In Search of Pathways to Peace

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United Nations Secretary-General António Guterres plans to instil new life into the United Nations by making prevention of wars and armed conflicts the hallmark of his administration. This is laudable! After all, in 1945, the United Nations was created for this very purpose: to save succeeding generations from the scourge of war. Though geopolitical circumstances have changed considerably since then, the aim of preventing wars and other forms of armed conflicts is still as vital today as it was over 70 years ago. The only question is, how to achieve this?

A recent joint World Bank-United Nations study, "Pathways for Peace – Inclusive Approaches to Preventing Violent Conflict,"[2] intends to find answers to this question. The study was conducted by an integrated team of senior staff from the two organizations, supported by an impressive group of experts, political analysts, and think tanks. Yet the study is misleading in three fundamental ways: (i) it ignores the UN Charter, (ii) it obscures the UN's core issue of war and peace, and (iii) it side-steps the UN's collective decision-making process. If pursued, such an approach could undermine the core of what the UN is all about. As an alternative, this paper proposes three steps towards reinvigorating the UN's role in preventing wars and armed conflicts that are grounded in the UN Charter.

Containment or Prevention

Prevention makes so much sense! It would help avoid the terrible human suffering and destruction that come with wars and armed conflicts, and it would help maintain the security preconditions for achieving greater progress, justice, and prosperity. At least, that would be the case if only prevention were not so difficult to put into practice. Previous UN administrations have tried to focus on prevention, but have largely failed.[3] Despite all efforts to change this, conflict containment and not conflict prevention have dominated and will probably continue to dominate most of the UN's interventions.

At a UN where it is already difficult to obtain a consensus on both the character of existing armed conflicts and on what to do about them, it is even less likely that member states will agree on what potential conflicts might be and on measures to prevent them.

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[2] United Nations; World Bank. 2018. "Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict." Washington, DC: World Bank.

[3] In the 1980s, Secretary-General (SG) Perez de Cuellar advocated a prevention policy around a "good offices" strategy, in 1992, SG Boutros Boutros Ghali developed the Agenda for Peace and in 2006, SG Kofi Annan began to promote the concept of "systematic prevention" to address global risks of conflict.

Prevention has its own risks. Concerned governments may vehemently object to any outside interference, accusing the UN not only of meddling in their internal affairs, but – much worse – of turning a locally manageable problem into a full-fledged international conflict. What is for some a measure of prevention, may be for others an act of aggression. Is, for example, the US's recognition of Jerusalem as the capital of Israel an act to bring about a solution by accepting reality, or is the UN General Assembly resolution against this step a form of conflict prevention? Can we ever agree?

Interventions in intrastate armed conflicts are especially problematic. International actors that are drawn into such conflicts, even with the best of intentions, become conflict parties almost automatically; they must take sides for or against a government, and for or against (an) armed non-state actor(s). Furthermore, foreign military involvement considerably raises the level of deadly military force in any such conflict. Internationalizing local conflicts could also make it much harder to find local solutions, or, in fact, to find any solution at all. International attention tends to embolden conflict parties and may contribute to fanning, rather than calming, conflicts. There are many examples in our recent history that would suggest such negative impacts of foreign interventions.

For these reasons, international conflict prevention has remained mostly wishful thinking. The question the Secretary-General faces is not so much whether conflict prevention is more desirable than containment, but whether conflict prevention is feasible and can be successful. The answer to this question depends on finding effective, viable approaches for implementing a global policy of conflict prevention. It is the search for answers to the question of how best to implement a UN prevention policy that makes the WB-UN study "Pathways for Peace" so important.

This study is the fourth of several recently conducted reviews of UN core activities directed at maintaining global peace. Following the reviews of the UN's peacebuilding architecture,[4] the UN's peacekeeping operations,[5] and a global study on the role of women in peace and security,[6] this study is setting itself the even more ambitious task of designing policies for preventing future wars and armed conflicts. This report not only fails to achieve its aspirations, but, even worse, it may be misleading, taking the UN down the wrong path.

The report "Pathways for Peace" promotes a de-politicized and more socio-economic approach to conflict prevention by arguing that the 2030 Agenda for Sustainable Development and not the UN Charter should be the yardstick for preventing what it calls "violent conflicts." The report is right in arguing that social exclusion must be prevented, that women and youth must participate more, that we must stop environmental degradation, that health and education are human rights, and that poverty must be alleviated. But the report is wrong in assuming that greater socio-economic development, even if possible, would automatically lead to fewer conflicts. A world without conflicts will remain an illusion.

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[4] "Challenges of Sustaining Peace", UN Advisory Group of Experts; A/69/968, June 2015
[5] "Uniting our Strength for Peace: Politics, Partnership and People", UN High-Level Panel on Peace Operations; A/70/357, June 2015
[6] "Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325", UN Women, 2015

As at the time of the creation of the UN, the question is not how to prevent conflicts but how to prevent them from turning into armed conflicts and give peaceful conflict resolution a chance. In other words, the best bet for preventing conflicts from becoming armed conflicts, or even wars, is still to uphold the UN Charter, its ban on the use and threats of military force in pursuit of political aims, and its collective security system built around the UN Security Council.

Three Misleading Pathways to Peace

The Report takes three wrong turns in seeking new pathways to peace: firstly, by relinquishing the UN's founding document, its Charter, in favor of the 2030 Agenda for Sustainable Development; secondly, by blurring the core focus of the UN on war and peace by introducing a vague concept of violent conflicts; and thirdly, by ignoring the UN's principle of collective security and seemingly replacing the authority of Member States with that of expert advice.

The 1945 United Nations Charter or the 2030 Agenda for Sustainable Development

In fact, the UN Charter is the international prevention compact par excellence! Already its Preamble sets the tone: "We the people of the United Nations determined to save succeeding generations from the scourge of war … unite our strength to maintain international peace and security…". The UN Charter bans the threat and use of armed force in the quest for solutions to political conflicts. It states for all Member States to "ensure…that armed force shall not be used, save in the common interest"[7] – and again: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations."[8]

The UN Charter does not stop at that and further offers several options for preventing and solving conflicts, as in Chapter VI: Pacific Settlement of Disputes and Chapter VII: Action with Respect to Threats to Peace, Breaches of Peace and Acts of Aggression.[9]
Even in the event that a Member State is militarily attacked, the UN Charter stipulates: "Measures taken by Members in the exercise of self-defence shall be reported to the Security Council … to take … action as it deems necessary in order to maintain and restore international peace and security."[10] These Chapters are not even mentioned in the Report.

Instead of the UN Charter, the Report claims that the 2030 Agenda for Sustainable Development would "offer a unique framework to come together around a renewed effort at preventing human suffering". Of course, meeting its 17 Goals and 169 Targets may be a necessary precondition for preserving global peace. But would this also be sufficient for preventing wars and armed conflicts?

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[7] UN Charter, Preamble
[8] UN Charter, Chapter I, Purposes and Principles, Article 2/4
[9] While ignoring Chapters VI and VII dealing with conflict resolution, the Report mentions only Chapter VIII "Regional Arrangements." Why the Report is so selective, it does not say.
[10] UN Charter, Chapter VII, Article 51

By focusing almost entirely on the 2030 Agenda as the guiding yardstick for conflict prevention, "Pathways for Peace" has de facto turned an essentially political problem into a socio-economic one. But there is no guarantee that, for example, better education and improved health would prevent violence; indeed, quite the opposite might happen.

Despite the importance of the 2030 Agenda in promoting the well-being and the survival of future generations, it is the UN Charter that defines this organization, especially on key issues of war and peace. Without the UN Charter, there may be a World Bank – but not a United Nations.

Intrastate armed conflicts or violent conflicts

The Report wants UN prevention to focus on what it calls "violent conflicts," but it does not clarify what this means. According to the recent Small Arms Survey,[11] only 18 percent of those killed in 2016 were battle-related deaths, while 82 percent of casualties were due to homicides and other forms of violent death. To include all forms of violent death would greatly confuse the task at hand and go far beyond the UN's conflict prevention agenda. Most of those violent deaths are for national authorities to deal with, not the UN.

Instead, the UN should focus on conflicts that really matter: intrastate armed conflicts. Today, virtually all armed conflicts are within states, and all battle-related deaths, refugees, and internally displaced persons (IDPs) are nowadays the result of such intra-state armed conflicts. Intrastate armed conflicts are different from interstate wars and their solutions must be different. Recognizing these differences would have a great impact on how to design international conflict prevention. With its focus on the 2030 Agenda and on "violent conflicts", the report fails to do this. Three specific aspects related to intrastate armed conflicts that are normally absent in interstate wars are of special importance for designing prevention strategies; none of these is considered in the Report:

- Failing and collapsing states

The first aspect of all intrastate armed conflicts is that their outbreaks point to state failures; preventing such armed conflicts would hence suggest the need to rescue or rebuild the state and its institutions. According to the Fragile States Index,[12] almost 75 percent of all countries surveyed show signs of fragility, while approximately 25 percent of them are considered at risk of collapse. The increase in failing states around the world is a reminder of the importance of stable states and functioning state institutions for peace. The report fails to recognize this and instead speaks vaguely of societies, countries, nations, national actors, local leadership, or simply of undefined institutions.

In fact, it identifies, as "three Core Elements of the Pathways" (i) actors as leaders and social groups, (ii) structural factors as elements that are hard to change, and (iii) institutions as political and institutional rules. States and governments seem to have gone lost on the Pathways for Peace.

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[11] "Small Arms Survey, Report on Global Violent Death", 2017

[12] Fund for Peace, "Fragile States Index, 2017."

- Belligerent non-state actors

The second aspect of all intrastate armed conflicts is the emergence of armed non-state actors fighting against governments for control of people, state institutions, and territory. Non-state actors are manifold and include radical Islamist groups, other ideologically driven militants, secessionist movements, rebel groups, militias, and warlords, as well as all sorts of criminal organizations. They pose a huge challenge to the authority of states and challenge their control over territories, regions, cities, population groups, and so on.

The Report briefly mentions such armed non-state actors but makes no attempts to analyse the motivations and dynamics of the various kinds of armed non-state actors. Important issues such as the local support they might get, how they are financed, or how they recruit their followers remain unexamined, while it is exactly this type of knowledge that would help design conflict prevention measures. These non-state actors, though central in today's armed conflicts, are being ignored in the prevention strategies developed by "Pathways for Peace."

- International interventions

A third factor in intrastate armed conflicts is the increase of intervention by foreign regional or global powers by supporting conflict parties financially and through the supply of arms – or, worse, by directly intervening militarily. The Report fails to recognize this. Although it concludes that "the increase in battle-related deaths and displacements is largely due to a handful of high-intensity conflicts. Afghanistan, Iraq and Syria accounted for 76 percent of all fatalities in 2016," it forgets to note that all these three "high-intensity" armed conflicts are due to massive direct foreign military intervention, aerial bombardment, the supply of weapons, and the funding of conflicting parties. And all three suffer from the influx of foreign militant fighters joining armed non-state actors such as Islamic State (IS).

According to the Uppsala Conflict Data Program (UCDP), internationalized intrastate armed conflicts are much bloodier and last longer. It estimated for 2015 and 2016 that 92 percent and 87 percent respectively of all battle-related deaths were due to such internationalized intrastate armed conflicts. These international factors are missing in the conflict prevention strategy of "Pathways to Peace."

Collective security or bureaucratic elites

In "Pathways for Peace," these questions seem not to exist: whether and when foreign interventions into internal conflicts – be they military or civilian – would be advisable, when they do good, and when they would make a situation worse. Who would decide if, when, and what kind of international intervention in intrastate conflicts are legitimate, who would decide the objectives of such interventions, and who would oversee them? Unless one champions unilateral decision-making, one would have to find answers as to how international interventions are decided and governed collectively. The report appears to circumvent such questions by suggesting a reliance on expert advice.

In its foreword, the Report asked: "… how can the global community more effectively prevent violent conflict?" But what does 'global community' mean? Is it best represented by the World Bank and the United Nations, are they themselves the guardians of peace – or better, the staff, advisers, and experts of the two institutions? If yes, this would come close to a form of "Global Governance" by a bureaucratic elite.

This would help explain why the Report only makes a hazy reference to states and, where they are mentioned, emphasizes that "they (states) can call upon other actors to assist their efforts to keep their country on the pathway to peace".

But the United Nations and the World Bank are member state organizations in which governments take decisions collectively.[13] According to the UN Charter, the UN Security Council is the only intergovernmental body entitled to decide over issues of peace and war: "In order to ensure prompt and effective action by the United Nations, its Member States confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."[14] And again: "Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."[15]

This is powerful language. How come, then, that a report written by a World Bank-UN team marginalizes collective decision-making and the role of the UN Security Council in maintaining global peace?

Three Alternative Pathways to Peace

"Pathways for Peace" is right to remind us that maintaining peace requires a complex set of conditions ranging from security to justice, gender equality, development, environment, and even humanitarian aspects. However, where the report went wrong is to disregard that preventing wars and armed conflicts is still very much an issue of reigning in the threat and use of military force.

Today, this may have become an even more critical issue than it was in 1945. The frightening advances in military capabilities, the much wider availability of weapons of mass destruction, and the rise of belligerent non-state actors, combined with an increasingly interconnected world, risk turning any war or armed conflict into a global catastrophe that could threaten the survival of humanity. Even initially localized intrastate armed conflicts, as in the case of Syria, could suddenly blow up into an armed confrontation among major regional and global powers with unpredictable consequences.

Prevention of wars and armed conflicts must hence remain the most vital concern for the United Nations also in the 21st century. But instead of looking at the 2030 Agenda to provide the answers, we would do better by strengthening the approach taken by the UN founding members in the UN Charter of banning the use of force, calling for peaceful solutions, and creating a collective security system based on internationally applicable norms and principles. Today, conflict prevention could be promoted by taking three distinct steps that follow the original UN approach:

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[13] In the case of the World Bank, it is owned by governments who are its "shareholders" and reach decisions based on their share in the capital of the Bank.

[14] UN Charter, Article 24 Functions and Powers.

[15] UN Charter, Article 25.

- First: Reaffirm the UN Charter as the capstone for regulating international relations

Only 25 years after the end of the Cold War, the UN Charter is rarely enforced. Its core principles of non-use of military force, peaceful settlement of disputes, non-intervention, and sovereign equality of all member states, as well as the principle of collective decision-making, are so often ignored that it raises the question of whether the UN Charter is, de facto, still in force. Undermining the UN Charter would have huge consequences, as this would ultimately risk undoing all international law, including human rights and humanitarian law. Worse, this would threaten a global security order that is based on commonly accepted norms and principles and instead replace it with an international environment in which the strongest and most aggressive power reigns. This is hardly a world we want to have.

What had begun with a unilateral decision of NATO to go to war against Serbia over Kosovo[16] has, sadly, become almost the norm. Today, we see more and more regional and global powers threatening the use of force or directly intervening militarily in other countries in pursuit of their political interests. Increasingly, member states claim the right to conduct preventive wars, or justify military interventions with humanitarian reasons, often based on questionable intelligence. Hardly any of these military interventions are sanctioned by the Security Council or are in self-defense. They are, strictly speaking, illegal. Without a UN Charter that applies to large and small states equally, there could be no collective security system to prevent wars; indeed, without the UN Charter, the UN would be an empty shell.

The first step – and the most important step – for any prevention strategy must be that member states reaffirm the validity of the UN Charter. This would require a hugely important and almost ceremonial act by the General Assembly. The next occasion for this will be in 2020: to hold a special event of Heads of States and Governments on the occasion of the 75th anniversary of the ratification of the UN Charter.

- Second: Expand the UN Charter to include norms for preventing intrastate armed conflicts

The framers of the UN Charter never foresaw that the UN would have to deal with intrastate armed conflicts, belligerent non-state actors, and state collapse. The Charter clearly states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter." [17] But today virtually all armed conflicts occur within member states. For the UN to be able to deal with these intrastate conflicts, member states must develop and agree on norms and principles that specifically apply to armed conflicts within states.

Such norms must include regulating if and when foreign military interventions or the supply of arms and financial support to conflict parties in conflict-ridden countries are justified. They must define if and when national governments are entitled to call in foreign military support to help crush an internal armed opposition.

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[16] The Kosovo war took place at the very end of the 20th century, almost as if we wanted to take the ills of the last century, when decisions over peace and war were taken by nation-states, into the 21st century.

[17] UN Charter, Chapter I, Purposes and Principles, Article 2/7

Article 51 of the UN Charter (Chapter VII) that is often (mis)used to justify such foreign military interventions, states the right to "individual and collective self-defense" only for attacks by foreign forces; it was never meant to justify military intervention in intra-state armed conflicts. Norms and principles would have to be developed on how to deal with collapsing governments and with belligerent non-state actors. Norms of self-determination and protection of civilians must be clarified, as will the application of human and humanitarian rights conventions to intrastate armed conflicts.

This second step will be necessary to maintain the relevance of the UN in dealing with the changed security threat scenario of the 21st century. In addition to the UN's original mandate of preventing interstate wars, member states must create the second mandate and the corresponding norms to deal collectively with intra-state armed conflicts.

- Third: Democratize the UN's collective decision-making

The UN's decision-making bodies still reflect the geopolitical realities at the end of WWII, giving, not surprisingly, its victors a decisive say in world politics. This no longer reflects today's realities. Previous Secretaries-General have failed in their attempts to change the composition and powers of the Security Council; resistance among the five permanent members (P5) was simply too strong. But the problem of an increasingly unrepresentative Security Council will not go away. In fact, it may become stronger and, in long term, erode its credibility to act to prevent or end armed conflicts.

There could be a solution that would not involve changing the Security Council or tampering with the privileges of the P5: empower the UN Peacebuilding Commission (UNPBC). Currently a marginalized and under-utilized commission, its mandate could be raised to coordinate all aspects of UN interventions related to intrastate armed conflicts, from prevention to interventions, from peacebuilding to peacekeeping, from UN interventions in security to justice, human humanitarian rights, reconstruction, and development.

Such an empowerment of the UNPBC would reflect the change in the global security threat scenario towards intrastate armed conflicts and the extraordinary complexities of building and maintaining peace in such conflicts as compared to peace efforts to end interstate wars. At the same time, the UNPBC would largely remain an advisory commission to the UN Security Council and the UN General Assembly and a coordination body to the various UN departments, agencies, funds, and programs engaged in intrastate conflicts, not threatening the ultimate decision-powers of the P5.

This third step is essential for maintaining the credibility of the UN in conflict prevention. The UNPBC, with its 31 members chosen according to various criteria, is far more representative than the Security Council. Giving the UNPBC a greater say would dampen the anomaly that decisions over war and peace, mostly in the South with a combined world population of over 85 percent, are taken by a Security Council in which three of its five permanent members are from the West, with a combined population of less than 5 percent.

A Final Thought

On April 24-25, 2018, the General Assembly will come together for a High-Level Meeting on Peacebuilding and Sustainable Peace to debate exactly these issues. It all looks that the GA will largely follow the recommendations contained in the report "Pathways for Peace." However, member states should be aware that this may lead them down the wrong path. If they want the UN to remain the global political body to save succeeding generations from the scourge of war, they will ultimately have to tackle its political problems, including the validity of the UN Charter, the need to adjust the UN Charter to changing global security threats, and the necessity of widening UN decision-making.

These three proposals touch vital aspects of the workings of the United Nations. In today's atmosphere of mistrust and mutual accusations it will not be easy to agree on them. However, if we want to preserve peace for future generations, member states must master the political will and responsibility of coming together in an exceptional act of international cooperation and solidarity, reminiscent of that of the founding members in San Francisco in 1945. This should be possible. In San Francisco the main founding members were countries politically as far apart as the communist Soviet Union, the liberal democracy of a capitalist United States, the colonial powers of France and Great Britain, and a military dictatorship in China. Their political differences ran far deeper and were far more irreconcilable than any differences today. While in 1945 the founding members were driven by a determination to prevent another World War, UN member states today may be driven by the need to prevent global chaos. In both cases, the motivation to act may be fear, a fear of sliding into a spiral of conflict that could threaten humanity.

In a little more than two years from now, the UN will celebrate its 75th anniversary and this may provide the perfect opportunity for member states, large and small, to take a bold step to create a United Nations for the 21st century. Only then will we be able to tackle the enormous global problems that confront what will soon be 11 billion people in a spirit of global cooperation in accordance with the 2030 Agenda. The resolution to be adopted at the April 2018 High-Level Meeting could at least lay the foundation for decisions in 2020 that will be crucial for the future of the UN, and, indeed, of world peace.

By the time of the UN's 75th anniversary, Secretary-General Guterres will be near the end of his current five-year term in office. If he were able to gather support for these three relatively straightforward decisions, it would determine his legacy. Work on them would have to start now. He has nothing to lose, but everything to win.

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