

The challenges of preventive diplomacy: The United Nations' post-Cold War experiences in Africa

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Abstract

The United Nations Organisation (UN) is best endowed to conduct preventive diplomacy (PD) by preventing disputes and conflicts arising from interstate and intrastate relationships. The UN has the means to prevent such conflicts and disputes from emerging and escalating into armed confrontation. This article examines the challenges faced by the United Nations as it practises PD with specific reference to Africa. The Charter of the UN sets out the legal basis of PD for the UN, and for regional and sub-regional organisations. Contributions of four UN Secretary-Generals on matters of PD are examined, and special note is taken of the way in which the current Secretary-General, Mr. Ban Ki-moon, uses a four-pronged approach to matters of PD in Africa. The UN has performed well in PD in Africa, especially in collaboration with sub-regional organisations. While the UN derives its mandate to conduct PD from Articles in its Charter, its options are limited to peaceful settlement of disputes, and its action is restricted by rules of international law on intervention, especially with regard to the prohibition of the use of force. The UN is challenged by its inherent problems

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such as its structures, and its lack of early warning systems and finances. Challenges arising from the principle of state sovereignty also limit the UN in preventing internal problems, especially at the pre-conflict stages. This article concludes by proposing that strengthening the Secretary-General's good offices, enhancing conflict early warning systems and encouraging the international community to work together could give legitimacy to UN preventive diplomacy endeavours. Fundamentally, the realisation that violent political problems require political solutions is instrumental in order for the UN to play its PD role.

Abbreviations

AU	African Union
AMISOM	African Union Mission in Somalia
ASEAN	Association of Southeast Asian Nations
DPA	Department of Political Affairs
DRC	Democratic Republic of the Congo
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States
IGAD	Inter-Governmental Authority on Development
MSOEWG	Mediation Support Office and Early Warning Capacity
NGOs	Non-Governmental Organisations
ONUB	United Nations Operations in Burundi
PD	Preventive diplomacy
POLISARIO	Popular Front for the Liberation of Saguia el-Hamra and Río de Oro
RUF	Revolutionary United Front
SADC	Southern African Development Community
UN	United Nations
UNHCR	United Nations High Commissioner for Human Rights
UNMISS	United Nations Mission in the Republic of South Sudan
UNOMSIL	United Nations Observer Mission in Sierra Leone

UNPOS	United Nations Political Office for Somalia
UNPREDEP	United Nations Preventive Deployment Force
US	United States

Introduction

With the end of the Cold War era, it was expected that both interstate and intrastate conflicts would decline. The end of the Cold War reduced the typical East-West ideological competitions that often instigated both intrastate and interstate disputes. Surprisingly though, these crises and conflicts are not disappearing as much as multiplying, and evolving in different forms. Immediately after the end of the Cold War, in the 1990s, there was an upsurge in United Nations (UN) involvement in peacekeeping, peacebuilding, peacemaking, and even reconstruction of war-ravaged states. These activities placed constraints on the UN budget and resources. The UN burden of trying to contain conflicts is made heavier by global financial crises, a sense of international fatigue and the massive cost of activities around the aftermath of conflicts.

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

This article, therefore, examines the efforts the UN has taken in averting conflicts through PD, and the challenges that arose. It concentrates more on post-Cold War PD experiences with regard to conflicts in Africa. This objective is achieved by considering the basis of PD in the UN system and an overview of it during the tenure of four Secretary-Generals. The article further examines the options the UN has relating to PD, and its cooperation with regional organisations with regard to their arrangements and their involvement in PD in Africa. The

challenges to the UN in fulfilling its PD role, the way forward and conclusions make up the final sections.

The basis of preventive diplomacy in the United Nations system

The concept of preventive diplomacy has proven to be controversial (Lund 1996). However, there appears to be consensus that PD is preventive diplomatic and political action taken by sovereign states with the consent of the involved parties. It helps to prevent disputes and conflicts, which could potentially pose a threat to regional peace and stability, from arising between states. PD also helps prevent such disputes and conflicts from escalating into armed confrontation; and can therefore help to minimise their impact (Seventh ASEAN Regional Forum 2000). A great deal of academic work has been done within this broad definition of PD, and various concepts have been suggested.

Since the creation of the UN in 1945, over 112 major conflicts around the world have left more than 25 million people dead. The UN was rendered powerless in preventing many of these crises because of the vetoes cast during the Cold War by the Security Council, which represented a vivid expression of the divisions of that period (Barnett et al. 2007). After the end of the Cold War, there have been fewer vetoes, and the demands on the United Nations for averting conflicts have surged. The UN Security Council has emerged as a central instrument for the prevention and resolution of conflicts and the preservation of peace and security. In practising PD, the UN seeks to identify, at the earliest possible stage, situations that could lead to conflict, and thereafter tries through diplomacy to remove the sources of danger before the outbreak of violence. Where conflict erupts, the UN engages in activities aimed at resolving the issues causing disagreement and works to restore peace. However fragile the conflict situation is, where fighting has been halted, the UN assists in implementing agreements achieved by the peacemakers.

The UN stands ready to assist in peacebuilding in its differing contexts, including rebuilding the institutions and infrastructures of nations torn by civil war and strife, as well as building bonds of peaceful mutual benefit among nations

formerly at war. Largely, it addresses the deepest causes of conflict, especially economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perspective that spans the world's nations and peoples, and which is finding expression in international law, with many attributing its genesis to the work of the UN (Barnett et al. 2007).

Between the tasks of seeking to prevent conflict and keeping peace lies the responsibility of bringing hostile parties to agreement by peaceful means. Chapter VI of the UN Charter sets forth a comprehensive list of such means for the resolution of conflict (United Nations 1945). The processes of peacemaking have also been the subject of various resolutions and declarations of the General Assembly, including resolution A/RES/47/120 on *An Agenda for Peace: Preventive diplomacy and related matters* (Boutros-Ghali 1995a). The United Nations has had wide experience in the application of these peaceful means. If conflicts have gone unresolved, it is not because techniques for peaceful settlement were unknown or inadequate. The fault lies in the lack of political will of the parties to seek a solution to their differences through such means as suggested in Chapter VI of the Charter, and the lack of leverage at the disposal of a third party, if this is the procedure chosen. The indifference of the international community to a problem, or the marginalisation of it, can also thwart the possibilities of solution.

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

In Africa, however, where international borders are porous and state organs are sometimes not in control, enforcing sanctions is extremely difficult (Opiyo 2010a). The use of military force is the essence of the concept of collective security. According to the UN Charter, if peaceful means fail, the measures provided in Chapter VII should be used, on the decision of the Security Council, to maintain or restore international peace and security in the face of 'any threat to the peace, breach of the peace, or act of aggression' (United Nations 1945: Art 39). So far, the Security Council has not made use of the most coercive of these measures in Africa,¹ that is, the action by military force foreseen in Article 42. The Charter, however, provides a detailed approach on how this can be done.

An overview of preventive diplomacy at the United Nations

Various UN Secretary-Generals have had constructive and focused agendas for preventive diplomacy. The following are samples of the positions taken by UN Secretary-Generals Dag Hammarskjöld, Boutros Boutros-Ghali, Kofi Annan and Ban Ki-moon on preventive diplomacy.

During the leadership of Dag Hammarskjöld as UN Secretary-General, the United Nations was expected to be a dynamic instrument enabling member state governments to develop forms of anticipatory action before a crisis boiled over, that is, through 'preventive diplomacy'. For Hammarskjöld, the purpose of the UN was to create conditions where each main military block could have adequate space to work with others. Hammarskjöld performed preventive diplomacy personally or through senior staff of specialised agencies and programmes, through the Security Council or the General Assembly, or through regional organisations in cooperation with the United Nations. Preventive diplomacy was regarded as requiring specific measures to create confidence, early warnings based on information gathering and informal or formal fact-finding; and, in some situations, also preventive deployment (Djibom 2008:4).

Just like Hammarskjöld, Secretary-General Boutros Boutros-Ghali positively considered PD. Boutros-Ghali regarded PD as 'the most desirable and efficient

1 In other continents, the UN has used the option in Iraq and the Kuwait border dispute case.

employment of diplomacy to ease tensions before they result in conflict or if conflict breaks out, to act swiftly to contain it and resolve its underlying causes' (Boutros-Ghali 1995a: para 23). Like Hammarskjöld, Boutros-Ghali performed preventive diplomacy personally or through senior staff of specialised agencies and programmes, the Security Council or the General Assembly, or regional organisations in cooperation with the United Nations (Boutros-Ghali 1995a).

As UN Secretary-General, Kofi Annan too had a special place for PD. In 2001, he proposed renaming 'preventive diplomacy' as 'preventive action'. For him, preventive diplomacy was particularly favoured by member states as a means of preventing human suffering and as an alternative to costly political-military operations to resolve conflicts after they have occurred. Although diplomacy is a well-tried means of preventing conflict, the United Nations' experience in recent years has shown that there are several other forms of action that could have useful preventive results. For instance, preventive deployment, preventive disarmament, preventive humanitarian action, and preventive peacebuilding, which involve the consent of the government or governments concerned, as well as a wide range of actions in the fields of good governance, human rights, and economic and social development. For this reason, Annan decided to rename the activity 'preventive diplomacy' as 'preventive action'. It is of interest to note that he emphasised that 'preventive action' should be limited mostly to measures stated under Chapter VI of the Charter, but also noted that enforcement action as provided under Chapter VII must remain a legitimate means of last resort in order to prevent massive violations of fundamental human rights or other serious threats to peace (Annan 2002).

Ban Ki-moon as the eighth UN Secretary-General, has gone even further in presenting preventive diplomacy, specifically for Africa, in the form of a four-pronged approach. First, the strengthening of UN partnerships with all stakeholders should be continued. Successful peace processes require the contributions of a range of actors, at both the regional and international levels. The UN has, for example, a political office in Dakar, serving West Africa to forge innovative working relations with the African Union and ECOWAS – helping to address political crises throughout the sub-region with a model that could usefully be replicated elsewhere.

Second, it should be ensured that developments include the increasing use of international contact groups and elders' structures. Recent engagements in Guinea, Niger, the Comoros and Kenya have shown what the UN political affairs sector can do. Progress can only be achieved through partnerships that yield a combination of influence, impartiality, capacity and capability. Effective preventive action depends critically on the willingness of the parties in the conflict to engage. The UN understands motives, calculations and incentives used to prevent violence between parties in dispute, thus improving the targeting actors that it is in their own interest to accept diplomatic assistance to avert conflict. Neighbouring countries and sub-regional organisations could exercise a unique influence, and perhaps serve as key allies.

Third, the international community is to continue to invest in prevention. The global economic crisis put new pressures on resources, and there is an overall trend towards doing more with less. Diplomatic approaches and responses, when successful, are highly cost-effective. And fourth, the UN ought to support and encourage the role of women in preventive diplomacy. Repeatedly, women in Africa and elsewhere have demonstrated a strong commitment in working to achieve sustainable peace (Migiro 2010; United Nations News Service 2010:5). The Security Council Resolution 1325 reaffirms the important role of women in the prevention and resolution of conflicts and in peacebuilding, yet women are still underrepresented in the formal stages of conflict prevention (United Nations Security Council 2000).

The role of the UN in preventive diplomacy

Within the confines of the UN Charter, the role of the UN in preventive diplomacy includes political action through the Department of Political Affairs, peacekeeping operations in the deployment of the United Nations Preventive Deployment Force (UNPREDEP),² disarmament, especially of nuclear weapons, and human rights action focused on the strengthening of respect for human rights while addressing the issues of human rights violations

2 This has taken place about three times in the last three decades: UNPREDEP in the former Republic of Macedonia, the United Nations Mission in the Central African Republic (MINURCA) and succession operations in Haiti. See, for example, Ackermann 1999.

whenever they occur. In addition, development assistance, humanitarian action, the media, and information dissemination form part of the options available to the United Nations. Finally, gender equality has its focus on constitutional, legislative, judicial, and electoral reforms. Very important also is the drug and crime prevention sector through which the UN addresses illegal business activities that are likely to fuel conflict.

The UN engagement in PD is underpinned by intervention. It is therefore paramount to reaffirm two fundamental principles of international law concerning preventive diplomacy which if not followed would negate the efforts. First, is the prohibition of the use of force. A central feature of the modern international legal system is the normative attempt to control the use of force (Brownlie 1998:105–108). Article 2(4) of the UN Charter (United Nations 1945) prohibits 'the threat or use of force'. The Charter elaborates a system of economic, political, and military enforcement measures against aggression in Chapter VII, that is, the collective security system. The monopoly in enforcement power was made subject only to two exceptions: the individual or collective right of self-defence in Article 51 and enforcement measures by regional organisations authorised by the Security Council under Article 53.

Second, is the peaceful settlement of disputes. Disputes between states arising from claims and counter-claims concerning a matter of fact, law or policy are an inevitable part of international relations and have frequently led to armed conflict. In modern international law, Article 2(3) of the UN Charter obliges member states to 'settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered'; and Chapter VI of the Charter is entirely devoted to this purpose. However, peaceful means cannot be limited to those of Chapter VI.

Preventive diplomacy also needs to be understood in terms of the methods and organs or actors. With regard to methods, Boutros-Ghali (1995a) reiterated that preventive diplomacy requires measures to create confidence, that it needs early warning based on information gathering and informal or formal fact finding, and that it may also involve preventive deployment as well as, in some situations, demilitarised zones. In a supplement to Boutros-Ghali 1995b there

is a striking reference to the ‘need for hard decisions’ which include sanctions and enforcement actions under Chapter VII of the UN Charter (Boutros-Ghali 1995b: section 104). Various, organs or actors have actively played an important role in the preventive diplomacy, not only through the United Nations organs, but also aided by regional organisations, governments, non-governmental organisations (NGOs), mass media and individuals. In fact, the role of other actors other than the United Nations has become increasingly important.

The United Nations’ cooperation with regional arrangements

The UN Charter devotes Chapter VIII to cooperation with regional arrangements or agencies that are ‘dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action’ and are existing and acting ‘consistent with the Purposes and Principles of the United Nations’ (United Nations 1945: Art 52(1)). The Cold War impaired the proper use of UN Chapter VIII and indeed, in that era, regional arrangements worked against resolving disputes in the manner foreseen in the UN Charter. The UN Charter deliberately provides no precise definition of regional arrangements and agencies, thus allowing useful flexibility for any action taken by a group of states to deal with a matter appropriate for regional action that could contribute to the maintenance of international peace and security. Such associations or entities could include treaty-based organisations, whether created before or after the founding of the United Nations, regional organisations for mutual security and defence, organisations for general regional development or for cooperation on a particular economic topic or function, and groups created to deal with a specific political, economic, or social issue of current concern.³

In Africa, regional and sub-regional arrangements such as the African Union (AU), Inter-Governmental Authority on Development (IGAD), Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC) have jointly participated with the United Nations regarding different conflict situations. In the past, regional arrangements

3 See United Nations 1945: Chapter VIII for details and specific Articles.

often were created because of the absence of a universal system for collective security; thus, their activities could on occasion work at cross-purposes with the sense of solidarity required for the UN to be effective. However, in the post-Cold War era, regional arrangements or agencies render great services if the activities they undertake are consistent with the purposes and principles of the UN Charter, and if Chapter VIII governs their relationship with the United Nations, particularly with the Security Council.

It is not the purpose of this article to set forth any formal pattern of relationship between regional organisations and the United Nations, or to call for any specific division of labour. What is clear, however, is that regional arrangements or agencies in many cases possess potentials that could be utilised in serving the functions covering preventive diplomacy, peacekeeping, peacemaking, and post-conflict peacebuilding. Under the UN Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security. Regional action as a matter of decentralisation, delegation, and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus, and democratisation in international affairs.

The UN in preventive diplomacy in Africa

The sources of conflict and war are pervasive and deep. To effectively deal with them requires utmost effort to enhance respect for human rights and fundamental freedoms, and also to promote sustainable economic and social development for wider prosperity. In the past few years, even with the collapse of the east-west divide and the end of the Cold War which for decades had given rise to distrust and hostility, numerous issues are still growing between states of the north and the south. This calls for attention at the highest levels of government and for improvement in relations between east and west in order to afford new possibilities, some already realised, for successfully meeting threats to common security.

In Africa, authoritarian regimes have given way to more democratic forces and responsive governments. The form, scope, and intensity of these processes differ

in Eastern Africa, West Africa and Southern Africa, but they are sufficiently similar to indicate a continental phenomenon. Parallel to these political changes, many states are seeking more open forms of economic policy, which may create a continent-wide sense of dynamism and movement towards less confrontational relationships. Regional and continental associations of states are evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced types of communications and global commerce, and by the decisions of states to yield some sovereign prerogatives to larger, common political associations such as the AU and sub-regional organisations as IGAD.

At the same time, fierce new assertions of nationalism and sovereignty are springing up, and the cohesion of states is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion, and on the other by acts of terrorism seeking to undermine democratic growth and change. This new dimension of insecurity obscures the continuing and devastating problems of unchecked population growth, crushing debt burdens, barriers to trade, availability of drugs, and the growing disparity between rich and poor. Poverty, disease, famine, oppression and despair abound, combining to produce globally 17 million refugees, 20 million displaced persons and massive migrations of peoples within and beyond national borders. These are both sources and consequences of conflict that require the continuous attention of the United Nations.

Security developments in Africa continue to cause concern not only to African states but also the United Nations. In West and Central Africa in particular, the threat that internal conflicts will spread and lead to armed confrontations between sovereign African states is a worrying development. For instance, several African countries are involved in the ongoing hostilities in the Democratic Republic of the Congo (DRC). In the same sub-region, the UN successfully participated in the ONUB mission in Burundi, which culminated in elections.

In Sierra Leone, whose people were victims of one of the most brutal conflicts in recent times, the United Nations Observer Mission in Sierra Leone (UNOMSIL)

worked assiduously to help facilitate a negotiated solution. In close cooperation with ECOWAS, its Monitoring Group (ECOMOG) and other interested member states, UNOMSIL actively supported the process of negotiations between the Government and the Revolutionary United Front (RUF), which led to the signing on 7 July 1999 of the Lomé Peace Agreement. Following the signing of the Peace Agreement, the Security Council authorised an expansion of UNOMSIL. Recognising the close relationship between the promotion of human rights and sustainable peace, UNOMSIL, in collaboration with the Office of the United Nations High Commissioner for Human Rights (UNHCR), continues to monitor and report on human rights abuses in Sierra Leone with a view to ending further violations (Kabia 2009). At the time of writing this article, Sierra Leone is relatively peaceful and in November 2012, Sierra Leone will conduct the second elections after the end of UN peacekeeping. These elections, which have often been 'free and fair', are a reflection that the UN effort towards peacebuilding in Africa is bearing fruits.

The outbreak of war between Eritrea and Ethiopia in May 1998 was a cause of profound disquiet. The conflict between Eritrea and Ethiopia also had a tragic regional impact, particularly with regard to the conflict in Somalia. The United Nations Political Office for Somalia (UNPOS) continues to assist regional efforts at peacemaking led by AMISOM. However, a lack of consensus on the mode of power-sharing among the various factions in Somalia has precluded settlement of the conflict. There is optimism that the Transitional Federal Government in Somalia will conduct free and fair presidential and parliamentary elections in August 2012 in order to actualise peace in Somalia. The main challenge is to strengthen international peacemaking efforts and identify initiatives that can be supported by all the relevant actors (Tegegn and Zegeye 2007).

Following several internal and external consultations, the UN supported a successful referendum in South Sudan. The South Sudan situation that culminated in the referendum is a classic case where the UN, in collaboration with regional and sub-regional organisations, worked to prevent the possibility of sliding back into conflict. The common effort was evident as on 9 July 2011 the Republic of South Sudan became the newest country in the world. In order to

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prevent the possibility of conflict in Southern Sudan, the UN adopted resolution 1996 (2011) on 8 July 2011.

Here, the Security Council determined that the situation faced by South Sudan continued to constitute a threat to international peace and security in the region. The Security Council established the United Nations Mission in the Republic of South Sudan (UNMISS) starting from 9 July 2011. UNMISS has an elaborate three-pronged mandate. Firstly, to support peace consolidation and thereby foster longer-term state building and economic development. Secondly, to support the Government of the Republic of South Sudan in exercising its responsibilities for conflict prevention, mitigation and resolution, and for the protection of civilians. And thirdly, to support the Government of the Republic of South Sudan in developing its capacity to provide security, to establish rule of law, and to strengthen the security and justice sectors (S/RES/1996 (2011)). Besides the above cases, the United Nations has been involved for many years in Western Sahara, where recent consultations with the Government of Morocco and the French POLISARIO have finally resolved a longstanding impasse over a referendum for self-determination (Thompson and Adloff 1980). While these efforts stand out, Africa is not, of course, the only area of security concern for the United Nations.

The UN aims to become better, not only at stabilising countries in conflict and easing the suffering such conflicts cause, but at preventing and resolving them through political means. Progress towards this end is in the interest of all member states, not least, of the United States (US) which has renewed its own commitment to diplomacy as an instrument for solving problems in the world (Opiyo 2010b). The way the UN managed the Kenyan post-election violence of 2007/8 is an outstanding example of the UN taking immediate action. Of course, it was the African Union led by Kofi Annan that was at the forefront of the mediation effort, but the UN was present earlier on and actively working behind the scenes. The UN quickly deployed political officers, and electoral, constitutional and security experts who became the main support staff for the mediator as Annan helped the parties forge the agreements to end the crisis. Few would contest that the prompt international mediation in Kenya helped prevent an even larger catastrophe.

Another key to success is being on the spot, close to the action and the players' pulse. Anyone who has worked in conflict resolution knows that close proximity to the countries and a deep knowledge of the actors are some of the most important assets. In Sierra Leone in 2009, for example, the head of the UN political mission literally scampered to the roof of a building in Freetown to defuse a situation that could have triggered a relapse into conflict. He brokered a political agreement that helped to keep the country's hard-fought peace process on track. The Sierra Leone mission is actually called a peacebuilding mission, as are those in Guinea-Bissau, Burundi and the Central African Republic. They were deployed to help guide the peace after internal violent conflicts. The West Africa-focused envoy based in Dakar has played a very helpful role along with ECOWAS and AU mediators and governments, including the United States and France, in responding to coups and electoral crises throughout the region. At the latest count, the UN principal staff officer in Dakar has travelled to Guinea 38 times in the past two years, working to keep the political transition on track. The UN is not very successful yet, but Guinea could still become a prime example of preventive diplomacy, saving the UN from another terrible and costly conflict.

Challenges to the United Nations preventive diplomacy role

This section presents general challenges and specifically those related to UN intervention in disputes and conflicts. There is a chasm between the tasks entrusted to the UN and the financial means provided. The truth of the matter is that the UN vision cannot really extend to prospective opportunities as long as financing remains myopic. There are two main areas of concern: the ability to function over the longer term and the immediate requirements to respond to a crisis. The United Nations is currently facing chronic underfunding and understaffing, especially in the Department of Political Affairs (DPA), which manages UN peacemaking activities globally.

Closely related to this is the issue of logistics. In the case of peacekeeping, for example, not all governments can provide their battalions with the equipment they need for service in conflict environments. While some equipment is provided by troop-contributing countries during peacekeeping, a great deal has to come from the United Nations, including kits to fill gaps in under-equipped

national battalions. The United Nations has no standing stock of such equipment. They must be procured from manufacturers, which create several difficulties. This is a major challenge. It is essential, therefore, for the UN to consider a pre-positioned stock of basic peacekeeping equipment so that at least some vehicles, communications equipment, and generators, would be immediately available at the start of an operation (Cuny 1991). In the recent past, a conviction has grown, among nations large and small, that the UN can achieve the great objectives of the Charter, and be a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter 'social progress and better standards of life in larger freedom' (United Nations 1945: Preamble).

The UN also faces other obstacles in the way of increasing the scope and effectiveness of its action in preventive diplomacy. First, governments and leaders engaged in conflict sometimes do not want UN help. Early involvement is often essential to the success of PD, but parties to conflicts often are not willing to admit they have a problem until the conflict has escalated beyond their control. They may contemplate avoiding legitimatising an adversary or 'internationalising' their problem by keeping the UN away or wrongly believing that UN involvement will quickly lead to the unwelcome presence of a large peacekeeping force or to Security Council sanctions. Second, there is the challenge relating to UN personnel professionalism, for effective preventive diplomacy and mediation is not only about being there and being fast, it is also about being good at what the UN does. Success requires more than simply naming a top envoy and starting up the process. On the contrary, mediation is a complex and increasingly professionalised field. Envoys need more than their own wisdom to guide them. What is lacking in the UN system is a means of developing standard guidance and training for mediators and their staff, distilling the best lessons from others' experience and debriefing UN envoys at the completion of their assignments to find out more about what works and what does not (Bercovitch and Houston 1996).

Modesty and patience are paramount in any discussion of the success of preventive diplomacy. Progress aside, the United Nations and the international community as a whole have a long way to go before they can reliably predict

conflict, prevent it, and respond effectively. Some drivers of conflict, including the existence of economic and social disparities, and the unpredictable whims of ineffective leaders, are beyond the immediate reach of preventive diplomacy.

In particular, there are certain challenges associated with the pre-conflict situation that are worth discussing. The key challenges to the United Nations, more so in the initial stages of conflict, include the fact that attention to pending or emerging problems is usually side-tracked by highly visible emergencies, actual war and violence. It always attracts much greater attention and a bigger share of the available resources. Normally, domestic support for measures addressing pending or emerging problems at home or abroad take a back seat to those that address highly visible emergencies (Adams 1994:48). The principle of state sovereignty limits external involvement in the prevention or resolution of internal problems, especially at the pre-conflict stages. Although it might already be known that the impending outbreak of war in a state is imminent and that certain things can be done to reverse the situation and correct the problems that may eventually lead to violence, states are protected from external interventions by the principle of sovereignty. The relatively limited access to intelligence and fact-finding missions impedes early warning and analysis of risk assessment, hence the delay in timely intervention. There may be lots of early warning, but such warnings are often not matched with proposals for feasible and promising preventive measures.

Another challenge is the definite lack of coherence and coordination between and within relevant non-state, state, and interstate actors who could implement preventive measures. Even if limited cooperation takes place, it does so in the context of a poor understanding of the situation, and poor coordination based on the comparative advantage of cooperating actors. Nevertheless, there is also the difficulty in cooperating with and assisting local communities (Kennan 1996). Similarly, there is no commonly accepted legal definition of intervention in a pre-conflict situation. There is simply no agreement on when, how, why and by whom intervention should be undertaken. The International Commission on Intervention and State Sovereignty (2001) has a comprehensive and impressive study on 'the responsibility to protect'. The problem with intervention is its acceptance. Most states believe that intervention must be the exception to the rule

of non-interference, and can only be applied if there is a clear international consensus on the necessity for external involvement in the solution of domestic crises.

Strengthening UN preventive diplomacy

The presence of the UN and the Secretary-General's good offices continue to play an important role in preventive diplomacy efforts. A vital option in this regard is the strengthening of the Mediation Support Office and Early Warning Capacity (MSOEW) within the Department of Political Affairs which has the ability to provide better coordination, communication, support, and guidance. With this in mind, the African Union has always striven to deepen its partnership with the United Nations on matters relating to the maintenance of international peace and security. The UN efforts towards a strategic partnership with the African Union in the maintenance of peace and security in the continent is informed by the reality that regional organisations have a comparative advantage in confronting such challenges within their regions.

The success of preventive diplomacy depends not only on an effective early warning mechanism, but also on the involvement of non-state actors. For instance, community-based organisations have demonstrated time and again that they can partner with governments and the international community in providing early warning support and in acting proactively and decisively to prevent potential conflict situations (Krasno 2005). Preventive diplomacy is a good example of the international community working together for lasting peace and sustainable development. The most desirable and efficient employment of preventive diplomacy is to ease tensions before they result in conflict or, if conflict does break out, to act swiftly to contain it and resolve its underlying causes.

In addition, mutual confidence and good faith are essential to reducing the likelihood of conflict between states and communities. Many such measures are available to governments that have the will to employ them. Examples of important measures of preventive diplomacy are: the systematic exchange of military missions; formation of regional or sub-regional risk reduction centres;

and arrangements for the free flow of information, including the monitoring of regional arms agreements.

Preventive steps must be based upon timely and accurate knowledge of the facts. Beyond this, an understanding of developments and continental trends, based on sound analysis, is required and the willingness to take appropriate preventive action is essential. Given the economic and social roots of many potential conflicts, the information needed by the United Nations must encompass economic and social trends as well as political developments that may lead to dangerous tensions. An increased resort to fact-finding is needed, in accordance with the UN 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. Various forms may be employed selectively as the situation requires. A request by a state to send a United Nations fact-finding mission to its territory should be considered without undue delay. Formal fact-finding can be mandated by the Security Council or by the General Assembly, either of which may elect to send a mission under its immediate authority or may invite the Secretary-General to take the necessary steps, including the designation of a special envoy.

Conclusion

The employment of PD is critical for international peace and security. However, its functionality has to take cognisance of the fact that at the root of most conflicts that may turn violent, or perhaps already have, are political problems requiring political solutions. Preventive diplomacy interventions can provide breathing space from the bloodshed, but they rarely settle the underlying differences that drive conflict, such as ethnic and religious questions or disparities of wealth and power. Is there any doubt, for example, that security gains alone will not put Sudan and Somalia on a stable footing for the future? Alternatively, that the challenges to peace in Somalia are largely political in nature? Distrust among national actors in conflict often runs so deep that they are unable to arrive at necessary compromises without help in the form of international mediation, facilitation or diplomatic encouragement. To those problems, the UN, as the universal organisation, brings a special legitimacy, impartiality and real competence to

the table. Nevertheless, more importantly, there is a place for political action before, during, and after a conflict. Ideally, the UN needs to prevent violence from erupting in the first place. However, if that fails, robust diplomacy and mediation is still required to end the fighting through negotiations and then to help countries navigate the difficult politics of reconciliation and rebuilding. Therefore, even though the practice of preventive diplomacy is challenged in Africa, it still stands out as the best option the international community can give to address instability arising from conflicts and disputes in Africa.

Sources

- Ackermann, Alice 1999. *Preventing violent conflict in Macedonia*. Syracuse, Syracuse University Press.
- Adams, Nassau A. 1994. The UN's neglected brief: 'The advancement of all peoples'? In: Childers, Erskine ed. *Challenges to the United Nations: Building a safer world*. New York, St. Martin's Press, pp. 26–50.
- Annan, Kofi 2002. The Secretary-General, Address to the Center for Preventive Action at the Council on Foreign Relations, New York, 6 March 2002. Available from: <<http://www.eclac.org/prensa/noticias/comunicados/9/9379/speech060302.pdf>> [Accessed 11 October 2011].
- Barnett, Michael, Hunjoon Kim, Madalene O'Donnell and Laura Sitea 2007. Peacebuilding: What is in a name? *Global Governance: A Review of Multilateralism and International Organisations*, 13 (1), pp. 35–58.
- Bercovitch, Jacob and Allison Houston 1996. The study of international mediation: Theoretical issues and empirical evidence. In: Bercovitch, Jacob ed. *Resolving international conflicts: The theory and practice of mediation*. London, Lynne Rienner. pp. 11–35.
- Boutros-Ghali, Boutros 1995a. *An agenda for peace*. Report by the former Secretary-General of the United Nations, with a supplement and related UN documents. New York, United Nations.
- Boutros-Ghali, Boutros 1995b. Position Paper of Secretary-General on the Occasion of the fiftieth Anniversary of the United Nations, 3 January 1995. A/50/60-S/1995/1. Supplement to An Agenda for Peace. In: Boutros-Ghali 1995. Available from: <<http://www.un.org/Docs/SG/agsupp.html>> [Accessed 13 December 2011].
- Brownlie, Ian 1998. *Principles of public international law*. 5th edition. New York, University Press.
- Cuny, Frederick C. 1991. Dilemmas of military involvement in humanitarian relief. In: Gordenker, Leon and Tomas A Weiss ed. *Soldiers, peacekeepers and disasters*. London, Basingstoke. pp. 52–81.

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- Djibom, Joel 2008. *An analysis of Hammarskjöld's theory of preventive diplomacy*. Thesis paper in partial fulfilment of the requirements of the Certificate-of-Training in United Nations Peace Support Operations, 2008. Available from: <<http://www.peaceopstraining.org/theses/djibom.pdf>> [Accessed 8 October 2011].
- International Commission on Intervention and State Sovereignty 2001. *The Responsibility to Protect: Report of the Commission*. Ottawa, International Development Research Centre, for International Commission on Intervention and State Sovereignty.
- Kabia, John M. 2009. *Humanitarian intervention and conflict resolution in West Africa: From ECOMOG to ECOMIL*. London, Ashgate.
- Kennan, George F. 1996. Diplomacy in the modern world. In: Vasquez, John A. ed. *Classics of international relations*. Upper Saddle River, NJ, Prentice Hall. pp. 28–31.
- Luard, Evan 1994. *The United Nations: How it works and what it does*. 2nd edition. New York, St. Martin's Press.
- Lund, Michael S. 1996. *Preventing violent conflict: A strategy for preventive diplomacy*. Washington, D.C., United States Institute of Peace Press.
- Migiro, Asha-Rose 2010. Preventive Diplomacy 'Must Evolve' to meet new challenges. A speech given by the UN Deputy Secretary-General (A.-R. Migiro) at an open debate of the UN Security Council on the issue of preventive diplomacy in Africa, New York, 16 July 2010.
- Opiyo, J. Ododa 2010a. Frontier citizenship and state fragility in Kenya. *The Journal of Languages, Technology and Entrepreneurship in Africa*, 2 (2), pp. 117–129.
- Opiyo, Ododa 2010b. US should strike hard to wipe out Al Shabaab. *The Star*. Nairobi, 26 August. p. 22.
- Seventh ASEAN Regional Forum 2000. Chairman's Statement, The Seventh ASEAN Regional Forum, Bangkok, Thailand, 27 July 2000.
- Tegegn, Melakou and Abebe Zegeye 2007. *The Ethiopia-Eritrea conflict: A critical observation*. Occasional Paper No 54. Johannesburg, Institute for Global Dialogue.
- Thompson, Virginia and Richard Adloff eds. 1980. *Western Saharans: Background to the conflict*. New York, Taylor and Francis.
- United Nations 1945. *The Charter of the United Nations*. New York, United Nations.
- United Nations News Service 2010. UN official stresses value of preventive diplomacy in conflict solving. United Nations Department of Public Information, 26 January 2010. Available from: <<http://domino.un.org/unispal.nsf/0/f680b3c2aa93af588525776d006d8dce?OpenDocument>> [Accessed 12 January 2012].
- United Nations Security Council 2000. United Nations Security Council Resolution 1325 (2000). Adopted by the Security Council at its 4213th meeting on 31 October 2000 Available from: <http://www.un.org/events/res_1325e.pdf> [Accessed 13 December 2011].

