had called it the 'Thucydides trap', the tendency first addressed by the Greek historian for a rising power to clash with a ruling power. 'This historical observation started to feel more real and threatening earlier this year [2013], as tensions rose between China and Japan over some disputed islands—potentially triggering America's security guarantees to Japan.'¹³

He continued that China's more assertive attitude to territorial disputes had bolstered the impression that the influence of the military in Beijing was on the rise. Chinese cyberattacks had also fueled Washington's fear that Beijing was ultimately intent on undermining American power. Meanwhile Chinese fears

¹²Rachman (2013), p. 9.

¹³Ibid.

about American intentions had grown, as the U.S. has moved to bolster its network of Asian alliances. This policy had been given a catchy title, ‘the pivot to Asia’. This had been interpreted in Beijing as a fancy term for the containment of China.¹⁴

Underneath these rivalries, Rachman continued, there was a genuine difference of vision. The U.S. policy remained that China should become a ‘responsible stakeholder’ in the current global system. In other words, the rise of China will be just fine so long as it plays by the established rules. China’s response, however, was that these rules had been established during a period of U.S. hegemony. In Beijing’s view, the system needed to change to acknowledge the rise of China.

Rachman commented that the Americans had little problem with giving China a greater voice in international institutions, such as the IMF. The real difficulty was over the apparent Chinese desire to carve out a ‘sphere of influence’ in its immediate neighborhood:

It is this struggle that lies behind the U.S. desire to establish much more effective communication between the two countries militaries, to avoid potential clashes in the tense east Asian waters. To American ears, this sounds like an eminently sensible idea. But China has resisted bolstering these crisis management procedures, because this risks looking like a tacit expression of the U.S. Navy’s right to patrol close to the Chinese coast. As far as Beijing is concerned, the solution is for the U.S. simply to back off. However, the Americans believe that, if they were to do that they would send a disastrous signal of weakness to their network of Asian allies. This week (4, June, 2013), the Americans let it be known that the Chinese navy has started to make occasional appearances in U.S. territorial waters, probably off the coast of Guam.¹⁵

In this context, it would be apposite to recall the views of President Richard Nixon about the issue of spheres of influence in the Shanghai Communique that normalized relations between the two countries in 1972. His assessment was that ‘[p]erhaps the most vitally important section of the Shanghai Communique was the provision that neither nation ‘should seek hegemony in the Asia Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony.’¹⁶ By agreeing to this provision ‘both the P.R.C. and the United States were imposing restraints on themselves. But far more important, particularly as far as the Chinese were concerned, was the provision subtly but unmistakably made it clear that we both would oppose efforts by the U.S.S.R or any other major power to dominate Asia.’¹⁷

¹⁴During his visit to China, former U.S. President William J. Clinton noted that some of his interlocutors “believed that, for all my positive talk, American policy was to contain, not cooperate, with China in the twenty-first century.” Clinton (2004), p. 792.

¹⁵Rachman (2013), p. 9.

¹⁶Nixon (1978), p. 577. Nixon added his “belief that we must cultivate China during the next few decades while it is still learning to develop its national strength and potential. Otherwise we will one day be confronted with the most formidable enemy that has ever existed in the history of the world.”—Ibid, p. 577.

¹⁷Ibid.

Besides the risks inherent in policies, the Cold War experience indicates the possibilities of risks from accidents, mistakes, and miscalculations. John Lewis Gaddis, in *The Cold War. A New History*, refers to a revealing incident that had occurred between the U.S. and the U.S.S.R. during the Cold War. It will be recalled that the bulk of the fighting forces on the Communist side during the Korean war had been provided by China, which had lost more than one million fighters. Mao had requested the Soviet leadership to provide fighter planes and Stalin had agreed to provide aerial escorts in certain corridors. wrote: 'Exhausted by the war, the Chinese and the North Koreans were ready to end it by the fall of 1952, but Stalin insisted that they continue fighting. Only after Stalin's death did his successor approve a cease-fire, which took place in July 1953.'¹⁸ He continued,

There was, thus, no direct Soviet-American military confrontation over Korea—or so it appeared for many years. Recent evidence, however, has required revising this conclusion, for one other thing Stalin did was to authorise the use of Soviet fighter planes, manned by Soviet pilots, over the Korean peninsula—where they encountered American fighters flown by American pilots. And so there was, after all, a shooting war between the United States and the Soviet Union: it was the only time this happened during the Cold War. Both sides, however, kept it quiet. The Soviet Union never publicized its intervention in these air battles, and the United States, which was well aware of it, chose not to do so either. The two superpowers had found it necessary but also dangerous to be in combat with one another. They tacitly agreed, therefore, on a cover-up.¹⁹

This is a precedent that could usefully be kept in mind by China and the U.S. in the twenty-first century.

The potentially disastrous effects of mistakes during the Cold War could be seen during the 1958 Taiwan crisis. At the time Mao had deliberately provoked a crisis in order to mobilise the Chinese populace behind his Great Leap Forward campaign. China was shelling Jinmen (Quemoy) and the U.S. ended up providing naval escorts to the supply ships of the GMD. The risks of a confrontation between the China and the U.S. were great. Indeed, as Chen Jian has written, 'Given the fact that the use of nuclear weapons had been widely considered and discussed during the course of the Taiwan Strait crisis of 1958, the event must be regarded as one of the most dangerous international crises in Cold War History.'²⁰

Mao had given strict instructions on how the Chinese forces should behave in their military activities towards the Americans involved in the crisis. Then, in the words of Mao himself, a 'serious mistake' occurred. Chen Jian writes that 'In an international crisis, the big picture sometimes can be changed by a small incident.' On 24 and 27 August, the PLA's Fujian frontline radio station, without Beijing's authorization, announced that 'our army's landing operation is imminent' and called on the GMD troops to surrender and 'join the great cause of liberating Taiwan'. Policymakers in Washington, as well as the Western media, immediately took this provocative message as evidence that Beijing was about to launch an amphibious

¹⁸Gaddis (2005), p. 60.

¹⁹Ibid.

²⁰Chen (2001), p. 202.

landing operation against Jinmen. The same day, for the first time since the crisis began, the U.S. State Department publicly announced that the GMD –controlled offshore islands such as Jinmen and Mazu were vital to the defense of Taiwan itself.

Chen Jian notes that Beijing's leaders had been alarmed by Washington's statement since it revealed that with any mistake, the shelling of Jinmen could turn from a CCP–GMD conflict into a direct Chinese-American military showdown. This prospect was unacceptable to Mao. No matter how provocative the chairman had been toward the United States in internal speeches and open propaganda, what he really wanted was . . . "a conflict short of war". After learning of the contents of the Fujian radio station's broadcast. . . Mao lost [his] temper. He sternly criticized this 'serious mistake' reemphasizing that no one should comment on issues related to the Taiwan Strait crisis without Beijing's approval.²¹

There are numerous instances of miscalculations on both sides that could have led to catastrophe. The 'Domino Theory' was probably an infamous such miscalculation. The Domino theory dates from the Presidency of Harry Truman, ran through the Presidency of Dwight Eisenhower and continued into the Presidency of John Kennedy.²² On 9 September, 1963 President Kennedy gave an interview on NBC's Huntley-Brinkley Report. He was asked: 'Mr President, have you had any reason to doubt this so-called 'Domino Theory', that if South Viet- Nam falls, the rest of South-East Asia will go behind it?'. He replied: 'No, I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontiers, that if South Vietnam went, it would not only give them an improved geographic position for a guerrilla assault on Malaysia, but would also give the impression that the wave of the future in South East Asia was China and the Communists. So I believe it.'²³ The historical evidence indicates that China was more concerned with American forces on its border with Vietnam than with conquest in South-East Asia. The Vietnam war was thus fought on a major miscalculation.

We cite elsewhere in this chapter Chairman Mao's miscalculation that China could absorb a nuclear strike from the U.S. and thereby bring about the destruction of capitalism. If ever there was a miscalculation it was this.

Contacts between the Chinese Communist Party and the U.S. go back to the time of the Second World War, when China and the U.S. were allies in the war against Japan. Later, as the Communists and the GMD were arrayed in confrontation, the U.S. sought to mediate between them, with General George C. Marshall assigned by

²¹Ibid., pp. 184–185.

²²Kissinger (2003), pp. 18–19: 'In 1952 a national security council document formalized the Domino Theory and gave it a sweeping character. Describing a military attack on Indochina as a danger 'inherent in the existence of a hostile and aggressive Communist China', it urged that the loss of even a single southeast Asian country would lead 'to relatively swift submission to or an alignment with Communism by the remainder. Furthermore an alignment with Communism of the rest of Southeast Asia and India, and in the long term, of the Middle East (with the possible exception of at least Pakistan and Turkey) would in all probability progressively follow.' Ibid.

²³Reproduced in Reeves (1993), pp. 592–593.

President Truman to facilitate an understanding between them, a task that proved intractable in the eventual outcome.

When the Chinese Communist Party took power there were tentative efforts by American diplomats to work out a modus vivendi between the two sides, something that Mao quickly scuttled. For a number of years there were Ambassadorial-level talks between the two sides that produced little of value. Mao always retained full control over Chinese foreign policy, giving little leeway to the Chinese Ambassador. Yafeng Xia has characterized these as ‘mostly unproductive talks with one another’.²⁴ However, the U.S. State Department Historian considers that it was a useful forum at times, and this was certainly the case when the forum served to facilitate the opening of the 1969–1972 rapprochement process. Talks involving the two sides took place occasionally, for example during the Geneva Conference on Indochina in 1954 where the infamous incident took place when U.S. Secretary of State John Foster Dulles refused to shake the hand of Chinese Premier Chou en Lai. Furthermore, the U.S. declined to sign the Geneva accord that it had participated in negotiating.

The secret diplomacy of Henry Kissinger that led to historic visit of President Nixon to China has been much discussed and deserves to be noted from the perspectives of preventive diplomacy in the twenty-first century. Subsequent to the Shanghai Communique of 1972, probably the most significant interaction between the two sides has taken place during meeting of Heads of State, such as the 2012/2013 visit of Chinese President Xia...to U.S. President Barack Obama.

Gideon Rachman, in his book, *Easternization. War and Peace in the Asian Century*, has a chapter summarizing the risks of war between China and the U.S. in the coming century and concludes by asking the question, “...is China preparing for war with its neighbours, or even with the United States itself? What are the intentions of the rising superpower of the twenty-first century?”²⁵ Rachman reviews two leading schools of thought, one that the two powers are destined to fight, and the other that diplomatic management can prevent such an outcome.

Rachman reports on a fascinating bipartisan diplomatic mission that the U.S. government had dispatched to Japan and China ten days before the American presidential election of November 2012. The four-person mission had been “charged with a task that was of the utmost importance to the future of America – and indeed the world. Their job, put simply, was to avert a chain of events that could lead the United States into a war with China.”²⁶

The group was led by Jim Steinberg, who had been Hilary Clinton’s deputy Secretary of State, Steve Hadley, who had been National Security Adviser during the administration of George W. Bush, Richard Armitage, who had been deputy Secretary of State during the same Bush Administration, and Professor Joseph Nye of Harvard University who had served in the State Department under President William

²⁴Yafeng (2006), p. 5.

²⁵Rachman (2016), p. 46.

²⁶Ibid., p. 33.

Clinton. “The Chinese and Japanese were to be left in no doubt that the delegation they were meeting spoke for America as a whole.”²⁷

The Steinberg mission, according to Rachman, had been put together at short notice, in response to a growing crisis in the seas around China. A long-festering dispute between China and Japan over the ownership of some uninhabited islands in the East China Sea had flared up to new and dangerous levels. “Chinese and Japanese ships and planes were jostling and buzzing each other in the waters around the islands, known as the Senkaku to the Japanese and the Diaoyu to the Chinese.”²⁸

Rachman writes:

The Americans in the delegation were determined to act as peacemakers. But they were also acutely aware that America risked being dragged into a Sino-Japanese conflict. The United States guarantees Japan’s defence through the U.S.-Japan Security Treaty – and the Americans intended to make it clear that the Senkaku islands were covered by America’s security guarantee to Japan. The implications were both clear and alarming. If China were to attack the islands, the United States would be obliged to come to Japan’s aid. That would mean that the world’s three largest economic powers were at war.²⁹

The American mission, Rachman noted, had a delicate and potentially contradictory task. They had to convince both China and Japan that America’s security guarantees were rock solid. But they also had to avoid taking steps that could bring America close to war. The conversations that the delegation had in Beijing and Tokyo “were not entirely reassuring”. Both sides assured the delegation that they wanted to avoid war. But both sides also insisted on the importance and morality of their competing territorial claims:

The American delegation flew back to Washington, still worried about the risk of conflict. The risk, they thought, was not that the leadership in either nation would make a deliberate decision to go to war. It was rather that war could break out by accident. Chinese and Japanese forces, operating in close proximity, could clash on the high seas. Neither side would feel able to back down. The conflict could escalate. The next U.S. president . . . would have to steer a delicate and dangerous course in Asia. In the event . . . the management of tensions between China and Japan did indeed become one of the most delicate foreign policy tasks” of President Obama in his second term.³⁰

Rachman commented: “This was not a problem that could be solved simply by clever diplomacy”. China was emerging as the largest power in the Pacific and it had historic grievances against Japan which, for its part, did not wish to appear weak. “Both China and Japan looked across the Pacific Ocean to try to gauge the strength and position of the United States”.³¹

This brings us back to the question, are China and the U.S. destined to clash. And might diplomacy help reduce the risk of conflict between these two powers? Just

²⁷ Ibid.

²⁸ Ibid., p. 34.

²⁹ Ibid.

³⁰ Ibid., p. 36.

³¹ Ibid.

before the war of 2008 between Georgia and Russia, B.G. Ramcharan was sent by *Secretary-General* Ban ki-Moon to assess the situation. A leading Western diplomat told this author that the month of August was a particularly risky one as it was the last period when either side could launch a military initiative before snow blocked the mountain passes. He therefore counselled that during the month of August there should be a “constant stream of visitors” from the international community to help reduce the risk of conflict. Unfortunately, this did not happen and war between the two countries broke out that very month.

4.2.2 *Guiding Principles?*

This concept, a “constant stream of visitors” would seem relevant to the situation in the Asia-Pacific. What it would translate to is continuous efforts to help reduce the risk of conflict. What would also be helpful is an agreed set of principles or ground rules for judging the acceptability or unacceptability of the conduct of the principal powers concerned.

One might start the search for a set of agreed principles by recalling the principles of the United Nations Charter, especially its prohibition of the use of force, save in legitimate self-defence. One might also recall the historic communique from the meeting of Chairman Mao and President Nixon in 1972. The two leaders, the communique stated, had had a serious and frank exchange of views on Sino-U.S. relations and world affairs. They had reviewed the international situation in which important changes and great upheavals were taking place and had expounded their respective positions and attitudes.

The U.S. side stated that peace in Asia and peace in the world required efforts to reduce immediate tensions and to eliminate the basic causes of conflict. The U.S. supported individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention.

The U.S. believed that the effort to reduce tensions was served by improving communications between countries that had different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstandings. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge.

The U.S. stressed that the people of Indo-China should be allowed to determine their destiny without outside intervention. The United States placed the highest value on its friendly relations with Japan; it would continue to develop the existing close bonds.

The U.S. supported the right of the peoples of South Asia to shape their own future in peace, free from military threats, and without having the area become the subject of big-power rivalry.

The Chinese side stated that wherever there was oppression, there was resistance. All nations, big or small, should be equal; big nations should not bully the small and

strong nations should not bully the weak. China would never be a superpower and it opposed hegemony and power politics of any kind.

The Chinese side stated that the peoples of all countries had the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their countries and opposed foreign aggression, interference, control and subversion. China firmly opposed the revival and outward expansion of Japanese militarism and firmly supported the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan.

The Communique went on to recognize that there were essential differences between China and the United States in their social systems and foreign policies. However, *the two sides agreed* that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all States, nonaggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis without resorting to the use or threat of force. The United States and the People's Republic of China said they were prepared to apply these principles to their mutual relations.

With these principles of international relations in mind the two sides stated that both wished to reduce the danger of international military conflict. Neither should seek hegemony in Asia-Pacific and each was opposed to the efforts by any other country or group of countries to establish such hegemony.

Both sides were of the view that it would be against the interests of the peoples of the world for any country to collude with another against other countries, or for major countries to divide up the world into spheres of interests.

The two sides agreed that it was desirable to broaden understanding between the two peoples. To this end, they had discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertook to facilitate the further development of such contacts and exchanges.

Both sides viewed bilateral trade as another area from which mutual benefits could be derived, and agreed that economic relations based on equality and mutual benefit were in the interest of the peoples of the two countries. They agreed to facilitate the progressive development of trade between their two countries.

The two sides agreed that they would stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

From the above, one may distil the following principles that could guide future preventive diplomacy in the relations between China and the U.S.:

- All nations, big or small, should be treated equally; big nations should not bully the small and strong nations should not bully the weak.
- All countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all States,

nonaggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence.

- International disputes should be settled without resorting to the use or threat of force.

The two countries should work to improve communications between themselves as countries with different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstandings

- The people of Indo-China should be allowed to determine their destiny without outside intervention
- The right of the peoples of South Asia to shape their own future in peace, free from military threats, and without having the area become the subject of big-power rivalry.
- Neither China nor the U.S. should seek hegemony in Asia-Pacific
- It would be against the interests of the peoples of the world for major countries to divide up the world into spheres of interests.
- It is desirable to broaden understanding between the two peoples
- Economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They should act to facilitate the progressive development of trade between their two countries.
- China and the U.S. will stay in contact through various channels, and continue to exchange views on issues of common interest.

The 2002 Declaration on the Conduct of Parties in the South China Sea, agreed to between ASEAN and China had an interesting statement on applicable principles:

1. The Parties reaffirm their commitment to the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law which shall serve as the basic norms governing state-to-state relations.³²

The Parties to the Declaration reaffirmed that the adoption of a Code of Conduct in the South China Sea would further promote peace and stability in the region and agreed to work on the basis of consensus towards the eventual attainment of this objective.

It took until 2017 to start discussions towards the proposed Code of Conduct. On 6 August, 2017, in Manila, the parties agreed on a framework for the Code of Conduct for the South China Sea which essentially contained many of the same principles and provisions in the 2002 ASEAN-China Declaration.

Earlier that year, on January 18, 2017, Chinese President Xi Jinping had delivered an address, “Towards a Community of Shared Future for Mankind”, in which he laid out China’s perspectives on the ground rules for the conduct of international relations. Sovereign equality, he emphasized, had been the most important norm

³²See Association of Southeast Asian Nations, Declaration on the Conduct of Parties in the South China Sea, 2002; https://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2.

governing state-to-state relations for centuries. The essence of sovereign equality was that the sovereignty and dignity of all countries, whether big or small, strong or weak, rich or poor, must be respected; “their internal affairs brook no interference, and they have the right to independently choose their social system and development path.”³³

Law, he stated, was the very foundation of governance. It was incumbent on all Member States of the United Nations to uphold the authority of the international rule of law, exercise their rights in accordance with the law, and fulfil their obligations in good faith. All States and international judicial institutions should ensure equal and uniform application of international law, thus ensuring genuine equality and justice in the world.

The world, he continued, should advance democracy in international relations and reject dominance by just one or a few countries. All countries are entitled to shape the future of the world, making international rules, managing global affairs, and sharing the fruits of development. In the face of frequent humanitarian crises, the world should champion the spirit of humanity, compassion, and dedication, and give love and hope to innocent people caught in situations.

The international community should promote partnership, security, growth, inter-civilization exchanges and the building of sound ecosystems: “We should build a world of lasting peace through dialogue and consultation. . . What we need to do is to improve the mechanisms and means to more effectively resolve disputes, reduce tension, and prevent wars and conflicts.”

He addressed the ‘Thucydides trap’ directly:

Countries should foster partnership based on dialogue, non-confrontation and non-alliance. Major powers should respect each other’s core interests, take care of their main concerns, keep their differences under control, and build a new model of relations featuring non-conflict, non-confrontation, mutual respect, and win-win cooperation. As long as we maintain communication and treat each other with sincerity, we can avoid the Thucydides trap. Big countries should treat smaller ones as equals instead of acting as hegemons imposing their will on others. No country should open Pandora’s box by wilfully launching wars or undermining the international rule of law. Nuclear weapons, the Sword of Damocles that hangs over humanity, should be completely prohibited and thoroughly destroyed over time. Guided by the principles of peace, sovereignty, inclusiveness and shared governance, we should turn the deep sea, the polar regions, outer space and the internet into new frontiers for cooperation.

We should build a world of common security for all through joint efforts. No country in the world can enjoy absolute security alone. A country cannot have security while others are in turmoil, as threats facing other countries are likely to harm it too. When neighbours are in trouble, instead of strengthening one’s own fences, one should extend a helping hand to them. . . All countries should pursue common, comprehensive and sustainable security through cooperation.³⁴

³³Xi (2017) People’s Republic of China.

³⁴Xi (2017), pp. 588–601.

As mentioned earlier, a process is underway, moving somewhat slowly, to build on the 2002 Declaration on the Conduct of Parties in the South China Sea. On 6 August, 2017, the foreign ministers of ASEAN and China endorsed a framework for the Code of Conduct for the South China Sea. Carlyle Thayer's assessment is that this is a rather slow-moving process, moving essentially at China's pace.³⁵ It is not evident that this process could help circumscribe conflict between China and the U. S. and one would have to look elsewhere for such a process.

ASEAN's Regional Forum would seem the most readily available framework for continuous preventive diplomacy to help head off conflict between the major powers.³⁶ The ASEAN Regional Forum (ARF) is the longest running forum for preventive diplomacy in Asia-Pacific. The ARF emphasizes the importance of preventive diplomacy.

ASEAN leaders put forward the idea of an ARF as a forum for preventive diplomacy, a Conflict Prevention Mechanism of the region, as a means of coping with the multitude of complex post-Cold War conflicts, some inherited from the Cold War era and some new challenges.

The ASEAN regional forum is based on the fundamental principles of ASEAN's Treaty of Amity and Cooperation (TAC), concluded in 1976, including: mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations; the right of every state to lead its national existence free from external interference, subversion, or coercion; non-interference in the internal affairs of one another; settlement of differences or disputes by peaceful means; renunciation of the threat or use of force; and effective cooperation among parties.

The ARF follows the ASEAN consultative style of conflict prevention. Through its history ASEAN has developed a framework for intensive discussion, consultation and deliberation of matters of mutual interest in order to foster good neighborliness and cooperation, and constraining the exacerbation of bilateral disputes. The framework consists of annual and *ad hoc* meetings among foreign ministers, meetings among other ministers (finance, economic and environment ministers), and meetings and discussions among officials (the ASEAN Standing Committee and the Senior Officials Meeting).

The ARF follows this same consultative and consensual style. Decisions within the ARF are taken by consensus. At the second ARF meeting in Brunei in August 1995, Ministers agreed that ASEAN should be the driving force, that the process should move at a pace comfortable to all participants and that it should be evolutionary, that is, going through three phases: promotion of confidence building, development of preventive diplomacy, and elaboration of approaches to conflicts, with conflict management and resolution as the ARF's ultimate goal.

³⁵Thayer (2018), "See also, Carlyle Thayer, "Review of the Implementation of the 2002 ASEAN-China and COC and Challenges, May, 2015. See http://www.un.org/depts/los/convention_agreement/texts/unclos/unclos_e.pdf.

³⁶Ramcharan (2005).

ARF Ministers have been responsive to calls for implementing preventive diplomacy measures. At the 9th ARF in Brunei, July 2002, Ministers “recognized the importance of making further progress on preventive diplomacy.”³⁷ The paper on the ARF Chair called upon the latter to perform a good offices role and/or a role in coordination in between ARF meeting, including:

- promoting confidence building among ARF members by facilitating information exchange and dialogue between and among ARF members, such as holding conferences and workshops;
- fostering co-operation between ARF members by facilitating co-operation between ARF members and by facilitating discussion on potential areas of cooperation;
- facilitating discussion on norm building in the ARF to enhance mutual understanding;
- encouraging exchange of information and highlighting issues that can impact on regional security for consideration by the ARF by serving as a conduit for information sharing between ARF members;
- serving as focal point for consultations among ARF members on the basis of consensus of all ARF members. Upon prior consent of directly involved states and the consensus of all ARF members, the ARF Chair may convene an ad hoc meeting of all ARF members at an appropriate level; and liaising with external parties, such as heads of international organizations, and Track II organizations on an informal basis and with prior consultation with all ARF members and their consent.³⁸

4.2.3 *Dialogue?*

At the time of writing, there are three sets of ‘dialogues’ that could conceivably promote confidence-building and possibly help prevent conflict:

4.2.3.1 **Strategic and Economic Dialogues**

Started first as an economic dialogue, former Secretary of State Hilary Clinton proposed making it into a strategic and economic dialogue and this was agreed with the Chinese. In her Memoirs, Secretary Clinton writes:

I knew that regular talks, in essence a high-level steering committee for the relationship, would expand our cooperation into new areas and build greater trust and resiliency. Policymakers on both sides would get to know each other and become used to work together.

³⁷Chairman’s Statement, 9th Meeting of the ASEAN Regional Forum. <http://www.aseansec.org/12003.htm>.

³⁸ASEAN Regional Forum (2001).

Open lines of communication would reduce the likelihood that a misunderstanding would escalate tensions. Future disputes would be less likely to derail everything else we needed to do together.³⁹

When she raised the extension of the range of dialogue with the Chinese leaders ‘they were also eager for more high-level contact with the United States, and were seeking what President Hu Jintao called a “positive, cooperative and comprehensive relationship”’.⁴⁰

Altogether, about ten dialogues have been held up to 2019. The *Financial Times*, on July 12/July 13, 2014 discussed the 2014 dialogue at some length. What emerges is a picture of a forum that still needs to find its feet in a very complex relationship. Geoff Dyer and Charles Clover wrote:

Several hundred officials from both countries held a two-day meeting in Beijing this week that brought together almost every branch of their governments. . . Yet the flowery rhetoric and exchanges of business cards could not hide the sullen rivalry that is slowly defining relations between the world’s two biggest economies. . . Rising tensions over hacking and territorial claims are threatening to undermine the goodwill forged by financial links between the two countries.⁴¹

4.2.3.2 Military to Military Dialogues

It would not seem that they have been particularly helpful thus far. Gideon Rachman has written about them: ‘Washington hopes that closer military-to-military dialogue can increase transparency and trust. Samuel Locklear, the admiral who commands U.S. forces in the Pacific, said that dialogue was improving as exchanges became both more frequent and more thorough and frank. Chinese military sources agree with his assessment.’⁴²

4.2.3.3 Human Rights Dialogues

These are largely perfunctory. Former President Nixon has cautioned: The worst mistake we could make in our China policy is to indulge in the uniquely American practice of piously instructing other countries about how to conduct their political business. The Chinese are a fiercely independent people who have always fed at attempts by others to influence or dominate their affairs. . . . Americans on both the left and the right must resist their bighearted urge to lecture the Chinese on human rights.’⁴³

³⁹Clinton (2014), *Hard Choices*, p. 73.

⁴⁰Ibid, p. 73.

⁴¹Dyer and Clover (2014), p. 9.

⁴²Rachman (2013), p. 9. See also, Hille (2013), p. 5.

⁴³Nixon (1999), p. 258. See, more recently, Myers and Schmitt (2013), p. 4.

4.3 Can the UN *Secretary-General* and the Security Council Help Neutralise the Thucydides Trap?

The Thucydides trap, as we have seen earlier, concerns the plausible risk of war when a rising global power challenges the erstwhile hegemon. In short, it is the risk of war between China and the U.S. This is a dangerous time for world peace. A number of trends give cause for great concern. We are told by seasoned experts that the risk of conflicts between States is higher than at any time before. Nuclear non-proliferation is disappearing before our eyes. Leading powers are developing new generations of tactical nuclear weapons that can be used in combat. Weapons of mass destruction may fall into the hands of terrorists. And channels of communication between Russia and the U.S., as well as between China and the U.S., are few and far between.

With the rise of Germany in the latter part of the nineteenth century, British diplomat Sir Eyre Crowe alerted the Foreign Office to the risks of conflict between a rising Germany and the then hegemon, Great Britain. Unfortunately, the former Concert system broke down and could not avert World War I. As to the second great war, historians are still debating whether it might have been averted. One thing is clear, though, the League of Nations was in no position to do so.

We are now at a third historical moment when the risks of conflict between Russia and the U.S. or between China and the U.S. are being openly discussed and the risks assessed as high. In a speech at the United Nations Office in Geneva, in January, 2017, Chinese President Xi Jinping openly discussed the dangers of the Thucydides trap, by name, and offered the view that it was not inevitable. In his book on China, Henry Kissinger thought that war between China and the U.S. was not inevitable if careful diplomacy were applied. John Mearsheimer has vigorously asserted the opposite for a number of years. He rests his case on the laws of history: a rising power challenging an erstwhile hegemon are destined to clash.

Which brings us to the United Nations Security Council and the *Secretary-General*. If the warning signs of conflict are being openly aired, what is their role? Are they to sit as potted plants, or are they to rise to the challenges of history and of the moment? With China, Russia and the U.S. all veto-bearing powers on the Security Council, it is not a straightforward thing to envisage what role the Council might play in heading off a global conflagration. Each of these powers strives to maintain maximum room for maneuver and will not lightly allow the Security Council to play an overt role in discussing the dangers of great power clashes.

But what about the remaining twelve members of the Council? Surely, there must be a role for them in spearheading reflection and diplomacy on channels of communication and measures of preventive diplomacy that might possibly help to head off Armageddon. History will not judge them lightly if they just sit idly by and side-step their responsibility.

And then, what about the role of the *Secretary-General*. Already, his task is quite complicated in trying to establish a *modus vivendi* among these assertive great powers. And it is no light matter to suggest that he can play role in influencing the

conduct of the major powers. But then, that's what leadership is all about. All around him, people of goodwill are sounding the alert about the risks of conflict among the major powers and he must rise to this challenge.

It is probably not a realistic option for him to invoke Article 99 of the Charter to alert the Council about the danger at hand. The major powers will stymie this. Inviting the Security Council to reflect on this will probably not travel far for the same reason. But the *Secretary-General* can use the bully pulpit to raise global awareness about the danger of looming conflict. And he can empanel an Advisory Commission on World Peace that would deliberate on the dangers at hand and help think for the international community on what could be done to avert the risk of war among the great powers.

What is needed is a panel of the wise, outside of the Security Council, that can engage in the kind of reflection that would not be possible inside the Council for political reasons. Surely, there is much wisdom around that one can draw upon in helping the international community navigate the dangerous waters ahead.

World War I was not averted. World War II was not either, although there are those such as historian Richard Overly who suggest that it might have been. Will the world sit placidly as it sees before it the dangers of conflict among nuclear-armed super-powers? Will the *Secretary-General*?

4.4 Preventing Conflict Between Russia and the U.S.

For different reasons, relations between Russia and the countries of the NATO alliance are seriously frayed at the time of writing and there are those who fear that Russia and the U.S. could fall into conflict through miscalculation or accident. Writing in the New York Times International Edition on 5 February, 2010 on a new age of nuclear instability, Rachel Bronson cautioned about the lack of any lines of communication between the two nuclear-armed powers at the present time. She wrote:

This is a perilous time in which agreements that have restrained the most dangerous weapons on the planet are dissipating and threatening new technologies. . .are advancing quickly. The likelihood of a nuclear accident or blunder seems to be growing by the day.

...

To make matters worse, there are few channels of communication between adversaries, particularly the United States and Russia, which maintain more than 90 percent of the world's nuclear weapons. There is also a revived belief that nuclear weapons could be used. Russia's military doctrine is increasingly reliant on them.⁴⁴

There are different potential flashpoints. First, Russia is resentful of NATO's eastern expansion along its borders. Second, Russia objects to the emplacement of

⁴⁴Bronson (2019), pp. 1, 11.

NATO weapons along its borders. Third, Russia objected at the time to the European Union's efforts to recruit Ukraine into its ranks, a country historically associated with the Russian heartland. Fourth, arms-control agreements such as the INF are being torn down by both Russia and the U.S. Fifth, Russia has historically complained about a lack of respect towards it on the part of the U.S. and is determined to uphold its dignity and what it considers its legitimate place in the world as a global power.

During the Cold War, the then CSCE, now the Organization for Security and Cooperation in Europe (OSCE), played an invaluable role in offering a platform to the Eastern and Western alliances to negotiate and to work out a set of principles for the management of their interactions. Nowadays, according to the OSCE *Secretary-General*, confidence-building measures between the two sides are seriously lacking and the question presents itself for reflection, how might confidence-building between the two sides be re-suscitated?

It bears recalling that the Helsinki Final Act of 1975, had provided the following principles for the conduct of relations between the NATO and Warsaw Pact countries: I. Sovereign equality, respect for the rights inherent in sovereignty. II. Refraining from the threat or use of force. III. Inviolability of frontiers. IV. Territorial integrity of states. V. Peaceful settlement of disputes. VI. Non-intervention in internal affairs. VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief. VIII. Equal right and self-determination of peoples. IX, Cooperation among States. X. Fulfilment in good faith of obligations under international law.

For our purposes, the second and fifth principles are of particular relevance. Principle II, Refraining from the threat or use of force includes refraining from any acts constituting a threat of force or direct or indirect use of force; refraining from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights; refraining from any act of reprisal by force; refraining from the threat or use of force as a means of settling disputes or questions likely to give rise to disputes.

Principle V, peaceful settlement of disputes called for the settlement of disputes on the basis of international law by peaceful means such as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of the participating States' choice, including any settlement procedure agreed to in advance of disputes to which they are parties; refraining from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.

Preventive diplomacy was a hallowed feature of the conduct of relations between NATO and Warsaw Pact countries during the cold war. The 'Ostpolitik' of former German Chancellor Willy Brandt was a famous example of this. Unfortunately, there is no contemporary equivalent of Brandt's Ostpolitik.

Perhaps the most spectacular exercise of preventive diplomacy in history took place in 1962 as the U.S. and the U.S.S.R. faced down the nuclear barrel. The Cuban Missile Crisis was, in the assessment of historian Arthur Schlesinger, the most

dangerous moment in human history, when the world came closest to blowing itself up during thirteen days from 16 to 28 October, 1962.⁴⁵ In the discussions in the Security Council it was also felt that they were dealing with unprecedented dangers, a first in the history of the United Nations.⁴⁶

President Kennedy was particularly concerned about the danger of a miscalculation or a mistake in judgment by either side. Even after he had ordered a naval quarantine of Cuba, he sought to avoid physical contact between American and Soviet vessels if he could so as to keep open the possibility of a negotiated solution.⁴⁷ When, at one stage there was a danger of a clash with a Russian submarine, he asked, "Isn't there some way we can avoid having our first exchange with a Russian submarine – almost anything but that?"⁴⁸

At a particularly dangerous moment, he turned to UN *Secretary-General* U Thant to buy twenty four to forty eight hours of accident-free negotiating time. U Thant cooperated and, as the crisis receded, President Kennedy wrote in his letter of 28 October to Premier Khrushchev, "The distinguished efforts of Acting *Secretary-General* U Thant have greatly facilitated both our tasks."⁴⁹

The Security Council was convened, at the request of Cuba and the U.S. in the evening of 23 October 1962. U Thant received representations from several Member States on the morning of 24 October. He wrote his first letter to the two sides, on his own initiative, that very day. Prior to the entry into force of the quarantine, and following up on an American idea put to him discreetly behind the scenes, he wrote to the two sides again on 25 October seeking to obtain that vessels of the U.S.S.R. would not enter the quarantine area. U.S. and U.S.S.R. naval vessels had been in close proximity, with a U.S.S.R. submarine captain authorized, as was subsequently revealed, to use nuclear weapons in defence of Soviet ships or in self-defence.

After U.S.S.R. acceptance, on 26 October, of U Thant's second appeal, efforts behind the scenes to find a way out of the crisis took place in Washington. Attorney-General Robert Kennedy had meetings with U.S.S.R. Ambassador Dobrynin in Washington and a U.S.S.R. intelligence agent passed messages to him the White House a Washington correspondent.

Premier Khrushchev wrote a hard-line letter to President Kennedy on 26 October. An American plane was shot down over Cuba on 27 October. Premier Khrushchev wrote President Kennedy a more conciliatory letter on 27 October which was followed by another hard line letter. It was believed that Khrushchev's conciliatory letter was written by himself and that the more formal harsher letter was written by the collective leadership in the U.S.S.R. The contents of Khrushchev's conciliatory letter were broadcast over Radio Moscow on 28 October. In a highly dangerous

⁴⁵See Ramcharan (2008).

⁴⁶*Ibid.*

⁴⁷*Ibid.*

⁴⁸*Ibid.*

⁴⁹*Ibid.*

situation President Kennedy wrote to Premier Khrushchev accepting the terms of his conciliatory letter as broadcast over Radio Moscow. This effectively defused the crisis.

Premier Fidel Castro of Cuba had to be brought on board to implement the agreement to dismantle the nuclear installations and weapons and return them to the U.S.S.R. *Secretary-General* U Thant visited Cuba from 30 October to 31 October on implementation issues. U.S. and U.S.S.R. representatives met in New York during the Fall to discuss implementation issues and on 7 January, 1963, wrote to U Thant to say that all matters had been resolved and that the item should be removed from the agenda of the Security Council. The letter stated:

On behalf of the Governments of the United States of America and the Soviet Union, we desire to express to you our appreciation for your efforts in assisting our Governments to avert the serious threat to peace which recently arose in the Caribbean area.⁵⁰

U Thant, in his address to the Security Council had warned that the very fate of mankind was at stake. He called for urgent negotiations between the parties directly involved and he informed the Security Council that at the request of a large number of Member States he had sent identical messages to President Kennedy and Chairman Khrushchev addressing an urgent appeal to both sides for a moratorium of 2–3 weeks. On the part of the U.S.S.R. it would entail the voluntary suspension of all arms shipments to Cuba. On the part of the U.S. it would entail the voluntary suspension of the quarantine, especially the searching of ships bound for Cuba. He also offered to make himself available to all the parties concerned for whatever services he might be able to perform. U Thant had also appealed to the President and the Prime Minister of Cuba to suspend the construction and development of major military facilities and installations in Cuba during the period of negotiation.⁵¹

At the UN Archives in New York, in a file containing U Thant's papers on the Cuban Missile Crisis, there is a 'non-paper' with the hand-inscribed note: "handed to A/SG by Stevenson, 25 October '62 – 10.30 am" that reads as follows:

An expression of concern that Soviet ships might be under instructions to challenge the quarantine and consequently create a confrontation at sea between Soviet ships and Western Hemisphere ships which could lead to an escalation of violence.

An expression of concern that such a confrontation would destroy the possibility of the talks such as you have suggested as a prelude to a political settlement.

An expression of hope that Soviet ships will be held out of the interception area for a limited time in order to permit discussions of the modalities of an agreement.

An expression of your confidence, on the basis of Soviet ships not proceeding to Cuba, that the United States will avoid a direct confrontation with them during the same period in order to minimize chances of an untoward incident.⁵²

⁵⁰Ibid.

⁵¹Ibid.

⁵²Ibid.

U Thant transmitted his appeal to the two sides and continued to play an indispensable tranquilizing role. U Thant travelled to Cuba from 30 to 31 October, 1962 for conversations with Cuban leaders. By this time the nuclear face-off had passed and U Thant was concerned about implementation issues, including the issue of verification of the dismantling of the missile sites and the return of the missiles to the U.S.S.R.

In his 2019 State of the Union address on 20 February, 2019, President Vladimir Putin warned that Russia would aim new weapons at the U.S. if it stations missiles in Europe after quitting the INF treaty amid signs of a new arms race. Putin said that Russia would be forced to produce and deploy weapons that can be used not only against the territories from which Russia faces a direct threat but also those where the decision is made to use these missiles, namely the U.S., Putin warned that any new weapons Russia would deploy in response to Western deployments would match the short flight times—in some cases only 10–12 min, similar to U.S. missiles stationed in Europe.

4.5 Conclusion

It is not far-fetched that the U.S. and China, or the U.S. and Russia could slide into war, through miscalculation, or by accident. Seasoned and wise observers have cautioned about this. At the end of the day, powerful as all three are, the responsibility is upon them to walk the route of preventive diplomacy. But all three have national imperatives and big egos in their leadership that does not lead one to fear that they might not be wise in their rivalries.

It is not clear that external actors such as the UN *Secretary-General* can exercise much influence on these leaders. What is needed more, are processes that might possibly conduce them to restraint. During the Cold War, the Helsinki process helped stabilize relations between the U.S. and the then U.S.S.R. Such a process is lacking at the present time, and Russia has been expelled from the G.7 because of its actions in Crimea and Eastern Ukraine. President Trump has called for the re-admittance of Russia to the G.7 and there may be wisdom in this.

When it comes to China and the Asian region, there has not been, historically, a counterpart to the Helsinki process. As will be seen in the box below, some are sceptical about a Helsinki-type process for Asia. We maintain the view, however, that a dialogue process based on agreed principles could be valuable for the region. The ASEAN Regional Forum has sought to promote dialogue but China is too powerful for the ASEAN states, which treat it with caution. The idea of drafting a China-ASEAN code of conduct has stalled for many years now, largely because China has controlled the pace of discussions. It may be far-fetched to think of a process for Asia similar to the Helsinki process. But, faced with the risks at hand, it is worth considering. The UN *Secretary-General* can play a role here.

A Helsinki Process for Asia-Pacific?

The pursuit of a Helsinki Process was mooted above. While assessing the achievements of that process in the Cold War context, Catherine Dalpino of Georgetown University School of Foreign Service noted at the time such proposals were being debated:

In reality, the Helsinki process would be difficult to replicate outside Europe. A wide-ranging multilateral framework requires a level of prior integration. NATO, the Warsaw Pact, the EEC, and COMECON were building blocks for the Helsinki accords.

It was that range that led the Eastern bloc into a blunder of historic proportions in signing the accords. In exchange for cooperation on security and trade, the Soviets reluctantly accepted review of their human rights practices. So great was the miscalculation that it was Moscow, not Washington, that pushed for a Helsinki process.

China has taken pains to learn from the Soviet Union's mistakes, which ultimately led to its demise. And Asian governments are unlikely to adopt a regional initiative whose transparent purpose is to censure an individual nation. The US has failed repeatedly to rally Asian governments behind a resolution criticizing China at the UN Human Rights Commission. Proposing a Helsinki network would be twice as difficult, and twice as doomed.

NOR does Asia have the institutional scaffolding for a Helsinki process. Regional cooperation is emerging, but at a cautious, incremental pace. The ASEAN Regional Forum and the Asian Pacific Economic Cooperation organization are closer to dialogues than formal frameworks. Asian governments oppose expanding the reach of either organization, blocking linkage to human rights.

But the greatest flaw in the Helsinki proposal is that it overlooks existing human rights initiatives in Asia. Asian nongovernmental organizations are quietly moving forward with "track two" dialogues and institutions that focus on human rights. These have the potential to expand across the region as political traffic permits.

More recently, Ambassador Dave Killion, Chief of Staff, U.S. Helsinki Commission, in discussing the North Korean peninsula situation, argued for the Helsinki Process. He noted:

The Helsinki Final Act was a document deeply rooted in its own time and space, and the world in 1975 looked radically different than our globalized one does today.

But the Helsinki process created an opportunity to change things; it committed historical adversaries to engage; it established norms based on consensus; and it gave countless people hope for the future. Over its 42-year history, the Helsinki process has evolved, addressed new challenges, established new norms, and welcomed new members. As a result, the Helsinki process has made a tangible difference in the maintenance of peace and collective security from Vancouver to Vladivostok.

In addressing the North Korean crisis he argued for the merits of the Helsinki Process:

(continued)

This approach could begin with a modest agenda agreed to by consensus. Consensus decision-making is an important piece of the puzzle because it helps to build trust. If actors do not trust one another's intentions, as would clearly be the case for any Helsinki-inspired Northeast Asian security process, then consensus decision-making is the only way to go. You cannot get anything accomplished other than by consensus.

Another important takeaway from the Helsinki process is that any such process in any region of the world be based on universal principles. In the Helsinki case, this expressed itself most clearly in what we call the "Helsinki Decalogue," which includes:

- Sovereign equality, respect for the rights inherent in sovereignty
- Refraining from the threat or use of force
- Inviolability of frontiers
- Territorial integrity of States
- Peaceful settlement of disputes
- Non-intervention in internal affairs
- Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief
- Equal rights and self-determination of peoples
- Co-operation among States
- Fulfillment in good faith of obligations under international law

Finally, the more diverse the membership, the more buy-in can be expected. One of the unique things about the Helsinki process was its wide membership, which, at its founding at the height of the Cold War, included not only the United States and the Soviet Union, but thirty-three other European states in addition to Mediterranean observer countries. Wide membership enables any process to avoid the impression of favoring larger states over smaller ones.

[Indeed] nations do not have to remain passive spectators as global trends erode two decades worth of peace and prosperity; rather they should be proactive and look to ensure their collective peace and prosperity. Particularly given the long history of sophistication and interaction between the nations of this region, there is no reason why a Helsinki-inspired process could not take form here.

Catherine Dalpino (1997) "The 'Helsinki' Model Won't Work in Asia" *Christian Science Monitor*, 3 December
&

David Killion (2017), "The Helsinki Process as a Model for East Asian Collective Security and Crisis Resolution," Commission on Security and Cooperation in Europe, 16 November <https://www.csce.gov/about-commission-security-and-cooperation-europe>

References

ASEAN (2003) Chairman's Statement, 9th Meeting of the ASEAN Regional Forum. <http://www.aseansec.org/12003.htm>

- ASEAN Regional Forum (2001) "Enhanced Role of the ARF Chair," reproduced in Institute of Defence and Strategic Studies, A New Agenda for the ASEAN Regional Forum, pp 94–97
- Association of Southeast Asian Nations (2002) Declaration on the conduct of parties in the South China Sea. Available at https://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2
- Bronson R (2019) A new age of nuclear instability. *New York Times International Edition* (5 February 2019)
- Buss CA (1974) *China. The People's Republic of China and Richard Nixon*. W.H. Freeman and Co., San Francisco, p 64
- Chen J (2001) *Mao's China and the Cold War*. The University of North Carolina Press, Chapel Hill
- Clinton HR (2014) *Hard choices*. Simon and Schuster, New York
- Clinton WJ (2004) *My life*. Hutchinson, London
- Dalpino C (1997) The 'Helsinki' Model Won't Work in Asia *Christian Science Monitor* (3 December)
- Dyer G, Clover C (2014) U.S.-China relations. *Head to Head*. *Financial Times* July, p. 9 (12/July 13)
- Gaddis JL (2005) *The Cold War: the ideals. The spies. The truth*. Penguin Books, London
- Hille K (2013) Beijing and Washington all at sea on naval power. *Financial Times*, p 5 (3 June)
- Killion D (2017) The Helsinki process as a model for East Asian collective security and crisis resolution. Commission on Security and Cooperation in Europe, 16 November, <https://www.csce.gov/about-commission-security-and-cooperation-europe>
- Kissinger H (1969) Domestic power and foreign policy. In: *American foreign policy*. WW Norton, New York, pp 11–52
- Kissinger H (1994) *Diplomacy*. Simon and Schuster, London
- Kissinger H (2003) *Ending the Vietnam War*. Simon and Schuster, New York
- Mearnsheimer J (2018) *Great delusions: Liberal dreams and international realities*. Yale University Press, New Haven, p 253
- Miller MC (2003) *Wronged by Empire: post-imperial ideology and foreign policy in India and China*. Stanford University Press, Stanford
- Myers L, Schmitt E (2013) Obama urged to prod China over rights. *International Herald Tribune*, p 4 (9 June)
- Nixon R (1999) *Victory without fear*. Simon and Shuster, New York
- Nixon RN (1978) *The Memoirs of Richard Nixon*. Grosset & Dunlap, New York, p 577
- Rachman G (2013) Obama and Xi must halt the rise of a risky rivalry. *Financial Times*, p 9 (4 June)
- Rachman G (2016) *Easternization. War and peace in the Asian Century*. The Bodley Head, London
- Ramcharan BG (2008) *Preventive diplomacy at the UN*. Indiana University Press, Bloomington, p 2008
- Ramcharan R (2005) ASEAN regional forum. In: Ramcharan BG (ed) *Conflict prevention in practice*. Brill, Leiden
- Reeves R (1993) *President Kennedy. Profile of Power*. Simon and Schuster, New York, pp 592–593
- Tepperman J (2013) Asian tensions and the problem of history. *International Herald Tribune*, p 6 (25–26 May)
- Thayer C (2018) A Closer Look at the ASEAN-China Single Draft South China Sea Code of Conduct. *The Diplomat*, 3pp (03 August 2018)
- Xi J (2017) *The Governance of China, vol II*. Foreign Languages Press, Beijing
- Yafeng X (2006) *Negotiating with the Enemy. U.S.-China talks during the Cold War (1949–1972)*. Indiana University Press, Bloomington

Chapter 5

Inter-State and Intra-State Conflicts



5.1 Introduction

This chapter discusses the aspirations for preventive diplomacy of the United Nations, regional and sub-regional organizations, and some independent institutions. It will be shown that there is significant preventive diplomacy by the UN *Secretary-General*, the UN *Department of Political Affairs*, the *Security Council*, inside the three regional conflict prevention centres of the UN, and within regional and sub-regional organizations such as the *African Union*, ASEAN, ECOWAS and IGAD. Often, while one does not see these activities in the public domain, they contribute tangibly to defusing crises and preventing from breaking out into violence. The *African Union* Panel of the Wise is one such example.

5.2 The United Nations and Sub-regional Offices for Preventive Diplomacy

The United Nations is pursuing parallel tracks when it comes to strategies of prevention and preventive diplomacy: an economic/social track and a political track. We discuss these two tracks below and review the sub-regional offices.

5.2.1 *The Economic and Social Track*

The economic and social track is represented by Sustainable Development Goal 16, the Joint UNDP-DPPA Programme on Building National Capacities for Conflict Prevention, UNDP's activities for crisis prevention and recovery, and the World

Bank/UN *Report on Inclusive Approaches to Preventing Violent Conflicts*. We discussed all four of these activities in chapter one above.

To summarise, SDG 16 aims to promote peace, justice, inclusiveness and strong institutions. The Joint UNDP-DPPA Programme on Building National Capacities for Conflict Prevention has provided support to more than 60 countries, including through the deployment of Peace and Development Advisors. UNDP activities for crisis prevention and recovery contributes to efforts for the prevention of conflicts and natural disasters, and to recovery from the consequences of both. UNDP has a Global Risk Identification Programme (GRIP) designed to support worldwide activities to identify and monitor disaster risks.

The World Bank/UN Report, *Pathways to Peace* has sought to improve the way in which domestic development processes interact with security, diplomatic, justice and human rights efforts to prevent conflict from becoming violent. The study submitted that the Sustainable Development Goals (SDGs) should be at the core of a new. Development actors needed to provide more support to national and regional prevention agendas through targeted, flexible, and sustained engagement. Prevention agendas, in turn, should be integrated into development policies and efforts, because prevention is cost-effective, saves lives, and safeguards development gains.

5.2.2 *The Political Track*

In a December 2017 report to the UN General Assembly, *Secretary-General* Antonio Guterres set out his wish to prioritise prevention and sustain peace, enhance the effectiveness and coherence of peacekeeping operations and special political missions, make the peace and security pillar more coherent, nimble and effective. In January, 2018, he published another report, “Peacebuilding and sustaining peace” in which he underlined that efforts to sustain peace were necessary not only once conflict had broken out but also long beforehand, through the prevention of conflict and addressing root causes. The *Secretary-General* has emphasized the importance of conflict prevention on several subsequent occasions.

In his 2018 Annual Report, Guterres recalled that he had “articulated the idea of a prevention platform with the aim not of creating new structures or processes, but rather as an informal organizational tool designed to enable us to make maximum use of existing resources and capacities in support of a broader prevention agenda that is commensurate with the risks and challenges our Member States are facing.”

Preventive diplomacy was front and centre in the *Security Council* debate of 9 November on “Strengthening Multilateralism and the Role of the United Nations”. *Secretary-General* Guterres encouraged the *Security Council* to “embrace the prevention and peace building agendas, and make greater use of mediation and the other tools set out in Chapter VI of the Charter of the Charter for the resolution of dispute through peaceful means.” The *Secretary-General* was in exhortatory mode.

Many speakers in the *Security Council* debate highlighted the issue of prevention, calling on the *Secretary-General* to make use of his authority under Article 99 of the

Charter to draw situations of concern to the attention of the *Security Council*, and urging the *Security Council* to draw upon its competence under Chapter VI of the Charter to investigate and act earlier in situations of concern. They also attached importance to cooperation with regional and sub-regional organizations. The interdependence of peace, development and human rights was mentioned by a number of representatives.

One is naturally led from the foregoing to ask what, concretely, might be envisaged to enhance UN preventive diplomacy in the future. To answer this question, we must note what preventive strategies are in use at the present time. First, the *Secretary-General* may intercede discreetly behind the scenes when he considers it advisable to help defuse situations. Second, the *Secretary-General* could invoke Article 99 the Charter but has not yet done so during his 2 years (his predecessors did not do this often). Third, the *Secretary-General* could raise his concerns about a situation during his monthly luncheon with members of the *Security Council*. Fourth, the Secretariat could draw the attention of the *Security Council* to situations of concern in informal consultations. Fifth, there has existed for some time, a Mediation Unit in the Secretariat whose task is to promote and service the role of mediators to help prevent or defuse crises.

Sixth, there exist at the present time three sub-regional field offices promoting preventive actions and covering West Africa, Central Africa, and Central Asia. The contributions of these offices have been highly valued, centring on discreet facilitatory actions on the ground. Ideas have been around for a while to have additional regional offices focusing on prevention and covering, for example, North Africa, the SADC and IGAD sub-regions, East Asia, and West Asia. It would make good sense to establish such additional centres focusing on prevention. Seventh, while Chapter VI of the Charter is always present, there has been little inclination on the part of Members of the *Security Council* to draw on it.

Eighth, there is a measure of cooperation between the United Nations and regional organizations such as the *African Union*, ECOWAS and OSCE to help head off crises.

Ninth, the thematic and country rapporteurs/representatives of the *Human Rights Council* do raise the alert about the risks of human rights being violated. Tenth, the Human Rights Council convenes special sessions on occasions to deal with urgent situations.

Despite all of the above, numerous crises, conflicts, gross violations of human rights, and humanitarian disasters occur around the world and it is therefore fair to ask whether the debate in the *Security Council* contributed much, tangibly, to the enhancement of future UN preventive diplomacy. The sad answer to this question may be "Unfortunately, no."

How, then, can UN preventive diplomacy be enhanced in the future—while we await the *Secretary-General*'s 'platform'. The practical answer might be to establish more sub-regional centres focusing on prevention. Working on the ground, in confidence-building mode, they can do much to promote confidence-building, assist parties to defuse situations, and to encourage fair-minded practical solutions.

This, to be sure, will require resources. But it is in the interests of the countries concerned and their well-wishers, to make voluntary contributions until such time as regular budget funding can be agreed upon. This could be the direction of travel of the UN peace agenda. The *Secretary-General* is ideally placed to lead this practical surge in UN preventive diplomacy.

5.2.3 *UN Sub-Regional Offices for Preventive Diplomacy*

The UN has regional offices dedicated to preventive diplomacy in three sub-regions, one in Central Asia, one for Central Africa and one for West Africa and the Sahel. Historically, a UN office for West Africa was the first of the three, but it was merged in 2016 into the current office for West Africa and the Sahel.

We shall take a thematic approach to discussing the three sub-regional offices and their approaches to preventive diplomacy. First, we shall present their core mandates, then we shall look at their activities under three headings: fragile states, states in conflict, and post-conflict states. First the mandates.

5.2.4 *UNOWAS*

The UN *Office for West Africa and the Sahel* (UNOWAS) mandate, as agreed to by the *Security Council* on 29 December, 2016, covers four objectives: (i) to monitor political developments in West Africa and the Sahel and carry out good offices and special assignments on behalf of the *Secretary-General* to assist in peacebuilding, sustaining peace efforts and enhancing sub-regional capacities for conflict prevention and mediation in countries of West Africa and the Sahel. (ii) to enhance sub-regional capacities to address cross-border and cross-cutting threats to peace and security in West Africa and the Sahel, in particular election-related instability and challenges related to security sector reform, transnational organized crime, illicit trafficking, terrorism and violent extremism as and when conducive to terrorism; (iii) to support the implementation of the United Nations integrated strategy for the Sahel and the coordination of international and regional engagements in the Sahel; (iv) to promote good governance and respect for the rule of law, human rights and the mainstreaming of gender into conflict prevention and management initiatives in West Africa and the Sahel.

5.2.5 *UNOCA*

The UN *Office for Central Africa* (UNOCA) was established in 2011 and covers the eleven Member States of the *Economic Community of Central African States*

(ECCAS): Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe. UNOCA was established essentially to contribute to capacity-building in the areas of conflict prevention and peace building in the Central African region. Central Africa has also been grappling with cross-border challenges relating particularly to arms trafficking; piracy and maritime security in the Gulf of Guinea; organized transnational crime; elephants' poaching and illicit traffic of ivory; the proliferation of armed groups, including the Lord's Resistance Army (LRA) and Boko Haram. The latter movement, which is based in Nigeria, is considered a serious threat to some countries of the Central African sub-region, especially Cameroon and Chad.

5.2.6 UNRCCA

The *UN Regional Office for Preventive Diplomacy for Central Asia* (UNRCCA) was established in 2007. On 16 May, that year, UN *Secretary-General* Ban Ki moon informed the *Security Council* that the five Governments of Central Asia had reached a consensus on the establishment of the centre in Ashgabat. In initiating this proposal, the Governments of the region had taken into consideration the multiple threats that faced Central Asia, including international terrorism and extremism, drug trafficking, organized crime and environmental degradation.

Secretary-General Ban explained that the centre would: liaise with Governments of the region and, with their concurrence, with other parties concerned on issues relevant to preventive diplomacy; monitor and analyse the situation on the ground and provide the *Secretary-General* of the UN with up-to-date information related to conflict prevention efforts; maintain contact with the *Organization for Security and Cooperation in Europe*, the *Commonwealth of Independent States*, the Shanghai Cooperation Organization and other regional organizations, encourage their peace-making efforts and initiatives, and facilitate coordination and information exchange with due regard for their specific mandates; provide a political framework and leadership for the preventive activities of the United Nations country teams in the region, and support the efforts of the Resident Coordinators and those of the United Nations system, including the Bretton Woods institutions, in promoting an integrated approach to preventive development and humanitarian assistance; and maintain close contact with the United Nations Assistance Mission in Afghanistan to ensure a comprehensive and integrated analysis of the situation in the region.

UNRCCA sees its mandate as being to assist the five countries of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan in building their conflict prevention capacities through enhanced dialogue, confidence-building measures and genuine partnership so as to respond to existing threats and emerging challenges in the region. The Centre's programme of action for 2018–2020, adopted in consultation with the five countries of the region, includes five priority areas: (i) promoting prevention among the Governments of Central Asia; (ii) monitoring

and early warning; (iii) building partnerships for prevention; (iv) strengthening the UN's preventive activities in the region; and (v) encouraging cooperation and interaction between Central Asia and Afghanistan.

The Special Representative of the Secretary General (SRSG) in charge of UNRCCA briefs the UN *Security Council*, at its request, on the activities of UNRCCA. After such a briefing on 22 January, 2018, the *Security Council* reaffirmed the importance of preventive diplomacy in supporting United Nations efforts to assist in the peaceful settlement of disputes and acknowledged in this context the role of the Regional Centre in assisting the Central Asian States to respond to transnational threats of peace and to support sustainable development in the region. The members of the Council welcomed the Centre's engagement on border management issues and its preparedness to assist the Central Asian States to reduce the potential for violence in border areas.

The members of the Council commended the ongoing efforts of UNRCCA to assist the Central Asian states in transboundary water management. The members of the Council encouraged UNRCCA to continue to liaise with the Governments of the region and with other parties concerned on issues relevant to preventive diplomacy.

Addressing a conference in Ashgabat on 8 December, 2018, the SRSG in charge of UNRCCA stated:

One of the most important things that we do, I believe, is working to build trust among the leaders and peoples of the five countries of the region. This we achieve by creating opportunities for cooperation and people-to-people contacts, not only among high-ranking leaders but also civil servants, civil society, women, youth and others.¹

From the above enumeration of the mandates of the three sub-regional offices, it could be seen that they cover some similar issues and some that are specific to their particular sub-regions. It will give an idea of their substantive activities to take them thematically under the headings of fragile states, states in conflict, and post-conflict states. The presentation that follows is necessarily selective.

First, fragile states. On 28 December, 2018, *Secretary-General* Antonio Guterres submitted to the *Security Council* a report on the activities of UNOWAS in 2018. He reported that the political situation in West Africa and the Sahel had remained stable despite significant security challenges, in particular in Burkina Faso, the Niger and Nigeria, with an increase in the cross-border activities of terrorist groups and a retreat of State authorities from peripheral zones where populations continued to live precariously.

On security trends, the report stated that they had remained volatile in Burkina Faso, Mali, the Niger and Nigeria, with repeated attacks against civilians and the military by armed non-State actors, including terrorist groups, criminal networks and community-based militia. Burkina Faso had faced increased attacks by extremist groups in the east and south of the country, heightening security risks for neighbouring countries including Benin, the Niger, and potentially, Togo. There had also been an upswing in intercommunal violence, in particular in the Niger along

¹UNRCCA (2018), p. 2.

its western border with Mali. Despite increased military operations, attacks by herdsmen and bandits had continued to exacerbate insecurity in Nigeria against the backdrop of several large-scale attacks launched by Boko Haram on Nigerian military positions. Terrorist groups operating in the Sahel had appeared to be enhancing coordination, with patterns of attacks indicating a division of labour and close cooperation among groups.

On socio-economic trends, the report stated that the region's economic growth was projected to reach 2.9% in 2019. The humanitarian situation in West Africa remained worrying, mainly owing to food insecurity and forced displacements, and was aggravated by cyclical epidemics and vulnerability to external shocks. Around 24 million the region required humanitarian assistance.

The overall human rights situation in West Africa and the Sahel remained concerning. Terrorist groups continued to violate international humanitarian and human rights law, with a negative impact on the safety and security of communities. The increasing scope and intensity of clashes between farmers and herders, as well as intercommunal violence, banditry and cattle rustling, undermined the rights to life, physical integrity and property of indigenous communities, as well as the right to judicial remedy, as perpetrators continued to act with impunity.

Next, we discuss states in conflict. While Afghanistan is not formally a member, since it is a neighbouring state to its members, UNRCCA does seek to contribute to preventive diplomacy in respect of that country. UNRCCA's Programme of Action for 2018–2020 explicitly includes "Encouraging cooperation and interaction between Central Asia and Afghanistan".

Building regional partnership in Afghanistan and Central Asia was the topic of a *Security Council* meeting on 19 January, 2018. Addressing the *Security Council* on that occasion, *Secretary-General* Guterres noted that Central Asian countries bordering Afghanistan were improving their cross-border infrastructure. Security challenges continued to define much of the discussion surrounding Afghanistan and Central Asia. The Afghan Government's fight against violent extremism, terrorism, and transnational organized crime had implications for the entire region and for the world. Responding to such threats could not be the responsibility of the Afghan Government alone. Effective counter-terrorism depended upon regional and multi-lateral cooperation based firmly on human rights.

The *Secretary-General* continued that with greater regional cooperation and investment, Central Asia and Afghanistan had the potential to become symbols of dialogue, peace and the promotion of contacts among cultures, religions and civilizations. The United Nations Regional Centre for Preventive Diplomacy for Central Asia and the United Nations Assistance Mission in Afghanistan were cooperating closely and continued to seek out new ways to deepen their support.²

In January, 2018, after considering the report of the *Secretary-General* on the activities of UNRCCA, the members of the *Security Council* agreed that developments in Afghanistan directly impacted the stability, security and economies of

²United Nations Security Council (2018), pp. 3–4.

Central Asia, where increased terrorist activity had been observed, and noted relevant concerns of the Central Asian States in this regard.

During the discussion in the *Security Council*, the representative of Kazakhstan commented that one of the threats facing the region was the intensification of the activities of terrorist groups, particularly the Islamic State in Iraq and the Sham (Da'esh) in the northern parts of Afghanistan and the potential return of foreign terrorist fighters to their countries of origin, including Central Asia. He was also concerned about the threat posed by narcotics production in Afghanistan and stressed the importance of close coordination between Afghanistan and Central Asian States.

The representative of Tajikistan also mentioned that the activation of radical terrorist groups such as the Islamic State in Iraq and the Levant, the Taliban, the Islamic Movement of Uzbekistan, the Ansarullah Movement and others in the northern districts of Afghanistan against the backdrop of the significant influx of narcotics, weapons and human resources was a matter of great concern.

The representative of Turkmenistan noted the role of preventive diplomacy in preventing conflicts, dealing with their root causes, promoting an atmosphere of trust among countries and creating conditions conducive to effective interaction among States in the political, diplomatic, economic, social, environmental and other spheres. In this regard, Turkmenistan attached particular importance to the activities of the UN Regional Centre for Preventive Diplomacy in Central Asia. Over the ten years of its existence, the Centre had provided the Governments of the countries of Central Asia with a platform for dialogue on the most important regional issues, including the management of shared resources, combating such transnational threats as terrorism, violent extremism, organized crime, drug trafficking and human trafficking and making joint efforts to help stabilize the situation in Afghanistan.³

We now turn to post-conflict States. The *Secretary-General's* 2018 report to the *Security Council* on the activities of UNOWAS provided information in detail on UNOWAS's activities in post-conflict States. He reported that his Special Representative for West Africa and the Sahel had continued to support efforts to sustain peace in the region, in collaboration with regional and international partners, by promoting and supporting inclusive national dialogues, human rights, constitutional and institutional reforms, as well as transparent, credible and peaceful elections.

The Special Representative had visited Liberia to take stock of the progress made since the closure of the United Nations mission in Liberia. He had encouraged national authorities and civil society to work together to strengthen governance, including the security sector.

The Special Representative had visited Conakry for discussions with representatives of the Government and the opposition. He had encouraged stakeholders to accelerate the implementation of political agreement and to seek consensual solutions to reform of the Electoral Commission.

³Ibid., pp. 30–31.

The Special Representative had continued consultations with key national stakeholders in Nigeria to promote an environment conducive to peaceful general elections in 2019. He had initiated and participated in a joint pre-electoral mission to Nigeria with ECOWAS and the *African Union*, during which he had consulted with the president, the Office of the Inspector-General, senior military officials, civil society organizations and other key actors and situations.

The Special Representative had visited Cotonou and had engaged with government stakeholders regarding preparations for the 2019 legislative elections and ongoing political reforms in Benin. The Special Representative had visited the Gambia and had focused on follow-up to the international conference on the national development plan, internal political dynamics, security sector reform, transitional justice, statelessness of refugee children and land governance.

The Special Representative had visited Burkina Faso, Cote d'Ivoire, and the Gambia, focusing on the importance of overcoming challenges to national reconciliation. In the Gambia, the Special Representative had participated in the launch of the Truth, Reconciliation and Reparation Commission. During the meetings with the President, the Special Representative had appealed for the Commission to adopt a victim-centred approach, with special attention to women, children and vulnerable groups, and to ensure the protection of victims and witnesses.

In Cote d'Ivoire, the Special Representative had encouraged the Government to develop a new request for eligibility for funds from the Peacebuilding Fund for 2020. The report to the *Security Council* stated that during meetings in Burkina Faso interlocutors had highlighted popular expectations and frustrations arising from economic decline, as well as the fragile security situation of the country. The President of the High Council for Reconciliation and National Unity had emphasized the need to re-establish confidence between the population and the authorities.

The foregoing snapshots of the activities of the three UN sub-regional offices show the multi-faceted nature of contemporary preventive diplomacy.

5.3 The *African Union* and Sub-regional African Organizations

Contemporary preventive diplomacy in Africa includes a broad range of visionary, structural, policy, promotional, advocacy, alert, institutional, and cooperative approaches aiming at halting current conflicts and laying the ground for long-term peace and prosperity on the continent. We summarise each of these aspects below.

The *African Union* vision for security and development in Africa is contained in its Agenda 2063, which contains seven African aspirations for a prosperous Africa, based on inclusive growth and sustainable development; an integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance; an Africa of good governance, democracy, respect for human rights, justice and the rule of law; a peaceful and secure Africa; an Africa with a strong

cultural identity, common heritage, values and ethics; An Africa whose development is people driven, relying on the potential offered by people, especially its women and youth and caring for children; and an Africa as a strong, resilient and influential global player and partner.

The structural dimension is to implement the UN Sustainable Development Goals in the continent and to deal with the root causes of conflicts. The illicit flow of foreign-produced arms into the continent is considered a key driver of conflict.

The *African Union* (AU), faced with repeated, persistent and complex conflicts on the continent, engages in crisis management while developing an elaborate, multi-pronged strategy for the long-term prevention of conflicts. It has elaborated a Master Roadmap of Practical Steps to Silence the Guns in Africa. It strives to control the proliferation of weapons of mass destruction (WMD). It works on controlling Small Arms and Light Weapons (SALW) as well as dealing with land mines. It promotes Security Sector Reform and has a programme on Disarmament, Demobilization and Reintegration. It has a Post-Conflict, Reconstruction Development Policy as well as a Common Defence Policy.⁴

Pursuant to the AU Master Road Map of Practical Action to Silence the Guns in Africa and its Silencing the Guns Continental Plan of Action, the AU has so far organized a workshop to develop and validate the West Africa chapter of the plan and the East Africa chapter of the plan.

The AU initiative on controlling Small Arms and Light Weapons (SALW) rests on recognition that small arms and light weapons (SALW) constitute a serious threat to safety, security and stability in Africa. In recent years, arms diversion and trafficking have aggravated violent conflicts in Africa, fueled terrorism and enabled a range of human rights and humanitarian violations. The flow of weapons into conflict zones can intensify violence, remove incentive for reconciliation, and undermine the AU's conflict management and resolution efforts. Outside the immediate context of armed conflict, illicit small arms have aggravated inter-communal conflict, competition over natural resources, and facilitated a spectrum of criminal activities in urban setting. The AU, in response, adopted in 2013 an Action Plan on the Control of Illicit Proliferation, Circulation and Trafficking of SALW. The AU also adopted in 2017 the AU Ammunition Safety Management Initiative to assist member states in preventing diversion of ammunition and accidental explosions that can have serious human and financial costs. Support to Member States is provided upon request and in close collaboration with implementing partners, including the UN and the Geneva Center for Humanitarian Demining (GICHD). AU Peace Support Operations (PSOs), by virtue of their mandates, have the responsibility for handling significant amounts of recovered weapons and ammunition.

⁴This account of the efforts of the AU is based on interviews conducted, and documents obtained, at the AU Headquarters in Addis Ababa in June 2019. The authors are grateful to all those who helped with this research. The Annual Newsletter 2018 of the AU Defense and Security Division was informative and some of the information used was taken from it.

The AU has conducted the first-ever continental mapping study on illicit arms flows. The study was presented to the Peace and *Security Council* in 2019.

Mines and explosive remnants of war (ERW) continue to pose the threat of death and injury long after conflict is over. Their presence obstructs emergency assistance, impedes the free movement of people and trade, and limits the amount of land that can be used for agriculture and development projects. The AU has organized meetings to discuss options for improving IED mitigation approaches, including standardization, interoperability, coordination platforms, political and material support needs.

The aim of the AU Security Sector Reform programme is to assist Member States to formulate and reorient the policies, structures and capacities of institutions and groups engaged in the security sector, in order to make them more effective, efficient and responsive to democratic control. It is guided by the AU Policy Framework on Security Sector Reform, adopted in January, 2013. Within this framework, the Defence and Security Division provides direct technical assistance to Member States and works with RECs to promote coherent and effective SSR approaches at the sub-regional level. Furthermore, DSD provides capacity building support through tailored training activities and the production of operational guidelines.

The AU programme on Disarmament, Demobilization and Reintegration (DDR) was established in 2012 to provide political, technical and operational support to Member States in implementing DDR; generate and manage knowledge on DDR, and provide a continental platform for African dialogue on DDR. The programme derives its strength from the key partnerships developed with a range of actors, including the World Bank, the United Nations, and sub-regional organizations. It promotes the concept of African ownership over DDR processes and considers national governments as holding primary responsibility for implementation of DDR programmes. The AU also has a Post-Conflict, Reconstruction and Development Policy.

The AU Common Defence Policy has identified WMD as a common threat facing all Member States and should be addressed in a collective manner. The African Nuclear-Weapons-Free Zone Treaty (Pelindaba Treaty) entered into force in 2009. An *African Commission on Nuclear Energy* (AFONE) works for the implementation of the treaty. The AU contributes to WMD disarmament and non-proliferation by supporting the ratification and implementation of the regional and global instruments, including through developing the required human and technical capacities of Member States while ensuring that they benefit fully from the peaceful application of related sciences and technologies for socio-economic development.

The *AU Secretariat* has initiated work on a model law on chemical, biological, radiological and nuclear security. It is intended to assist Member States with both common law and civil law systems in setting up legislation in full compliance with the regional and international instruments to strengthen national controls and prevent access and acquisition by criminals and terrorists. It will be tailored to the African context and will serve as a working tool to understand the full scope of obligations, and assess and address the gaps in domestic legislation.

The Charter of the *African Union* established a *Peace and Security Council* consisting of representatives of ten Member States. The *African Union* Commissioner for Peace and Security supervises a *Conflict Prevention and Early Warning Division*; a *Crisis Management and Post-Conflict Reconstruction Division*; a *Peace Support Operations Division*; a *Defense and Security Division*; an *African Centre for the Study and Research on Terrorism*; the *AU Mechanism for Police Cooperation*; and the African Commission on Nuclear Energy. The AU Commissioner for Peace and Security and the Secretariat of the *Peace and Security Council* also cooperates closely with Regional Economic Communities (RECs) and Regional Mechanisms for Conflict Prevention, Management and Resolution.

The authors of a book on the *African Union* discussed the intricate web of African institutions aimed at exercising preventive diplomacy and, in respect of the Continental Early Warning System (CEWS), came to the conclusion that “There is no evidence showing that the CEWS has effectively prevented any conflict, or contributed to a mediation and preventive diplomacy effort.”⁵ We think that this is an inaccurate assessment. One should look for the results achieved not in formal activities or pronouncements but in the discreet, behind-the-scenes activities such as those which led to the conclusion of a peace agreement in Sudan in July, 2019 after violence that threatened to spiral out of control.

5.3.1 IGAD’s CEWARN

The Conflict Early Warning and Response Mechanism (CEWARN), established by IGAD in 2002, carries out some of the most hands-on preventive diplomacy of all the international, regional and sub-regional organizations around. CEWARN’s mandate is to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region, undertake and share analyses of that information, develop case scenarios and formulate options for response, share and communicate information analyses and response options, carry out studies on specific types and areas of conflict in the IGAD region.

At the heart of the functioning of the CEWARN mechanism is data collection, analysis and the timely dissemination of information and knowledge to the right people and institutions. The network of actors steered by a secretariat based in Addis Ababa was from the beginning designed to join government and civil society. It also joins regional, national and local dimensions in data collection, analysis and decision making.⁶

Since its establishment, CEWARN has gained valuable experience and credibility with officials and peace workers in its areas of operation for supporting local

⁵Makinda et al. (2016), p. 110.

⁶See on this, Hailu (2012a), pp. 24–26.

institutions and expanding their capabilities for conflict prevention.⁷ CEWARN's operations have been credited with significant reduction of violent conflict particularly along Kenya-Uganda as well as Ethiopia-Kenya-Somalia borders. CEWARN has built a valuable body of data and knowledge on violent conflicts along IGAD Member State borders and it has built the ability to implement on the ground development projects that entrench peace by reducing the incentive for violent conflict.

Conflicts over the scarce resources of land, water and pasture are prevalent in the IGAD region, where pastoralism is predominant, and they often lead to deadly violence. CEWARN opted from the beginning for regional, cross, cross-border cooperation to tackle the root of the problem.

The following real-life example was recounted by Ms Tigist Hailu in an article in *Rural 21*: At 7.00 pm on a Sunday evening in 2012, the CEWARN Director received an SMS message from the co-ordinator of CEWARN's national early warning and response structure in Kenya. The co-ordinator relayed a report received from field reporters on the killing of 22 Kenyan pastoralists and the theft of their cattle that had allegedly been driven across the border into Ethiopia by armed attackers. The attackers were believed to be from a neighbouring community in Ethiopia.

As the evening wore on, details of the attack were updated through SMS, telephone calls and email amongst field reporters, national co-ordinators of Ethiopia and Kenya as well as the CEWARN Director. In less than 2 h, CEWARN had briefed senior officials in both capitals. "The conversations of updates, clarifications, questions and developments continues for the next four days until the perpetrators have been arrested, their weapons seized and the stolen livestock recovered."⁸

Thereafter, there was a handover ceremony, carried out with the help of local officials that blended the legal state approach with the local practices of reconciliation. At the end, the relationship between the countries was strengthened by their ability to agree on a version of what had happened in an area where communication was poor, while the violence was prevented from escalating to claim even more lives and property. As Tigist Hailu wrote, the anecdote was based on an actual event and gave a glimpse of CEWARN in action.

CEWARN expanded its focus in 2012 following the launch of the CEWARN Strategic Framework 2012–2019. The new strategy brought in a significant expansion of CEWARN's thematic focus, that is to say, on the types, causes and drivers of violent conflicts beyond pastoral conflicts. Before working out the new strategy CEWARN engaged in extensive local consultations with up to 5000 citizens and local level officials. This was followed by extensive consultations with national officials and NGOs in each Member State. The new strategy identified 60 high

⁷This account of the activities of CEWARN is based on interviews conducted and information obtained at IGAD's headquarters in Addis-Ababa in June, 2019. I am particularly grateful to Ms Tigist Hailu for her insights and assistance.

⁸See Tigist Hailu (2012b), pp. 18–21 at 18.

priority typologies themes, with detailed specification of potential problems in each of the IGAD Member States.

The new CEWARN strategy framework recognizes that the risks and structures of violent conflict in the IGAD region are increasingly complex and interwoven. It is mindful of rapid urbanization and the conflict implications of the networks and proximities of cities, Climate extremes and the growing nexus between resource competition and violent conflict need to be addressed. Governance structures on the national, regional and international level affect the pace of socio-political change and evolution, A large youth population is difficult to absorb in the formal sectors of governance and economic life and growing populations and economic development have increased the demands for natural resources and contributed to environmental degradation. The socio-cultural values that inform cooperation, competition and conflict are increasingly divorced from long-standing traditions and are driven by ideals, appetites and worldviews from distant lands. Historical inequality among regions or center-periphery conflicts in political and socio-economic terms. The rapid evolution of communications and weapons technology and its democratization. There will be emergent 'politico-cultural-social' worldviews that drive

The broad policy dimensions were stated in Agenda 2063 but there are some policies of more immediate application such as the African Peace Fund.

On the promotional side, the *African Union*, together with the United Nations, has been seeking to mobilise Africa's population, Governments and organizations about the importance of working for peace and the prevention of conflicts.

Advocacy efforts are targeted, among others, at fostering the role of women in peace and development.

The alert role is carried out by *African Union* leaders particularly the AU *Secretary-General*, special representatives and envoys.

Institutionally, the *African Union Peace and Security Council*, supported by regional and sub-regional organizations, endeavour to provide alerts about potential conflicts, to help to head them off and to mediate and conciliate them in cases of need. On the peacekeeping front, the *African Union* has been working on an African Stand-by Force. On the cooperation front, the *African Union* and the United Nations have an active plan of cooperation to help prevent conflicts on the continent.

The story of efforts for early warning and preventive diplomacy on the African continent is thus one of striving. There have been worthwhile initiatives and quite a few blueprints on paper that still have to get off the ground. Within the *African Union*, a Panel of the Wise (PoW) has gone on 'confidence-building missions' to some countries and has issued statements on crises in Guinea, Guinea-Bissau, Zimbabwe, Madagascar, Somalia and Sudan (Darfur). The PoW has also convened meetings on thematic issues such as 'Election Related Conflicts'.

The Economic Community of West African States (ECOWAS) has a Council of the Wise which has interceded in conflicts in Liberia, Sierra Leone, Niger, Guinea, Guinea-Bissau and Togo.⁹ CENSAD has a Permanent High Level Mediator for

⁹Makinda et al. (2016), pp. 108–112.

Peace and Security that has been deployed to mediate peace in Chad, Mali, Niger and the Central African Republic. COMESA plans to establish a Committee of Elders as part of its preventive diplomacy strategy. IGAD has been interested in establishing a Mediation Support Unit while the Economic Community of Central African States has its eyes on a Council of Eminent Persons as part of its Conflict Prevention, Management and Resolution Protocol.¹⁰

5.4 Organisations in Asia, North America and Europe

5.4.1 ASEAN

Consensual preventive diplomacy has been at the heart of ASEAN's mission since its establishment in 1967. This has entailed dialogue and consultations among the leaders of ASEAN countries as well as deliberations within the ASEAN Regional Forum (ARF), which brings in, in addition to ASEAN leaders, representatives of the major powers across the globe. ASEAN's preventive diplomacy has registered significant achievements in the past, for example, its efforts to contain and manage the conflict in Cambodia.

It has been noted about ASEAN's preventive diplomacy that: It relies on diplomatic and peaceful methods such as diplomacy, negotiation, enquiry, mediation and conciliation. It is non-coercive. Military action or the use of force is not part of preventive diplomacy. It should be timely. Action is to be preventive, rather than curative. PD methods are most efficiently deployed at an early stage of a dispute or crisis. It requires trust and confidence. PD can only be exercised successfully where there is a strong foundation of trust and confidence among the parties involved and when it is conducted on the basis of neutrality, justice and impartiality. It operates on the basis of consultation and consensus. Any PD effort can only be carried out through consensus after careful and extensive consultation among ARF members, with due consideration for the need of timeliness. It is voluntary. PD practices are to be employed only at the request of all the parties directly involved in the dispute and with their clear consent. It applies to conflict between and among States. It is conducted in accordance with universally recognized principles of international law and inter-state relations embodied, inter-alia, in the UN Charter, the Five Principles of Peaceful Co-Existence and of the TAC.¹¹

Within ASEAN itself, the ASEAN Charter provides significant opportunities for the exercise of preventive diplomacy. These include the role of Permanent Representatives of ASEAN members accredited to the organization; the role of the *ASEAN Secretary-General*; the role of strategic institutes within ASEAN countries; and the role of civil society within ASEAN.

¹⁰Ibid.

¹¹"Concept and Principles of Preventive Diplomacy," (2002), pp. 88–93.

The ASEAN Charter adopted in November 2007 further spelled out the ground rules for the conduct of ASEAN preventive diplomacy. Article 1 of the ASEAN Charter includes among the purposes of ASEAN: to maintain and enhanced peace, security and stability and further strengthen peace-oriented values in the region; to alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation, to strengthen democracy, enhanced good governance and the rule of law, and to promote and protect human rights and fundamental freedoms with due regard to the rights and responsibilities of the member-states of ASEAN; to respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, trans-national crimes and trans-boundary challenges; to promote sustainable development and to preserve the cultural heritage and the high quality of life of its peoples; to develop human resources through closer cooperation in education and life-long learning and in science and technology, for the empowerment of the peoples of ASEAN; to enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice; to strengthen cooperation in building a safe, secure and drug-free environment for the peoples of ASEAN and to promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in an benefit from the process of ASEAN integration and community building.¹²

The principles of ASEAN, include: respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member states; reliance on peaceful settlement of disputes; non-interference in the internal affairs of ASEAN member states; enhanced consultations on matters seriously affecting the common interest of ASEAN; adherence to the rule of law, good governance, the principles of democracy and constitutional government; respect for fundamental freedoms the promotion and protection of human rights, and the promotion of social justice; and upholding the UN Charter and “international law, including international humanitarian law, subscribed to by ASEAN member states.”¹³

The Charter provides for an ASEAN Coordinating Council comprising the ASEAN Foreign Ministers who shall meet at least twice a year.¹⁴ The Charter also provides for ASEAN Community Councils which comprise the ASEAN Political-Security Community Council, the ASEAN Economic Community Council and the ASEAN Socio-Cultural Community Council.¹⁵ The Charter further provides for ASEAN Sectoral Ministerial bodies.¹⁶

Each ASEAN member state is required to appoint a Permanent Representative with the rank of Ambassador based in Jakarta. The Permanent Representatives

¹²Article 1.

¹³Article 2.

¹⁴Article 8.

¹⁵Article 9.

¹⁶Article 10.

Collectively Constitute a Committee of PRs.¹⁷ Each ASEAN Member state is required to establish an ASEAN national secretariat which shall serve as the national focal point and contribute to ASEAN community building.¹⁸

Article 14 of the Charter, dealing with the establishment of an ASEAN human rights body, states the following:

1. In conformity with the Purposes and Principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.
2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers meeting.

The *ASEAN Intergovernmental Commission on Human Rights* (AICHR) was created in 2009 and an ASEAN Human Rights Declaration (AHRD) was adopted in 2012.

The Charter states that, as a basic principle, decision making in ASEAN shall be based on consultation and consensus. Where consensus cannot be achieved the ASEAN Summit may decide how a specific decision can be made. In the case of a serious breach of the ASEAN Charter, or non-compliance, the matter shall be referred to the ASEAN Summit for decision.¹⁹

The Charter requires that member states shall endeavour to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation.²⁰ Member states which are party to dispute may at any time agree to resort to good offices, conciliation or mediation in order to resolve the dispute within an agreed time limit. Parties to a dispute may request the Chairman of ASEAN or the SG of ASEAN acting in an *ex-officio* capacity to provide good offices, conciliation or mediation.²¹ Disputes relating to specific ASEAN instruments shall be settled through the mechanisms and procedures provided for in such instruments.²²

The *Secretary General* of ASEAN, assisted by the ASEAN secretariat or any other designated ASEAN body, is given a mandate to monitor the compliance with the findings recommendations or decisions resulting from an ASEAN dispute settlement mechanism, and submit a report to the ASEAN Summit. Any member state affected by non-compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism may refer the matter to the ASEAN Summit for a decision.²³ As a matter of principle, member states have the

¹⁷ Article 14.

¹⁸ Article 13.

¹⁹ Article 20.

²⁰ Article 22.

²¹ Article 23.

²² Article 24.

²³ Article 27.

right of recourse to the modes of peaceful settlement contained in Article 33 (1) of the Charter of the UN.²⁴

The Charter provides for the position of Chairman of ASEAN. The chairmanship rotates annually, based on the alphabetical order of English names of member states.²⁵ The Chairmanship of ASEAN shall, among other things, “ensure an effective and timely response to urgent issues or crises situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns.”²⁶

Moving beyond ASEAN to the wider Asia and the Pacific, it is a region of bustling creativity and competition with numerous challenges for international law. The rise of China impacts on most of these issues.

The first question that arises is the applicable legal regime. There was general acceptance that the UN Charter remains the binding legal framework, and it was recognized that China endorses this point of view, even if it seeks to re-write many other parts of international law.

In view of the competition in the region in the fields of trade and economic relations, the fundamental point of departure is the core of public international law on issues such as the law of treaties, state responsibility, consular relations, and the peaceful settlement of disputes. However, China and other States prefer negotiations to settle clashes of interests rather than recourse to binding adjudication or arbitration.

China’s claims on the South China Sea, based on historic rights, was contested by some, who contended that China’s assertion of sovereignty to the region dated back only to the 1940s. States of the region, notably ASEAN, were feeling their way towards a gradual resolution of the issues, rather than taking them head on. This approach can be expected to continue in the future.

ASEAN is surrounded by China and pursues a careful approach in the management of its relations with China. The ASEAN way is a careful one, believing in soft diplomacy rather than confrontational approaches. ASEAN’s efforts to generate a code of conduct to guide relations in the area reflects this careful approach. ASEAN would continue to try to promote dialogue and consensus.

The careful approach also influences ASEAN’s preventive diplomacy efforts in the ASEAN regional forum. ASEAN States would not subscribe to bold initiatives or sudden moves. One should therefore not expect major new initiatives from ASEAN on the preventive diplomacy front.

The situation of human rights in the region was difficult and complex. There are many problems of democracy, the rule of law, and gross violations of human rights in the region. Civil society was expressing great concern, but Governments preferred not to comment on issues in one another’s countries.

²⁴Article 28.

²⁵Article 31.

²⁶Article 32, para c.

5.4.2 OAS

Preventive diplomacy within the *Organisation of American States* (OAS) is envisaged in the Inter-American Treaty of Reciprocal Assistance (Rio Treaty, 1947), the Charter of the OAS (1948), and the Inter-American Treaty on Pacific Settlement (Pact of Bogota, 1948). The Pact of Bogota provides for good offices and mediation by a government or private citizen, as agreed by the Parties in dispute. It also provides for investigation and conciliation under the authority of a commission of five members established by the OAS Council. Resort to arbitration and judicial settlement is also envisaged.

Preventive diplomacy in the OAS may also be exercised through the good offices of the *Secretary-General* as well as through member states. Classic cases of such diplomacy involved the negotiated settlement of conflicts in Central America in the 1980s/1990s at the initiative of Oscar Arias, then President of Costa Rica, supported by the Secretaries-General of the OAS and the United Nations.

Unfortunately, preventive diplomacy in the Inter-American region is circumscribed by the powerful U.S. and its continued practice of the modern variant of the Monroe doctrine. Essentially, what this means is that a situation can only be tackled, contained, or resolved if the U.S. gives the green light. If the U.S. is opposed, or takes a strong position on a situation, diplomacy by other actors is impossible against its objection.

The situation in Venezuela at the time of writing is a case in point. From the outset, the U.S. has been opposed to the left-leaning policies of President Cesar Chavez and his successor, President Nicolas Maduro, as well as to Venezuela's cooperation with US adversary Cuba, and its propagation of socialist approaches within Latin American states. The U.S. imposed sanctions against the Venezuelan government early on and has maintained implacable opposition to the Chavez/Maduro governments throughout.

At the time of writing, the political, economic and social situation in Venezuela is dire. Some three million Venezuelans have fled the country in search of food and medicines in neighbouring countries. There are severe shortages of food, medicines, and other essential supplies in Venezuela and the U.S. is determined to bring down the government of President Maduro, especially after he rejected calls by several countries to conduct new Presidential elections on the ground that his 're-election' had been flawed.

The U.S. has orchestrated a campaign to bring down Maduro. It has also sought to provide humanitarian assistance to Venezuela but this has been resisted by Maduro, who sees this as a ploy to bring his government down, especially as the U.S. and several other countries have recognized as acting President the head of the Parliament Juan Guaido. Towards the end of February, 2019, clashes between supporters of Maduro and Guaido resulted in some deaths at the border.

Before the situation had deteriorated to this point Mexico and Uruguay had sought to act as intermediaries and to help contain the crisis. They proposed the convening of a conference to promote negotiated solutions. However, their efforts

were quashed by the U.S. which categorically opposed their intercession and the idea of a conference. The US Vice-President, Mike Pence, has led a concerted campaign to bring down Maduro and has pointedly slapped down Mexico and Uruguay. As the Financial Times reported on 26 February, 2019, the Trump Administration has officially recognized Mr Guaido as Venezuela's legitimate leader, and is orchestrating an international campaign to replace Mr Maduro, who has been accused of widespread corruption and subverting democracy.²⁷

The New York Times reported on the same day that during a visit to Colombia, Vice-President Pence announced additional sanctions on Venezuela and urged Latin American neighbours to freeze assets of the state oil company. He pointedly warned some countries in the region that had conspicuously sought to remain neutral in the crisis convulsing Venezuela that they could not remain so, singling out Mexico and Uruguay. "We believe there can be no by-standers", he said. "No one on the sidelines of this, particularly in our hemisphere."²⁸ No room for Latin American preventive diplomacy; only room for American writ.

5.4.3 OSCE

Contemporary preventive diplomacy in the OSCE is affected by continuing, though problematic, efforts at conflict prevention, a crisis of values within the organization, a face-off between Russia and the West over Ukraine and other issues, new initiatives such as the "Structured Dialogue", and continuing efforts by the *OSCE High Commissioner on National Minorities*. We summarize these challenges next.

The OSCE is the world's largest regional security organization historically committed to dialogue. It includes all countries of Europe and the former Soviet Union plus the U.S. and Canada. It has historically sought to pursue a cooperative approach and takes decisions by consensus. It considers security in a broad context, not only hard security issues but also economic and environmental issues, as well as the human dimension: human rights, the rule of law and democratic institutions.

The OSCE is rooted in a set of commonly agreed principles that provides a normative framework, notably the Helsinki Decalogue of 1975 and the Charter of Paris of 1990. However, the OSCE is undergoing severe challenges to this normative framework. Speaking at the European Forum Alpbach on 25 August, 2018, the *OSCE Secretary-General*, Thomas Greminger, cautioned that in the past 20 years, the ten fundamental principles of the OSCE had almost all been violated by one state or another. Once described as a community of values, that expression was seldom used anymore. "And it would not be true anymore."

For many years, he explained, the 'human dimension' had been considered to be the heart of the OSCE. Yet, in the past few years, there had been almost no OSCE

²⁷Financial Times (2019), p. 1.

²⁸The New York Times (2019), p. A8.

ministerial-level decisions on the human dimension. The annual human dimension implementation meeting had been under fire and there was a growing push-back against those who sought to raise human rights issues not only in the OSCE as an organization but in the OSCE area as well. *Secretary-General* Greminger, has on more than one occasion lamented the breakdown of a rules-based system, which was compounded by the weaponization of almost everything from trade, migration, information, cyber.

On the continuing face-off between Russia and the West over Ukraine in particular, he has called for urgent steps to be taken to reduce tensions and to prevent incidents or accidents from spiralling out of control: “Demilitarization on both sides is urgent. Aggressive force postures, snap exercises close to borders, and belligerent rhetoric are sending dangerous signals. What happens when aggressive deterrence meets a rapid response? In a nuclear age, the risks are unthinkable. [T]here is an urgent need to de-escalate tensions, strengthen compliance with a clear and shared set of rules, engage in dialogue to overcome differences, and take joint actions against common threat and challenges.”

In this situation, an informal process, called the Structured Dialogue, had been launched in 2017 with the aim of allowing all 52 OSCE participating States to discuss threat perceptions with a view to defusing tensions and to rebuild some trust. He hoped that the Structured Dialogue would lead to military risk reduction and confidence- and security-building measures. These were vital to avoid and manage military incidents that could otherwise seriously endanger common security. He also hoped that this inclusive process could pave the way for renewed focus on conventional arms control.

Addressing the OSCE Permanent Council on 7 June, 2018, the *OSCE High Commissioner on National Minorities*, Lamberto Zannier, told the Council:

The nature of conflict has changed dramatically over the last decades. Today, we increasingly face acute crises and hybrid conflict characterized by internal strife at the heart of our societies. The friction and tensions we witness between different communities and even States are often aggravated by politics and identity. It is against this background that efforts to prevent crises and wars – a priority for our organization and for multilateral diplomacy in general – have become particularly challenging. . . One of the most effective tools to prevent the type of conflicts we are currently experiencing is the implementation of policies aimed at promoting the sustainable integration of our diverse and multi-ethnic societies.

The *Office of the High Commissioner* was developing a new set of thematic Guidelines on National Minorities and the Media in the Digital Age that would complement and update the Guidelines on National Minorities and the Broadcast Media of 2003. The Commissioner reported to the Council on his ongoing diplomacy regarding situations of concern in Serbia, Ukraine, Crimea, Moldova, Bratislava, Hungary, Albania, Estonia, Kyrgyzstan, Uzbekistan,

5.5 Conclusion

This chapter shows much striving on the part of the UN, its *Secretary-General*, and regional organizations, to advocate for preventive diplomacy, to advance structures for preventive diplomacy, to promote preventive diplomacy, and to engage in operational preventive diplomacy where circumstances allow. The political sensitivities are always attendant, and these international and regional actors seeking to advance preventive diplomacy operate to the extent they can having regard to the political complexities.

There is no magic wand of preventive diplomacy and the results achieved are often modest. But this chapter has shown the nimbleness of the actors concerned, especially in the three UN regional offices for prevention. It would be wise to expand the number of such offices in different parts of the world so as to help entrench a culture of preventive diplomacy world-wide.

We should note also, research institutions such as Stockholm International Peace Research Institute (SIPRI), the International Institute for Strategic Studies, and NGOs, such as the International Crisis Group, contribute to the efforts of the international community to provide early-warning about issues or situations of concern and also provide analyses and insights for the benefit of officials engaged in conflict prevention and peace-making efforts. Sometimes NGOs may engage in preventive diplomacy as well. When it was first established, this was the mission of International Alert. Amnesty International and Human Rights Watch may sometimes undertake discreet action behind the scenes to help head off, contain, or rectify problems.

Preventive Diplomacy Saves Lives

IGAD's effort to bring leaders together at the highest level to address intra-state conflicts is unprecedented in the history of regional organizations. The summits to address the challenges of South Sudan may be cited as a good example, although the problems of South Sudan have yet to be fully resolved. Nevertheless, IGAD's intervention at the summit level has avoided greater carnage in South Sudan.

-The current status of the Intergovernmental Authority on Development (IGAD): its challenges and opportunities.

Centre for Dialogue, Research and Cooperation,

CDRC Digest, Addis Ababa, February 2019 Vol.4 No.2, 14.

Preventive Diplomacy Avoids Collapse of Peace Agreement

"The *African Union* (AU) has been quick to react following threats to the February peace deal in the Central African Republic (CAR). It convened a meeting from 18-20 March 2019 in Addis Ababa, bringing together the government of the CAR and the country's 14 recognized armed groups. The

(continued)

aim of the meeting was to bridge differences around the appointment of ministers by President Faustin-Archange Touadera. Some rebels felt the new cabinet was not inclusive enough.

As part of the compromise found in Addis Ababa, three rebel leaders were appointed as advisors to the Prime Minister. They were put in charge of the new mixed security units in areas they already control. . . .

“The AU is the guarantor of the 6 February agreement signed in Khartoum, Sudan following months of negotiations. Armed groups still control about 80% of the country’s territory.”

Institute for Security Studies, Addis Ababa,
Peace and *Security Council* Report
Issue 112, April, 2019, 2.

Preventive diplomacy as a process

“As Chair of the *Security Council Ad Hoc* Working Group on Conflict Prevention and Resolution in Africa, Ethiopia led the *Security Council* delegation to Addis Ababa for the joint annual consultative meeting of the two Councils and facilitated the successful conduct of the meeting. Ethiopia also highlighted the significance of the partnership for the promotion and maintenance of peace and security in Africa as part of its Presidency of the *Security Council* in September, 2017.

Ethiopia organized a meeting of the *Ad Hoc* Working Group on the topic ‘The cooperation between the United Nations *Security Council* and the *African Union* Peace and *Security Council*: The Way Forward.’ The meeting, which was the first of its kind, offered an opportunity for exchanges between expert-level representatives of member states on the *Security Council* and the African Peace and *Security Council* on ways and means of strengthening the cooperation between the two Councils on ways and means of strengthening the cooperation between the two Councils on peace and security issues in Africa.

In all conflict and crisis situations in the continent, Ethiopia consistently advocated for greater unity and cooperation between the UN and the *African Union* and its regional mechanisms. In the working group that it chaired, Ethiopia attached great importance to country-specific discussions in addition to thematic discussions. These meetings allowed for rich and constructive discussions, and they proved particularly useful when held prior to relevant decision-making processes in the *Security Council* or other subsidiary organs. Effort was also made to align the outcomes of the exchanges in the *Ad Hoc* Working Group into discussions in the *Security Council*.”

-Ethiopia’s term as a non-permanent member at the *Security Council*
Centre for Dialogue, Research and Cooperation,
CDRC Digest, Addis Ababa, February 2019 Vol.4 No.2, 13.

References

- “Concept and Principles of Preventive Diplomacy,” (2002) Reproduced in Institute of defence and strategic studies, *A New Agenda for the ASEAN Regional Forum*, Monograph No. 4. Institute of Defence and Strategic Studies, Singapore, pp 88–93
- Financial Times (2019) Pence meets Venezuelan challenger, p 1 (26 September 2019)
- Hailu T (2012a) Data-based conflict early warning- a vital instrument in peacebuilding. *New Routes* 4(2012):24–26
- Hailu T (2012b) Anticipate and prevent violent conflicts. *Rural* 21:18–21
- Makinda SM, Okumu WF, Mickler D (2016) *The African Union*. Addressing the challenges of peace, security and governance, 2nd edn. Routledge, London, p 110
- The New York Times (2019) US Hits Venezuela with New Round of Sanctions, p A8 (26 February 2019)
- United Nations *Security Council* (2018) 8162nd meeting Friday, 19 January. S/PV. 8162
- UNRCCA (2018) Statement by SRSG Natalya Gherman at the Conference ‘Importance of the Great Silk Road: Present and Future Development’, p 2 (6 December 2018)

Chapter 6

Human Rights



6.1 Introduction

As we shall see in this chapter, there is some preventive diplomacy seeking to head off, mitigate, or contain the spread of gross violations of human rights but this is more piece-meal than systematic. Efforts to make human rights preventive diplomacy more systematic have run up against political objections by of uncooperative Governments. These efforts included the Human Rights Up Front Initiative launched by former *Secretary-General* Ban ki Moon but now seemingly a mere shell, even though *Secretary-General* Antonio Guterres continues to cite it in his public pronouncements as an ongoing process.

Another effort underway is to promote a preventive role of the Human Rights Council, which has moved more in fits and starts rather than developing traction. A third effort has been to see how the preventive role of the *UN High Commissioner for Human Rights* might be further developed in the future. Unfortunately, the High Commissioner's room for action also faces political objections by jealous governments.

This chapter will first discuss such preventive human rights diplomacy as exists at the present time before moving on to consider the Human Rights Up Front Initiative and current efforts within the UN Human Rights Council to discuss a preventive role in the future. Human rights preventive diplomacy existing at the present time include ICRC visits to prisons and places of detention: similar visits within the framework of the Optional Protocol to the Convention Against Torture and a corresponding European Convention against Torture: the efforts of UN human rights special procedures (investigators and analysts): human rights treaty bodies; the UN *Secretary-General*; the UN High Commissioner for Human Rights; the President of the UN Human Rights Council; the efforts of regional bodies; and the efforts of NGOs such as the International Crisis Group. We discuss these next.

6.2 Existing Preventive Diplomacy to Head off Gross Violations of Human Rights

6.2.1 *ICRC Visits to Prisons and Places of Detention*

In its 1949 Judgment in the case between Albania and the United Kingdom over clashes in the Corfu channel, the International Court of Justice relied on ‘elementary considerations of humanity’, particularly exacting in peace-time.¹ The principle of humanity is a foundation principle of the United Nations as well as of the ICRC and both organizations have sought to use their best endeavours in support of it with a view to heading off or attenuating human suffering. The ICRC practice of visiting prisons and places of detention is perhaps the foremost application of the principle of humanity in aid of the right to life, to dignity and humane treatment, and we begin by considering this practice.

Each year, the ICRC visits prisons and places of detention in countries around the world. These visits are carried out by ICRC delegates who are well-trained in conducting such visits and do so on the basis of the principles of humanity and confidentiality. The visits of the ICRC delegates are very much a preventive exercise inasmuch as the authorities know that the ICRC delegates will look into prison conditions and interview prisoners individually and collectively in a discreet manner. The regime of ICRC visits does not mean that prison authorities do not violate international humanitarian and human rights law but they know that the ICRC delegate will file confidential reports detailing areas of concern. The report is then shared with the Governmental authorities and may form the subject of dialogue between the leadership of the ICRC and the leadership of the Government concerned.

B.G. Ramcharan visited prisoner of war camps for the UN during the Iran-Iraq war and the Governments of both countries provided the UN team with the confidential reports of the ICRC delegates. The reports were methodical, thoughtful, and constructive. The UN had been called in to visit the prisoner of war camps in the two countries because both countries had suspended ICRC visits for spurious reasons. The UN team met with ICRC delegates who had operated in both countries and therefore had a first-hand sense of the quality of their commitment and the excellence of their work. The reports of the ICRC delegates were methodical and detailed.

This kind of work continues in our day and, without doubt, must be counted among the foremost efforts of the international community to help uphold the norms of international human rights and humanitarian law and prevent their violations, to the extent possible. From the perspectives of the practice of preventive diplomacy, what is noteworthy about the ICRC visits to prisons and places of detention are the following: inspection of the conditions of detention; interviews with the inmates; gathering of the facts; presentation of concerns to the authorities; follow-up with the

¹International Court of Justice (1949).

prison authorities and governmental leaders; and facilitation of communications between inmates and their families. All of this is possible because the activities are carried out discreetly and confidentially. Although it has spoken out on a few occasions when cooperation was lacking or conditions were particularly bad, the activities of the ICRC take place largely behind the scenes.

There continue to be many serious problems involving deprivation of liberty during armed conflicts and the ICRC, like the rest of the human rights movement, is struggling to promote compliance.² But it nevertheless remains a fact of some importance that the visits of ICRC delegates represent the most extensive practice of preventive diplomacy in the human rights and humanitarian fields.

6.2.2 Visits to Prisons and Places of Detention Within the Framework International and Regional Treaties

The usefulness of ICRC visit to prisons and places of detention over the years led human rights NGOs to push for regional and international human rights treaties under which States Parties agree to such visits by human rights experts. Two such treaties may be noted. The first is a European treaty and the second a UN one. Under both treaties visits are made to prisons and places of detention every few years and the findings of the experts are shared with the Governments concerned.

For the most part, the methods of work in carrying out these visits are the same as those of the ICRC. In the case of the European convention, however, there is an additional dimension: follow-up by the Council of Ministers of the Council of Europe. This follow may take the form of discreet contacts between friendly governments and the government of the State visited. It may also take the form of consideration at the meetings of the *Council of Ministers of the Council of Europe*. In the case of the UN treaty, concerns are raised with States Parties as part of the process of dialogue and cooperation that takes place on an on-going basis between the experts and representatives of the States parties concerned. While not dramatic, the dialogues taking place with the Governments of States Parties represent a serious effort in the exercise of preventive diplomacy.

6.2.3 The Efforts of UN Human Rights Special Procedures (Investigators and Analysts)

In the United Nations, the Human Rights Council operates a system of country-specific ‘rapporteurs’ who investigate human rights conditions in particular countries, or thematic mandate-holders who look into problems of gross violations of

²See on this, International Institute of Humanitarian Law (2019).

human rights globally. The thematic mandate-holders cover topics such as extrajudicial and arbitrary killings, arbitrary detention, torture, violence against women, trafficking in human beings, and exploitation of children. These ‘special procedures’ as they are usually collectively known, gather information, visit countries, publish reports, intercede with governments to help save lives or to prevent violations of human rights, and occasionally issue public statements drawing attention to situations of concern and alerting the international community of the need to help protect people at risk. A spectacular example was that of the UN Special Rapporteur who alerted the international community to the danger of a genocide in Burundi a year before it broke out.³

To the extent that some of this activity helps to save lives or to mitigate situations of gross violations, it certainly falls into the category of preventive diplomacy. This may be particularly important in situations of potential ethnic conflict. By acting as an intermediary between the government and particular communities, the mandate-holder can serve as a channel of communication and facilitate the search for peaceful outcomes based on international human rights standards.

6.2.4 Human Rights Treaty Bodies

For years, monitoring organs established by UN human rights treaties have sought to use their influence to mitigate violations of human rights and to head them off to the extent possible. Their efforts have taken the form of emergency discussions with the government concerned, asking the government to submit an emergency special report on the situation, engaging in discussions with the government on the basis of the report submitted, offering recommendations, and making public statements in situations of concern. This may have some impact occasionally although, more frequently, the situation on the ground may have a dynamic of its own and the government involved might simply just play along with the efforts of the monitoring body.

UN treaty organs that have had such an involvement in mitigatory or preventive action include the *Committee on the Elimination of Racial Discrimination* and the *Human Rights Committee*.

6.2.5 The Good Offices of the UN Secretary-General

Historically, UN Secretaries-General have used their good offices to help individuals and groups undergoing violations of human rights or at risks of such violations. Trygve Lie documented in his memoirs how he acted discreetly behind the scenes to

³See on this United Nations (1995) report by Special Rapporteur Bacre Waly N’diaye.

help large numbers of Jews to leave the then Soviet Union. U Thant's efforts to mitigate suffering during the conflict from which Bangladesh emerged has been well documented.⁴

Subsequent Secretaries-General have reported on their efforts behind the scenes, or through public intercessions, to help mitigate and head off human rights violations, and this practice continues in our time, although it is difficult, in the nature of things, to assess how often it takes place, and with what success. Here also, the distinctive operational principle of preventive diplomacy is discretion behind the scenes.

Where needed, though, the *Secretary-General* takes a public stance. This could be seen when *Secretary-General* Guterres urged the Myanmar authorities to review the unacceptable conviction and sentencing of two journalists. A press release issued by the United Nations stated:

The *Secretary-General* takes note with concern of the conviction and sentencing today in Myanmar of journalists Wa Lone and Kyaw Sow Oo to seven years of imprisonment. He urges the authorities to review their decision.

The right to freedom of expression and information is a cornerstone of any democracy. It is unacceptable that these journalists were prosecuted for reporting on major human rights violations against the Rohingya in Rakhine State.

The *Secretary-General* will continue to advocate for the release of the journalists. He calls for full respect of freedom of the press and all human rights in Myanmar.⁵

6.2.6 *The UN High Commissioner for Human Rights*

UN High Commissioners for Human Rights have a long-standing practice of interceding behind the scenes or of speaking out publicly with the aim of heading off gross violations or of mitigating them. High Commissioners have to weigh their options carefully before deciding whether to act behind the scenes or to make public intercessions. The human rights movement expects that the High Commissioner will be a principled voice in the face of situations of concern and at least one recent High Commissioner seems to have given priority to public denunciation of governments for grossly violating human rights. One is not able to assess whether that High Commissioner was able to engage in preventive diplomacy behind the scenes and with what results. It might be argued that the use of the voice of the High Commissioner had a preventive aspect, but one is not able to assess this.

In an interview on 17 October, 2018, the current High Commissioner for Human Rights, Michelle Bachelet, announced that one of "her highest priorities from the *Secretary-General* is prevention", adding: "I will try to design a system where we can have early warning signs and try to think on early action." Her visit to Cameroon

⁴See on this, Ramcharan (1983).

⁵United Nations (2018a).

at the beginning of May, 2019, led some to hope that it might possibly mark a shift to a more preventive approach to the handling of human rights in OHCHR.⁶

Essentially, the High Commissioner's visit was to a country experiencing conflict stemming from insurrection and foreign incursions. The High Commissioner was seeking to mitigate the violence and to invite the protagonists to avoid human rights atrocities in the future. This is something that previous High Commissioners have done in other situations before.

By way of background, one may refer to a report of the International Crisis Group (ICG) published on May 2, 2019 which recorded that, in the previous months, the conflict had left 1850 dead, 530,000 internally displaced and tens of thousands of refugees. The ICG commented: "The intransigence of the belligerents threatens to generate further violence and prolong the conflict, which neither can win in the short term". The government, it added, was counting on a military victory and refused to discuss the form of the state, while the separatists were demanding independence.⁷

In a statement that she issued on 6 June, 2019, following her visit to Cameroon, High Commissioner Bachelet welcomed the Government's openness to work with the UN human rights office in that country, and the rest of the UN, and to seek effective solutions to the major human rights and humanitarian crises caused by the serious unrest and violence taking place in the west and north of the country. High Commissioner Bachelet thought that there was a clear, if possibly short, window of opportunity to arrest the crises that had led to hundreds of thousands of internally displaced people, as well as the killings and brutal human rights violations and abuses that had affected the northern and western areas of the country. "But", she recognized, "it will not be easy to turn these situations around. It will take significant actions on the part of the Government, and substantial and sustained support from the international community – including the UN."⁸

She acknowledged that the challenges were immense and that the situation involving some ten or more separatist movements in the North-West and South-West regions risked spiralling completely out of control, if serious measures were not taken to reduce tensions and restore trust. There was also a general understanding that the root causes and underlying grievances must also be tackled if long-term stability was to return to a country that had, until just a few years ago, been one of the more settled and peaceful in the region.

High Commissioner Bachelet reported that she had held 3 days of meetings and consultations with the President and other Government figures, the National Commission on Human Rights, the President of the National Assembly and Vice-President of the Senate, opposition and ruling party politicians and senior leaders of religious communities, as well as the diplomatic corps. She offered to provide advice and assistance to the Government—similar to that being provided to the G5 forces in the Sahel—to help ensure that military operations were conducted in

⁶See Marc Limon (2019).

⁷International Crisis Group (2019).

⁸Office of the High Commissioner for Human Rights (2019).

compliance with international human rights standards and violations were prevented when military forces were engaged in counter-terrorism operations and combat against armed groups.

The High Commissioner added that every violation committed by Government forces was not only unlawful, but also counter-productive as it played into the hands of the extremist groups by feeding local resentment and aiding recruitment. She stressed that members of the security forces who committed serious violations be held accountable. It was essential that crimes be punished, and be seen to be punished. Impunity would lead to more crimes being committed. The High Commissioner highlighted the issue of lack of access for both international and national human rights workers and the humanitarian agencies to the affected regions.

The High Commissioner's visit to Cameroon was part of the crisis response of the UN to a situation of conflict, and was meant to mitigate the human rights situation and, hopefully, to help prevent human rights atrocities the future. It was a case of mitigation being sought through presence. It was also a case of hope, that future atrocities might be prevented. It remains to be seen whether this hope will be realized.

6.2.7 The UN Human Rights Council and Its President

The mandate of the UN Human Rights Council includes "to contribute, through dialogue and cooperation, towards the prevention of human rights violations", and to respond promptly to human rights emergencies. The implementation of this mandate, so far, has taken the form of special sessions to react to emergencies, resolutions calling on governments such as the Philippines to prevent widespread killings in the country, occasional 'informal conversations' between the Human Rights Council and the High Commissioner for Human Rights when the latter able briefed members on emerging situations of concern. Historically, it was not clear whether the President of the Council could take action on his own, because of the close control of Member States, but more recently, Presidents of the Council have sometimes acted for the protection of people at risk such as human rights defenders.

The Council has adopted some general resolutions on its preventive role but has so far not advanced much concretely. In June, 2016, a cross-regional group of 32 states, coordinated by Ireland, delivered a statement to the Council proposing a series of 'objective criteria' to guide delegations when considering which emerging situations might require/benefit from the attention of the Human Rights Council. These are known as the "Irish Principles", Ireland having taken the lead in steering the process that led to the drafting of these Principles. As far as one can tell, the "Irish Principles" have not, so far, led to concrete preventive action by the Council. We discuss these principles later in this chapter in the discussion of efforts to further develop the Council's preventive role.

6.2.8 *The Prevention of Genocide*

The UN Convention on the Prevention and Punishment of the Crime of Genocide (1948), has the explicit aim of preventing this horrendous crime. Yet, it has so far not succeeded in its aim. At the time of writing, 149 States have ratified the Convention. Surprisingly, in the words of the leading UN official on this topic, 45 United Nations Member States have not yet done so. Of these, 20 are in Africa, 18 in Asia, and seven in Latin America.

Since 2004, the UN *Secretary-General* has had a Special Envoy on the Prevention of Genocide who is complemented up by a second special envoy, a post established later, on the responsibility to protect. The task of the special envoy on the responsibility to protect is similar to that of the UN High Commissioner for Human Rights, namely to sensitise the world about the need for policies and institutions to protect human rights world-wide.

The Special Adviser of the *Secretary-General* on the Prevention of Genocide was mandated to engage in preventive actions, as appropriate. Special Advisers have established a practice of visiting situations and discussing concerns with Governments. On occasions they have reported to the Security Council and have also issued public statements. One has the impression that there is significant preventive diplomacy in the activities of the Special Adviser.

The Special Adviser on the Prevention on Genocide has sought to promote ratifications of the Convention against Genocide, to raise awareness of the need for vigilance against the risk of genocide, has published practical guides for the use of officials and human rights practitioners, has reached out to civil society leaders to encourage practical cooperation and has visited situations of concern to ascertain the facts and to warn, if need be, of the risks of genocide or mass atrocities.

In an ‘Op-Ed’ on 70 years of the Genocide Convention, Special Adviser, Adama Dieng, provided the following assessment:

Despite these achievements and the continued commitment to ‘never again’, we have not managed to eradicate genocide. International crimes, including genocide, are a terrible reality faced by populations across the globe. We know the warning signs and we know how to prevent these crimes, but we often fail to act in time, or to act at all. In the Central African Republic, Iraq, Myanmar, South Sudan, Syria and in so many other places, people are being targeted because of their identity – because of the religion they practice, the culture in which they were raised or simply because of their distinctive physical characteristics. This is unacceptable.

We also fail to invest sufficiently in prevention, to build the resilience needed to address the risk factors for genocide, or to take timely and decisive action when we see the warning signs.

Special Adviser Dieng engages mainly in promotional and operational or troubleshooting preventive diplomacy. Promotionally, the Office of the Special Adviser has published a “Framework of Analysis for Atrocity Crimes” as a tool for prevention. The Framework of Analysis discusses common risk factors such as situations of armed conflict or other instability; a record of serious violations of international

human rights and humanitarian law; weakness of state structures; motives or incentives; capacity to commit atrocity crimes; absence of mitigating factors; enabling circumstances or preparatory actions; triggering factors. It also discusses specific risk factors such as inter-group tensions or patterns of discrimination against protected groups; signs of an intent to destroy in whole or in part a protected group; signs of a widespread or systematic attack against any civilian population; signs of a plan or policy to attack any civilian population; serious threats to those protected under international humanitarian law; serious threats to humanitarian or peacekeeping operations.⁹

It is useful that the framework of analysis exists and that it might be consulted by well-meaning leaders or officials. What its practical impact has been on the ground is not easy to assess. The same may be said of another promotional activity of the *Office on Genocide Prevention and the Responsibility to Protect*, namely, its work with religious leaders on the prevention of incitement to violence. In March, 2015, the Office launched the Fez Process, a series of consultations with religious leaders and actors worldwide that led to the development of a Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes. The Plan of Action sets out a range of actions that religious leaders and actors can take to prevent and counter incitement to violence, especially in situations where there is a risk of atrocity crimes.

Some 232 religious leaders and actors from 77 countries took part in the consultations. Participants included Buddhists, Christians, Muslims, Hindus, Jews and Sikhs, Baha'i, Candomble, Kakai and Yezidi, as well as humanists. Some thirty percent of participants at the meetings held in Africa, the Americas, Asia-Pacific, Europe and the Middle East were women.¹⁰

The Plan of Action was launched by the United Nations Secretary-General at an event in New York on 14 July, 2017. On the occasion, *Secretary-General* Antonio Guterres declared: "Religious leaders can play a particularly important role in influencing the behaviour of those who share their beliefs. Unfortunately, religion has sometimes been misused to justify incitement to violence and discrimination, and it is vital that religious leaders from all faiths show leadership."¹¹ The Plan of Action has so far not received much publicity but the Office of Genocide Prevention and Responsibility to Protect has activities planned to promote its implementation. Here also, tangible results await the future.

The Special Adviser's visits to situations of concern and the issuance of public statements are probably the most important aspects of the mandate's operational or trouble-shooting prevention. The Special Adviser complements the efforts of the *Under-Secretary-General* for Political and Peacebuilding Affairs but with an important added dimension: the issuance of public statements expressing concern about a

⁹See, United Nations (2014).

¹⁰I am grateful to Ms Simona Cruciani of the Office for Genocide Prevention and the Responsibility to Protect who provided information that helped me write up this account.

¹¹See, United Nations (2017), p. 1.

situation. In the latter aspect, the Special Adviser complements the efforts of the UN High Commissioner for Human Rights.

An example of the Special Adviser's raising of awareness of the risk of genocide or mass atrocities may be seen in his visit Bangladesh to visit Rohingya refugees from Myanmar. In a statement issued on 12 March, 2018, the Special Adviser declared: "Let us be clear: International crimes were committed in Myanmar. Rohingya Muslims have been killed, tortured, raped, buried alive and humiliated solely because of who they are. All the information I have received indicates that the intent of the perpetrators was to cleanse northern Rakhine state of their existence, possibly even to destroy the Rohingya as such, which, if proven, would constitute the crime of genocide. However, whether or not we consider that the crimes committed amount to crimes against humanity or genocide, this should not delay our resolve to act and to act immediately. We owe this to the Rohingya population."¹²

6.2.9 *Protecting Human Rights Defenders*

Human rights defenders are especially at risk from unscrupulous governments and the United Nations engages in preventive and protecting actions of various kinds. First, there are the good offices of the *Secretary-General* and the High Commissioner for Human Rights. Both of these leaders might intercede behind the scenes in inappropriate cases, when reports reach them that a person or persons defending human rights is at risk.

Second, there is an independent expert of the UN Human Rights Council devoted to the protection of human rights defenders. The expert receives information from different parts of the world on an on-going basis, approaches governments when he considers that a defender or defenders is at risk, issues public statements in cases of need, and publishes annual reports highlighting the problems of human rights defenders and the need to act for their protection.

Third, at the request of the Human Rights Council, the *Secretary-General* submits to the Council annually a report on reprisals or threatened reprisals against persons seeking to exercise their human rights. In October, 2016, the UN *Secretary-General* designated his *Assistant-Secretary-General* (ASG) for Human Rights, Andrew Gilmour, as senior official to lead the efforts within the UN system to address intimidation and reprisals against those cooperating with the UN on human rights.

ASG Gilmour engaged in different kinds of preventive actions behind the scenes. First, if he had reason to think that human rights defenders in a particular country are at risk, he undertakes contacts with the Permanent Mission of the country in New York and sometimes visits the country discreetly for conversations with government leaders with a view to alerting them that the international community

¹²United Nations (2018b).

is following the situation and is concerned about the protection of human rights defenders in the country.

Second, if he had information that a particular defender (or defenders) has been detained or imprisoned, he will again ask the Permanent Mission of the country to assure their protection and may visit the country concerned with a view to seeking the release and protection of the person(s) at risk.

Third, he oversees the preparation of the *Secretary-General's* report on intimidation and reprisals against those cooperating with the United Nations and takes the lead in raising awareness of the plight of such persons. In an interview with DW on 12 September, 2018, for example, he noted that the 2018 report of the *Secretary-General* had listed 38 countries of concern and had given examples of instances of intimidation or reprisals. He added: “it is a very worrying problem because what it is an attempt . . . by governments to deter human rights defenders from speaking¹³ out.”

He provided the following glimpse into the kind of diplomacy he engaged in on this issue:

Every one of the cases in the report we have raised individually with the government – usually in private form, not in some public denunciation. I have been working with many ambassadors based in the United Nations but also governments in their capitals, raising these issues with them and pointing out that we think these are cases of reprisals against legitimate human rights defenders. So we do this. There is also a more public form when we feel there is a particular need when there is a very instant case. For example, when Egypt arrested a man at the airport who was coming to Geneva to meet the working group on involuntary and enforced disappearances and he himself was disappeared by the Egyptian authorities and we presume tortured. So in that instance we went public very quickly but normally we try to work behind the scenes with the government in order to try to achieve a solution to the individual cases.¹⁴

6.2.10 *Special Mandates on Children and Armed Conflict; Women, Peace and Security; Protection of Women Against Sexual Violence*

Representatives of the *Secretary-General* on children and armed conflict; women, peace and security; and on the protection of women against sexual violence engage in a broad range of efforts to prevent harm to these groups and to protect those at risk. These include visits to countries, plans of action, reports to the *Secretary-General* and the Security Council, and raising public awareness about the need to stamp out atrocities and attacks and to prevent them from taking place in the future. These efforts involve advocacy, structural prevention, promotional prevention and operational or trouble-shooting prevention.

¹³Deutsche Welle (2018).

¹⁴Ibid.

6.2.11 *The Efforts of Regional Organizations*

By regional bodies we have in mind regional human rights bodies as well as regional political bodies such as the African Union. Regional human rights bodies such as the African Commission on Human and People's Rights, the European Court of Human Rights, and the Inter-American Commission and Court of Human Rights have a procedure of ordering interim measures of protection, and may sometimes accompany this with discreet action behind the scenes to secure compliance with the interim measures. Interim measures of protection are particularly important when there is a threat to life or a threat of torture.

Regional political bodies, such as the Peace and Security Council of the African Union have a practice of interceding urgently in situations of risk to life or personal integrity, and this is sometimes accompanied by discreet diplomacy to back up their efforts. We discuss the role of the Peace and Security Council of the African Union in the chapter below on international and regional organizations.

6.2.12 *The Efforts of NGOs Such as the International Crisis Group*

Historically, the NGO, International Alert was established by the late Martin Ennals, former *Secretary-General* of Amnesty International, with the express aim of interceding discreetly behind the scenes in situations where there was a risk of ethnic conflicts or of gross violations of human rights. Ennals himself became involved in efforts behind the scenes regarding Uganda and the Philippines. In more recent practice, International Alert has become more interested in conflict resolution efforts and was particularly involved, for example, in Sierra Leone.

The International Crisis Group, as its name implies, was established with the express purpose of helping to head off conflicts or the danger of gross violations of human rights. It works by gathering and analysing information on situations of risk, publishing reports with recommendations for action, and its leadership may occasionally intercede in discreet mode in an effort to head off, defuse, or heal conflicts. Its activities thus involve a measure of preventive diplomacy.

6.2.13 *Assessment*

Having regard to the foregoing overview of existing efforts for preventive human rights diplomacy, it may be fair to assess the most important of these efforts to be the ICRC visits to prisons and places of detention. It is world-wide, methodical, professional, and based on the principles of humanity and confidentiality. Next to the efforts of the ICRC one may place the efforts under regional and international

conventions to visit prisons and places of detention. Then would probably come the efforts of the ‘special procedures’ of the Human Rights Council. Within the UN they are the lead protection actors, probably contributing more by way of preventive diplomacy than even the *Secretary-General* or the High Commissioner for Human Rights. The Human Rights Council has had a negligible role so far, but there are initiatives underway to develop its preventive role, which we shall look at next.

6.3 Human Rights Up Front Initiative

In 2013, then *Secretary-General* Ban ki Moon, drawing lessons from what was considered an inadequate response by the UN system to gross violations committed in Sri Lanka, established the Human Rights Up Front Initiative, designed to strengthen the response of the United Nations to crisis situations at different levels. The aim of the initiative was to encourage the United Nations system to be alert to deteriorating human rights situations and use early warning channels and better coordination, including by generating political support for early warning and preventive action.

At the country level, United Nations country teams were expected to undertake a periodic analysis of risk factors and to remain attentive to the risk of serious human rights violations. The risk analysis would be supported by a human rights analysis conducted by OHCHR. If concerns were identified, a United Nations country strategy would be developed and advocacy activities adopted accordingly. *Secretary-General* Ban designated a senior official at the Principal Officer level (D.1) to coordinate this initiative. This officer, Ben Majekodunmi brought heart and dynamism to the initiative.

Within the human rights community, as well as within the wider UN constituency, there were great hopes that this initiative would mark a new departure in early warning and preventive action against gross violations of human rights. *Secretary-General* Ban asked his Deputy, Jan Eliasson to lead this initiative and Eliasson established an external Advisory Board [consisting of eminent personalities such as the current Deputy *Secretary-General*, Ms Amina Mohammed]. B.G. Ramcharan was a member of the Advisory Board and could see that worthwhile activities were being undertaken as part of the RUF Initiative.

SG Ban’s initiative had not gone without expressions of concern on the part of influential governments but the initiative proceeded, nevertheless, because of the commitment of Ban and Eliasson. In an article he wrote for the ACUNS Quarterly Newsletter in 2015, DSG Eliasson explained that Human Rights Up Front had sought to generate political support for UN preventive action or responses. It asked UN officials to be forthright in presenting information on violations, even when this may be diplomatically challenging. It invited Member States to view more effective action on human rights as a means to meet the Organization’s overall goals of peace and security, development and human rights.

DSG Eliasson further explained that Human Rights Up Front had been used to change the UN's analysis and response to "numerous ongoing crises". The initiative had provided the basis for a significant change in the Secretariat's advocacy to the Security Council on the Central African Republic, prompting Member States to strengthen their actions and deploy peacekeeping forces. In South Sudan, it had triggered the *Secretary-General's* personal support for the policy of the UN peacekeeping operation to open the gates of its compounds and provide shelter to tens of thousands of people in desperate need.

At the senior management levels, the DSG continued, the Human Rights Up Front Initiative had led to a process of scanning situations where crisis had not yet occurred but where there may be early concerns. The mechanism combined development, political, human rights, and humanitarian analysis to better understand a country situation and to address issues that had serious implications for human rights. Those issues may stem from economic, social and cultural or civil and political problems. The goal of the response was to support national authorities in preserving development, peace and security, and human rights gains in all countries.¹⁵

However, following the arrival of the new *Secretary-General* Antonio Guterres at the beginning of 2017 he seems to have been attentive to the concerns of Governments and while he has kept the initiative on paper, he presents it as now subsumed within the broader efforts of the UN system for the prevention of crises or conflicts. The post to this initiative within the Executive Office of the SG has been discontinued and the previous occupant returned to the OHCHR office in New York.

It is possible that the reforms currently underway in the development sector of the UN might be able, eventually, to pick up from where RUFU left matters but this remains to be seen. The thrust of the reforms of the development sector of the UN is that, henceforth, the UN resident coordinator in a country would report directly to the *Secretary-General*, with the DSG in operational leadership. Alongside the resident coordinators, there would also be UNDP resident representatives and humanitarian coordinators.

The resident coordinators would lead the UN country team and would spearhead efforts for the implementation of the SDGs within their respective country, and more particularly the UNDAF for the country. The resident coordinators would not only report to the *Secretary-General* but would be responsible also for reporting annually to the government of the country in which they serve on progress in implementation of UNDAFs in the country.

It would be a challenging task for a resident coordinator to spearhead the implementation of the SDG goals and the UNDAF in a country, report to the national government, and at the same time provide the *Secretary-General* with early-warning of the possibility of gross violations of human rights. It is conceivable that within the new UN Development Operations Coordination Office (DOCO) arrangements might be worked out to allow regional coordinators to share their concern discreetly for the

¹⁵Eliasson (2015), p. 9.

attention of the *Secretary-General* and the UN High Commissioner for Human Rights but we must wait to see whether this happens or not.

In the meantime, consultations are being pursued to see what role the UN Human Rights Council might be able to play in the prevention of gross violations of human rights, a subject we turn to next.

6.4 Efforts Underway to Develop the Preventive Role of the UN Human Rights Council

As mentioned earlier, the mandate of the Human Rights Council as set out in paragraph 5 (f) of General Assembly resolution 60/251 envisaged that it would contribute, through dialogue and cooperation, towards the prevention of human rights violations and that it would respond promptly to human rights emergencies. This issue, like so many in the Council, gives rise to political disagreements. Many governments see proposals to enhance the preventive role of the Council as a way of re-introducing the contested concept of the responsibility to protect.

As part of the process of promoting confidence in the matter, Ireland, in 2016, acting on behalf of a group of countries, sought to promote consensus around a set of principles, now known as the “Irish Principles”, to help the membership of the Council reach agreement on situations in respect of which it should take action. The group of countries suggested that when reflecting on a situation of emerging concern the Council could consider, among others:

- Whether there has been a call for action by the UN *Secretary-General*, the High Commissioner for Human Rights or a relevant UN organ, body or agency;
- Whether a group of Special Procedures have recommended that the Council consider action;
- Whether the State concerned has an internationally recognized national human rights institution and whether that institution has draw the attention of the international community to an emerging situation and called for action;
- Whether the State concerned has been willing to recognise that it faces particular human rights challenges and has laid down a set of credible actions, including a time-table and benchmarks to measure progress to respond to the situation;
- Whether the State concerned is effectively cooperating with Special Procedures of the Council, including by allowing country visits;
- Whether the state concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with the UN Human Rights Treaty Bodies;
- Whether a relevant regional mechanism or institution has identified a situation as requiring the attention of the international community, or whether the State concerned is cooperating with relevant regional organizations;
- Whether the State is facilitating or obstructing access and work on the part of the humanitarian actors, human rights defenders and the media.

In presenting these principles to the Human Rights Council on 8 July 2016 on behalf of a cross-regional group of States, the representative of Ireland expressed the conviction that these and other considerations could offer a useful guide for States to help the Council decide, in an objective and non-selective manner, when the Council should usefully engage with a concerned State, to prevent, respond to or address violations and to assist in de-escalation of a situation of concern.¹⁶

The NGO, Universal Rights Group has been particularly active on this topic and devoted its 2017 Glion Conference to the issue of how to implement the preventive role of the Human Rights Council. The political disagreements stood out in the report of the conference.¹⁷ Nevertheless, the search to activate the preventive role of the Council is continuing and, in June, 2018, the Council adopted a resolution (38/18), contested by powers such as China and Russia, initiating a process of consultations and deliberations seeking to organize the preventive role of the Council.

The Council's resolution decided to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of sub-regional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations. The Council requested its President to appoint a chair-rapporteur and two rapporteurs to chair and facilitate the two intersessional seminars in Geneva, and to consult and gather the views of relevant stakeholders in Geneva and New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session" to be held in 2020. This resolution was adopted by a recorded vote of 28 to 9 with 8 abstentions

On 10 April, 2019, at the first of the seminars, held in Geneva, the Universal Rights Group (URG) made a considered submission urging that the Council, with a view to preventing violations of human rights, work with Governments, through cooperation and dialogue, to build national human rights capacity and resilience. The URG also urged that the Council fulfil its prevention role by following up on, and supporting, the national implementation of States; international human rights obligations and commitments. Furthermore, developing countries requesting technical assistance from the UN should be supported by the UN.

The URG also urged that the High Commissioner for Human Rights should be supported in bringing situations of concern to Council Members for urgent consideration through confidential briefings. The Council might therefore establish a

¹⁶See Irish Mission to the United Nations (2016).

¹⁷A preparatory Concept Note for the Glion Conference recalled paragraph 5f of General Assembly resolution 60/251, which stated that the Council shall 'contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies.' Preventive action, it noted, entailed early warning, early consideration, early action, tailored action, and coordination with the wider UN. Universal Rights Group (2017) (p. 1).

confidential space for dialogue with the concerned country and relevant regional or sub-regional organizations.¹⁸

It remains to be seen what the outcome will be of the process launched by the resolution of the Council. At the end of the day, the Council operates best through dialogue and consensus. It might be possible for the Council to agree on measures such as the following:

- To invite NHRIs to share their experiences with preventive human rights strategies.
- To invite Regional human rights bodies to share their experiences with preventive human rights strategies.
- To invite Regional inter-governmental organizations to share their experiences with preventive human rights strategies.
- To invite the *Secretary-General* to summarize the preventive efforts of the Security Council, the *Secretary-General*, the Department of Political Affairs, the Department of Peacekeeping Operations, and the Economic and Social Council.
- To invite the President of the Human Rights Council to summarize the preventive practice of the Council to date.
- To request the *Secretary-Generals* to prepare and submit to the Human Rights Council a report collating the information received on preventive human rights strategies.
- To decide to consider the report of the *Secretary-General* as a matter of priority.

6.5 Conclusion

The picture that emerges from the foregoing survey of preventive diplomacy in the human rights field indicates that, with the exception of ICRC visits, and similar visits to prisons and places of detention, it is still largely embryonic. There is still heavy political contestation when it comes to the handling of human rights issues at the United Nations. The majority of UN members, led by great powers such as China and Russia, advocate approaches of dialogue and cooperation even when dealing with situations of gross violations of human rights.

This would seem to indicate the need for discreet facilitatory action behind the scenes. But who is to lead such action? The UN High Commissioner for Human Rights is expected to be the voice of conscience when gross violations of human rights are being perpetrated. It is possible that this could be combined with a discreet facilitatory role, with human rights preventive diplomacy. But that would call for wisdom and nimbleness. It remains to be seen whether such wisdom and nimbleness is forthcoming in the future. It has not been seen on the part of previous incumbents.

¹⁸See Universal Rights Group, “How to Operationalise the Council’s prevention mandate and where does it fit within the Secretary-General’s ‘prevention agenda’,” April 10, 2019.

The contribution of the UN Human Rights Council to the prevention of human rights violations (Human Rights Council resolution 38/18)

“The Human Rights Council

...

Recognizing that States, including all branches thereof, have the primary responsibility for the promotion and protection of human rights, including the prevention of human rights violations,

...

1. Recognizes the contribution that the Human Rights Council can make to the prevention of human rights violations, including through the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251, which comprises two mutually reinforcing elements:

(a) To contribute, through dialogue and cooperation, towards the prevention of human rights violations;

(b) To respond promptly to human rights emergencies.

2. Decides to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations;

3. Requests the President of the Human Rights Council to appoint... a chair-rapporteur and two rapporteurs to chair and facilitate the two intersessionsl seminars in Geneva, and to consult and gather the views of relevant stakeholders in Geneva and New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session” [to be held in 2020]

*This resolution was adopted by a recorded vote of
28 to 9 with 8 abstentions*

Statement by UN High Commissioner for Human Rights, Michelle Bachelet to UN Seminar on the contribution of the Human Rights Council to the prevention of human rights violations.

9 April, 2019

“As in Rwanda, virtually all of today’s massive conflicts and humanitarian crises began with incremental violations – not only of civil and political rights, but also of economic, social and cultural rights. . . .

We need stronger strategies and tools to do this essential job of prevention. The role of the Human Rights Council in this regard is crucial. . .

The Council’s independent experts and investigative bodies perform essential preventive actions. The UPR, too, makes it harder for perpetrators to

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conceal their violations and sweep aside demands for accountability. This work, like the work of the Treaty Bodies, and my office, provides openings and tools, which can address grievances and prevent abuses and violations from intensifying and multiplying. I am convinced that without the Council's spotlight on a wide range of situations, many crises and injustices would have been much worse. . .

We need to combine the Council's early warning efforts with longer-term prevention work addressing the root causes of crises, unlocking systemic violations and reducing the likelihood of their recurrence. . .

The Council constitutes a unique forum for States to share their needs and discuss modalities of cooperation. . .

The Council can also work with other UN partners, bridging the gap between New York and Geneva and strengthening the coherence of our action. The 2030 Agenda constitutes a potential locomotive for the realization of vital human rights objectives – tackling the root causes of insecurity, narrowing inequalities, ending pervasive discrimination, and building sound and inclusive institutions. We need to streamline our action amplify our guidance and coordinate our work with that of other, powerful actors, for maximum preventive impact. . .”

Source: OHCHR press release, 9 April, 2019

References

- Deutsche Welle (2018) UN's Andrew Gilmour reports a global backlash against human rights defenders. 12 September, 2018
- Eliasson J (2015) Deputy *Secretary-General* of the United Nations, “The United Nations’ Human Rights Up Front Initiative”. ACUNS Quarterly News Letter, Issue 1
- International Court of Justice (1949) ICJ Reports, Corfu Channel Case. Judgement of December 5, 1949
- International Crisis Group (2019) Report on Cameroon
- International Institute of Humanitarian Law (2019) Deprivation of liberty and armed conflicts: exploring realities and remedies. Milan, Franco Angeli
- Irish Mission to the United Nations (2016) Geneva, Joint Statement: Human Rights Council 32nd session:. Original in the possession of the author
- Limon M (2019) Does Bachelet's mission to Cameroon point towards a more prevention-orientated future for UN Human Rights? Universal Rights Group, June 4, <https://www.universal-rights.org/category/blog/>
- Office of the High Commissioner for Human Rights (2019) Bachelet welcomes Cameroon's willingness to cooperate to tackle human rights crises. 6 May, 2019
- Ramcharan BG (1983) Humanitarian good offices in international law. Martinus Nijhoff, The Hague
- United Nations (1995) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission resolution 1995/73. E/CN.4/1996/4/Add.1, 24 July
- United Nations (2014) Summary Report on the outcome of the Human Rights Council panel discussion on the role of prevention in the promotion and protection of human rights. Report

of the Office of the United Nations High Commissioner for Human Rights. Doc. A/HRC28/30, 10 December

United Nations (2017) Plan of action for religious leaders and actors to prevent incitement to violence that could lead to atrocity crimes. UN, New York

United Nations (2018a) Framework of Analysis for Atrocity Crimes. A Tool for Prevention. New York, United Nations, 2014, reprinted in 2018

United Nations (2018b) Note to Correspondents: Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, on his visit to Bangladesh to assess the situation of Rohingya refugees from Myanmar, 12 March

Universal Rights Group (2017) Glion Human Rights Dialogue 2017 (Glion IV) “How to operationalize the Council’s ‘prevention’ mandate: the effective implementation of paragraph 5f of GA res. 60/251.”

Universal Rights Group (2019) How to Operationalise the Council’s prevention mandate, and where does it fit within the *Secretary-General*’s ‘prevention agenda’. April 10

Chapter 7

A Global Watch Over Human Security



This book opened with a chapter on SDG 16, which seeks to anchor preventive diplomacy in efforts for sustainable development grounded in peace, justice, inclusive and equitable institutions. This closing chapter will make the case that SDG 16 should be accompanied by a global watch over human security comprising national watches backed up by regional and international support and diplomacy.

In their study of human security for the UN Intellectual History Project, S. Neil MacFarlane and Yuen Foong Khong recalled that human security, in the words of the Global Commission on Human Security (2003), is “a central organizing principle of international relations and a major catalyst for finding a new approach to conducting diplomacy”¹ The notion of human security, MacFarlane and Khong explained, is based on the premise that the individual human being is the only irreducible focus for discourse on security. The claims of all other referents (the group, the community, the state, the region, and the globe) derive from the sovereignty of the human individual and the individual’s right to dignity in her or his life.²

Threats to human security, in the words of the UN High-level Panel on Threats, Challenges and Change (2004), now go far beyond States waging aggressive war. They extend to poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. The threats are from non-State actors as well as States, and to human security as well as State security.³

The idea of a global watch over human security was first launched by then UN Secretary-General Javier Perez de Cuellar in 1988. We present Perez de Cuellar’s concept, drafted by the late James S. Sutterlin, later in this chapter. Our approach to the implementation of this idea is an incremental one in view of the prevailing

¹MacFarlane and Yuen (2006), p. 2.

²Ibid, 2.

³Ibid, 261.

international political environment. We suggest that all countries should promote and facilitate national watches over human security with a leading role for civil society. We argue that regional and international organizations should lend their support to the national watches, and that the *UN Secretary-General* should designate the Director-General of the *United Nations Office in Geneva* (UNOG) as the coordinator of a global watch over human security. The proximity of UNOG to many of the key departments and specialized agencies of the UN would make it the logical location of such a Coordinator.

The need to build up a global watch over human security has become acute in our times. Lord Martin Rees, the British Astronomer Royal, in his important 2018 book, *On the Future. Prospects for Humanity*, sounded the following alarms: our world is unsettled and rapidly changing; we face existential risks over the next century; our approach to the future is characterized by short-term thinking, polarising debates, alarmist rhetoric, and pessimism; the future of humanity is bound to the future of science and hinges on how successfully we harness technological advances to address our challenges; advances in biotechnology, cyber-technology, robotics, and artificial intelligence—if pursued and applied wisely—could empower us to boost the developing and developed world and overcome the threats humanity faces on Earth from climate change to nuclear war; at the same time, further advances in space technology will allow humans to explore the solar system and beyond with robots and AI. But he cautioned: “There is no Plan B for Earth – no viable alternative within reach if we do not care for our home planet.”⁴

In his 2018 New Year message, coming at the end of his first year in office, UN Secretary-General Antonio Guterres issued a ‘red alert’ for humanity, warning of the dangers presented by climate change, geo-political divisions, record numbers of people moving in search of safety and protection, growing inequality, and rising intolerance. He repeated this warning in his 2019 New Year message and pleaded: “let’s resolve to confront threats, defend human dignity and build a better future.”

These were salutary warnings to the world that everyone should heed. The question is how. The ‘red alert’ needs to be activated institutionally. Historically, organizations such as the World Institute have made important contributions through their research and publications.⁵ Parts of the concept of a comprehensive global watch have been introduced through periodic reviews of the implementation of the Sustainable Development Goals and through contributions from institutions such as UNEP, UNDP, the World Bank, the World-Watch Institute, the International Crisis Group, SIPRI, and the International Institute of Strategic Studies.

However, systematic implementation of the concept of a comprehensive global watch over human security is still lacking and is deserving of urgent consideration. Activation of the concept should take place nationally within each country, regionally, and internationally, with the United Nations taking a lead role in this. The Secretary-General should designate the Director-General of the UN Office in

⁴Rees (2018), p. 10.

⁵See, for example Brown (1981).

Geneva as the coordinator of the comprehensive global watch in view of the proximity of key UN specialized agencies and programmes. There is role for positive United Nations diplomacy in favour of the implementation of the global watch. To begin with, we revisit briefly de Cuellar's blueprint of a comprehensive global watch over human security.

7.1 The Idea of a Comprehensive Global Watch Over Human Security

Secretary-General, Perez de Cuellar's concept of a comprehensive global watch over human security, included environmental, political, economic, social, human rights, and humanitarian components. In *Perspectives for the 1990s*, which he presented to the General Assembly in 1988, Perez de Cuellar offered a vision in which international security, including disarmament and international law, development and international economic cooperation, social advancement, basic rights and fundamental freedoms, and human well-being would be integrated into a comprehensive global watch.⁶

Making the case for the further development of early-warning and prevention activities, the report stressed that the United Nations must, give very high priority to monitoring potential causes of conflict and to communicating warning signs to those in a position to alleviate the situation. First responsibility should lie with the Security Council and the Secretary-General, who would need to have means to mount a global watch. Given the strong economic and social factors in regional violence, economic and social developments would have to be followed and assessed in terms of their relevance to international security.⁷

Offering ideas for the prevention of conflicts, the report argued for better understanding of the disparate nature of the origins of regional disputes; the structural anomalies left by colonialism, which were sometimes at the root of conflict; societal pressures resulting from inadequate economic and social development, which were the primary causes of instability in some areas; ethnic identity factors centred in race or belief, which were increasingly the cause of tensions that brought countries and peoples to violence. Terrorism, too, shared some of the foregoing roots. The report argued that the role of the United Nations in disarmament could be usefully broadened in the future, in line with the high importance of this objective and the potential of the Organization to contribute further to its achievement.

The report argued for coherent and integrated policies and preventive strategies in the economic and social areas at the national, regional and international levels. Regional cooperation would need to be strengthened. The state of the human condition necessitated such policies and strategies. Among the ideas advanced in

⁶United Nations (1987). *Perspectives on the 1990s*, UN Doc. A/42/512. 2 September.

⁷*Ibid.*

the report for dealing preventively with economic and social problems were the following:

The report argued that there needed to be a broad educational base among populations since social progress would always be closely related to progress in education. While the provision of education was a national responsibility, multilateral efforts of many kinds to assist national authorities to meet this responsibility would be needed and it would be of fundamental importance not only in dealing with social threats, but also in assuring better protection of vulnerable groups in the global society and in combating destructive social forces that bred from ignorance.

The report counselled that the continued existence of widespread poverty in the world must be avoided. Were poverty to be allowed to expand exponentially in step with population growth, there would be most negative consequences for social harmony, ecological integrity and international security. The United Nations must accord high priority to the reduction of poverty and not only as a critical element in development but also as a human responsibility and a requirement of international security.

Hunger, which in addition to causing unacceptable suffering, debilitated the base for development and brought ecological degradation, must be eliminated. The human population, the earth's greatest resource, must live within the earth's supportive capacity. The protection of vulnerable groups must be enhanced. Health for all must be progressively achieved through preventive action and through fight against diseases. The wasteful utilization of resources for arms, both conventional and nuclear, must be drastically curbed.

The growth of population in the poorer countries, where it was the largest, could well, the report presciently submitted, result in the future in massive migratory pressure on relatively more developed countries. The result could be grave internal tensions, severe hardship for the people involved, and hostility between countries that could ultimately pose a threat to international security. Much national and multilateral attention would need to be given in the future to the modes and timing of development from this special perspective in order to reduce the catalysts for such mass movement. The possibilities of migrant resettlement in the best-suited countries or regions would need attention, too, as one of the means of accommodating in peace a doubling of the population in poor countries.

The report emphasized the role of human rights protection as a preventive strategy. It argued that respect for basic human rights and for the dignity and worth of the human person as called for in the Charter was a fundamental element in the vibrant and productive global society towards which United Nations efforts must continue to be directed. In the future, the main focus of United Nations human rights activities should be on bringing universal respect in fact for the norms that had been agreed upon in practice. The challenge of promoting respect for human rights was global. The goal of United Nations bodies must be to translate the wide commitment to human rights into an increasingly persuasive means to eliminate abuses wherever they occurred.

This was, without a doubt, a seminal report, put forward on the Secretary-General's own initiative during a period when the cold war still was around. The

concept of a global watch would require renewed attention, mindful of the national, regional and international dimensions of the project. In what follows we look at these three dimensions, starting with the need for national watches over human security.

7.1.1 National Watches Over Human Security

Activation of a global watch over human security should build on the maintenance of a national watch over human security in every country.⁸ National research institutions inside a country could contribute but may not have the resources to do this methodically. Governmental action would be crucial. How could governments discharge this responsibility, mindful of the challenges they already face, especially in developing countries?

One way would be for each government to designate an independent commission to perform the functions of a national watch over human security. This does not have to be a large commission. One might aim at a membership, say, of six, with gender and age balances. Members could be drawn from academics/researchers, government officials, and NGO representatives. It would be a non-remunerated commission and its task would be to issue an annual 'national watch' report covering threats to human security from environmental, political, economic, social, human rights and humanitarian perspectives.

The environmental watch would highlight dangers from governmental, business, or private activities and, where called for, suggest corrective measures. The political watch would alert the society about political grievances building up that might boil over into unrest. Naturally, this would call for wisdom and discretion.

The economic watch could be grounded in implementation of the Sustainable Development Goals, and be designed to identify serious gaps in implementation that affect fairness and equity in the society.

The social watch could monitor issues affecting equity in social security, and pay attention to the situation of vulnerable parts of the population.

The humanitarian watch would seek to highlight the plight of any part of the population undergoing particular difficulties affecting their survival and well-being. The human rights watch would seek to identify areas where positive action might be taken to improve the rights of different sectors of the society such as children, women, indigenous peoples, and minorities.

One could envisage a short annual report from the national watch commission covering issues such as the above. The chairperson of the commission could be a serving female judge who would be able to help the commission present issues in such a manner as to attract confidence and avoid controversy.

⁸See, generally Romm (1993).

7.1.2 Regional Diplomacy in Support of a Global Watch Over Human Security

There is room for regional and sub-regional back-up and diplomacy in support of a national watches over human security. In the first place, the regional economic and social commissions of the United Nations can contribute through research and analysis on different aspects of the environmental, political, economic, social, humanitarian and human rights dimensions of the national watches. They can also contribute to understanding of the regional dimensions of aspects such as environmental and survival issues.

The regional economic and social commissions could engage in discreet diplomacy behind the scenes to help governments head off acute threats and to take corrective actions where called for. This would be preventive diplomacy of a new kind, but diplomacy very much needed in a world facing the 'red alert' of the UN Secretary-General.

Regional and sub-regional organizations such as the African Union, ASEAN, the Council of Europe, European Union, OAS, and OSCE can play an exceedingly important role in backing up the national watches of their member countries, and can also engage in preventive diplomacy where needed to deal with acute threats.

Thus far, regional and sub-regional organizations, as discussed in chapter four above, have focused more on the prevention of conflicts. But they would need, in the future, to enlarge their perspectives to deal with the structural causes of conflicts: environmental, political, economic, social, humanitarian and human rights. Regional and sub-regional organizations can engage in diplomacy, including preventive diplomacy, in support of their member states' national watches over human security.

7.2 The Security Council's Role in Supporting a Global Watch Over Human Security

The Security Council is vested with responsibility to help safeguard international peace and security. Historically, it has focused its attention mainly on issues of international peace: conflict prevention, peacemaking, peacekeeping and peacebuilding. Within this framework, it has dealt with issues such as the protection of children and women during armed conflicts, and containing human rights violations during armed conflicts to the extent that it is able to do so. On broader issues of international security, the Council has discussed a few topical issues such as climate change, HIV/AIDS, and the Ebola pandemic. In September, 2018 the Council discussed the issue of corruption and the following month focused on natural resources as a catalyst for conflict.

In the past, the Council has not often seen its role as one of contributing to the maintenance of a global watch over human security. The question arises for consideration: how it might do so in the future. In a Security Council debate on the future

role of the UN in the maintenance of international peace and security, held on 9 November, 2018, some important insights were offered by those who participated in the debate.

The concept paper circulated by China as President of the Security Council for the month, noted that the world had experienced many changes posing new challenges, including the intertwining of traditional and non-traditional security issues. Global challenges such as terrorism and risks in cybersecurity⁹ loomed ever larger, requiring countries to formulate a coherent strategy and take collective action. It cited Secretary-General Antonio Guterres who had stated that “in the face of massive, existential threats to people and planet, there is no way forward but collective, common-sense action for the common good.”¹⁰

The representative of Bangladesh perceptively commented that with the rapid advancement of science and technology, especially in the domains of information and biological technology, the conventional notion of humanity itself will be subject to new, challenging questions.¹¹

Addressing the meeting, the President of the Economic and Social Council, Ms Rhonda King, commented that climate change, technological disruption and the threat of nuclear war were the defining issues of our time.¹² The Chinese representative, speaking in his national capacity, offered a definition of a security concept for the Council as follows: “We should advocate for a security concept featuring common, comprehensive, cooperative and sustainable security.”¹³ The word cooperative indicated the need for consensus, a thought that was echoed by several other speakers, including the Swedish representative, who noted that “In order to effectively prevent and resolve threats to international peace and security, cooperation continues to be the only way forward.”¹⁴

The Polish representative cautioned that there were new threats and challenges to international peace and security that had been unknown to, or underestimated by, the founders of the United Nations in 1945. “Terrorism, foreign fighters, violent extremism, cyberattacks, refugees flows, uncontrolled migration and information warfare, as well as transnational organized crime, have all undermined global stability. Moreover, we see powerful and determined non-State actors who have no respect

⁹See on this Landgren (2018), Executive Director of Security Council Report, who noted in the Halifax Papers published by the Halifax International Security Forum: “The Council must ramp up its security of global threats, including an expanded notion of warfare. The Secretary-General expects the next big war to start with a cyber-attack, but the Security Council has only glanced at cyber-security in informal, attendance-optional ‘Arria-formula’ meetings. The broader category of ‘hybrid warfare’ has had similarly light attention. Some members resist discussion of human rights abuses, often harbingers of conflict.”

¹⁰UN Security Council (2018a), para. 13.

¹¹UN Security Council (2018b), p. 82.

¹²Ibid., p. 5.

¹³Ibid., p. 9.

¹⁴Ibid., p. 10.

for the norms of international law and human rights.”¹⁵ The Polish representative also commented that “Whenever basic human rights and fundamental freedoms are being systematically and widely violated and abused, and whenever international crimes are being committed or weapons of mass destruction are used, the Security Council cannot remain idle. It is our responsibility to respond quickly and decisively.”¹⁶

Numerous speakers highlighted the issue of prevention, calling on the Secretary-General to make use of his authority under Article 99 of the Charter to draw situations of concern to the attention of the Security Council, and urging the Security Council to draw upon its competence under Chapter VI of the Charter to investigate and act earlier in situations of concern. They also attached importance to cooperation with regional and sub-regional organizations. The interdependence of peace, development and human rights was mentioned by a number of representatives.

The representative of Brazil cautioned, however, that the Security Council must avoid encroaching on issues that fall under the purview of other United Nations bodies. “Even though we agree that the Council must address the root causes of conflicts, that should happen in very specific contexts related to items on its agenda, and never with the purpose of developing general policies and norms.”¹⁷

7.3 United Nations Diplomacy in Support of a Global Watch Over Human Security

The United Nations can play a crucial role in supporting national and regional watches over human security and United Nations diplomacy could have a lead role in this endeavour. The core dimension of the global watch, as we argued above, should be to encourage the maintenance of national watches over human security, and the UN regional economic and social commissions, as well as regional and sub-regional organizations can deploy diplomacy, including preventive diplomacy, in support of national efforts.

In our submission, designating the Director-General of the United Nations Office in Geneva (UNOG) as the Coordinator of a global watch over human security would be a practical way of taking forward the implementation of the global watch in the future. We have in mind, in this regard, that every four and a half years every country of the world sends representatives to Geneva to present the country’s report under the Universal Periodic Review operated by the Human Rights Council.

¹⁵Ibid., p. 19. See also, the statement of the UK representative, Ibid, p. 28: “...we face the proliferation of threats from many quarters. ...Whether it be migration, cybercrime, modern-day slavery, terrorist threats, disease or climate change, all those threats challenge security and prosperity at home and challenge collective security on the world state.”

¹⁶Ibid., p. 18.

¹⁷Ibid., p. 62.

Without inserting himself in the UPR process itself, the Director-General of UNOG could invite the country delegation for discreet discussions on the country's national watch over human security. In cases of need, and by mutual agreement, the Director-General or her/his representative could visit the country for on-the-spot discussions on the enhancement of its national watch over human security.

An arrangement such as the one suggested above would have the merit of grounding national watches over human security on the foundations of international human rights norms yet, at the same time, avoiding the political controversies that usually accompany the handling of human rights in international organizations.

It is conceivable that the High Commissioner for Human Rights may wish to engage in diplomatic contacts with Governments on the strengthening of their national arrangements for the promotion and protection of human rights. That could certainly take place. At the same time, a parallel effort by the Director-General of UNOG focussed on the enhancement of national watches over human security, handled in a cooperative and discreet manner would add great value to efforts for the promotion of a comprehensive watch over human security.

The role suggested here for the Director-General of UNOG would not involve the creation of any new machinery. In the performance of his task the Director-General could draw, in her/his judgment, on the support of relevant United Nations agencies or offices. A modest increase in the travel budget of the Director-General would be needed, but this would be of manageable proportions.

In her/his judgment, the Director-General would report to the Secretary-General/Deputy-Secretary-General on cases where the Director-General considers that assistance from within the UN system could help enhance a country's national watch over human security.

The suggestions advanced above, if implemented, would give rise to facilitatory/preventive diplomacy of a kind not so far seen in the history of the United Nations. It would give the United Nations a valuable, practical, role in the development of a comprehensive global watch over human security.

Over time, the UN Secretary-General could submit updates to the relevant UN organ, possibly the ECOSOC, on UN efforts, and those of the UNOG Director-General in particular to help promote a comprehensive global watch over national security based on the work of the national watches over human security. The UNOG Director-General would become known, over time, as the UN's focal point and Coordinator of the Comprehensive Global Watch over Human Security.

7.4 Conclusion

The courses of action suggested above for the activation of a comprehensive global watch over human security are practical and incremental. They ground the effort in national watches over human security and envisage diplomacy in support of the national watches on the part of UN regional economic and social commissions, regional and sub-regional organizations, and the United Nations Secretary-General

and his senior adviser on prevention. They are not onerous, and are non-threatening. Rather, they are cooperative and envisage United Nations preventive diplomacy of a new kind, needed in the face of the Secretary-General's 'red alert' for humanity.

A new paradigm for human security

"Let us . . . understand why being strategic is . . . so intrinsically important. First, it is a moral obligation of government to take the long view, to grasp the big picture, to anticipate and prevent, to appreciate the hidden, residual consequences of action or inaction, to recognize and capitalize on the interrelatedness of all things otherwise seemingly discrete and unrelated.

Second, being strategic inoculates us against crisis. Where crisis occurs, be it a terrorist incident or a natural disaster, strategic thinking has failed – with the unwanted result that decisionmaking must be artificially compressed and forced, and resources diverted from their intended purposes. Thus does crisis prevention stand alongside assured security as an overarching strategic aim of democratic society.

Third, being strategic provides the intellectual basis for both the strategic leadership expected of a superpower and the enduring broad-based consensus necessary to galvanize a diverse, pluralistic society in common cause in the face of uncertainty, complexity, and ambiguity.

Four being strategic imperatives should guide our future. The first let us call targeted causation management – focusing our thinking and our actions on identifying and eradicating the underlying causes of insecurity, thereby curing the disease rather than treating the symptoms. Environmental degradation and climate change take us much farther along the path to ultimate causes than terrorism ever could, especially if we acknowledge that the social, political, economic and military conditions we prefer to deal with and attribute violence to may mask disaffection and unrest more deeply attributable to an environmentally degraded quality of life.

A second strategic imperative, institutionalized anticipatory response, calls for institutionalizing – giving permanence and legitimacy to the capacity and inclination for preventive action. This would enhance the prospects that conditions and events can be dealt with when they are manageable, before they mutate out of control and demand forceful response. Examples could range from a Manhattan Project-like effort to develop alternative energy resources and technologies, to greater inter-jurisdictional intelligence sharing, to massive disaster-resistant infrastructure development in the developing world.

A third strategic imperative is appropriate situational tailoring – dealing with conditions and events on their own geographic, cultural and political terms rather than as we are wont to do, inviting failure by imposing our preferred capabilities and approaches on the situation at hand. In a purely

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institutional sense, such tailoring might take the form, for example, of new multilateral collective security regimes in each region of the world, with major environmental preparedness and enforcement aims.

The fourth strategic imperative is comprehensive operational integration – achieving further organizational, doctrinal, procedural and technological integration across military - nonmilitary, governmental – nongovernmental and national - international lines. In a conceptual policy sense, this might assume the form of an overarching strategic architecture for unifying the activities of five organizational and cultural pillars – sustainable development, sustainable energy, sustainable business, sustainable consumption and sustainable security. . . .”

*Worldwatch Institute, A New Paradigm for Human Security
World Watch magazine, January/February 2005, Vol.18, No.1*

References

- Brown LR (1981) Building a sustainable society. A Worldwatch Institute Book. W.W. Norton, New York
- Landgren K (2018) “UN-Specific: Aging Institutions, Modern Solutions”, 2018 Halifax Papers published by the Halifax International Security Forum
- MacFarlane SN, Yuen FK (2006) Human security and the UN. A critical history. Indiana University Press, Bloomington
- Rees LM (2018) On the future. Prospects for humanity. Princeton University Press, Princeton
- Romm JJ (1993) Defining National Security. The nonmilitary aspects. Council on Foreign Relations Press, New York
- United Nations Security Council (2018a) Document S/2018
- United Nations Security Council (2018b) Document S/PV.8395, 8395th meeting Friday, 9 November 2018, 10 a.m. New York

Chapter 8

Conclusion: Towards Enhanced Conflict Prevention



The five themes discussed in this book are interlocking and interdependent: conflict prevention, development, peace, justice and human rights. The UN's Agenda 2030 seeks to advance sustainable development with a view to reinforcing peace and justice on the foundations of respect for universal human rights. Unfortunately, progress is lagging on all five items: many voices have already been raised, including that of the UN *Secretary-General* that the Sustainable Development Goals will not be met by 2030 unless there is a re-doubling of efforts. Still, on development as such, there is much striving.

To the extent that advances in development might lead to justice for some of the poor, the justice component might see some progress by 2030. Alas, however, injustices are commonplace in numerous parts of the world, with the incidence of numerous conflicts and with pervasive, shocking, violations of human rights.

Even though SDG 16 cannot be fully implemented without tackling the numerous gross violations of human rights, there is, alas, a numbing silence about those violations—notwithstanding the courageous efforts of UN human rights fact finders and the UN High Commissioner for Human Rights.

When it comes to conflict prevention within the UN's Agenda 2030, some preventive diplomacy efforts do take place, to the extent possible, within the United Nations and regional organizations. We have seen examples of this in this book. But it would be fair to say that, following the launch of the UN's Agenda 2030 in 2015 there has not been any effort, other than those of NGOs to consciously promote the conflict prevention dimension as part of Agenda 2030.

The national reports reviewed within the process of the High-Level Political Review were largely silent on the issue of conflict prevention. The Ministerial deliberations in the ECOSOC and the General Assembly hardly touched on conflict prevention.

Neither the General Assembly nor the Security Council has deliberated on what more could be done to advance conflict prevention as part of the UN's Agenda 2030. As far as is known, neither the *Secretary-General* nor the UN Department of Political and Peacebuilding Affairs (DPPA) has approached the principal regional

and sub-regional organizations asking them to re-double their efforts for conflict prevention as part of their contribution to Agenda 2030.

There is no evidence that any of the regional organizations with peace and security mandates (the AU, ASEAN, ECOWAS, IGAD, OAS, OSCE, SADC) has deliberated upon how they might bolster their contributions to conflict prevention as part of their contributions to the implementation of the UN's Agenda 2030.

But for the efforts of NGOs such as the Fund for Peace, the conflict prevention part of the UN's Agenda 2030 has so far been mostly overlooked. This is highly unfortunate. Somewhere within the UN, someone should feel a sense of responsibility to integrate the conflict prevention dimension as an integral part of the process of implementing the UN's Agenda 2030.

One can think of numerous practical ways of going about this task. One place to start could be to promote grass-roots campaigns for peace in different parts of the world. The encouragement of national arrangements for conflict prevention would be another example. Organs such as the General Assembly, the Security Council, ECOSOC, the Human Rights Council and the Peacebuilding Commission could adopt policy statements on the salience of conflict prevention.

The *Secretary-General* could consider designating a Special Envoy for the implementation of SDG 16 who could contribute to highlighting the centrality of efforts for conflict prevention. Such a Special Envoy might even contribute to the preparation of a Special Summit of the General Assembly on Conflict Prevention and Preventive Diplomacy.

One of the aims of this was to study contemporary preventive diplomacy within the United Nations and within regional and sub-regional organizations. The idea was to see what new forms of preventive diplomacy exist and to consider how preventive diplomacy might be further utilised in the future. The *raison d'être* of the book might be summarised as studying preventive diplomacy with a view to promoting its further use in the future.

The research conducted has revealed several innovative forms of preventive diplomacy. These included the promotion of development strategies and actors for preventive purposes. SDG 16 offered a new philosophy of prevention grounded in sustainable development, peace, justice, inclusive and effective institutions. We saw the use of political/development advisers in a joint programme run by DPPA and UNDP. We saw UNDP's facilitation of local mediators with first-hand knowledge of situations; we saw UNDP's role in post-disaster or post-conflict peacebuilding focusing on the development of capacity for crisis and conflict prevention. We saw NGOs performing an alert foundation, such as the Fund for Peace's annual publication of a report alerting the international community to situations at risk or the Small Arms Survey's reports on global deaths through conflict and violence.

We saw diplomacy by the UN *Secretary-General* and his representatives to promote agreement on the implementation of the Paris Agreement on climate change. We saw the *Secretary-General* engaging in a new diplomatic initiative in launching his Agenda for Disarmament. We saw diplomacy to head of new tests of nuclear weapons as well as diplomacy to control the use of chemical and biological

weapons. We saw diplomacy being deployed to contribute to the fight against global terrorism.

While we did not see much diplomacy to head off conflicts between the leading global powers, China and the U.S. or Russia and the U.S., we drew attention to some historical experiences during the Cold War that might be kept in mind in future efforts to lessen the risks of conflict between these great powers.

We saw a broad range of new diplomatic efforts being deployed by the three regional conflict prevention offices of the United Nations and by regional and sub-regional organizations, notably the African Union, ASEAN, ECOWAS and IGAD.

In the human rights area we saw noteworthy preventive diplomacy on the part of the ICRC, through its visits to prisons and places of detention. We also saw some similar visiting regimes under international and regional treaties. We noted the deployment of preventive diplomacy by the UN *Secretary-General* and the High Commissioner for Human Rights. We discussed efforts to develop the preventive role of the Human Rights Council.

We revisited the idea first launched by then *Secretary-General* Perez de Cuellar that the United Nations should coordinate the maintenance of a comprehensive global watch over human security. We made a case for the designation of the Director-General of the *United Nations Office in Geneva* as the UN's coordinator of a comprehensive global watch over human security.

A central insight that emerges from this book is that while preventive diplomacy can be helpful in addressing contemporary international problems, it often comes up against political obstacles and requires steady and methodical cultivation. Historical study of its practice can yield insights of value. There are a range of useful works related to preventive diplomacy that are listed in box below.

SDG 16, part of the UN's Agenda 30 is meant to promote a culture of prevention, with its emphasis on peace, justice, inclusiveness and strong institutions. With conflicts still raging in many parts of the world, with numerous rivalries among global and regional powers, and with the pernicious attacks of terrorist movements, the entrenchment of a culture of peace is, alas, a long way off.

Of the various threats discussed in this book, climate change would seem to call for the most urgent attention from the perspectives of preventive diplomacy. Unfortunately, governments still pursue their perceived interests and the public has not yet been aroused to a degree of understanding to mobilize in support of the reversal of global warming. There is evidence of the beginnings of such a mobilization. The United Nations is doing its utmost in this area and convened another high-level meeting on the topic in 2019.

On weapons of mass destruction and terrorism, preventive strategies and diplomacy in these areas is an on-going effort that has contributed some positive results. Before the conclusion of the Nuclear Test Ban treaty there were some 2000 nuclear tests. After it was concluded, and even though it has still not formally entered into force, there have been only ten such tests, two each from India and Pakistan, and six from North Korea. The *Organization for the Prohibition of Chemical Weapons* has similarly contributed to preventive strategies and diplomacy against the proliferation

and use of chemical weapons. But, alas, there are still instances of the manufacture and use of chemical weapons, as one saw during the recent conflict in Syria. As regards the non-proliferation and use of biological weapons, the threat of their use continues to be a lively one, as leading powers and others are believed to have major stockpiles.

On the Great Powers, it is in the nature of things that they will pursue their interests and security with firmness of purpose. In the ordinary course of things, they will not be attentive to, or amenable to, preventive diplomacy initiatives. But we have seen that in times of great crisis such as the Cuban Missile Crisis and the China-US clashes over Taiwan, preventive diplomacy can be crucial in heading off potential nuclear clashes. During the Cuban Missile Crisis the very fate of the world was at issue. In a clash between either China and the USA or Russia and the U.S. the risk of the use of nuclear weapons is ever present.

Historically, the idea of major powers pledging not to be the first to use nuclear weapons has not travelled far. But it is an issue that might be revisited with a view to seeing whether some understandings or ground rules might be spelled out on this issue.

Preventive diplomacy in respect of possible accidental use of nuclear weapons on the part of the Great Powers is also an issue that might be explored. During the Cold War there was at least one instance when the computers of the USSR indicated that missiles were incoming and the duty officer was supposed to retaliate instantaneously. Fortunately, he did not and the world was saved.

Chinese-US bilateral dialogues on military security, economic affairs, and human rights have been on-going for some time. There is no indication that they have reached level of intensity and trust as to contribute significantly to confidence-building and risk-avoidance. Perhaps they might be enhanced in the future.

Contacts between the leaders of the three Great Powers can be crucial in the future. Meetings have taken place and are planned between the leaders of China and the U.S. and Russia and the U.S. but it is not known whether they are of such trust and confidence as to head off future conflicts. This is an issue that could benefit from the attention of diplomats and scholars.

On inter-state and intra-state conflicts, the number of conflicts has increased in recent years, with devastating loss of life and human suffering. The United Nations, regional and sub-regional organizations have recognized the importance of preventive strategies and preventive diplomacy. These are, for the most part, aspirational efforts, and one is not able to see what results have actually been achieved. In fairness, one could say that successful efforts behind the scenes may not be known. The UN and the World Bank have just launched a new study arguing for prevention to be an integral part of the implementation of the Sustainable Development Goals. This is a seed that still has to grow into a plant, develop into a tree, and bear fruit. Hopefully it will do so in time.

On the theme of human rights, there is considerable room for the exercise of preventive diplomacy against the risks of gross violations of human rights. Diplomacy could be marshalled to encourage Governments to establish or strengthen their

national protection systems and to establish arrangements to detect and head off group grievances.

On the maintenance of a global watch over human security, an idea first launched by former UN *Secretary-General* Perez de Cuellar, while some components of early-warning and preventive diplomacy have been established since then, they certainly are not linked together in a comprehensive watch over global security. In fact, on 31 December, 2017, *Secretary-General* Antonio Guterres felt the need to issue a ‘red alert’ urging the world to come together to tackle perils such as climate change, nuclear weapons, deepening conflicts, nationalism and xenophobia, growing inequality, and horrific violations of human rights. He pleaded: “Narrow the gaps. Bridge the divides. Rebuild trust by bringing people together around common goals.”¹

Further Readings Related to Preventive Diplomacy

Allison, Graham (2017) *Destined for War*. Melbourne, London, Scribe.

- Discusses the risks of war between China and the USA, using the historical insights of the “Thucydides Trap”, namely that a rising global power and the pre-existing global hegemon might be destined to fight.

Andrews, J (2017) *The World in Conflict. Understanding the World’s Troublespots*. London, the Economist.

- Discusses underlying causes of conflicts and provides a useful survey, region by region, of troublespots that have seen conflicts or could see conflicts in the future.

Boutros-Ghali, B (1992), *Agenda for Peace*. New York, United Nations, 1992.

- A seminal report setting out strategies of preventive diplomacy for the future.

Burns, WJ (2019), *The Back Channel: A Memoir of American Diplomacy and the Case for its Renewal*. New York, Random House.

- A book that demonstrates the value of diplomacy behind the scenes, based on the author’s decades of experience as a senior US diplomat.

Foreign Affairs (2019), “Who Will Run the World. America, China, and Global Order,” Vol. 98, Number 1 (2019)

- Discusses the rivalry between America and China and assesses whether the two countries will end up fighting one another.

(continued)

¹UN News (2017).

Hooker, RD. Jr. (Ed.) (2016), *Charting a Course. Strategic Choices for a New Administration*. Washington, National Defence University Press, December, 2016.

- Surveys thematic and regional security threats from the perspectives of US national security as well as global security. Provides valuable insights on issues that might be amenable to the exercise of preventive diplomacy.

Frankopan, P (2018) *The New Silk Roads. The Present and Future of the World*. London, Bloomsbury Publishers.

- A sobering account of the rivalry between China and the USA and flashpoints that may lead to conflict between the two.

Kissinger, H (1994) *Diplomacy*, New York, Simon & Schuster, 1994

- A good historical discussion of the role of diplomacy in international affairs.

Kissinger, H (2011) *On China*. New York, Allen Lane/Penguin.

- Addresses the issue that China and the USA are destined to fight each other and thinks that this is not necessarily so.

Mahbubani, K and Sng, J (2017) *The ASEAN Miracle. A Catalyst for Peace*. Singapore, Ridge Books.

- Discusses the history of the ASEAN region and has helpful chapters on the ASEAN ‘ecosystem of peace’, and ASEAN and the Great Powers.

Makinda, S, Okumu, FW, and Mickler, D (2016) *The African Union. Addressing the challenges of peace, security and governance*. London, Routledge University Press, 2016.

- Provides insights into the challenges of preventive diplomacy in Africa.

Mandelbaum, M. (2019), *The Rise and Fall of Peace on Earth*, Oxford, Oxford University Press.

- Discusses the errant behaviour of China, Russia and Iran and their roles in destabilising their respective regions. Sometimes tendentious.

Mearsheimer, JJ (2014) *The Tragedy of Great Power Politics*. Updated edition. New York, W.W. Norton & Company. (First published in 2004).

- Argues that in a situation where an ascending global power (China) is challenging the hitherto dominant global power (USA), they are destined to fight each other.

(continued)

Ramcharan, B (2008) *Preventive Diplomacy at the United Nations*. Bloomington, Indiana University Press.

- Provides a background on the history of preventive diplomacy at the United Nations.

Ramcharan, R (2018) “Human Rights and Conflict Prevention in Southeast Asia: The Protection Gap,” *Routledge Handbook of Human Rights in Asia*. Routledge, Edited by Fernand de Varennes and Christie Gardner.

- Looks at current problems of protection of human rights in Southeast Asia and how rights violations may contribute to violent conflict.

Rees, M. (2018) *On the Future. Prospects for Humanity*. Princeton and Oxford, Princeton University Press, 2018.

- A sobering discussion of the risks facing humanity, environmental, scientific, political, economic, social, with ideas of how they may be tackled.

Tunsjo, O (2019) *The Return of Bi-Polarity in World Politics: China, the United States, and Geostructural Realism*. Columbia University Press, New York.

- Chapter 6 is particularly interesting: “US-China Relations and the Risk of War”. The author considers that while all-out war involving weapons of mass destruction is unlikely because of the costs to both countries, war between them in the South China Seas is likely.

United Nations and World Bank (2018) *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Washington & New York, UN and the World Bank.

- Offers new ideas for UN preventive diplomacy anchored in the implementation of the Sustainable Development Goals.

van der Have, N (2018) *The Prevention of Gross Human Rights Violations Under International Human Rights Law*. Springer, Berlin/The Hague.

- A technical examination of how prevention of gross violations of human rights is being tackled under various international conventions.

Reference

UN News (2017) ‘UN chief issues ‘red alert’, urges world to come together in 2018 to tackle pressing challenges’. UN News, 31 December, 2017

Index

A

Abe, S., 58
Afghanistan, 31, 50, 85–88
Africa, Central, 11, 23, 83–85
African Commission on Human and People's Rights, 116
African Commission on Nuclear Energy, 91, 92
African Union (AU), xi–xiv, 10, 11, 23, 35, 81, 83, 89–95, 102, 103, 116, 138, 139, 142
Africa, Southern, xii, 11
Africa, West, 11, 23, 83, 84, 86–88, 90
Agenda 2030, ix, 4, 7, 137, 138
Agenda for Peace, ix, x
Albania, 101, 106
Algeria, 32
America, Central, 31
America, Latin, 6, 10
American, Latin, xiii, 99, 100
America, South, 31
Angola, 85
ASEAN Intergovernmental Commission on Human Rights (AICHR), 97
ASEAN Regional Forum, 68, 69, 76
Asia, Central, 11, 23, 42, 83–88
Asia, East, 2
Asia Pacific, 59
Asia, South East, 61
Association of Southeast Asian Nations (ASEAN), xi, xii, 10, 11, 23, 35, 66, 68, 69, 76, 81, 95–98, 138, 139, 142
Azerbaijan, 32

B

Bachelet, M., 109, 110, 122
Ban, K.M., 48, 85, 105, 117

Biological Weapons, 44
Bosnia-Herzegovina, 32
Boutros-Ghali, B., ix, 46
Brandt, W., 73
Brazil, 28
Brunei, 68, 69
Burkina Faso, xi, 32, 38, 86, 89
Burundi, 85, 108
Bush, G.H.W., 10, 62

C

Cambodia, 32, 95
Cameroon, 32, 38, 85, 109–111
Castro, F., 75
Central Africa, xiii
Central African Republic, xi, 32, 85, 95, 102, 112, 118
Centre for International Cooperation of New York University, 24
Chad, 32, 38, 85, 95
Chavez, C., 99
Chemical Weapons, 42, 45, 46
Chergu, S., xii
China, xii, 2, 3, 37, 43, 55–71, 76, 98, 139–143
Chou en Lai, 10, 62
Climate change, 7, 37–41
Paris Agreement, 39
Clinton, H., 62, 69
Cold War, 2, 3, 9, 10, 56–58, 60, 68, 73, 76
Commissioner for Peace and Security, xii
Committee on Economic, Social and Cultural Rights, 25
Commonwealth of Independent States, 85
Comprehensive Nuclear-Test Ban Organization, 43

Conflict Early Warning and Response

Mechanism, xxv, 92

Congo, 85

Costa Rica, 99

Cote d'Ivoire, 32, 89

Council of Europe, 107

Croatia, 32

Cuba, 3

Cuban missile crisis, ix, 55, 140

D

Darfur (Sudan), xiii

Declaration on the Conduct of Parties in the
South China Sea, 66

Democratic Republic of the Congo, 85

Deng, X., 10

Denmark, 29

Diaoyu, *see* Senkaku Islands

Dieng, A., 112

Disarmament, 8, 37, 42, 46

Dulles, J.F., 62

E

Earth Summit, 38

East China Sea, 63

Economic and Social Council, 29, 32, 137, 138

Economic Commission of West African States,
xxv, 84, 95, 138, 139

Economic Community of West African States
(ECOWAS), xi, 11–13, 23, 81, 83,
89, 94

Egypt, 7, 43

Eisenhower, D., 55, 61

El Salvador, 19, 31

Equatorial Guinea, 85

Eritrea, xi

Estonia, 101

Eswatini, 32

Ethiopia, xi, xiii, 93, 103

Europe, xiii, 2, 4, 95–101

European Court of Human Rights, 116

F

Fiji, 32

France, 43

G

G.7, 76

Gabon, 85

Gambia, 89

Gandhi, M., 26

General Assembly, 17, 28, 32

Geneva Conference on Indochina, 62

Georgia, 64

Germany, 58, 71

Ghana, 32

Global Counter-Terrorism Coordination
Compact, 52

Great Britain, 58, 71

Greece, xi

Guatemala, 21, 29, 32

Guterres, A., xi, 2, 23, 34, 37, 39, 46, 52, 82, 86,
87, 105, 109, 113, 118, 141

Guyana, 32

H

Haftar, K., 6

Hammarskjöld, D., ix

Helsinki Final Act, 73

High-Level Political Forum on Sustainable
Development, 31

Honduras, 31

Human Rights Committee, 25

Human Rights Council, 83, 105, 107, 111, 114,
117, 119–123

Human Rights Up Front Initiative, 105,
117–119

Hungary, 101

I

Iceland, 32

India, 5, 42, 43, 56, 61, 139

Indonesia, 32

Inter-American Commission and Court of
Human Rights, 116

Intergovernmental Authority on Development
(IGAD), xi, xiii, 23, 81, 83, 92–95, 102,
138, 139

International Committee of the Red Cross,
105–107, 116, 121

International Court of Justice, 106

International Crisis Group, 105, 110, 116

Iran, 2, 3, 6, 8, 43, 45
 Iraq, 32, 88, 106, 112
 Ireland, 111, 119, 120
 Israel, 8, 32, 43
 Italy, 7

J

Japan, 57, 58, 61–65

K

Kazakhstan, 32, 85, 88
 Kennedy, J., 61
 Kenya, 93
 Khrushchev, N., 74, 75
 Kissinger, H., 5
 Korea, Republic of, 29
 Korean War, 57
 Kuwait, 32
 Kyrgyzstan, 85, 101

L

League of Nations, ix
 Lesotho, 32
 Libya, 3, 6, 7, 23, 45
 Lie, T., 108
 Liechtenstein, 32

M

M'Beki, T., xi, xiv, xv
 Macedonia, North, xi
 Madagascar, xi
 Maduro, N., xiii, 6, 99, 100
 Malaysia, 61
 Mali, xi, 38, 86, 95
 Mao, T.T., 57
 Matis, J., 9
 Mauritania, 32
 Mauritius, 32
 Mexico, 99, 100
 Middle East, 2, 42
 Millennium Declaration, 15
 Modi, N., 6
 Moldova, 101
 Myanmar, 109, 112, 114

N

Nauru, 32
 New Zealand, 32, 53

Niger, 38, 86, 94
 Nigeria, 19, 38, 85, 86, 89
 Nixon, R., 10, 57, 59
 Non-governmental organisations, 137, 138
 Non-proliferation, 46
 North Atlantic Treaty Organisation, 37, 72, 73
 North Korea, 42, 43, 45, 60, 139
 Nunn, S., 2

O

Obama, B., 55, 56, 62, 63
 Organisation for Security and Cooperation in Europe (OSCE), xi, 138
 Organisation of American States (OAS), xi, xiii, 6, 23, 35, 99, 138
 Organization for Security and Cooperation in Europe, 73, 85
 Organization for the Prohibition of Chemical Weapons, 139
 OSCE High Commissioner on National Minorities, 100, 101

P

Pakistan, 5, 8, 42, 43, 139
 Panel of the Wise, xi, xiv, xv, 81, 94
 Pathfinders, 28, 32
 Peace and Development Advisors, 19, 20
 Pérez de Cuéllar, J., 12, 125, 139, 141
 Perry, W.J., 2
 Philippines, 19, 32
 Preventive Diplomacy, 1, 3–5, 7–13
 Putin, V., 76

Q

Qatar, 7

R

Rakhine State, *see* Myanmar
 Rohingya, 109, 114
 Russia, xii, xiii, 2, 37, 43, 55, 56, 64, 71–76, 100, 101, 139, 140, 142
 Rwanda, 85

S

Sahel, xiii
 Salim Salim, xi, xv
 Sao Tome and Principe, 85
 Saudi Arabia, 7

Schultz, G.P., 2
 SDG 16, xiv, 125, 137–139
 Secretary-General (UN), ix–xi
 Security Council, ix–xi, xiv
 Senkaku Islands, 58, 63
 Shanghai Communique, 59, 62
 Shanghai Cooperation Organization, 85
 Sierra Leone, 28, 29, 32
 Somalia, 93, 94
 South Africa, 32
 South China Sea, 55, 58, 66, 68
 Southern African Development Community (SADC), xi, 138
 South Sudan, 38, 112, 118
 Sri Lanka, 53, 117
 Stalin, J., 60
 Sudan, xi, xii
 Sustainable Development Goals (SDG), 16, 18, 34, 137, 140, 143
 Sutterlin, J.S., 12
 Sweden, 29
 Switzerland, 28
 Syria, 24, 31, 45, 46, 112

T

Taiwan, 55, 58, 60, 61
 Tajikistan, 85, 88
 Tanzania, United Republic of, 32
 Terrorism, 37–54
 Timor Leste, 29, 32
 Tonga, 32
 Truman, H., 61
 Trump, D., 3, 100
 Tunisia, 19, 21, 29, 32
 Turkey, 3, 6, 7, 32
 Turkmenistan, 32, 85, 88

U

Ukraine, 19, 20, 73, 76, 100, 101
 UN Counter-Terrorism Centre, 51, 52
 UN Counter-Terrorism Committee, 50
 UN Counter-Terrorism Committee Executive Directorate, 50
 UN Counter-Terrorism Implementation Task Force, 51
 UN Department of Political Affairs, 23, 51, 81
 UN Department of Political and Peacebuilding Affairs, xiv, 15, 137
 UNEP, 126
 UN General Assembly, 5, 8, 9, 12, 44, 137, 138

UN High Commissioner for Human Rights, 17, 105, 109–112, 114, 119, 121, 122
 UN High-level Panel on Threats, Challenges and Change, 125
 UN High Representative for Disarmament, 42
 UN Human rights treaty bodies, 108
 Union of Soviet Socialist Republics (USSR), 9, 59, 76
See also Russia
 United Arab Emirates, 7
 United Kingdom, 32, 43, 106
 United Nations Charter, 3, 64
 United Nations Development Programme (UNDP), xiv, 118, 126
 United Nations General Assembly, 8
 United Nations Secretariat, 23
 United States (US), xii, xiii, 2–11, 43, 55–76, 139, 140
 Universal Declaration of Human Rights, 26, 51
 UN Office for Central Africa, xxv, 84
 UN Office for West Africa and the Sahel, xxv, 84
 UN Office on Drugs and Crime, 20
 UN Regional Office for Preventive Diplomacy for Central Asia, xxv, 85
 UN Resident Coordinators, 85
 UN Secretary-General, 2, 3, 5–8, 10–12, 37, 39, 41, 46, 48, 49, 52, 81, 85, 105, 108–109, 112–119, 121, 125, 137–139, 141
 UN Security Council, 5, 8, 23, 25, 41, 42, 45, 49, 50, 52, 56, 71–72, 74, 75, 81–89, 91, 92, 94, 103, 112, 115, 116, 118, 121, 137, 138
 UN Women, 20
 Uruguay, 99, 100
 U Thant, ix, 74–76, 109
 Uzbekistan, 85, 88, 101

V

Vanuatu, 32
 Venezuela, xiii, 3, 6, 9, 31, 99, 100
 Viet-Nam, South, 61
 Vietnam War, 61

W

Weapons of mass destruction, 8, 42
 West Africa, xiii
 World Bank, 126, 140, 143

World Federation of United Nations
Associations, 29
World Meteorological Organization, 43
World-Watch Institute, 126

X

Xi, J., 55, 66, 67, 71

Y

Yemen, xi, 38

Z

Zuma, J., xiv, xv