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THE SECURITY COUNCIL AND CONFLICT PREVENTION

Entry Points for Diplomatic Action

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This paper originated as a memorandum for the Permanent Mission of the Federal Republic of Germany to the United Nations, which was a member of the Security Council in 2019 and 2020. I completed the paper in March 2019, which was funded by the Federal Foreign Office, while a fellow at the United Nations University Centre for Policy Research in New York. Having completed their term on the council, our colleagues the German Mission to the UN kindly agreed that the Centre could publish this text.

The reader will note that the paper makes particular reference to a number of events that took place in the immediate run-up to Germany's entry into the council, such as the 2017 Gambian crisis. If I were drafting it today, I would emphasize more recent developments, such as the Council's use of closed meetings to discuss the Nagorno-Karabakh crisis in the fall of 2020. Council members have also developed one new meeting format – entirely off-the-record discussions among ambassadors nicknamed “sofa talks” meant to enable collegial exchanges – since I wrote this.* And in 2020, COVID-19 forced Council members to move most of their discussions, including closed and public events, online. But despite these changes the main points of the analysis stand, and I have made only a very minor corrections and cuts to the original draft.

All the views expressed in the report are my own, and do not represent the views of the Federal Foreign Office, the United Nations University Centre for Policy Research or my current employer, the International Crisis Group. I would like to thank my former colleagues at UNU, in particular Dr James Cockayne, Dr Adam Day and Anthony Dursi, for welcoming me as a fellow in 2018-2019 and their support for this research.

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SECTION 1

OVERVIEW

This paper explores how members of the Security Council can design and implement preventive diplomatic strategies in response to emerging, escalating and acute crises. The Council's behaviour in crisis situations is often reactive and far from strategic. Council members regularly struggle with (i) uncertainty over conflict dynamics; (ii) divergent national interests; and (iii) the lack of clear policy options for managing a situation. These limitations reflect not only the inherently chancy nature of conflict prevention – which is always an uncertain business – but also the political limitations of the Council as a factious intergovernmental body.¹ These limits mean that the Council is often only a supporting player, or not a player at all, in preventive efforts led by States or regional organizations.

Nonetheless, the Council has been called upon to engage directly or indirectly in crises ranging from Syria to The Gambia in recent years, and members need to be ready for preventive action. “Prevention” can mean a range of things in this context – depending on the location, intensity and political stakes of the crisis involved – but the Council generally aims for one of four outcomes:

- *De-escalation or deterrence of inter-State warfare* (as through sanctions on Democratic People’s Republic of Korea [DPRK] in 2017);
- *Political settlements and/or sustainable transitions* in countries at risk of civil war where there is a generally-accepted legitimate government (as in the 2017 The Gambia post-electoral crisis);
- *The creation of sufficient calm* for the negotiation of a longer-term mediated settlement (the Council’s longtime declared goal in Syria and, perhaps marginally more credibly, Yemen);
- *A framework for mitigating the impact of conflict*, primarily through humanitarian means (as in Syria since 2013 and the Rohingya crisis in Myanmar/Bangladesh since 2017).

This paper is not a political commentary on the relative merits of these outcomes, although the author has previously suggested that international political trends may be pushing the Council to focus more on mitigation than on crafting long-term political settlements.² Regardless of potential outcomes, this paper argues that any effective Council-based preventive strategy must involve four main dimensions:

- *A diplomatic plan* to persuade all members of the Council to support at least some form of engagement in the crisis, and achieve some minimal consensus over what goals to pursue;
- *A strategic map* of where the Security Council fits into broader preventive actions by both the UN system and non-UN actors;
- *A political plan* for engaging with the actors – such as leaders, rebels and civil society – involved in the crisis, and;
- *A tactical understanding* of the various diplomatic tools and other instruments available to Council members to engage and influence events on the ground.

The paper follows this logic, walking through options for building a degree of diplomatic coherence around a set of goals within the Council and with other actors (Sections 2 and 3 below); and how the Council can engage directly with actors in a conflict (Section 4). We have summarized these points in a series of flowcharts that illustrate how particular sets of political circumstances require Council members to use specific sets of tools to resolve their differences, assist others or engage in direct prevention.

Section 5 turns briefly to a final challenge inherent in all preventive action: sustaining political support for a preventive strategy beyond an immediate crisis. In recent years, a number of preventive successes for the Security Council have soured as either (i) facts on the ground or (ii) major power tensions have undercut diplomatic cooperation. The Council initially maintained a high degree of unity over efforts to prevent war in Yemen in 2011-2012, for example, but its sense of common purpose fragmented as violence increased. China and Russia supported new sanctions against DPRK in 2017 but now question the need for them to continue. As earlier UNU studies have found, policymakers focusing on prevention should emphasize the sustainability of their efforts, but this is difficult for the Council.³

Before exploring these policy issues, it is important to make two fundamental points about the Security Council’s engagement in conflict prevention:

- *States should only ever treat the Council as one part of a conflict prevention strategy:* The Council is, and will remain, primarily a reactive body for policing existing crises. Its workload is already heavy. Given some of the limitations outlined above (and discussed further below), States should only use the Council as part of a broader approach to conflict prevention. Because of the high profile of the body, diplomats should be wary of tabling crises there unless and until other options are exhausted.
- *Multilateral preventive efforts must rest on credible national positions:* The Security Council cannot generate a preventive plan in isolation. A Council member is most likely to develop an effective *multilateral* preventive strategy if it has a clear *national* analysis of a crisis and possible responses. In some situations, Member States may receive useful analysis and insights from UN officials or other countries. But the Council often stumbles in cases (such as the deterioration of the Central African Republic in 2013-2014) in which very few members have significant national interests at stake on the ground. On these occasions, capitals sometimes turn to the UN to address a crisis that they do not wish to address directly. This creates a credibility gap, as States push the Council to adopt positions that they are either unwilling or unable to back up with concrete measures as a crisis unfolds.⁴ If Member States do not know what they want from the UN, they can set it up to fail.



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SECTION 2

CREATING A DIPLOMATIC BASIS FOR ACTION

The first challenge for Council members facing a crisis is simply to find the least divisive way of bringing the situation to the forum's attention. Options include (i) tabling a crisis for discussion on the basis of Chapter VI of the UN Charter; (ii) raising it in the context of a broader discussion of regional conflict dynamics (such as the Council's regular interactions with the heads of regional offices and organizations such as the OSCE); and (iii) bringing it up as an item under the Council's "Any Other Business" rubric, which allows members to hold "discreet discussions of more sensitive matters" in private without formal records, tacked onto the end of scheduled meetings.⁵

While these options vary in terms of legal weight, it is necessary to recognize that *all* attempts to bring a case to the Council's attention are political. Recent efforts at innovation in this arena, such as "horizon scanning" sessions, have all run into political objections from Council members sooner or later.⁶ Reasons include, (i) council members' specific interests in, and ties to, affected States; (ii) a strong attachment among many Council members to the principle of sovereignty (especially in electoral or constitutional crises); and (iii) the body's limited political bandwidth.

In some cases, Council members differ over the intensity of an evolving crisis, and whether it could eventually "endanger international peace and security." In such cases, it is important that concerned States gather a detailed and expanding body of evidence to prove the crisis deserves attention. This may involve harnessing other parts of the UN system: In 2011 reports on Syria mandated by the Human Rights Council provided an important basis for the Security Council to address events there.⁷

This leads us to the next main challenge involved in conflict prevention through the Council: establishing the potential level of diplomatic coherence the Council can achieve, and over what goals.

Three scenarios are possible:

- *Profound divisions*: In some cases, such as Ukraine in 2014, there are such deep splits among the Permanent Five (P5) that the Council is unlikely to take any meaningful action, despite extensive diplomacy;
- *Significant divisions*: In many cases, Council members are divided over how to act in a particular situation but can agree on a minimum of cooperation. Examples include Syria in 2013-2014, when the P5 could not agree on a political outcome to the emerging conflict but did forge agreements on the need for UN-led mediation, the destruction of chemical weapons and humanitarian access.
- *Broad consensus*: In a few situations, Council members can pull together behind a common approach to a crisis relatively quickly, either because (i) they share clear collective interests in the outcome; or (ii) most do not have a direct stake in the situation worth fighting for. An example of the former scenario was the DPRK sanctions negotiations in 2017, when Council members recognized the urgency of timely pressure on Pyongyang. An example of the latter was the 2017 Gambian crisis, which one Asian diplomat jokingly called "really an internal security matter for Senegal."⁸

Council members need to adapt their preventive strategies to these baseline diplomatic realities. We will now review policy options for dealing with profound and significant divisions (where there is a broad consensus for action, it is possible to move onto more operational and substantive actions).

2.i Dealing with profound divisions

Where profound divisions evidently exist, searching for compromise through the Council is likely to be a wasted effort. At most, Turtle Bay may offer a space for all sides to vent their displeasure with one another while looking for compromise through other channels. In the Ukraine case, for example, Western and Russian diplomats engaged in a public battle in New York in 2014, while leaving the hard work of mitigating the war to the OSCE.

In such deadlocked situations, Council members can use a number of diplomatic tactics to maintain pressure on one another, if only for public diplomacy purposes. Examples of these tactics include:

- *Using the Council's "Any Other Business" sessions* to spotlight uncomfortable issues and require UN officials to offer briefings on topics that might otherwise be brushed under the carpet, a tactic that a number of Member States have used on the Middle East in recent years.⁹
- *Using Arria Formula meetings* (unofficial but public gatherings of Council members) to allow victims of crises to make their views heard – as Lithuania did over Ukraine in 2014 and 2015.
- *Turning to the General Assembly and Human Rights Council as alternative venues for action.* In recent years it has become increasingly common for Council members to push for action in the General Assembly (as over Ukraine in 2014 and the Jerusalem Embassy incident in 2017) or turn to the Human Rights Council (HRC) to take up country situations. The HRC has been especially active on Syria, Ukraine and Venezuela and its Commission of Inquiry on Syria has been particularly influential. While there is growing controversy over whether the High Commissioner for Human Rights should address the Council, it is still possible for Council members to exploit the findings of Geneva-based officials in their debates (and in some cases table them as Council documents).¹⁰
- *Appealing to public opinion – and forcing vetoes.* If substantive diplomatic progress is impossible, Council members can stage diplomatic dramas in New York to focus public opinion on a crisis. Tactics include (i) presenting brutal details of violence in the Council; (ii) directly calling out other Council members for their behaviour; and (iii) tabling resolutions that are certain to be vetoed by one or more permanent member. These tactics, redolent of the Cold War, have become quite common over Syria, Ukraine, Israeli-Palestinian issues and the Salisbury incident in recent years.

The Ukraine story demonstrates that these tactics are more likely to create heat than light. If a P5 member is willing to ignore this sort of pressure despite the reputational cost, it is generally able to do so. This is especially true if a conflict drags on at length. The level of support for General Assembly resolutions regarding Ukraine has notably dropped since 2014.¹¹ The media has also tired of UN debates over long-running crises in the Middle East. Large-scale efforts to shame recalcitrant Council members over their behaviour in crisis situations are, therefore, most likely to have some practical impact if they are coupled with more constructive diplomatic efforts away from the UN spotlight.

It is also necessary to consider the damage that fights in the Council inflict on the body's credibility – it can take time and effort to rebuild working relations after especially bitter periods.¹² In some cases, Council members may be able to defuse some of these tensions by either (i) formally endorsing public efforts by the Secretary-General or his representatives to address a crisis, or (ii) tacitly backing the Secretary-General's use of good offices.¹³ António Guterres has put prevention at the centre of his term and reportedly worked behind the scenes on cases like Venezuela. But the Security Council's support for Secretary-General-led initiatives can prove fragile: Council members backed Ban Ki-moon and Kofi Annan's strategy for dealing with Syria in 2012, for example, but offered little real support.¹⁴

2.ii Dealing with significant divisions

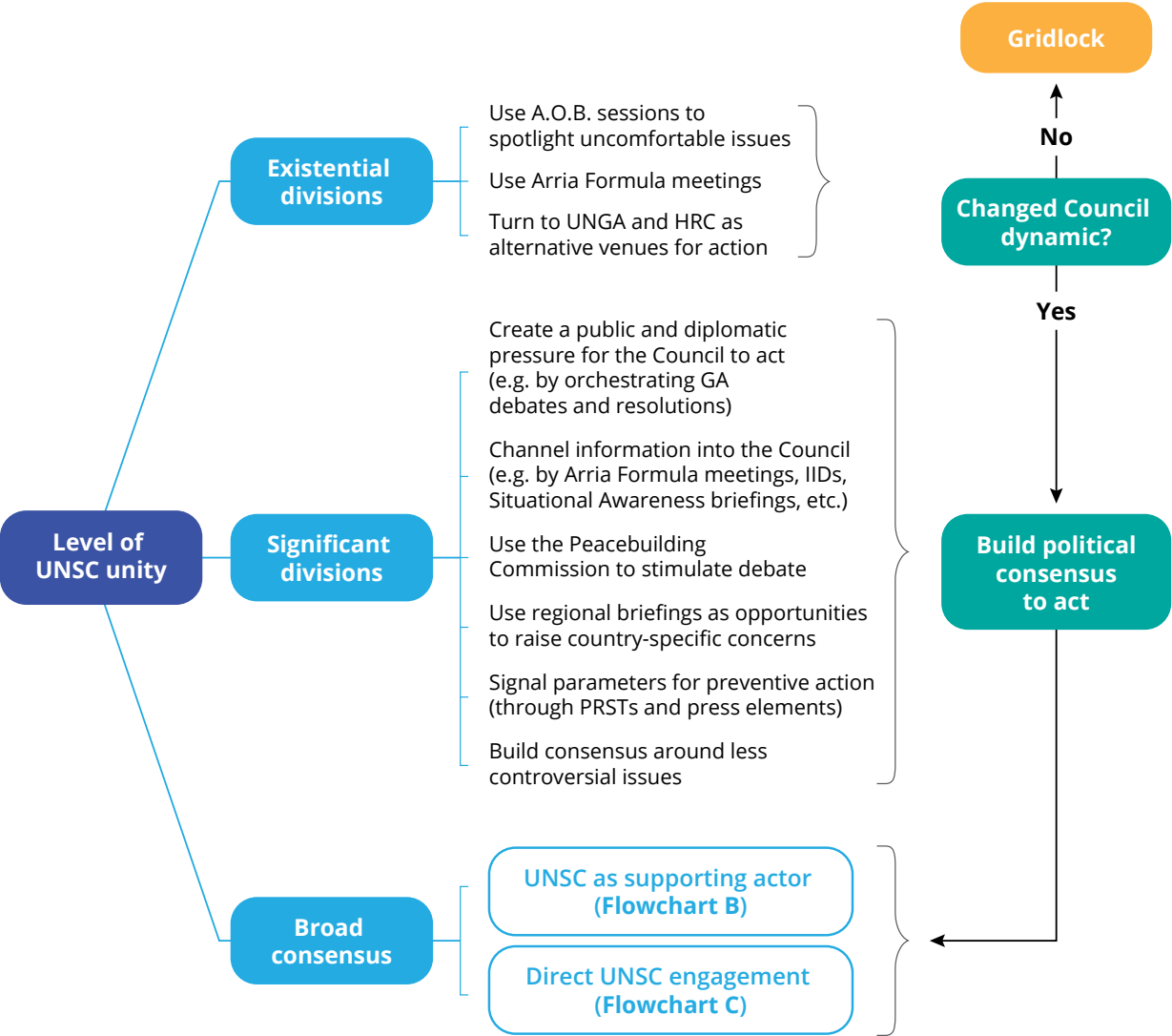
By contrast, where significant but not unbridgeable divisions exist, complex diplomacy is necessary in New York to attempt to create minimum consensus on how to act. This encompasses (i) creating a narrative around the need for the Council to act on a specific issue; and (ii) quietly in parallel working out the terms for cooperation. Potential tactics for achieving this two-track diplomatic process include:

- *Creating public and diplomatic pressure* for the Council to act by, for example, orchestrating General Assembly debates and resolutions calling for action (a tactic the West used over Syria in 2012).¹⁵
- *Channeling information into the Council* through mechanisms such as (public) Arria Formula meetings and (private) Informal Interactive Dialogues and Situational Awareness briefings, which can either (i) help Member States achieve a common understanding of a situation, and/or (ii) make it harder for potential spoilers within the Council to question the validity of facts about a looming crisis.
- *Using the Peacebuilding Commission to stimulate debate.* The Security Council has gradually drawn closer to the Peacebuilding Commission (PBC) after previously keeping it at a distance.¹⁶ While some Council members, notably Russia, remain sceptical, the Council has called for both more dialogues with the PBC and invited to offer “concise, targeted, context-specific and applicable” recommendations at its request.¹⁷ Council members can use this growing openness to the PBC as a way to draw new ideas into their own discussions, providing there is smart coordination.
- *Using regional briefings as opportunities to raise country-specific concerns.* The Security Council’s growing engagement with potential and actual regional conflict formations – such as those in the Sahel and Central Asia – offers important opportunities for Council members to flag situations of concern, requesting regionally-focused UN officials to address potential crises and drivers of conflict.
- *Signaling parameters for preventive action* through Presidential Statements (PRSTs) and press elements which, even if relatively weak, can at least give a sense of the overall concern of the Council to act.
- *Building consensus around less controversial issues*, as Australia and Luxembourg did over Syria in 2013-2014 by promoting a resolution on humanitarian access to circumvent P5 political deadlock.¹⁸

These actions may nudge the Council towards adopting a broad consensus on the need for some action in a specific case, even if divisions remain. It should, however, be noted that this process is not guaranteed to engender an eventual political consensus on how to act on all aspects of a crisis. While some observers hoped that the Australian-Luxembourg initiative on Syria in 2014 could be a step towards resolving the war, it failed to inspire any convergence among the P5 in this field (the same was true of cooperation against ISIS through the Council). In many cases, it is necessary to accept that the most preventive effort this will achieve is conflict mitigation, and this is a good end in itself.

In cases where there is some willingness among Council members to cooperate but major differences remain, there may be an argument for moving diplomatic debate away from New York to case-specific formats such as the P5+1 mechanism for dealing with Iran over nuclear issues and (less successfully) the Quint grouping that dealt with the question of Kosovo’s status in 2007-2008. Even if, as in the Kosovo case, these groupings stall, it may be useful to insulate their discussions from other controversies in New York (and vice versa) and thereby “compartmentalize” difficult negotiations.

Flowchart A: Potential Policy Responses to Divisions in the Council





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SECTION 3

WORKING IN SUPPORT OF NON-UN PREVENTIVE ACTORS

The significance of these non-New York-based contact groups points to a further essential dimension of shaping a preventive strategy through the Council. This is the need to recognize and work with (or even for) other actors involved in operational prevention in the case in question. It is now the norm for regional players – whether formal organizations, coalitions of States or simply individual States – to play a leading role in preventive action, often overshadowing the Council. Although this is broadly a positive development for international peace and security, it creates a dilemma for Council members.

Should the Council stand back and allow other actors to get on with prevention? Or should it aim to be an active partner in these efforts? There are a number of examples of Council engagement gone badly wrong. In 1998, for example, a Council visiting mission to Africa diverted from its itinerary to attempt to mediate between Ethiopia and Eritrea, then on the brink of war. Diplomats in the region (including US officials) blamed this intervention for upsetting their existing processes, accelerating the onset of violence.¹⁹ More recently, a series of Council visits to Burundi around the 2015-2016 constitutional/electoral crisis there complicated – admittedly already confused – African initiatives.²⁰

In some cases, it may be best for the Council to simply stay away from a crisis altogether (a previous UNU study noted that, in such circumstances, UN officials on the ground may still benefit from a sense of “implicit” Council authority).²¹ Nonetheless, there are also cases in which non-UN-based preventive initiatives need some sort of cover from the Council. Options in these cases include:

- *Offering light-touch political encouragement:* In some cases, a nod from New York can give other actors’ efforts additional legitimacy. In 2008, for example, the Council put out a brief statement supporting Kofi Annan’s mediation efforts in the Kenyan post-electoral crisis.²² This may have helped signal to other potential mediators – who were numerous – to let Annan take the lead.
- *Endorsing specific crisis resolution strategies:* The Council can also offer more concrete legitimacy for particular proposals by non-UN actors. In 2017, for example, the Council explicitly endorsed Economic Community of West African States’ (ECOWAS) decision to recognize Adama Barrow as the winner of contested elections in The Gambia (although this was helped by the fact Senegal, the decisive ECOWAS actor, was on the Council).²³
- *Offering planning and technical support to non-UN actors:* Where there are obvious flaws in a non-UN player’s preventive capacities, the Council can direct the UN system to offer practical assistance to fill the gaps. In 2012, for example, the Council directed the Department of Peacekeeping Operations (DPKO) to give planning advice to ECOWAS for a preventive deployment in Mali, although this proposal was ultimately overtaken by the French intervention there in early 2013.²⁴
- *Merging preventive efforts:* In a few cases, as in the decision to endorse Kofi Annan as a joint UN-Arab League mediator in Syria in 2012, the Council has attempted to bind outside actors’ diplomatic efforts to its own. This is, however, rarely a good idea as it can create political frictions. Annan and his successor Lakhdar Brahimi were both frustrated by the Council and the League’s conflicting priorities. A similarly tricky dynamic emerged in AU-UN joint efforts in Darfur.

Overall, the Council is generally best advised to give other preventive actors space if they have some momentum, but it may also be necessary to offer some guidance and course correction where non-UN initiatives go off-track. If Council members fear that this is the case, their options include:

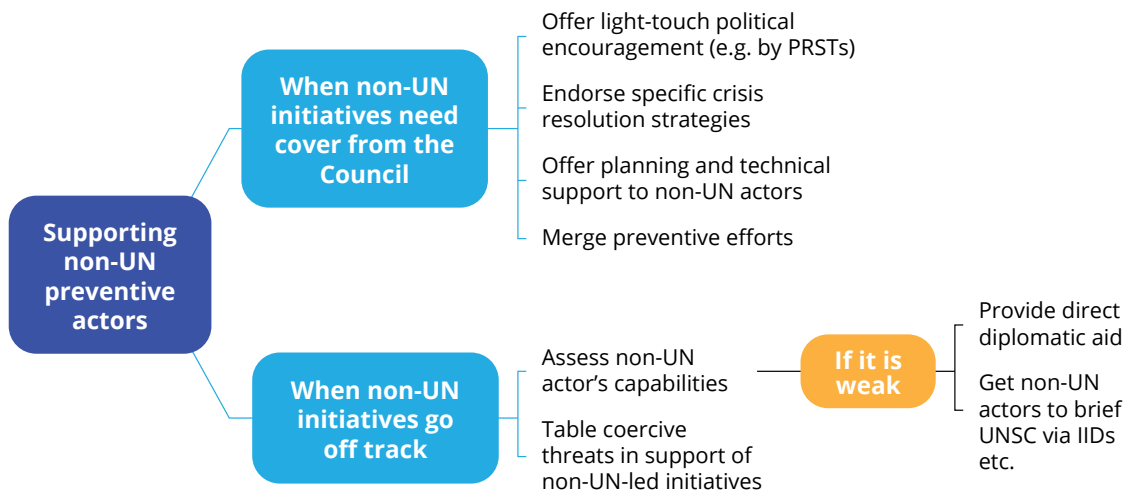
- *Inviting non-UN mediators to brief the Council:* It is now quite normal for representatives of regional organizations to brief the Council, either in public or in private formats such as Informal Interactive Dialogues (discussed further below). If the Council invites preventive actors to engage in this way, it may both (i) be a useful political signal of support to their efforts; and (ii) allow Council members to indicate concerns about the state of a process and offer suggestions about how to get it on track.
- *Direct diplomatic support to non-UN-led processes:* In some cases, Council members have offered immediate diplomatic back-up to weak partners’ preventive activities. In 2011, for example, P5 officials worked with the Gulf Cooperation Council (plus a UN

mediator) to shape a political settlement in Yemen.²⁵ Council members have also been active behind the scenes in support of East African attempts to mediate the conflict in South Sudan, which otherwise often dragged.

- *Tabling coercive threats in support of non-UN-led initiatives:* In some cases, including South Sudan, the Council has imposed targeted sanctions on actors refusing to engage in non-UN-led preventive and peacemaking efforts. But, as we note further below, these can risk backfiring, and there are often serious tensions between Council members and non-UN mediators over these penalties.

More broadly, it is essential that, where the Council wants to support preventive efforts led by others, it should treat them as serious partners and not merely as proxies. The falling out between the UN and Arab League over Syria demonstrated the dangers of trying to dictate the terms of prevention, while African diplomats view the Council's engagement in cases such as Burundi and Darfur very negatively. If Council members attempt to impose their will, individually or collectively, on other preventive actors, they are likely to encounter more resistance in future. In this context, the Council is likely to be most effective if it positions itself as an enabler rather than a leader in prevention.

Flowchart B: Support to Non-UN Actors





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SECTION 4

DIRECT CONFLICT PREVENTION BY THE COUNCIL

There are still cases in which the Council will need to step up as the prime mover in preventive efforts. In most of these cases, it is likely to defer the actual business of operational prevention to the Secretary-General, Secretariat and other UN entities. The Secretary-General's recent reforms to the Department of Political and Peacebuilding Affairs (DPPA) and the Resident Coordinator (RC) system have created a new base for preventive action, although this needs to be tried and tested in action. Council members who support these innovations have a strong incentive to encourage the Secretary-General to use his new tools, not try to duplicate them.

Yet, even where the UN has a strong presence in a country or region at risk of crisis, there is still a need for the Council to engage closely in implementing its mandates (in this vein, the recent Action for Peacekeeping declaration encouraged Member States to align their “bilateral and multilateral” policies more closely with Council mandates). In the last five years, Council ambassadors have engaged directly in cases including Burundi, the Democratic Republic of the Congo (DRC) and South Sudan and there will be more cases in which they will need to do so. These are frequently among the toughest crises on the UN agenda.

In many of these cases, including those where there is some degree of Council unity, the body fails to make an impact because key players within a crisis either (i) refuse to engage with the UN; or (ii) engage in bad faith. A significant number of leaders under pressure in recent years, such as South Sudanese President Salva Kiir and former Congolese leader Joseph Kabila, have attempted to whip up popular support by demonizing the UN. Overall, the Security Council faces actors including:

- *States and conflict parties that are willing to cooperate positively with the Council*, sometimes as a way to build up international credibility, such as the post-war leaderships in Liberia and Timor-Leste;
- *States and other parties that accept the need to communicate with the Council*, but are highly suspicious of its actions and guidance, such as Burundian President Nkurunziza during the 2015-2016 crisis;
- *Leaders who reject Council decisions outright*, such as Libya’s Colonel Gaddafi in 2011.

The Council has a range of options to respond to these various levels of consent. Where parties are reasonably willing to work with the Council, it may be possible to undertake confidence-building measures through the UN. In 2011, for example, the Council requested the foreign ministers of Thailand and Cambodia to come to a closed session in New York to discuss an escalating border dispute.²⁶ While ASEAN ultimately played a far greater role in resolving the issue, the private Council session was an opportunity for the Council to bring the sides together and urge them to cooperate.

More publicly, Council members often use visiting missions to cooperative countries as a “reward” for their helpful attitudes, as recently in the case of Colombia. The Council’s arrival is an opportunity for a government and other parties to signal their goodwill to domestic and international audiences. It is also straightforward (plus cheaper and less time-consuming) for the Council to release Presidential Statements (PRSTs) or resolutions broadly noting and welcoming progress in such cases.

Nonetheless, the Council often has to devise incentives and penalties to persuade less cooperative parties to work with it. In addition to making statements of concern, the Council has a number of formats and tools available to nurture channels with parties or push them to cooperate:

- *Informal Interactive Dialogues (IIDs)*: The Council can use these off-the-record meetings with political actors (and third parties) to try to work out responses to a crisis quietly. The Council’s initial effort to use an IID in this way, with the Sri Lankan Government during the 2009 bloodshed at the end of that country’s civil war, was a failure. Nonetheless, IIDs have proved to be a useful means to consult with more cooperative governments about political problems without creating a fuss.

Council visiting missions in a “preventive” mode: While some Council visiting missions may simply be meant to reward the host States, the Council can also use these tools in a more directly preventive mode. This can include: (i) Council members delivering joint messages

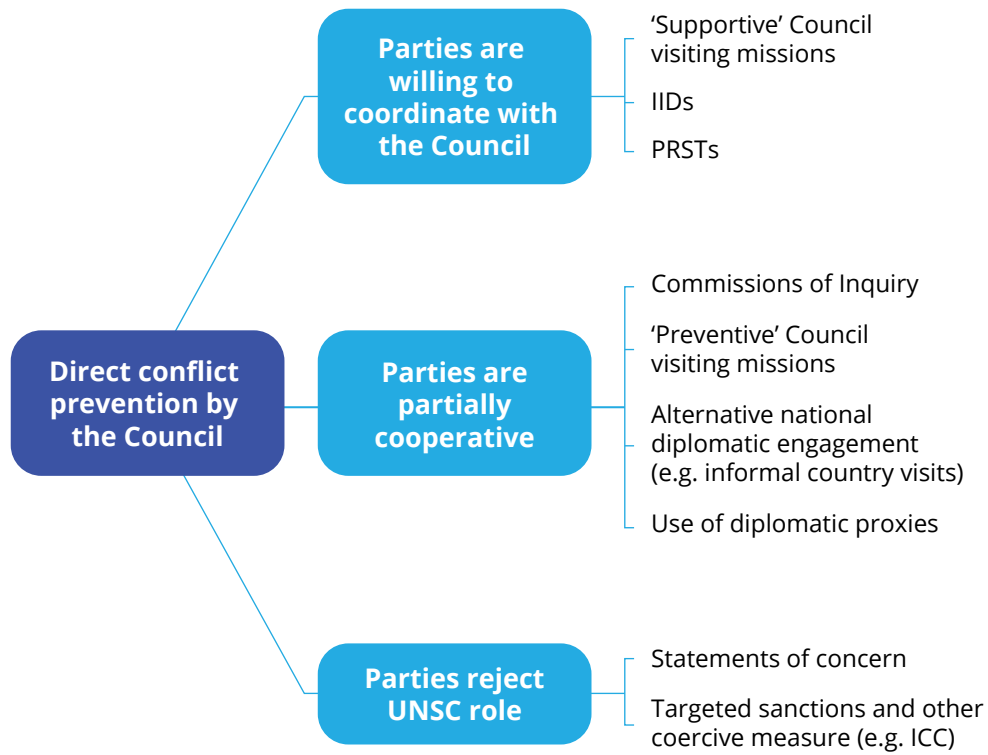
to national leaders or attempting to negotiate on specific points (as in the DRC, South Sudan and Burundi in recent years); (ii) Council members visiting refugees and other victims of conflict to send public messages of concern about their treatment (as in the Council visit to Bangladesh and Myanmar in 2018 to assess the situation of the Rohingya); and, (iii) rarely, Council efforts to mediate in acute crises, such as the often-cited visit by six ambassadors to Timor-Leste and Indonesia in 1999.²⁷ While current Council missions tend to be large and unwieldy, they retain some preventive potential.

- *Alternative national diplomatic engagement:* Given the limits of visiting missions, Council members may wish to engage in crises in other ways. One is for subgroups of Council diplomats to undertake informal visits to countries at risk of crisis. Former US Ambassador to the UN Samantha Power helped shape the debate over the crisis in the Central African Republic (CAR) by visiting it in person in 2013. Senior officials from capitals can also informally follow up on Security Council initiatives: Brazilian, Indian and South African representatives visited Damascus to discuss the Council's first PRST on Syria in 2011, for example.²⁸ This failed but might have worked in a better context.
- *Use of diplomatic proxies:* In some cases, diplomats and UN officials from outside the Council may be best placed to maintain channels of communication with parties to a crisis.²⁹ In the case of Burundi, for example, the Swiss Ambassador to the UN (acting in his capacity of the Peacebuilding Commission's country configuration) was able to maintain a higher degree of trust with President Nkurunziza than his counterparts from the Council. Although this created some friction with Council members, the Ambassador's ability to keep this channel open was an asset to the UN.
- *Commissions of Inquiry:* Another tool that the Security Council currently only deploys rarely is Commissions of Inquiry (although other elements of the UN regularly launch these). The Council has the power to either mandate (i) some of its own members to investigate a crisis, or (ii) the Secretary-General to appoint a group of experts to undertake an investigation. The Council last made such a request to the Secretary-General in 2013 in the case of CAR. By contrast, commissions appointed by other bodies such as the HRC have proved effective information-gathering instruments. In future crises, the Council could mandate more such groups to study emerging crises on its behalf as a signal to local actors that they cannot use violence unobserved.
- *Targeted sanctions and other coercive measures:* Where parties to a crisis prove highly recalcitrant, the Council may refer to threats of targeted sanctions and other coercive measures (such as tabling a referral to the International Criminal Court or another accountability mechanisms) to push them to cooperate. Recent research by UNU and its partners confirms that "a threat of UN sanctions can help bring parties to the table," although the threat has to be credible and enjoy support across the Council (once sanctions are in place, the prospect of delisting may also incentivize parties to talk).³⁰ These tools are, however, increasingly controversial among Council members including the P5 and debating them may actually demonstrate the UN's weakness rather than a sense of purpose. Conflict analysts also note that individuals facing sanctions often grow less cooperative, not more, and that it is necessary to send clear messages about the goals of these penalties – and the circumstances under which the Council would be prepared to withdraw them.

The Council must also consider how best to use the UN's existing resources in a preventive mode. In some cases, the UN already has significant assets – such as peacekeeping operations and Special Political Missions (SPMs) in countries facing a new crisis. In some cases, long-standing missions can become numbed by routine functions and fail to focus on prevention. The Council can address this risk by (i) mandating operations to incorporate more early

warning and preventive activities; (ii) setting clear expectations for reporting on these issues; and (iii) requesting the Secretary-General to commission urgent strategic reviews of missions' preventive capacities as necessary. The Council also needs to work out modalities for liaising with RCs in regions in crisis (such as the Sahel and Central Africa) while avoiding the impression that the Council is instrumentalizing the development system.

Flowchart C: Direct Preventive Action





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SECTION 5

SUSTAINABLE PREVENTION

Operational prevention is, by its nature, a short-term business with long-term consequences. While this paper has emphasized the different types of “entry points” and tools Council members can use in scenarios early in a crisis, it is necessary to ask what happens once the first shock of crisis passes.

After the initial crisis and response, the Council is likely to face one of three scenarios:

- *Failure*: For multiple political and operational reasons – or simply bad luck – it is possible that the various tools described above will fail to avert an escalation to conflict. In this scenario, the Council and/or other actors will face the challenge of how to manage that conflict (cf. Syria).
- *Incomplete success*: In some cases, preventive efforts may achieve their basic goal – avoiding a major escalation of violence – yet still leave a high degree of tension unresolved. This will inevitably be the case where the Council chooses to prioritize mitigation over resolution. Some countries, like DRC and Burundi in recent years, may emerge from periods of crisis into only very fragile forms of stability. Older yet unfinished examples of this type include Lebanon and Nagorno-Karabakh.
- *“Back to normal”*: In other cases, a crisis may end in such a way that outsiders believe that the situation has genuinely stabilized, although this may underestimate many of the risks left behind.

The Council has a tendency to believe (or at least hope) that countries will indeed return to “normal” once a crisis passes. In many of the cases cited here – including Kenya, the Thai-Cambodia border dispute and The Gambia – the Council’s follow-up once major violence was averted was minimal. In many cases, the governments of countries that have been scrutinized by the Council want to escape it fast.

Nonetheless, given the well-established danger of conflict recurrence, it is necessary to ask what the Council can do in cases of incomplete success and “back to normal”. This will inevitably be case-specific. If the Council has endorsed a UN mediator or established/reinforced a UN political presence during a crisis, it is likely to keep an eye on the situation a little more diligently than if it did not do so.

Even in the absence of a UN post-crisis framework, concerned States can take actions inside and outside the Council to maintain a focus on a case, drawing on tactics noted above. Inside the Council:

- States may continue to raise the case through requests for briefings under *Any Other Business* and, where appropriate in discussions of regional issues and/or thematic debates;
- States may organize *Arria Formula* meetings involving civil society representatives from countries emerging from crisis, allowing them to flag risks of recurrence.

In other UN forums, concerned States may:

- Encourage a post-crisis country to engage with the *Peacebuilding Commission, Office and Fund* to identify potential opportunities to cement peace – as The Gambia did after the 2017 crisis;
- *Use the HRC* – potentially through the Universal Periodic Review – to maintain a focus on a government’s post-crisis behaviour, a tactic that worked relatively well vis-à-vis Sri Lanka after 2009;
- Engage closely with *RCs* both through relevant intergovernmental forums, such as the United Nations Economic and Social Council (ECOSOC), and in-country to keep track of national developments. Where necessary, concerned donors may wish to fund Peace and Development Advisers to support *RCs* in sensitive post-crisis settings;

- *Encourage governments* that appear to have made a relatively positive recovery from crisis to speak their experience regularly in formal and informal UN settings, as Timor-Leste has done.

Beyond the UN, Council members (and former Council members) should aim to ensure a strong focus on countries emerging from crisis in forums such as the Organisation for Economic Co-operation and Development (OECD), World Bank and European Union. Just as in the middle of the crisis, the UN will only ever be part of the solution to the dangers of conflict. But an entrepreneurial Council member can use its time in the forum – and also its legacy after its two years there – to harry and hustle other powers to take crises as seriously as they deserve.

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- * See, Alistair Sommerville, "A new formula for the UN Security Council," *Global Security Review*, 23 June 2020.
- 1 This paper makes regular use of Elizabeth M. Cousens, "Conflict Prevention," *The UN Security Council: From the Cold War to the 21st Century* ed. David M. Malone (Boulder: Rienner, 2004); Security Council Report, *Can the Security Council Prevent Conflict?* (New York: Security Council Report, 2017), and Richard Gowan, *Diplomacy in Action: Expanding the UN Security Council's Role in Crisis and Conflict Prevention* (New York: NYU Center on International Cooperation, 2017).
- 2 See, Richard Gowan, *Minimum Order* (New York: United Nations University, 2018).
- 3 Laurie Nathan, Adam Day, Joao Honwana and Rebecca Brubaker, "Executive Summary," *Capturing UN Preventive Diplomacy Success: How and Why Does it Work?* (Tokyo: United Nations University, 2018): 4-5.
- 4 On the importance of credible threats to prevention see Charles T. Call and Susanna Campbell, "Is prevention the answer?", *Daedalus* (2018): 64-77.
- 5 Security Council Report, "In hindsight: Making effective use of 'Any Other Business'," 1 April 2016. On the uses of Articles 33-35 of Chapter VI of the UN Charter, see Paul Romita, *The UN Charter and Conflict prevention: A Primer* (New York: International Peace Institute, 2011): 4.
- 6 Paul Romita, *The UN Charter and Conflict prevention: A Primer*: 11
- 7 This process is described in detail in Richard Gowan and Paulo Sérgio Pinheiro, "Syria," *The United Nations Security Council in the Age of Human Rights* eds. Jared Genser and Bruno Stagno Ugarte (Cambridge: Cambridge University Press, 2014): 434-456.
- 8 Comment at a confidential round-table, early 2018. The joke refers to the fact that Gambia is almost entirely surrounded by Senegal, giving the latter a unique stake and leverage in the crisis. It should be noted that even in these cases of broad consensus, the Council was not 100% united. Russia held up some initiatives on DPRK in 2017, for example, and there were divisions in the Council over whether to endorse the deployment of an ECOWAS force in The Gambia.
- 9 Security Council Report, "In hindsight: Making effective use of 'Any Other Business'". Council members are unable to block AOB meetings on procedural grounds.
- 10 Security Council Report, *Human Rights and the Security Council – An Evolving Role* (New York: Security Council Report, 2016): 5. The Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) could, however, do more – with the support of friendly States – to ensure that important information gets transmitted to the Security Council. Some observers believe that "the transfer of such information is worse now than was during the time of the Commission on Human Rights." See the report *Glion Human Rights Dialogue 2017* (Geneva: Universal Rights Group, 2017): 18.
- 11 Whereas 100 member states voted in favour of A/RES/68/262 (United Nations General Assembly, "Resolution adopted by the General Assembly on 27 March 2014," United Nations, 1 April 2014, A/RES/68/262) condemning the seizure of Crimea, only 66 backed A/RES/73/L.47 (United Nations General Assembly, "Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov," United Nations, 5 December 2018) addressing the ongoing crisis in Crimea and the Sea of Azov.
- 12 On the need for a cooling-off period after the Council's debates over the Salisbury incident in 2018, see Richard Gowan, *Minimum Order*: 14.
- 13 See, for example, S/RES/2042 (United Nations Security Council, "Resolution 2042, adopted by the Security Council at its 6751st meeting," United Nations, 14 April 2012, S/RES/2042) supporting Kofi Annan's mediation in Syria.

- 14 See, Tom Hill, "Kofi Annan's multilateral strategy of mediation and the Syrian crisis: The future of peacemaking in a multipolar world?", *International Negotiation* 20, 3 (2015).
- 15 United Nations General Assembly, "Resolution adopted by the General Assembly on 16 February 2012," United Nations, 21 February 2012, A/RES/66/253.
- 16 See, Security Council Report, *The Peacebuilding Commission and the Security Council: From Cynicism to Synergy?* (New York: Security Council Report, 2017).
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- 20 International Crisis Group, "The African Union and the Burundi Crisis Ambition Versus Reality," *ICG Briefing* 122, (2016): 12-13.
- 21 Laurie Nathan, Adam Day, Joao Honwana and Rebecca Brubaker, *Capturing UN Preventive Diplomacy Success: How and Why Does it Work?:* 11.
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- 23 United Nations Security Council, "Resolution 2337, adopted by the Security Council at its 7866th meeting," United Nations, 19 January 2017, S/RES/2337.
- 24 The process was complicated by Council members' doubts about ECOWAS's planning. See, United Nations Security Council, "Resolution 2056, adopted by the Security Council at its 6798th meeting," United Nations, 5 July 2012, S/RES/2056; United Nations Security Council, "Resolution 2071, adopted by the Security Council at its 6846th meeting," United Nations, 12 October 2012, S/RES/2071; United Nations Security Council, "Resolution 2085, adopted by the Security Council at its 6898th meeting," United Nations, 20 December 2012, S/RES/2085.
- 25 Rebecca Brubaker, "Things fall apart: Holding the center together though Yemen's 2011 popular uprising (April-November 2011)," *Capturing UN Preventive Diplomacy Success* ed. Laurie Nathan et al. (Tokyo: United Nations University, 2018): 112-118.
- 26 See, Security Council Report, "Insights on the Cambodian-Thai Border Situation," 11 February 2011, <https://www.whatsinblue.org/2011/02/insights-on-the-cambodian-thai-border-situation-2.php>.
- 27 Richard Gowan, *Diplomacy in Action*: 7.
- 28 Ibid., p1. By contrast, a Swedish proposal for a subgroup of Council members to visit Gaza in late 2018 proved politically impossible, despite considerable support from both elected and at least some permanent members.
- 29 Security Council Report, *The Peacebuilding Commission and the Security Council: From Cynicism to Synergy?*: 10.
- 30 Thomas Biersteker, Rebecca Brubaker and David Lanz, *UN Sanctions and Mediation: Establishing Evidence to Inform Practice* (New York: United Nations University 2019): 9-10.



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