THE ROLE OF PREVENTIVE DIPLOMACY

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ABSTRACT

Preventive Diplomacy as a term in itself has the meaning of prevention of conflicts, internal and external, which means the prevention of conflicts within states, and between states as well. But, how much effective Preventive diplomacy has been in the prevention of conflicts, and how much it is today, in the modern time? Today, many countries and peoples still face wars and conflicts, which are bringing victims and human tragedies. After the failure of the League of Nations and human tragedy that World War I and World War II brought, many would thought that the United Nations Organization would have the same fate. However, it endured and is still enduring through time, but how much is playing its role of maintaining the world peace and security, there are pro and against attitudes. Therefore, Preventive diplomacy precisely refers to the role that the United Nations Organization should play in conflict prevention and establishment of world peace, as well. In this scientific paper, the main focus is the treatment of the notion of Preventive Diplomacy, its idea and where is supported as a terminology. Is there a legal base in terms of the international law, when taking into account the prevention of conflicts and the preservation and protection of human rights? Then, I will treat the role that she had and should have in conflict prevention and peacebuilding, as well as measures that should be taken to prevent the beginning of conflicts and answers in times of crisis, the role that Preventive diplomacy has and it should have.

Keywords: Conflict, Prevention, Creation, Peace, Stability.

1. The notion of preventive diplomacy

The notion of preventive diplomacy implies conflict prevention, which is considered as the perception of intervention and not the escalation of the situation into a greater human tragedy[2] (Georgieva, 2004, p. 11) , which could be "one of the most original contributions in the system of the United Nations for the maintenance of peace and international security" (Diplomacy, 1996, p. 1). "Preventive diplomacy implies" the action of prevention of objections between the parties before their escalation into a conflict with the purpose of limiting their later spread" (Reka, 1994, p. 79). "According to the Charter of the United Nations the aim is" to maintain the global peace and international security and for this purpose, to take effective collective measures to prevent and avoid threats of peace" (The United Nations Charter Article 1, 1945). "One of the basic concepts for peacekeeping philosophy of the United Nations Organization was the concept of Early Warning. Early Warning used to present a management cycle composed of peacekeeping action, with the purpose of peaceful evolution of conflict. He opened the way for the subsequent

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[2]Firstly, due to the fact that the agenda of the Security reviews insecurity even within the case "the weak state", respectively state that due to shortage of power in the widest sense (and not of force) and because dealing with indirect threats, cannot create security. In this network of problems, a large part of ordinary citizens perceive terms "conflict" and "war" almost as synonyms, as destructive alike.

establishment of the concept of "preventive diplomacy" in the first action of concretization in the Congo crisis" (Reka, 1994, pp. 71,72,73).

For the first time "The term Preventive diplomacy" was proposed by Dag Hammarskjöld, Secretary General of the United Nations from 1953 to 1961, more than half a century ago and since then, as a concept has continued to develop in response of new challenges" (Jenca, 2013, p. 183). "Preventive diplomacy is defined by Michael Llundi as a last level in the life cycle of conflict, among others, also characterized with the exclusion of binding instruments or militarily interconnected. Other interpretations - as that of Brus V. Xhentleson, view preventive diplomacy characterized in its exclusion functions and presentation of violence in opposition to military diplomacy which should mainly be directed toward limitation or termination of violence" (Latifi, 2004, p. 91).

Also, the term "preventive diplomacy has found prominent use as a key element in the role of the United Nations Organization in international peace and security in the era of the Cold War[3]. As a term that suggests pro-active actions and not reactive, responses to international crises, preventive diplomacy seems to be firmly embedded in contemporary global agreements of collective security[4] (A.Zyck & Muggah, 2012, p. 69). The concept of "observation of the peace", practiced also by the United Nations Organization and its predecessors, the League of Nations, was "an international instrument to prevent animosities in the end," while its subsequent idea, "peacekeeping" is defined by the International Peace Academy as "prevention, control, moderation and interruption of animosities between or within states ..." In this broad sense, as Inis Claude highlights, "the development of the theory and practice of preventive diplomacy" is one of the most original contributions of the United Nations system for maintaining international peace and security" (Acharya A. , 1994, p. 2).

"An integral part of the wider efforts of conflict prevention, preventive diplomacy specifically refers to diplomatic actions to be taken at the earliest stage possible, to prevent disagreements arising between parties, to prevent existing disagreements in escalation into conflicts, and to limit the spread of the latter when they occur. Preventive diplomacy remains important throughout the whole spectrum of conflict" (Preventive Diplomacy , 2011, p. 2).

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[3] Norms and standards of international law are spreaded and based on main rules such as; prohibition of the use of force against a person and guaranteeing of human rights, basic institutional rules are based on treaties and laws for international organizations, operating norms for cooperation, and provisions of technical and administrative nature. The provisions of international law are applied in a wide range of areas: Prohibition of using force, States must solve their disagreements through peaceful means. Respect for human rights where every individual can request the protection and realization of fundamental rights such as; The right for life, physical and moral integrity, individual freedom, freedom of thought, freedom of expression. Protection of persons in international, humanitarian, armed conflicts, according to the rules applicable in times of armed conflict, in particular for the protection of civilians, the wounded and prisoners.

[4] The lack of a common definition among policymakers, in fact has hampered policymaking and practice and divisions among actors, some of whom view preventive diplomacy as "soft" intermediation, while others refer to 'muscular' diplomacy which includes preventative, credible and military threats created in action. The same applies to the prevention of conflicts, that some diplomatic analysts perceive preventive diplomacy as involved, whereas development actors usually perceive it as a form of sensitivity to conflicts or peace building, which are themselves the contested concepts. These terminological disagreements are stretched back more than two decades.

"Although the Security Council has been without doubt paying more attention to the issue of preventive diplomacy and intermediation in recent years, views are mixed whether how effective and energetic it has been in using these and other tools of peaceful solution under Chapter VI of the Charter. On the one hand, there has been a growing interest about prevention, especially in the early 1990s after the end of the Cold War. The council's role in encouraging the taking of preventive measures is certainly increased since then, since preventive diplomacy has become a more important feature of its identity and purpose." (International Peace Institute, 2012, p. 2). "The United Nations in the Agenda for Peace said that preventive diplomacy specifically refers to " actions to prevent disagreements that occur between parties, to prevent existing disagreements, escalation in conflicts and to limit the spread of the latter, when they occur" (Zyck & Muggah, 2012, p. 69).

"The attitude that conflicts are better to be hampered than recovered, or the idea of conflict prevention, formulated as a strategy of contemporary society about the conflict, was promoted in the beginning of 90s of XX century. That conflicts in the international community can be treated in a way completely different from what is presented in the traditional responses in the period of the Cold War and after its termination: with crisis management and rehabilitation of conflicts' consequences, it became a serious idea. Series of internal conflicts that escalated in different parts of the world (among them even those from the former Yugoslavia) and the consequences from them in the form of human sufferings, destruction, political and peaceful adventures and financial consequences of conflicts, motivated a large number of international experts and several leaders, as well as a part of international institutions to recognize prevention as an idea and as a means of dealing with conflicts" (Georgieva, 2004, pp. 12,13).

2. The role and importance of Preventive Diplomacy

The United Nations Organisation established after World War II, had as its mission the maintenance of peace in the world.[5] (Mitrevska, Grizold, Buckovski, & Vanis, 2009, p. 39). But, after the failure of the League of Nations, many would not have believed that the United Nations Organization as the largest organization, with the involvement of the majority of states would have endured the time. Although its mission was and is to maintain peace and the creation of global stability, wars and conflicts between nations are not in downward, contrariwise, their number goes growing, especially in modern times[6] (Kissinger, 1999, p. 17) .

[5] By the end of World War II the model that predominated for ensuring international security in the development of international relations, was the model of conflict, which provided that conflicts between countries be solved through the use of force (war, military intervention etc.). This model is based on the premise of security as a good for which countries compete and achieve this on the account of others.

[6] "Almost as if it were a law of nature, it seems that in every century appears a country with the strength, the will and the intellectual and moral driving force to shape the entire international system, in accordance with its values. In the seventeenth century France under Cardinal Richelieu, introduced the contemporary concept in international relations, based on the nation state and motivated by national interests as the ultimate goal. In the eighteenth century, The Grait Britain created the concept of balance of power, which dominated European diplomacy in 200 years that would follow. In the nineteenth century, the Austria of Metternich rebuilt the concept of Europe and Germany of Bismarck quashed it, by introducing European diplomacy in the Cold War of policy of force. In the twentieth century no other country has influenced international relations in such a determined way and at the same time as equivalent as the United States of America.

"As stated by Robert Cooper, in the era of globalization, legitimacy is an important element and in the " security day agenda ". The existence of the Organization of the United Nations who owns an international legitimacy to intervene, but that is incompetent and not very functional and the United States, which are de-legitimized, but sufficiently empowered to act, make it very difficult to achieve this goal. This, perhaps, enables the European Union, but it is highly divided and powerless to be able to handle it today. Therefore, there are no easy solutions to ensure perfect strategy and through them stability and peace" (Selimi, 2013, p. 22).

But, in many cases of conflicts the role of the United Nations Organization has been great in stopping wars or monitoring borders and peace after conflicts. "The greatest contribution given to the concept of preventive diplomacy and the whole peacekeeping mechanism of the United Nations Organization was the doctrine of B. B. Gal contained in the so-called " Agenda For Peace ". This means the action of behavior of hostile parties to the peace agreement, whereas peacekeeping implies the presence of the United Nations Organization, also including the military, police and civilian presence of the United Nations Organization with the aim of preventing conflict" (Reka, 1994, p. 79).

"Preventive diplomacy today is being developed by a broader group of actors, using a wide range of tools, as never before. This is partly due to the occurrence of strong normative frameworks in favor of international efforts to prevent violent conflict and atrocities, but also to ensure the inclusion of more voices in governance, for peace and security. World Summit 2005 was a turning point, when member states committed to building a "culture of prevention", strengthening the capacity of the United Nations for this purpose and taking "effective collective measures for the prevention and removal of threats to peace . Earlier, in its resolution 1325 (2000) the Security Council of the United Nations, called significantly to greater participation of women in conflict prevention, to recognize the importance of indigenous mechanisms of conflict resolution " (Preventive Diplomacy, 2011, p. 3).

"A system for maintaining peace in which all participating countries have undertaken a fundamental principle renounce from military force against other states, the adoption of austerity measures by the collective countries against an aggressor. This differs from an alliance simply defensive if the aggressor can be a country which in itself is a member of the organization for the collective security. A collective security system of this type is, therefore, not only externally but also internally directed. Example of such an organization is the United Nations which is not forced to participate in from austerity military measures" (ABC of International Law, p. 12).

"In 2010, for example, the regional center of the United Nations for preventative diplomacy for Central Asia has been able to provide good offices at once and provide support for response to crisis in Kyrgyzstan, after the ouster of the previous president in April and outbreak of ethnic violence in June. Working closely with national actors, the team of the United Nations, OSCE, European Union, Organization of the Collective Security Treaty, the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization. The Center facilitated reconstruction assistance, recovery and elections in the country, promoting a dialogue between political leaders and representatives of civil society and helping to build the foundation for compliance" (Preventive Diplomacy, 2011, p. 11).

"Many efforts to share the preventive diplomacy by other approaches, particularly peacekeeping, suggests a significant justification in the era after the Cold War[7] (Georgieva, 2004, p. 15). Peacekeeping operations become more numerous (in May 1994, about 70,000 peacekeepers from 70 countries are serving in 17 missions around the world). Preventive diplomacy seems to be a more effective alternative cost, in the same way as preventive medical science that the sight be better than ever.

The political, financial and logistical problems encountered in some recent peacekeeping operations have led to a certain amount of disillusionment with the notion of peacekeeping. Greater emphasis of the preventive diplomacy is therefore one of the options that may in the long term, reduce the need for expensive peacekeeping operations and politically more difficult in many parts of the world. Thus, a clear factor after advocacy of the Secretary General of preventive diplomacy is to induce greater legitimacy and support for the role of the Organization of the United Nations, by measuring it against in the broader context than simply peacekeeping functions that are as sensitive to periodic obstacles" (Acharya A. , 1994, p. 4).

"The creation of a political peacekeeping mission by the United Nations or a regional organization, can provide 5 additional type intermediary in terms of material incentives and political support. They may take the form of dividends of peace and economic assistance steps to monitor implementation of agreements and measures to support reform of the security sector and to promote the rule of law, among further additional steps to reinforce a peace process, which argue for an interconnected and strategic approach of the preventive diplomacy, peace keeping and peace building" (International Peace Institute, 2012, pp. 5-6). "Preventive diplomacy includes activities such as good offices, facilitation, intermediation, conciliation, and judgment. Conflict prevention includes activities such as the strengthening of monitoring mechanisms for human rights and efforts to address the root causes of conflicts such as improvements in governance, social and economic welfare, equality and management of shared resources" (Strachan, 2013, p. 3).

3. Measures in Preventive Diplomacy

a) Building trust – "Preventive diplomacy requires measures to create trust." (Opiyo, p. 69). Also, "it can only be implemented successfully if there is a high level of trust" (Strachan, 2013, p. 5), which includes transparency, exchanges, notifications, etc.

b) Building of institutions - refers to formal and informal ways of organizing institutions, in the pursuit of interests or objectives. "The earliest example is that of the United Nations where clearly and specifically have helped a country to develop its governance structure in the case of Libya. In 1949 the General Assembly of the United Nations Organization appointed a Commissioner for Libya to help both administration

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[7] Therefore, it is necessary to return to some initial dilemmas about the concept of conflict prevention, especially in those that are related to the problem of violence within the society or between states. This is a key issue for determining the importance and essence of this concept. Therefore, we should note that this issue is much more complicated than it looks, when Prevention will simply be defined as a strategy for preventing violence. The report of prevention against violence within the conflict partly explains the dilemma of what should be prevented, respectively to be prevented (violence as an act of communication and achievement of objectives).

powers, France and the United Kingdom, in preparation Libya for the independence" (Wolfrum, 2005, p. 658).

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

      d) Humanitarian preventive action - is primarily concerned with the prevention and management of humanitarian costs of political conflicts as well as political and humanitarian consequences of natural phenomena that occur" (Acharya A. , 1994, p. 6).

4. Responses in times of crisis

      a) Fact-finding - "The primary mission would be collection of information about a potential internal conflict of economic, social and political field (including the lack or loss of legitimacy of regimes and existing leaders, a high level of violence and violation of human rights)" (Latifi, 2011, p. 226).

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

      c) Crisis management - (Centre for Security and Defence, 2010, p. 2) aims to reduce the immediate possibility of acts of violence in a conflict situation and may require measures such as conciliation, intermediation and arbitration that would help in the decrease of tensions" (Acharya A. , 1994, p. 7).

      d) Prevention placement - "The central modern feature of the international legal system is normative attempt to control the use of force," the threat or use of force ". The Charter outlines a system of measures such as economic, political and military against aggression in Chapter VII, that is, collective security system" (Opiyo, p. 69). Prevention placement may include the establishment of demilitarized zones which will create a physical barrier between opponents" (Acharya A. , 1994, p. 7). "Based on the Resolution 1244 (1999) the Security Council of the United Nations authorized the Secretary General the establishment of an international civil presence, known as The Mission of Interim Administration of the United Nations in Kosovo (UNMIK) with the mandate" to ensure an interim administration for Kosovo"[8] (Muharremi, Peci, Malazogu, Knaus, & Murati, 2003, p. 13).

CONCLUSION

Viewed in terms of international law as well as the protection of human rights, especially in armed conflicts, the role of preventive diplomacy is crucial and necessary in these circumstances. From elaboration of the notion of Preventive Diplomacy we understand that the United Nations as the highest body of the world should play the role for which it was formed, that of maintaining world peace and security. But, after the end of World War II where also the purpose of the establishment of the United Nations Organization was that human tragedies with global proportions, which were brought by the World War I and World War II not be repeated. With the end of the Second World War and the beginning of the Cold War, as if the function and role of the United Nations started to be paralyzed. During this

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[8] Cluster of Competence, The rehabilitation of war-torn societies, A Project co-ordinated by the Centre for Applied Studies in International Negotiations .

period, but even now in modern times, the United Nations and the Security Council as if have remained mortgage of balancing of forces between the major powers, especially between the United States and Russia. Now, we witness that conflicts and wars in many countries are on the rise, especially the case of Syria where today, Preventive Diplomacy is faced with incapacity and impotence to intervene and prevent such human tragedies.

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

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

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