

Preventive Diplomacy by Intergovernmental Organizations: Learning from Practice

Eileen F. Babbitt*,¹

The Fletcher School of Law and Diplomacy, Tufts University,
160 Packard Avenue, Medford, MA 02155, USA
(E-mail: eileen.babbitt@tufts.edu)

Received 29 July 2012; accepted 12 August 2012

Abstract

Conflict prevention is enjoying a renaissance in international policy circles. However, the official machinery of the international community presently offers few institutions with a specific mandate to address the causes of political violence at an early stage. One such multilateral mechanism dedicated solely to the prevention of conflict is the High Commissioner on National Minorities (HCNM) of the Organization for Security and Co-operation in Europe (OSCE). Over two decades, the office has developed a significant track record of effectiveness against which to examine the preventive efforts of other intergovernmental organizations. In this article, we examine the prevention efforts of the HCNM in Georgia, Macedonia, and Ukraine and compare these with the preventive diplomacy of three other intergovernmental organizations (IGOs): the Organization of American States (OAS) in Guyana, the Commonwealth in Fiji, and the UN in Afghanistan, Burundi, and Macedonia. Our findings offer some useful and surprising insights into effective prevention practice, with implications for how IGOs might improve preventive diplomacy in the future.

*) Eileen F. Babbitt is Professor of Practice in international conflict management, Director of the International Negotiation and Conflict Resolution Program, and co-director of the Program on Human Rights and Conflict Resolution at the Fletcher School of Law and Diplomacy at Tufts University. Her 25+ years of practice as a facilitator, mediator and trainer have included work in the Middle East and the Balkans, and with the United Nations (UNDP, UNHCR, UNAMI), U.S. government agencies, regional inter-governmental organizations, and international and local NGOs. Dr. Babbitt holds a Master's Degree in Public Policy from the Kennedy School of Government at Harvard University, and a Ph.D. from MIT.

¹⁾ The author would like to thank the organizations and individuals who made this research possible. This includes generous support from the Canadian Department of Foreign Affairs and International Trade and the Toda Institute for Global Peace and Policy Research of Japan. My colleague John Packer was the initial inspiration for this research, and his collaboration over the years has been indispensable. The case writers (Craig Collins and Jon Fraenkel, Angela Kachuyevski, Taryn Lesser, and Dipali Mukhopadhyay), whose articles appear in this special issue of *International Negotiation*, have been a great pleasure to work with and I thank them for their efforts in this research. Special mention must also be given to my two research assistants, Margot Isman and Elizabeth Wright, without whose help this article would not have been possible. Previous research assistants also deserve great thanks for their contributions: Tina Bokuchava, Gillian Cull, Minta Madeley, and Amy West. Thanks also go to my colleague Prof. Antonia Chayes, who read and commented on previous drafts.

Keywords

preventive diplomacy, intergovernmental organizations, conflict prevention, High Commissioner on National Minorities (HCNM), Organization of American States (OAS), Commonwealth of Nations, United Nations SRSGs, Afghanistan, Burundi, Fiji, Georgia, Guyana, Macedonia, Ukraine

Inter-communal and related conflicts – often with ethnic, religious and linguistic dimensions – are among the principal sources of political violence throughout the world (Human Security Report 2009–10: 10). Research has shown that by the time such violence breaks out, a conflict has developed its own dynamics, substantially reducing the chances for successful diplomatic engagement and largely leaving the international community with costly options and uncertain outcomes from other kinds of intervention. Effective preventive diplomacy, at the earliest signs of tensions, is urgently needed to prevent such conflicts from becoming violent.

Fortunately, conflict prevention is enjoying a renaissance in international policy circles. For example, the 2010 Quadrennial Diplomacy and Development Review, developed by the U.S. State Department, identifies conflict prevention as one of the key pillars around which the Agency must organize its efforts in the near term (U.S. Department of State 2010: 12–15). Similarly, the 2011 World Development Report from the World Bank focuses on the importance of preventing conflict as a crucial goal for enhancing development (World Bank 2011: 5–6).

While these represent significant steps to put commitments in place for governments and other international actors, the official machinery of the international community presently offers few institutions with a specific mandate to address the causes of political violence at an early stage. One such multilateral mechanism dedicated solely to the prevention of conflict is the High Commissioner on National Minorities (HCNM) of the Organization for Security and Co-operation in Europe (OSCE). Established in 1992 to contribute to the prevention of inter-group conflict through “quiet diplomacy,” the office of the HCNM offers, with almost two decades of experience in a score of countries, a significant track record of effectiveness against which to examine the preventive efforts of other intergovernmental organizations.

The richly detailed case studies in this issue of *International Negotiation* were written with such a comparison in mind.² As will be explained below, the HCNM

² These case studies are: “The Possibilities and Limitations of Preventive Action: The OSCE High Commissioner on National Minorities in Ukraine”, by Angela Kachuyevski; “Preventive Diplomacy Work in the Organization of American States (OAS): The 2006 Elections in Guyana,” by Taryn Lesser; “Conflict Prevention in the Commonwealth: The 2000 Fiji Coup,” by Craig Collins and Jon Fraenkel; and “The Slide from Withdrawal to War: The UN Secretary General’s Failed Effort in Afghanistan, 1992,” by Dipali Mukhopadhyay.

model for violence prevention, developed during the first ten years of the office and built upon in the years since, inspired our design of a conceptual framework to analyze how IGOs conduct preventive diplomacy, with or without the mandate to do so. Our goal was to explore the proposition that preventive diplomacy by IGOs could be improved if they adopted some elements of the HCNM model.

In all, we collected data on eight cases: three efforts of the HCNM, in Ukraine, Georgia, and Macedonia; one case of the Organization of American States, in Guyana; one case of the Commonwealth, in Fiji; and three UN efforts in prevention, in Burundi, Afghanistan, and also in Macedonia. This selection allowed for comparisons across four quite different types of intergovernmental organizations with varying mandates and capacities, as well as coverage of conflicts in a diverse set of contexts – Africa, Latin America, the Pacific Rim, Europe, the Caucasus, and Central Asia. Brief summaries of each of these cases are presented below, along with a detailed description of our rationale for case selection and our research methodology.

In brief, our findings are:

- The mandate of an IGO is important in providing the authority for the IGO to enter a potential conflict situation early, and it can also provide flexibility in terms of the sources of conflict it is allowed to address. To the extent that mandates limit either timing or flexibility in ways that preclude early engagement, prevention efforts can be undermined.
- In order for operational prevention by an IGO to be successful, one of two conditions must be present: either the intervention is requested, and the parties therefore are motivated to seek agreement; or the IGO has sufficient leverage to entice or threaten the parties into a deal. If neither of these conditions is present, the possibility for preventing violence is slim.
- Norms can be used as positive leverage, to remind members of their common values or to appeal to “good citizenship” more broadly. They can also be used to help with face-saving, to allow governments in particular to make concessions in service of norms rather than in response to pressure or demands from adversaries.
- For both short term and longer-term prevention, the IGO must operate with the highest level of professional mediation skill. This means: being impartial; understanding the importance of inclusion and knowing how to operationalize it; being creative in generating options; and taking a problem-solving approach that incorporates the interests of all parties.
- The most sustainable prevention occurs when the relationship between groups is not only improved, but also enshrined in domestic laws and/or institutions that guarantee its continuation. The value of the HCNM

approach, unlike those of any of the other IGOs, is its commitment to catalyzing these changes in laws and institutions, helping countries translate abstract values into realities, and staying engaged over an extended period to support these changes.

In this article, we begin by providing a brief update on the status of research related to preventive diplomacy in general, including reflections on the role of intergovernmental organizations in particular. We then present in detail the design of our analytic framework for case comparison and the results of that analysis.

Brief Review of the Etiology of and Research on Preventive Diplomacy

The conflict prevention agenda was initiated more than 50 years ago, when Dag Hammarskjöld, former UN Secretary General, first used the words “preventive diplomacy” in 1960, referring to the need to keep third-world confrontations between the superpowers from escalating to global proportions (Lund 2009: 288). In 1992, the UN Secretary General’s office redefined the term with Boutros Boutros-Ghali’s *Agenda for Peace*, in which prevention was updated to respond to post-Cold War realities. In this context, preventive diplomacy required the international community “... to seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results” (Boutros-Ghali 1992: Article 15). The appropriate timing of intervention – i.e., what constitutes the “earliest possible stage” – was thus introduced as one of the many challenges in analyzing and implementing prevention.

Research has also helped to frame our understanding of conflict prevention more broadly, beginning with the Carnegie Commission on Preventing Deadly Conflict, which published numerous books and articles along with its landmark final report (Carnegie Commission 1997). One of its contributions was to define a conceptual and practical distinction between operational and structural prevention: “operational” prevention is defined as action taken to stop impending violence, and “structural” prevention as the longer-term tasks of changing the underlying political/economic/social conditions that can lead to violence. We have used this distinction in our study, as a way to assess success in prevention efforts. The Commission also argued for prevention at various stages in the conflict cycle, not only before violence occurs but also to prevent the further escalation or spread of violence after it had already begun.

Michael Lund’s study, *Preventing Violent Conflicts*, introduced an extensive “tool box” for prevention, identifying many possible diplomatic and other approaches that governmental and non-governmental actors could take to stem

conflict escalation. In contrast to the Carnegie Commission and consistent with the UN *Agenda for Peace*, Lund argued for prevention as early action, so as to distinguish prevention from other goals that intervention might seek later in the conflict cycle (e.g., mediating a settlement, or rebuilding a society after civil war). (Lund 1996)

Many others have explored the question of prevention in an effort to create a compelling argument for national governments and intergovernmental organizations to act early rather than waiting until violence is in progress.³ For example, the Council on Foreign Relations' Center for Preventive Action conducted a study to investigate conflict prevention strategies. In summarizing the lessons of that research, Rubin and Campbell, in the introduction to the volume published by the Council in 1998, discussed the regional nature of violent conflict, in which a group of weak states become susceptible to "armed groups with cross-border ties to states, social movements, markets, criminal cartels, and corporations" (Rubin & Campbell 1998: 13–14). In such circumstances, they noted, the prevention of violence requires a regional approach, for which regional IGOs might be ideally suited. They also noted the importance of including non-governmental and civil society actors, the coordination needed when multiple international parties get involved, and the primacy of relationships between people in building sustainable policies and institutions that can manage conflict and prevent violence.

Similarly, Schnabel and Carment (2004) identified the preventive role that regional IGOs can play in confronting their member states with the need to tolerate internal differences, to build national unity and keep such differences from generating violence. On the other hand, they cautioned that regional organizations risk becoming captive to the local hegemon, distorting its agenda to favor these more powerful states and thereby losing legitimacy with their members. Therefore, in their view, the UN must be part of regional prevention to provide oversight to help regional organizations retain their impartiality and uphold international norms.

Another extensive set of case studies on the role of the UN and regional organizations in conflict prevention was undertaken by Connie Peck as part of the Carnegie Commission's research project (Peck 1998). After reviewing the

³ For example, see Rubin, B. (ed.) (1998) *Cases and Strategies for Preventive Action*. New York: The Century Foundation Press; Leatherman, J. et al. (1999) *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*. West Hartford, CT: Kumarian Press; Hampson, F.A. and D.M. Malone, eds. (2002) *From Reaction to Conflict Prevention: Opportunities for the UN System*. New York: International Peace Academy; Schnabel, A. and D. Carment, eds. (2004) *Conflict Prevention from Rhetoric to Reality*. Lanham, MD: Lexington Books. Also, the genocide in Rwanda spurred an international commission to propose an international "responsibility to protect" civilians from the abuse of their governments, and new UN resolutions to prevent genocide and mass atrocities. See "Report of the International Commission on Intervention and State Sovereignty." (2001) Ottawa: International Development Research Centre.

contribution of several IGOs, Peck proposed setting up a set of “regional centers for sustainable peace,” which would build upon the strengths of the UN, regional IGOs, and civil society actors in playing a prevention role. As she notes, each of these groups alone has weaknesses that can seriously undermine their preventive diplomacy capacities. However, working in tandem, the prevention agenda could be strengthened to provide better analysis, more creative approaches, and access to both substantive and political expertise to help all parties within the region.

From this research, it is clear that conflict prevention often requires a multi-level approach that draws upon the resources and skills of many different actors. It is rare that one institution or individual acting in isolation is sufficient to convince/deter/enable conflicting parties to choose non-violent means to settle their dispute. However, one entity has to anchor the effort; the mediation literature is quite clear that a lead actor is necessary to prevent multiple interventions from acting at cross-purposes and thereby undermining any possibility of success (Crocker et al., 1999). This study chose to look at IGOs and their capacity to fill that role, in large measure because of the reference point provided by the OSCE’s pioneering attention to prevention when setting up the office of the High Commissioner on National Minorities. Although that office focuses on conflicts generated by majority-minority group relations, our interest was in testing whether its procedures could be generalizable to other types of intra-state political conflict.

Research Methodology

To build upon these existing data from theory, policy, and practice, we proceeded in several steps:

- First, we reviewed existing studies of the HCNM approach, to more fully explore the strengths and weaknesses of its working model of preventive diplomacy.
- Second, we used this review to generate a set of questions to frame a comparative analysis, oriented around conditions that seemed to be correlated with effective prevention practice of the HCNM.
- Third, we re-evaluated the HCNM model, developing a more fine-grained assessment of its approach by using the comparative analysis framework to study a new set of HCNM cases, two of which were not included in the original review.
- Finally, we analyzed the similarities and differences between the HCNM approach and that of other IGOs, to refine our hypotheses about the elements of successful preventive diplomacy, and to determine how/whether IGOs other than the HCNM could benefit from adopting some of its practices.

Our initial review of the HCNM model relied on three primary resources: the extensive case studies of the High Commissioner's work in Estonia, Latvia, Romania, and Ukraine, published by the Center for OSCE Research at the Institute for Peace Research and Security Policy at the University of Hamburg in 2002–3; Walter Kemp's edited study entitled *Quiet Diplomacy in Action*, commissioned by the HCNM office, that briefly reviewed 20 situations in which the HCNM's intervention took place; and Steven R. Ratner's analysis of the HCNM's work as it relates to ethnic conflict prevention and international law.⁴ The University of Hamburg case studies were particularly helpful because they were prepared by researchers with extensive knowledge of each country who enjoyed direct access not only to the High Commissioner and his staff but also to officials and others on the ground in each case with first-hand knowledge of the engagements. Ratner's work was also crucial in framing the HCNM approach as "normative mediation," which led to our incorporating many elements of negotiation and mediation analysis in our analytic framework.

Based on this review, we noted three categories of variables that appeared to explain the HCNM's successful outcomes: Institutional, Procedural, and Individual:

- The **Institutional** category included qualities of the IGO itself – if and how it prioritized prevention, what aspects of its charter or other authorizing documents spelled out a prevention mandate, whether more specific mandates were given in particular cases, and whether there was a normative framework that underlay its prevention work.
- The **Procedural** category looked at the specifics of the approach taken in implementing preventive diplomacy: strategies adopted, ways in which organizational or other norms were invoked, leverage called upon, cooperation/coordination with other international actors, etc.
- At the **individual** level, the personal characteristics and experience of the HCNM himself⁵ were explored: past experience, stature and reputation, personal style, and extent of professional networks and relationships.

⁴ Center for OSCE Research Working Papers, http://www.core-hamburg.de/CORE_english/pub_workingpapers.htm; Kemp, Walter, "Quiet Diplomacy in Action: The High Commissioner for National Minorities," Office of the High Commissioner for National Minorities and the Ford Foundation, 2001, www.osce.org/hcnm/78633; Ratner, Steven L., "Does International Law Matter in Preventing Ethnic Conflict?" *New York University Journal of International Law and Politics*, vol. 32, no. 3, 1999.

⁵ In principle, of course, the HCNM could be male or female. However, all three of those appointed to the position to date are men, so we will use masculine or neutral pronouns throughout.

Table 1. Comparison of IGO Approaches to Conflict Prevention: Framing Questions

Level of analysis	Research questions
Historical/political Context	<ul style="list-style-type: none"> • Brief historical background to situate the engagement of the third party • Conditions immediately leading up to such engagement
Institutional	<ul style="list-style-type: none"> • Is there an explicit CP mandate? • Implications of restriction (if any) of mandate (i.e. HCNM mandate is restricted to “national minorities”) • Extent to which mandate touches root and proximate causes of conflict <ul style="list-style-type: none"> – Capacity of IGO to address root causes (i.e. expertise, other relevant departments, complementary programming/projects) – Implementation/coordination of complementary programs (if any) • Impact of institutional context on the legitimacy of the engagement <ul style="list-style-type: none"> – (i.e. OSCE and its normative frameworks) • CP-related department(s); dedicated to CP or not; staff (number, background, experience etc.) • Nature of CP support available: information-gathering; analysis; early warning (external partners, local contacts, openness to/collaboration with civil society); issue experts (i.e. assist in formulation of HCNM recommendations) • Overall capacity of the organization • What institutional traits (if any) permit and/or facilitate the IGO/3rd-party actor to use suasion, leverage, and coercion? • Expertise of staff • Hiring practices • Support from/coordination with resident OSCE, UN or similar Mission • Why governments accept/reject engagement; is sovereignty an obstacle?

Table 1 (*cont.*)

Level of analysis	Research questions
Procedural	<ul style="list-style-type: none"> • To what extent is the mandate (if any) operationalized? <ul style="list-style-type: none"> – How is action undertaken in absence of specific mandate/sanction? • Nature and impact of diplomatic engagement and related projects/activities • Preparation (preparedness/willingness to act when opportunity comes) • Point of entry; duration of engagement; point of exit • Recognizing windows of opportunity: fluidity in host environment • Sustainability of gains from engagement • Extent to which timing, contact and entry are dictated by institutional or individual considerations • How suasion/leverage/coercion are chosen and used; effectiveness of such use • How and to what extent civil society is engaged; management of media and public perceptions • Nature of relationship between member States and CP mechanism/actor (i.e. consultation, reporting etc.) • How have the organization and actor developed/maintained legitimacy? (i.e. building trust, demonstrating expertise; sequencing of contacts e.g., HCNM missions) • Management of in-regional neighbors, especially regional hegemon, kin states of internal ethnic groups (i.e. kin-states for HCNM; interstate relationships) • Role of international actors and impact on 3rd-party activities • How/if a normative framework is used to frame the engagement; if so, what are its elements • Extent to which interactions are confidential (i.e. “quiet”)
Individual	<ul style="list-style-type: none"> • Background, experience with and relationship to organization and its members • Process through which (and with what criteria) person is chosen; influence of membership on selection • Approach of 3rd-party actor vis-à-vis mandate (i.e. liberal/conservative interpretation; uses to fullest extent?; effectiveness within mandate; inclination to expand, and if so, how; degree of success) • Overall expertise and intervention philosophy of individual; management style both externally and internally • Ability of 3rd-party actor to mobilize other relevant actors, orgs, internal departments, facilitate processes etc. to this end • Importance of individual in establishing/maintaining legitimacy of the engagement

The analyses we reviewed to generate these questions also highlighted a need to more deeply understand the HCNM model itself, including the effects of other outside actors on HCNM prevention efforts, and the extent to which the potential for EU membership affected the HCNM's success. To investigate such issues, we chose three HCNM cases for further study:

1. Further analysis of **Ukraine**,⁶ since the Center for OSCE Research suggested that this case might not have been the success it was initially considered to be. In particular, we were interested in understanding the root causes of the tensions there and the extent to which these were addressed, the role of external actors such as Russia, and issues of timing, as the HCNM moved in and out over a period of seven years.

When the USSR collapsed in 1991, Ukraine, one of its wealthiest and most influential republics, gained independence. Relations between Russia and the Ukraine were strained as tensions mounted within the state between ethnic Russians, ethnic Ukrainians, Crimeans and Crimean Tatars. The HCNM became involved in February 1994 at the invitation of the government. He focused on three main sources of tension: “relations between the Russian minority and the Ukrainian majority inside Ukraine; the status of Crimea within Ukraine; and the resettlement of the Crimean Tatars” (Kachuyevski 2012). He was successful in preventing Crimean secession by helping to broker an autonomy arrangement for Crimea. He was only partially successful in getting the Ukrainian government to ease its language laws against the use of Russian, and to recognize the rights of the Tatar minority.

2. HCNM in **Georgia**: This case was included because Georgia was not slated to become a member of the EU, and therefore the HCNM lacked a major “carrot” that was available to him in other cases.

HCNM Van der Stoel's first visit to Georgia was in 1997 when the Government of Georgia (GoG) requested the HCNM's help with Abkhazia, which was seeking separation from Georgia. However, Van der Stoel declined to engage on this issue on the grounds that there were already many other international actors (i.e., UN and an OSCE mission) involved as intermediaries. He later similarly declined to become involved in the South Ossetia conflict.⁷ There was also some question as to whether the separatist movements were using “terrorist” tactics

⁶ This case is presented in detail in this volume: “The Possibilities and Limitations of Preventive Action: The OSCE High Commissioner on National Minorities in Ukraine” by Angela Kachuyevski.

⁷ In recent years, the HCNM office has begun working on language rights in Abkhazia. (Ekeus 2005) The HCNM was also involved in a Human Rights Assessment Mission for the OSCE to South Ossetia in 2008 (Office for Democratic Institutions and Human Rights 2008).

against the state, which would have precluded HCNM engagement (confidential interview, 2001).

The HCNM was much more active with the Meshketian Turks, a group of Muslim Georgians that had been deported by Stalin to Central Asia in 1944. Conflict arose over their repatriation to Georgia, particularly in the Samtskhe-Javakheri region in the southern part of the state. This situation was exacerbated by the politically marginalized Armenian minority living in these same regions, who opposed the return of the Turks. Van der Stoel convened meetings to discuss these problems, ultimately setting up a monitoring mechanism to provide early warning of any rising tensions in the region, and initiating programs to help with integration of the Armenian minority into the political and social life of the country.

3. HCNM in **Macedonia**: This case was important because of extensive UN as well as OSCE intervention, and because the HCNM remained involved over an extended period of time.

The HCNM became involved in Macedonia in 1993, when the international status of the country was still uncertain and the security situation in southeastern Europe remained unstable. Politics were polarized along ethnic lines, and in particular the Albanian minority (approximately 22 percent of the population) was aggrieved by what they perceived as policies that made them second-class citizens. For their part, Macedonians were wary of tenuous relations with their neighbors and foresaw internal instability if Albanian demands were met. The HCNM visited Macedonia more than fifty times during his tenure and met with a wide range of stakeholders, from senior national officials to leaders of small minority groups. His interventions were notable for their breadth and specificity – for example, when an Albanian university was founded without the consent of the government, he engaged in activities as diverse as fundraising, law drafting, mediation and crisis management.

Other Selected Cases

The second set of cases was chosen in order to contrast with the HCNM. We searched for cases that involved true preventive diplomacy – i.e., before violence occurred where the stated or implicit goal was to prevent such violence. We found four such cases: the Secretariat of the Organization of American States (OAS), based in Washington, DC, engaging in Guyana in 2006 to prevent election violence; the Secretary-General and his Good Offices Unit of The Commonwealth, based in London, and its role to prevent further violence after the coup in Fiji in 2000; and the Special Representatives of the Secretary-General (SRSG) of the United Nations in Burundi, Macedonia and Afghanistan. The Commonwealth provided an interesting insight into a non-regional organization, but one that

considers itself a “family” of nations based on similar language and political customs, in addition to some shared histories. The United Nations is an important point of comparison because of its prominence as an IGO mediator (Bercovitch 2007).

A brief synopsis of these cases follows:

4. OAS in **Guyana**: Considered a successful case of prevention, using election monitoring as a point of entry and leverage.⁸

Ethnic tensions between Guyana’s Indo-Guyanese and Afro-Guyanese stem from Dutch and British colonization, and they have been largely institutionalized in the country’s two main political parties, the People’s Progressive Party (PPP) and the People’s National Congress (PNC). The three national elections prior to 2006 in Guyana (1992, 1997, 2001) were marked by violence between these two groups during and after the elections. The assassinations of a journalist and of a parliamentarian and his family in early 2006 amplified fears that the August 2006 elections would also be violent, prompting the Government of Guyana to invite the OAS to establish an Electoral Observation Mission. The OAS deployed two long-term observers to monitor the political situation from May to September 2006, and 123 observers for four days before and during the August 28, 2006 election (Lesser 2012). As Chief of Mission, Ambassador Albert R. Ramdin, Assistant Secretary General, made multiple trips to Guyana and spearheaded the observation and mediation processes. This was in concert with other efforts by the UN and the Carter Center. The elections proceeded without further violence.

5. The Commonwealth in **Fiji**: One of the earliest efforts of the organization to engage in preventive diplomacy, and considered a success.⁹

The Republic of Fiji experienced an armed coup in 1987 and again in 2000. Led by a group of ethnic Fijian extremists, the 2000 coup deposed the democratically elected government and the country’s first Fiji Indian Prime Minister. The Prime Minister and his cabinet were held hostage for 56 days and the constitution was abrogated. The Commonwealth Secretariat is required to take action if a member state’s democratically elected government is overthrown, and it quickly engaged with the coup leaders and former government, aiming to secure the release of the hostages unharmed and facilitate the restoration of democratic government and the rule of law, as well as promote reconciliation and national unity. It succeeded by strongly and publicly invoking “Commonwealth principles” and indirectly threatening censure if democratic rule was not restored. This

⁸) Presented in detail in this volume: “Preventive Diplomacy Work in the Organization of American States (OAS): The 2006 Elections in Guyana,” by Taryn Lesser.

⁹) Presented in detail in this volume: “Conflict Prevention in the Commonwealth: The 2000 Fiji Coup,” by Craig Collins and Jon Fraenkel.

led, along with several important rulings of the Fiji High Court, to new elections in 2001 and a return to the good graces of the Commonwealth.

6. The UN in **Burundi**: Considered a successful case of prevention.

During a coup in October 1993, Burundi's first democratically elected president was killed by Tutsi extremists. This led to reprisal killings and general ethnic violence (estimates on number of dead vary, but it was as many as 100,000 within the year and was called genocide in a 1996 UN report) (S/1996/682 1996). The French were the quickest to react, sheltering the ousted government in their embassy, although they did not send troops. The standoff was urgent enough that UNSG Boutros Boutros-Ghali sent a fact-finding mission immediately, followed by Amb. Ould-Abdallah as the SRSG about a month later. It was unclear at the time if the massacres were isolated incidents or were the beginning of a civil war. Ould-Abdallah initiated contact with a wide variety of actors, both in political and civil society circles. With great political skill, he was successful at reconstituting a government, but the 1994 deaths of the Burundian and Rwandan presidents brought the government to a crisis point once again. Ould-Abdallah's priority was to help Burundi use the ninety days allowed by the constitution to choose a new president, and to do so before the country was overwhelmed by the impact of events in Rwanda. He therefore threw his support behind some kind of power sharing, such as was eventually embodied in the Convention of Government that was signed in September 1994, almost one year after the coup. Ultimately, all but one opposition party signed the document. The main significance of the convention, besides a commitment to promote peace, stability, and reconciliation, was the power-sharing arrangements between the representatives of the two main communities and the commitment to develop policies based on consensus (Ould-Abdallah 2000).

7. The UN in **Afghanistan**: Considered a failure of prevention.¹⁰

In 1988 the Geneva Accords formally ended the Soviet invasion of Afghanistan, with Gorbachev agreeing to withdraw troops. The initial UN mission in Afghanistan had a mandate of monitoring this withdrawal, as well as coordinating refugee and aid flows. It quickly became clear, however, that the situation was rapidly evolving into a civil war between the government and the mujahidin, who in turn were subdividing according to clan and ethnic loyalties. The UN Secretary General expanded his role, via a personal representative, to try and prevent a civil war, but UN progress was stymied by continued arming of rival factions by the U.S., Soviet Union, and Pakistan, and by refusal of the mujahidin to

¹⁰ Presented in detail in this volume: "The Slide from Withdrawal to War: The UN Secretary General's Failed Effort in Afghanistan, 1992," by Dipali Mukhopadhyay.

tolerate accommodation with the remnants of government put in place by the Soviets.

8. The UN in **Macedonia**: An opportunity to compare the work of the HCNM with that of another IGO in the same case context.

The Macedonian President Kiro Gligorov requested UN assistance in border monitoring and protection in 1992, as neighboring states were falling into chaos. The UN response was to authorize the UN Protection Force (UNPROFOR), already based in Croatia, to establish a force inside Macedonia (S/RES/795 1992). Recognizing that this mandate did not include the ability to address internal concerns, it was expanded in 1994 to “encourage the Special Representative of the Secretary General . . . to use his good offices as appropriate to contribute to the maintenance of peace and stability” within the country (S/RES/908 1994) to address the simmering tensions between the Macedonian majority and the Albanian minority. The SRSG, along with the HCNM, an OSCE long-term mission, and a UN preventive military deployment were successful in stemming both external and internal sources of violence.

Four of these case studies are presented in great detail in this volume, one from each of the IGOs we studied. The others are not given in narrative form here, but the data from these were used in the comparative analysis that follows below. *It is important to note that these are all retrospective case studies.* We did follow up to see what has happened in each context since the preventive diplomacy took place, in order to explore how long and to what extent the prevention effort curtailed violence. But our primary focus is on how the IGO first got involved and the specifics of its work on the ground at the time of its initial engagement in each instance.

We define successful preventive diplomacy by referring to the two types of prevention identified by the Carnegie Commission report – operational (immediate) and structural (long term). Operationally, we therefore refer to short term or minimal success, in which violence was stopped from immediately escalating (i.e., in the ensuing 6–12 months); and long term or optimal success, in which violence was prevented from erupting in the medium or longer term.

According to these criteria, all of our cases except Afghanistan were examples of at least minimal success, achieving short-term operational prevention. Guyana, Macedonia, and Ukraine have been longer-term successes – although whether or not this is due to true “structural” prevention will be discussed below.

The High Commissioner on National Minorities as a Model of Prevention

The High Commissioner on National Minorities (HCNM) of the Organization for Security and Cooperation in Europe (OSCE) was created in 1992 because of

the war in Yugoslavia and fears of its spread to other parts of Europe. It was conceived of as a conflict prevention mechanism, attempting to address the concerns of both governments and minority groups before such concerns escalated to violence (Chigas et al., 1996).

‘Early’ is a key word in the HCNM’s mandate:

To provide ‘early warning’, and as appropriate, ‘early action’ at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but . . . have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States . . . (Kemp 2001: 12).

The position thus has a twofold mission: first, to try to contain and de-escalate tensions and, second, to act as a “tripwire,” meaning that the office is responsible for alerting the OSCE whenever such tensions threaten to develop to a level at which they cannot be contained with the means at the HCNM’s disposal. Even though the mandate places the High Commissioner’s work first and foremost in the category of short-term conflict prevention, the HCNM cannot, if he wishes to be effective, overlook the important long-term aspects of the situations confronting him.

The High Commissioner may collect information “from any source”, and is authorized to “pay a visit” to the participating State in question and communicate directly with national, regional and local authorities, as well as “representatives of associations, non-governmental organizations, religious and other groups of national minorities directly concerned and in the area of tension.” (Helsinki Document 1992, paras 11, 26, 26a, and 26b) He is expected to act independently of all parties and respect the confidential nature of information obtained. During a visit, the High Commissioner may “discuss the questions with the parties, and where appropriate promote dialogue, confidence and co-operation between them” (Helsinki Document 1992, para. 12).

Although the Senior Council can request and provide a mandate for the HCNM to become involved in a particular situation, it cannot give the High Commissioner instructions, nor can it overrule him. Nor is HCNM engagement predicated on formal consent of the participating State concerned, although the High Commissioner is obliged to provide the State with information about the intended purpose of a prospective visit (Zaagman and Zaal 1994:120).

Possible Advantages of the HCNM Mandate

Given this review, the HCNM appears to have several points of comparative advantage over other IGOs because of his mandate. First, the HCNM is the only IGO we studied whose mandate explicitly states that conflict prevention is its primary goal. The HCNM also has a broad mandate, though he is limited in that he can only focus on issues related to national minorities and cannot work with any groups involved in terrorist activities. He is also limited by the fact that he

can only address situations that might lead to international armed conflict or cause instability between states (Packer 2001: 645–646). In addition, the HCNM's mandate explicitly allows him to enter into a potential conflict situation at his own initiative, without the consent of the host government. The main consequence of this provision is that he can engage well before these situations become crises.

In the following section, we explore whether these in fact were advantages, and how other IGOs fared without the benefits of an explicit and broadly permissive institutional imperative for conflict prevention.

Comparative Findings

We have grouped our findings under the three categories of variables used to analyze the cases: Institutional, Procedural, and Individual. As will be evident, these are not mutually exclusive but very much interrelated, with the Procedural elements often being an extension of both the Institutional opportunities and constraints as well as the Individual style and skills of the lead person in each engagement.

Institutional Contributions to Success and Failure

In this category, we were especially interested in understanding how the explicit mandates for conflict prevention, both general and specific, enabled or constrained preventive diplomacy. General mandates are contained in the charter or founding documents of an organization and specific mandates are those designed for a single case or problem.

We found that the mandate had an impact on effectiveness in three ways: to define the basis and scope of the authority to intervene; to set the parameters for the timing of the intervention, whether before or after violence had occurred; and to provide the normative reference points for a prevention strategy, which may subsequently be used as leverage to induce government action.

1. Mandates and Conflict Prevention Authority

The HCNM:

In Georgia, the government requested Van der Stoep's assistance with the Abkhazia and South Ossetia conflicts, but because, as noted, there was some question as to whether the separatist movements were using "terrorist" tactics against the state, the HCNM confined his focus to the less volatile situation with the Meshketian Turks and Armenians.

In Ukraine, the HCNM concentrated on the multiple conflicts within the state involving Crimean separatist claims, language rights of the Russian minority,

and the repatriation of the Crimean Tatars. However, van der Stoel's mandate left him unable to directly engage the larger problem of relations between Ukraine and Russia. As Kachuyevski points out, the success of the HCNM's efforts to broker an autonomy agreement between Crimea and Ukraine was due in part to quiet discussions he had with the Russian government, and their subsequent decision not to support Crimean separatists. However, if Russian interests had cut in the other direction, the HCNM's efforts might not have been effective (Kachuyevski 2012).

In Macedonia, this limitation was not a problem because the crux of the conflict (Macedonian-Albanian relations) was squarely within the HCNM's mandate. In fact, while Macedonia did not ask for assistance, the government did work with the HCNM when he arrived. A very interesting finding is that the Macedonian government seemed to resent the interference of the UN in its internal affairs, but worked well with Van der Stoel for many years (case notes on Macedonia).

Thus the HCNM focused his attention on either less volatile situations or on earlier stages of conflict. This can be positive in that it forces the HCNM to engage early, thereby reinforcing his overall conflict prevention function. However, it also means that conflicts other than those relating to minority issues (e.g., other types of competition for economic or political resources, regional power politics), which could potentially be violent, are not directly accessible to him.

OAS:

Although the OAS does not have an explicit mandate for conflict prevention, it has become one of its top priorities, reflected in documents relating to the protection and promotion of democracy, strengthening the rule of law, and protecting human rights. In the case of Guyana, the rationale for intervention came from Resolution 1080 and the Washington Protocol,¹¹ both of which call for immediate action when the democratic political process or the power of a democratically elected government is threatened. It is supported by the Inter-American Democratic Charter, which allows a member state to request assistance when its government is concerned that "its democratic political institutional process or its legitimate exercise of power is at risk" (Lesser 2012). However, this focus on the democratic process meant that the main priority for the mission in Guyana was election observation, with a possible prevention goal of improving relations

¹¹ OAS Resolution 1080, adopted in 1991 in Santiago de Chile, requires the Secretary General to convene a meeting of the Permanent Council within ten days of "any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states" (AG/RES. 1080 (XXI-O/91) 1991). The Protocol of Washington, adopted in 1992, amends the OAS charter to allow the OAS General Assembly to suspend by a two-thirds vote a member state whose democratically elected government has been overthrown by force. (Protocol of Washington 1992).

between political actors as only a secondary priority. In addition, the OAS must be invited to engage and cannot initiate actions independently.

Engagement by the OAS is also based on decisions of the Permanent Council, and there are various political factors that can influence their votes. Ultimately, as Lesser explains, it is a state-run organization that is bound by members' politics, and it does not have an independent organ like the HCNM to initiate its own investigations and decisions (Lesser 2012). Ironically, these limitations on the OAS mandate may have contributed to the Government of Guyana's comfort with asking for assistance in the first place and their willingness to work closely with the OAS for the duration of the mission.

Commonwealth:

The Commonwealth has no constitution or charter, nor does it possess an executive branch or capacity to impose binding obligations on any of its members. However, formal procedures, standards, principles and criteria for membership have been defined by a series of resolutions. Mainly, the Secretariat is required to take action if a democratically elected government is constitutionally overthrown, and to try to facilitate the restoration of democracy with actions including public statements, mediation, and other diplomatic measures (Collins & Fraenkel 2012). The agreement reached among member states in the Coolum Declaration further authorized the Secretariat to focus on conflict prevention and post-conflict capacity building.¹²

In the case of Fiji, the elected government was overthrown, opening the way to Commonwealth action. Fiji did not request an intervention, but because it was important to Fijian leaders to be members of the Commonwealth, they were willing to work with the Commonwealth when engagement was proposed in order to try to prevent the imposition of sanctions or suspension of its membership. According to Collins and Fraenkel, these concerns, as well as the Commonwealth's good reputation as an intermediary, gave it legitimacy and high-level access (Collins & Fraenkel 2012).

However, even the mandated authority of the Commonwealth may be short-circuited. The Commonwealth Ministerial Action Group (CMAG) is the body composed of eight rotating foreign ministers of member states whose purpose is to ensure compliance with the Commonwealth's fundamental political values, assess infringement of the Harare principles,¹³ and recommend collective action when

¹² The Coolum Declaration was a product of a summit between member states in Coolum, Australia to discuss "The Commonwealth in the 21st Century." "We are committed to strengthening the Good Offices role of the Commonwealth Secretary-General and have agreed to strengthen the Commonwealth's work in supporting democratic practice, in resolving tensions, in conflict prevention and resolution, and in post-conflict rebuilding, working in consultation with regional organisations as appropriate." (Commonwealth Secretariat 2002)

¹³ The Harare Declaration, adopted in 1991, reaffirmed member states' commitment to the 1971 Singapore Declaration of Commonwealth Principles: "international peace and order, global economic devel-

needed. If a state deviates seriously from these principles and intervention by the Secretary-General or his envoys is not successful, he may refer a state to CMAG for punitive action. However, CMAG has no staff, budget or enforcement mechanisms of its own and thus must rely on consent of the member states for action.

UN:

The UN's overarching mandate is to maintain international peace and security, as asserted in Article 1 of its charter and with Articles 2(4) and 2(7) as significant restraints.¹⁴ The scope of Article 1(1) is expansive, including

tak(ing) effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

In addition, Chapter VI of the charter calls upon state parties to pursue “*pacifc settlement of disputes,*” which includes bringing disputes to the attention of the UN Security Council to “*recommend appropriate procedures or methods of adjustment.*” (UN Charter, Article 36)¹⁵ To implement such pacific means, the UN Security Council passes resolutions that provide detailed mandates that are situation-specific.

In **Macedonia**, the UN response to Macedonia's request for assistance was to authorize the UN Protection Force (UNPROFOR), already based in Croatia, to establish a presence inside Macedonia (S/RES/795, 1992).¹⁶ Recognizing that this mandate did not include the ability to address internal concerns, it was expanded in 1994 to “*encourage the Special Representative of the Secretary General . . . to use his good offices as appropriate to contribute to the maintenance*

opment, and the rule of international law . . . the liberty of the individual under the law, equal rights for all citizens, and the individual's inalienable right to participate by means of free and democratic political processes . . . [opposition to] all forms of racial oppression . . . human dignity and equality . . . economic and social development” (Commonwealth Secretariat 1991).

¹⁴ Article 2(4) of the UN Charter states: “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 other manner inconsistent with the Purposes of the United Nations.” Article 2(7) reads: “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; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”

¹⁵ These include seeking “a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” (UN Charter, Article 33) The UN is also authorized to use enforcement means under Chapter VII of the Charter, when the pacific means do not work and the threats to international peace and security are considered substantial.

¹⁶ UNPROFOR was originally established by SC Res. 743, 1992.

of peace and stability” within the country (S/RES/908 1994). The phrase “as appropriate” granted wide latitude, and in particular led to the deployment of both military and civilian arms of the mission (Ostrowski 1998: 807–808). UNSC Res 985 in 1995 transferred this mandate for Macedonia into a separate mission, called the United Nations Preventive Deployment Force (UNPREDEP). UNPREDEP had a broader mandate than UNPROFOR, and allowed for diverse activities such as monitoring, dialogue facilitation, humanitarian relief and dissemination of information to the public (Sokalski 2003).

Initial engagement was based on the Government of Macedonia’s request for a UN presence. The invitation by the Macedonian government along with the latitude granted in the mission mandate allowed Henryk Sokalski, the SRSG for the mission, the flexibility to interpret his mandate to include structural prevention activities, such as unrestricted access to discussions with even very small parties and partnerships with aid organizations and civil society groups. However, after four years, UNPREDEP’s mandate in Macedonia was not renewed because China vetoed it in response to Macedonia’s recognition of Taiwan.¹⁷

In **Burundi**, the mandate of the SRSG was not explicitly about conflict prevention, but instead about restoring democratic institutions. It consisted of four parts: (1) to restore the democratic institutions overthrown by the abortive coup of October 21, 1993; (2) to facilitate dialogue between the parties to the crisis; (3) to establish a commission of inquiry into the events of October 1993 and the massacres that followed; and (4) to work in close collaboration with the Organization of African Unity (S/26631 1993).¹⁸ One might argue, however, that there was an implicit assumption that restoring democratic institutions was a vital component of conflict prevention.

The **Afghanistan** case study analyzes two UN missions with two different mandates. Neither explicitly mentioned conflict prevention: the first was focused on creating the political transition from Soviet occupation, and the second concentrated on preventing state collapse. The initial mission, the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP), had the mandate of monitoring compliance with the Geneva Accords of 1988, the agreement between Afghanistan and the Soviet Union for the withdrawal of Soviet troops from Afghanistan.¹⁹ The UNSG was unable to obtain agreement from the Geneva

¹⁷ *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* by Henryk J. Sokalski, Review by: Bill Hayton, *International Affairs (Royal Institute of International Affairs 1944–)*, Vol. 80, No. 3, Regionalism and the Changing International Order in Central Eurasia (May, 2004), pp. 556–557.

¹⁸ US interests prevented authorization of an armed intervention in favor of a more limited mandate, despite key players, including France and the African group at the UN, being in favor of doing more.

¹⁹ See <http://www.un.org/en/peacekeeping/missions/past/ungomap/background.html> for the text of the agreement.

Accords signatories for the renewal of the UNGOMAP mandate, so it was terminated in March 1990. In its place, he authorized a new office, the Office of the Secretary General in Afghanistan and Pakistan (OSGAP), which had an expanded mandate to “facilitate a reconciliation and transition process” as well as to “encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan” (Mukhopadhyay 2012; A/RES/43/20 1988). The Soviets objected to UN interference in Afghanistan’s domestic sphere, so the mandate was the result of careful negotiation between various member states’ competing concerns. As Mukhopadhyay points out, “From this point forward, the secretary-general and his staff became involved without ambiguity in the internal affairs of Afghanistan, hoping that they might be able to facilitate a dialogue amongst the various actors on the ground to prevent the implosion of the state once the Soviets left.” (Mukhopadhyay 2012)

Analysis of mandate and authority: For all of our IGOs, their agreed-upon mandates from their member states granted them authority to intervene in a preventive capacity. Notably, not all of these mandates are in the original charter of the organization; some have evolved over time from practice or were granted only for a specific situation. In most cases, the word “prevention” did not explicitly appear, but can be inferred from the stated intentions in each case.

A surprising finding is that the scope of the granted authority is broadest for the UN, not for the HCNM. The UN is allowed to do many things in order to “maintain international peace and security,” including the use of enforcement powers when needed. The greatest constraint has turned out to be getting agreement of the permanent members of the Security Council for its preventive work, rather than limitations inherent in the Charter. The HCNM, on the other hand, is required to focus only on problems of/with national minorities; the OAS is restricted to threats to democracy; and the Commonwealth, though able in principle because of the Coolum Declaration to initiate intervention on a broader range of threats to the peace, is still primarily offering their “good offices” to establish and maintain democratic governance.

A narrow scope may mean insufficient authority to address the underlying causes of violence, and may instead restrict the IGO to more superficial, short-term issues. On the other hand, if permission of the state is required for IGO engagement, this limit in scope may make it easier for states to agree to allow them entry.

2. Mandate and Timing of Entry

The HCNM:

Van der Stoel routinely used early entry as an opportunity to analyze and address the root causes of complex problems before they became violent, including in Ukraine, Georgia and Macedonia. For example, he first visited Macedonia in

1993, when there were initial signs that ethnic tensions could escalate. Because of this, he was well established in the country when a potentially violent crisis over an Albanian language university did arise in 1994. His local experience and relationships made it possible for him to be instrumental in the creation of a compromise that avoided further escalation (Ratner 1999: 626). Likewise in Ukraine, he engaged as tensions were first starting to appear and was able to build relationships between parties to prevent the secession of Crimea and to somewhat diffuse concerns over language laws.

UN:

In the case of Burundi, UN entry came late, when the UN Security Council authorized an SRSG only after a coup and reprisal massacres had taken place and a civil war was underway. This late entry was due to the restriction on UN intervention when it violates sovereignty, for anything other than an enforcement action under Chapter VII; the UN therefore had to wait for a request by the recognized but deposed Burundian government officials. Some analysts have argued that, once violence had already escalated, this late entry encouraged a focus on the short-term problems in the country and a lack of recognition of the deeper root causes of the crisis – a misdiagnosis that was unable to prevent the country from spiraling into war (Rubin, Lund and Hara 1998).²⁰ Over time, the UN has remained engaged in Burundi, and its updated mandate eventually allowed it to address the inequities in the country that its earlier mission could not (UNOB 2010).

In Macedonia, the UN *was* invited in early by government officials, initially as a defense against the chaos in the region. They later allowed the mission's expansion to address the root as well as immediate causes of internal conflicts. These efforts were successful in maintaining peace, not only while the mission was in Macedonia, but also later, because of the groundwork that had been laid for the successful negotiated end to the brief 2001 civil war.

In Afghanistan, the UN's entry was by agreement of the parties as part of the Geneva Accords. In principle, this could be considered "early," in terms of coming in before violence re-escalated in the post-settlement period. Unfortunately, in this case, even having a mandate that allowed early entry and attention to underlying tensions was not enough because the UN was not able to dissuade the internal factions from believing in the benefits of war over negotiation.

²⁰ This analysis also blames failure on the disjointed international response to the crisis, due to multiple official and non-official outside parties each having only a partial understanding of Burundi's problems and no one seeing the whole picture (Rubin, Lund and Hara 1998).

OAS:

Guyana also invited the OAS in early to observe their 2006 elections out of a well-founded fear that violence would erupt. This invitation was made nine months before the election, well before any crisis occurred, and was one of the contributors to the successful prevention of violence during the elections. However, as in Burundi, the underlying causes of tension in the society have not been sufficiently addressed by the OAS or others. Unlike Burundi, this has not led to any coups, but it does mean there are ongoing fears of violence erupting in Guyana (Ghosh 2011).

Commonwealth:

The Commonwealth may intervene on its own initiative, but this option is not formally contained in any charter and has instead evolved from practice. It has now (at least partially) been enshrined in writing in the Millbrook Action Programme, where, in the case of violation of the Harare principles, and especially in the case of the unconstitutional overthrow of a democratically elected government, the Secretary-General is authorized to make “early contact... with the de facto government, followed by continued good offices and appropriate technical assistance to facilitate an early restoration of democracy.” (Commonwealth Secretariat 1995) This is more restrictive than the HCNM because a violation has to occur before action is taken (practically speaking that would be a coup), and the Secretary-General is not explicitly authorized to talk to anyone but the recognized government. In Fiji, even though the Commonwealth issued statements condemning the coup and calling for diplomatic engagement almost immediately, it (upon the decision of CMAG) did not send a mission in until almost a month after the coup had occurred.

While the Commonwealth suspended Fiji quickly after the coup in 2000 and sent a mission to engage in good offices and crisis diplomacy, this effort was aimed at resolving the immediate crisis (a hostage situation and abrogated constitution), rather than at preventing further violence. Despite the successful resolution of the hostage crisis and eventual reinstatement of the constitution, another coup occurred 6 years later (Collins & Fraenkel 2012).

Analysis of mandate and timing of entry: When an IGO has constraints written into its charter that prohibit it from involving itself in the internal affairs of another state without the permission of that state (which is the case for the OAS and for the UN under most circumstances),²¹ their representatives need to be invited. We assumed that this was unlikely to happen unless a crisis was either imminent or already occurring and therefore earlier entry is very unlikely; entry before violence takes place will happen only if the mandate of the

²¹ The notable exception is provided for in Chapter VII of the Charter; see fn 19.

IGO allows for pro-active engagement. Our cases showed that these assumptions were not always correct; the HCNM fit our predictions (i.e., early entry) as did the UN SRSG in Burundi (i.e., late entry); while the other cases did not. In all cases where early entry was possible, violence was successfully and sustainably prevented.

There is, however, a notable difference in the ability of these IGOs to address the underlying sources of tension versus tackling the immediate crisis – which is a function of the scope of the mandate rather than the time of entry. Ultimately, the IGO must be able to persuade the parties to the conflict that negotiation is a better option than violence if preventive diplomacy is to succeed.

3. *Mandate and the Norms Governing Member States*

The HCNM:

Consensus is the hallmark of the OSCE. The emphasis on consensus has engendered a cooperative approach to problems and is a key to the organization's success (Zaagman 1995). Cooperation and consensus have, *inter alia*, resulted in unprecedented OSCE access to the internal developments of its participating States (via the HCNM), a fact that suggests that an uncommon degree of legitimacy has been conferred upon the organization. In addition, the OSCE remains important in Europe by virtue of its role as custodian and promoter of common norms. The organization also serves as a focal point for the normative development of minority rights, respect for which have been acknowledged as not only an end in itself but also a means of strengthening the territorial integrity and sovereignty of the state.

In our case studies, Van der Stoel drew upon the Decalogue, a set of ten principles agreed to by all OSCE members in 1975.²² In particular, he invoked Principle #7, respect for human rights and fundamental freedoms, and Principle #10,

²² The Helsinki Final Act, Helsinki Accords or Helsinki Declaration was the final act of the Conference on Security and Cooperation in Europe held in Helsinki, Finland during July and August 1975. The meeting produced ten principles (the Decalogue) to guide relations between participating states:

1. Sovereign equality, respect for the rights inherent in sovereignty
2. Refraining from the threat or use of force
3. Inviolability of frontiers
4. Territorial integrity of States
5. Peaceful settlement of disputes
6. Non-intervention in internal affairs
7. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief
8. Equal rights and self-determination of peoples
9. Co-operation among States
10. Fulfillment in good faith of obligations under international law (CSCE 1975)

fulfillment of obligations under international law. However, he went beyond OSCE principles to develop normative reference points, which will be detailed under the Procedures analysis.

Commonwealth:

The Commonwealth's Harare Declaration and the Millbrook Action Programme commit all members to the protection and promotion of peace, order, the rule of law, economic development, racial equality and democratic political processes. The Commonwealth also derives power from its moral authority, displaying a strong commitment to its principles and consistently taking action against those who violate them. Unconstitutional regimes in Nigeria, Sierra Leone, the Gambia and Pakistan, as well as in our Fiji case, have all been willing to engage in dialogue with the Commonwealth when suspected of abrogation of these principles, even on matters relating to their sovereignty (Collins and Fraenkel 2012).

OAS:

The OAS's work in prevention is supported by the Inter-American Democratic Charter, which provides a basis for prevention by listing: "the notion of a 'right to democracy' and the obligation of governments to promote and defend it; further specification of the norms for electoral observation and democracy assistance by the OAS; and clear references for the need to take into account and promote the contributions of civil society, as well as to promote the equal participation of women in democratic processes" (Lesser 2012).

UN:

The UN draws upon several elements of its charter, notably Article 1, which refers to principles of justice and international law, equal rights and the self-determination of peoples, and respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. In addition, the UN Secretary General often refers in his reports to the Security Council to the organization's commitment to the principles contained in the Universal Declaration of Human Rights and their implementing covenants.

Analysis of mandate and norms: What is immediately obvious is the ubiquity of human rights and democratic principles in the mandates of all of these organizations. As will be seen, these do form the framework for preventive actions, sometimes as the basis for negative judgment and sometimes as a call to take the "high road" on the part of state actors. Each IGO is different in the way it operationalizes these norms, which is detailed in the following section.

Procedural Steps: Strategy and Tactics Leading to Success or Failure

The HCNM:

When Max van der Stoel was appointed as HCNM in 1993, there were no guidelines in place about how to implement the newly created mandate. Therefore, Van der Stoel made a significant contribution by setting up an array of operating procedures for the HCNM that are the hallmarks of the office to this day.

The first of these is referred to by Van der Stoel as “*quiet diplomacy*.” “Quiet diplomacy” means not holding states up to public ridicule and shame because of their behavior, but instead using private consultations and confidential exchanges of letters to provide advice. The goal is “. . . assisting rather than isolating states that fail to live up to their commitments” (Wohlfeld 2004: 170).

In the HCNM cases, quiet diplomacy often meant discussions with the government about framing legislation that would address the grievances of minority groups, while also meeting the interests of states and complying with international laws and norms (Ratner 1999). In Ukraine, this included advising the government and Crimean authorities on language for a new Crimean constitution that would satisfy the region’s demands for autonomy without compromising the central government’s demands for unity (Kachuyevski 2012). Likewise in Macedonia, the HCNM worked with the government to craft specific legal language based on international precedents for minority education that would satisfy the Albanian minority’s demand for higher education in their native language without compromising the Macedonian government’s control over the educational institutions in its territory.

Another hallmark of HCNM procedures is the use of *norms as a source of leverage* for prevention. The intended impact is to change the preferences of states by encouraging compliance with norms as a way of gaining international and/or regional approval, and at times opening the door to political or even economic benefits. Van der Stoel made international norms a core part of his strategy to resolve incipient conflicts, and the HCNM, according to Steven Ratner, has “invoked and interpreted” the norms of the OSCE, the Council of Europe and the UN “constantly, especially if one party is seeking to ignore or mischaracterize them.” In short, the High Commissioner “uses norms to achieve solutions, and seeks solutions consistent with norms.” (Ratner 1999: 620–621)

In Macedonia, with the issue of the Albanian university, the HCNM referred to the OSCE Copenhagen Document as well as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Council of Europe’s Framework Convention for the Protection of National Minorities to establish that a government cannot deny recognition to an institution solely based on language, but also that educational institutions in non-national languages must be in accordance with national legislation and do not claim a right to public funding or automatic recognition of

their diplomas. Additionally, he referred to “recommendations of the Parliamentary Assembly of the Council of Europe, recommendations of the Council of Europe’s Higher Education and Research Committee, and the recommendations of academic experts in the form of the Hague and Oslo Recommendations” to show that the norms were principles in wide use throughout Europe (Ratner 1999: 626).

However, the text of the relevant normative documents leaves room for interpretation. It is in this regard, Ratner argues, that the HCNM has played his “most critical norm-related role: the translation of norms into practical guidance and concrete proposals for consideration by minorities and governments.” (Ratner 1999) Examples from the cases include the drafting of language legislation in Ukraine, the raising of money for the Albanian university in Tetovo in Macedonia, and the ongoing work in Georgia to provide bilingual education in the region populated by minority Turks and Armenians.

Also, the HCNM employed norms-based frameworks as a “cover” for parties following his recommendations. Some of the HCNM’s recommendations could be politically contentious or unpopular. In both Macedonia and Ukraine, the HCNM successfully used normative frameworks to legitimize the governments’ and other parties’ actions, framing them as in line with objective, well-established standards in the European community rather than politically motivated acts (Kachuyevski 2012). Also,

(if a government follows HCNM or mission recommendations, it is less likely to be accused of giving in or backing down to unfair pressure. The HCNM’s and missions’ lack of authority to bind or judge allows them to offer the parties a face-saving manner to take de-escalatory actions (Chigas et al., 1995).

Framed as such, unpopular actions were more easily accepted by the opposition and the public, and led to agreements on structural changes that are still in place today (e.g., autonomy arrangements in Crimea).

Norms, however, may not always be sufficient as a source of leverage. In Ukraine, raising concerns about the rights of the Crimean Tatars largely fell on deaf ears, subsumed by the larger issues of Crimean separatism and Ukrainian-Russian relations. In Macedonia, the HCNM used the importance of relationships with the OSCE and its member states to his advantage, on occasion providing a “gentle reminder” that a poor report could harm Macedonia’s reputation. This was especially important given the prospects of Macedonia’s being considered for entry into the EU.

A third procedural contribution to success was *impartiality* – not taking sides or favoring the interests of any one party. This may seem like an obvious characteristic needed in preventive diplomacy – but it is not one universally recognized as being important in bridging difficulties between contending parties within

states.²³ Impartiality involves making sure all stakeholders have been consulted and their interests taken into account, to the greatest extent possible, in crafting solutions. In the HCNM's case, the fact that his mandate allowed him access to all groups without having to first gain approval of a given government made it possible to talk with everyone, even those not favored by that government.

However, impartiality was challenging for the HCNM, as advising governments was not always seen as acting impartially by minority groups (e.g., in Georgia by the Armenian minority; in Ukraine by the Russian-speaking minority). Likewise, invoking international norms was sometimes resented by governments and was seen as taking the side of the minority group (e.g., the Ukraine and Macedonian governments). This is when the personal qualities of the intervener, and the relationships he/she has built over time, play a crucial role, as we will see in the discussion of Individual-level contributors to successful preventive diplomacy.

In Ukraine, the HCNM organized a roundtable in Switzerland where Ukrainian and Crimean representatives could talk outside of the spotlight and pressures of home. This provision of good offices allowed the parties to begin a process of building trust with each other, as well as building trust in the HCNM as an intermediary. The roundtable laid the groundwork for the resolution of the crisis on the status of Crimea, including recommendations for broad Crimean autonomy within the context of the Ukrainian state that was agreed to by authorities on both sides. This agreement became the basis of the governance arrangement that remains in place today (Kayuchevski 2012).

Similarly, in Georgia, Van der Stoep, and later the subsequent HCNM Rolf Ekeus, engaged directly with the Saktskhe-Javakheti Armenians, facilitating their communication with the government on language and cultural rights.²⁴ In addition, he convened two open meetings, in 1997 and 1999, including representatives of the Meskhetian Turks and international experts on repatriation issues. Given the relationships of the various minority communities to regional powers such as Russia and Turkey, the meetings included not only a broad cross-section of interested parties from within Georgia, but also representatives from Turkey, the United States and the Council of Europe. This put the issue of Meskhetian Turk repatriation onto the Georgian government's agenda, along with some incentives to address the problem, and they agreed in 1999, as a condition of

²³ Zartman and Touval, for example, have consistently argued that it is not impartiality that provides legitimacy for international mediators, but their ability to deliver an agreement to/for the disputing parties (Zartman and Touval 2007).

²⁴ In particular, the HCNM has implemented programming to make government documents, including election materials available in Armenian, as well as providing Georgian language training for civil servants in the region. See Ekeus, Rolf, Address by the OSCE High Commissioner on National Minorities to the University of Ottawa Conference, 31 March 2005.

their accession to the Council of Europe, to guarantee return for the Turks (RFE/RL 2007).²⁵

A final defining procedural feature of the HCNM is *extended engagement* – remaining involved in an ongoing effort to assist in implementing the recommendations that the HCNM himself provided. The office of the HCNM is still engaged in Georgia to this day, implementing numerous projects to help integrate the Armenian minority into the Georgian state.²⁶ In Macedonia, Van der Stoel visited the country over 50 times between 1993 and 2001, and during that extended engagement was able to work with both the government and the Albanian community to enable elements of structural prevention, discussed previously, to be built.

Other IGOS and Quiet Diplomacy, Impartiality/Inclusivity, and Extended Engagement

OAS:

The OAS mission employed a form of quiet diplomacy in its approach in Guyana. In addition to Ramdin's visits and the observers tasked with monitoring the election itself, two long-term observers were deployed to Guyana from May to September 2006. They regularly monitored the political situation and electoral process, and worked closely with the Guyana Elections Commission (GECOM). They consistently met with electoral authorities at all levels, political party members, and civil society representatives, and "their availability to provide ongoing advice and support to GECOM was crucial" (Lesser 2012). They helped the government identify areas for improvement, such as the need for GECOM to communicate better with the electorate. Like the UN in Macedonia, the OAS' approach was to work with the Guyanese government as equals. Ramdin emphasized that "observers should never enter a situation with an agenda – an 'embedded' idea of what 'should' happen, but rather should be open to what 'can' happen—based on needs of the people, normally gathered from consultations" (Lesser 2012).

In addition, Ramdin emphasized inclusivity and the importance of recognizing "key issues of concern by the opposition" (Lesser 2012). He deliberately consulted with all six political parties equally, including the more minor ones, and attempted not to show bias toward any of them. His dialogue process leading up to the 2006 elections included not only the political actors but also civil society,

²⁵ The repatriation has not gone quickly, however. It took until 2005 for the Council of Europe to discuss a resolution requesting the Georgian and Russian governments to take their responsibilities on this issue to heart (COE 2005), and until 2007 for the Georgian parliament to pass a law authorizing the repatriation. Even then, no funds were appropriated to help with the resettlement. (RFE/RL 2007)

²⁶ For more information on the HCNM's current activities in Georgia, see <http://www.osce.org/hcnm/92384>, July 27, 2012.

media and law enforcement. This level of inclusion served four purposes. First, it allowed Ramdin and his monitors to accumulate as much information as possible about the actors' principle concerns so they could suggest domestically viable solutions. Second, it distributed the responsibility for preventing violence and ensuring voter participation across many sectors of society by giving them a stake in the process. Third, the broadening of the political space allowed for a shifting of the conversation from the typically divisive, ethnicity-focused confrontations to more productive, issue-oriented discussions. Fourth and finally, the improved communication that resulted from this made the election process much more transparent than it had been in the past (Lesser 2012).

According to Lesser,

The OAS was subsequently involved in an Electoral Observation Mission during the 2011 elections, sending 25 observers from 14 countries. Additionally, the local OAS representative continues to monitor political developments in the country, sends regular updates to headquarters, and responds to requests from the government for technical support.

However, The EIU (Economist Intelligence Unit) noted that the relations between the PPP and PNC remained "openly hostile," hindering the capacity of Parliament. This was worsened by the lack of progress made on constitutional reform. While the EIU considered the risk of outright ethnic violence to be low over the foreseeable future, violent crime remained a serious problem and social rifts among ethnicities were far from healed (Lesser 2012).

Commonwealth:

Unlike the HCNM, the Commonwealth utilized a combination of public criticism and quiet diplomacy. Immediately after the coup occurred in Fiji, Secretary-General Don McKinnon condemned it publically. Five days later, he traveled to Fiji, accompanied by UN Special Envoy Sergio Vieira de Mello, to meet the coup leader and other key actors and express his concerns over the crisis, as well as visit the hostages in the besieged parliament (Collins & Fraenkel 2012). The Commonwealth Ministerial Action Group suspended Fiji's membership on June 6; however, they continued to provide technical assistance aimed at restoring democratic rule (Collins & Fraenkel 2012). While this combination of public and quiet diplomacy runs the risk of alienating a *de facto* government, it worked in this case in large part because the Fiji government wanted to stay in good standing with the Commonwealth.

However, the underlying inter-group tensions that led to the coup in 2000 are still dominating Fiji's government. Another coup occurred in 2006, and Fiji was suspended again by the Commonwealth. Ongoing efforts by the Pacific Islands Forum and the Commonwealth to restore democracy and power-sharing have not been successful.

UN:

Although Macedonia had requested the UN presence in the form of an UNPROFOR deployment to guard its borders, the expansion into UNPREDEP and conflict prevention activities, which included engagement in the country's internal affairs, was a more controversial proposition because the government was reluctant to have UN interference in domestic affairs. SRSG Sokalski explained that his team navigated this situation by taking

particular care to show that the UN presence provided a stimulating asset – rather than a handicap – to Macedonia's efforts toward peace and stability... We tried to convince Macedonia's political leaders that we came not to teach, but to share international experience... We treated our hosts as partners, not as supplicants. Impartiality was the name of our game, and it determined the degree of our credibility. Over time, this helped in easing a discernible feeling of uneasiness and fatigue among some local quarters over the apparently domineering presence of an international operation. (Sokalski 2003: 104–5)

Inclusive dialogue processes were a part of the goals of the UN mission in Macedonia. UNPREDEP operated on three “pillars”, with one pillar being devoted to good offices and political dialogue. Through this mandate, SRSG Sokalski was able to engage in direct discussions and listening sessions with parties large and small, both in and out of the mainstream (Sokalski 2003: 108). This brought all potential spoilers into the process, thus avoiding violent confrontation on contentious issues.

In Burundi, however, the UN faced a different challenge: at the time of UN intervention by SRSG Ould-Abdallah in 1993, it did not have a functioning government to which the UN could give advice. The elected president had been assassinated, and the country was in chaos. While quiet diplomacy is about subtly shaping a government's actions or responses behind the scenes, establishing a government requires visible action. According to Amb. Ould-Abdallah's account, upon arrival in Burundi, his strategy was to meet with as many parties as possible and gain their trust, as well as signal his interest and commitment in the conflict. His immediately bold approach served to demonstrate to Burundi that its conflict was not forgotten by the UN, and his subsequent willingness to take proactive measures gave him legitimacy among the leadership in Burundi, including the elders and diplomatic community with whom he consulted on a regular basis (Ould-Abdallah 200, 47).

However, Ould-Abdallah's major task was to broker an agreement between the two major political parties, FRODEBU and UPRONA, and to establish a power-sharing arrangement.²⁷ Because of this, the unofficial armed movements were not at the negotiating table. While it is likely that these armed militias were

²⁷ Front pour la démocratie au Burundi and Union pour le Progrès National.

sponsored by the main parties, their exclusion from the agreement led in part to the resumption of violence not long after Ould-Abdallah's departure (Lund 1996).

Afghanistan presented even more of a challenge to the UN. From 1988 when the Soviets withdrew their forces until 1991, both the U.S. and the Soviet Union (along with Pakistan and Saudi Arabia) continued to arm client factions within the country. In that context, the UNSG (Perez de Cuellar and then Boutros Boutros-Ghali) along with the SG's personal representative used quiet diplomacy to get wide international and Afghan agreement on a set of principles. The process was broadly inclusive, involving all of the factions within the country as well as the regional and global powers invested in the outcome. However, with extensive armaments at their disposal, the increasingly polarized factions within the country preferred to fight for dominance rather than agree on a political arrangement. Unfortunately, the UN did not have the required leverage to change their calculus (Mukhopadhyay 2012).

In addition, as soon as the opposition groups thought that SRSG Sevan was not impartial, he lost all credibility with them. As a condition of convincing President Najibullah to step down (which was the major demand of the opposition groups), Sevan had agreed to give Najibullah safe passage out of the country. This plan was foiled by a mujahidin commander "[laying] siege to the airport from which he was to fly" (Mukhopadhyay 2012). Najibullah was granted safe haven in the UN compound, and "it would prove very difficult, from that point forward, for any other players to view Sevan as disinterested" (Mukhopadhyay 2012).

Norms as Leverage

OAS:

In the case of Guyana, the OAS and GECOM (the Guyana Elections Commission) signed a formal agreement based on the Inter-American Charter, stating that the member state shall "guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission" (Lesser 2012). Additionally, the OAS made frequent referrals to the importance of a free and fair democratic election for Guyana, and Ramdin made clear to the parties that the OAS and the international community were watching and would not accept an election boycott (Lesser 2012) though what the consequences would be were unclear. Consistent reference to these norms and guidelines made OAS expectations for the democratic process explicit, and emphasized the fact that the international community was watching the situation and that Guyana's reputation within the OAS would be damaged if violence broke out.

Commonwealth:

The Commonwealth also made frequent references to the shared norms of member states when attempting to influence the coup leaders. It explicitly made its

position known, stating, “We insist the Harare Declaration must be upheld. The armed overthrow of the democratically-elected government is fully unacceptable to the Commonwealth” (Collins & Fraenkel 2012). This made it clear that Fiji was not in good standing with the Commonwealth, and if it wanted to continue to participate, it needed to make some changes. Fiji’s membership in the Commonwealth has long been important to both ethnic Fijian and Fiji Indian leaders, and its return to the Commonwealth in 1997 (after its expulsion in 1987) was widely acclaimed by both sides. There was, of course, an implied threat here as well: if the Fijians couldn’t work something out, they would be expelled once again.

UN:

The UN attempted to invoke norms, albeit indirectly, in both Burundi and Afghanistan – by endeavoring in both instances to set up government institutions that were representative of multiple political groups and encouraging settlement of differences by political means. However, in both cases, the violent alternative proved more persuasive – immediately in the Afghanistan case and after a brief respite in Burundi.

Analysis of strategy and tactics: The most notable elements of successful strategy, across all of the cases, are impartiality, inclusivity, and effective use of leverage. These, in turn, are the hallmarks of effective mediators. It is self-evident that the implementation of successful preventive diplomacy requires excellent mediation skills.

One of the differences across the cases is the extent to which norms are used as a source of leverage. The HCNM’s strategy has explicitly developed this as a powerful tool, while the others have used it but with less intentionality. This may be an area where the experience of the HCNM can inform other IGOs.

Individual-Level Variables and Prevention

The HCNM:

The personal stature and spirit of Max Van der Stoel caused us to ask whether individual characteristics make a significant contribution to the success of preventive diplomacy. First, of course, his personal integrity as someone universally well-respected and trusted was augmented by his coming from a small country with no perceived political agenda or ax to grind. Second was his extensive experience as both a diplomat and a politician, having served as foreign minister of the Netherlands and UN special human rights envoy to Iraq before becoming the first HCNM in 1992. This experience helped him frame arguments and recommendations pragmatically and realistically, in the language of political leaders.

Perhaps most significantly, Van der Stoel’s dedication to justice and human rights led him to frame the role of the HCNM as one of a “normative mediator,”

as Steven Ratner has so eloquently noted. Nothing in the HCNM's mandate explicitly states that the office should use norms as justifications for action, but Van der Stoel drew upon not only the OSCE principles but also any and all regional and international frameworks that would convey to leaders the moral and ethical responsibilities they carried. This visionary interpretation of the HCNM's role has placed a lasting imprint on the office.

Not every government or minority group leader appreciated Van der Stoel's dedication to these normative principles, or followed the carefully crafted and extensive recommendations he offered in his signature "exchange of letters" with heads of state. But his energy and dedication to the HCNM mission were legendary – notable in particular in his inexhaustible commitment to Macedonia, but also in taking on three separate simultaneous conflicts in Ukraine.

Other IGOs:

The array of diplomats in these case studies is both diverse and exemplary: Albert Ramdin in Guyana; Don McKinnon and Pius Langa in Fiji; Amedou Ould-Abdallah in Burundi; Henryk Sokalski in Macedonia; Diego Cordovez and Benon Sevan in Afghanistan, along with UNSGs Perez de Cuellar and Boutros-Ghali.

All were male, persons of high public stature, with extensive diplomatic experience, and personal integrity. McKinnon and Langa were also politicians, in New Zealand and South Africa respectively; both also had extensive human rights credentials, similar to Van der Stoel.

All of these men worked tirelessly once taking on their mission in each case and attended seemingly endless rounds of meetings with all concerned parties. The pro-active engagement of Ould-Abdallah and Sevan were especially noteworthy.

The nationality of these men often mattered greatly. Ould-Abdallah is from Mauritania, and his African heritage was particularly valued in Burundi. Albert Ramdin, whose origins in Suriname might have been problematic in neighboring Guyana, nevertheless knew the country well and proved himself an impartial facilitator. Don McKinnon, coming from one of the regional hegemons of the Pacific, also dispelled any suspicions of hidden agendas and showed himself to be evenhanded in Fiji. Finally, for Afghanistan, UNSG Perez de Cuellar explicitly wanted to appoint someone who was not associated with any of the parties in that country, and so appointed highly skilled negotiators with UN experience – first Diego Cordovez from Ecuador and then Benon Sevan from Cyprus.

Analysis of role of individual qualities: One insight that is clear from the case data is that individuals acting as third parties in preventive diplomacy efforts must be perceived as impartial. In part, this is a function of organizational affiliation and how skilled the IGO's agent is as a mediator. But if there is a perception that the individual is biased because of their identity or origins, they must overcome that perception in order to be effective. As noted, Ramdin and McKinnon were able to do so.

Beyond this, without having interviewed the parties to the conflicts with whom they worked, it is difficult to determine with accuracy what the personal contribution of these men was to their success or failure. One can infer, although not prove, that in complex situations, a creative and highly motivated mediator can generate significant options and inspire leaders to take risks – such as Van der Stoel in Ukraine, Ould-Abdallah in Burundi, and Ramdin in Guyana. But if parties really want to fight, as they did in Afghanistan, a skilled diplomat alone will not be sufficient to prevent violence.

Conclusions

On Mandate

We assumed that the independence and flexibility of the HCNM could only be replicated if other IGOs had similar mandates. This proved to be false. Even with limitations placed on the conditions under which IGOs could get involved in potentially violent situations, IGOs could still intervene in time to prevent violence *if requested to do so by the host government*. Even the HCNM had limitations on its entry and scope of work, preventing it from addressing regional or global dynamics that could be stoking tensions.

An argument can be made that entry into a conflict before it becomes violent makes sustainable prevention more possible. This is because the added challenges created by the fallout of violence (e.g., revenge-seeking, physical and economic destruction, extreme polarization of relations) are not part of the equation.

Here is where the mandate of the organization *is* most crucial: it can provide the authority for the IGO to enter early and at its own initiative, and it can also provide flexibility in terms of the sources of conflict it is allowed to address. To the extent that mandates limit either timing or flexibility in ways that preclude early engagement, prevention efforts can be undermined.

On Strategy and Tactics

Leverage and Prevention

Most preventive diplomacy, as now practiced by IGOs, is intended to achieve operational prevention – an immediate fix to keep violence from erupting in the near term. This is understandable, because of the lack of resources for longer-term commitments, constraints imposed by sovereignty, and the short-term political interests of member states.

In order for operational prevention by an IGO to be successful, one of two conditions must be present: either the intervention is requested, and the parties therefore are motivated to seek agreement (OAS in Guyana; UN in Burundi; HCNM in Ukraine and UN/HCNM in Macedonia); or the IGO has sufficient leverage to entice or threaten the parties into a deal (Commonwealth in Fiji).

If neither of these conditions is present, as in Afghanistan, the possibility for preventing violence is slim.

In negotiation terms, leverage is needed to influence the alternative to agreement for each of the parties, so that agreement is a more appealing option than violence. IGOs whose members value their membership, either for its own sake or to make an impression on the broader international community, can use this as leverage in the short term.

Norms can also be used as positive leverage, to remind members of their common values or to appeal to “good citizenship” more broadly. They can also be used to help with face-saving, in particular to allow governments to make concessions in service of norms rather than in response to pressure or demands from adversaries.

Sustaining Prevention

Prevention can be sustained if additional attention is paid to the underlying sources of tensions and changes are made to alleviate these tensions. This can either be done relatively quickly (the HCNM in Ukraine, with autonomy guarantees for Crimea); or may take a longer engagement (HCNM in Georgia and Macedonia with language and education rights; OAS in Guyana with election monitoring).

The most sustainable prevention occurs when the relationship between groups is not only improved, but enshrined in domestic laws and/or institutions that guarantee its continuation. The value of the HCNM approach, unlike those of any of the other IGOs, is its commitment to catalyzing these changes in laws and institutions, helping countries translate abstract values into realities, and staying engaged over an extended period of time to support these changes.

Mediation Skill

For both short term and longer term prevention, the IGO must operate with the highest level of professional mediation skill. This means: being impartial; understanding the importance of inclusion and knowing how to operationalize it; being creative in generating options; and taking a problem-solving approach, which incorporates the interests of all parties.

Impartiality is therefore not unnecessary or optional in preventive diplomacy, as the mediation literature would suggest. It is crucial for IGOs because they lack the resources to be “muscular” mediators, and therefore their legitimacy rests on their impartiality. Adherence to norms does not jeopardize impartiality, as the core imperative of norms is that they apply equally to all parties. This is the epitome of evenhandedness.

Role of Powerful States

The role of hegemons and global powers can help or hinder all of these efforts at prevention. In Ukraine, Russia’s decision not to actively support the separatist

movement in Crimea was crucial for the HCNM's ability to facilitate an autonomy agreement. In Afghanistan, the opposite occurred, with the outside powers fueling the divisions and providing the armaments that made war a preferred option.

This is an unpleasant but realistic constraint on preventive diplomacy. In the Afghanistan case, the UN PRSG tried valiantly to get everyone moving in the same direction, including the outside powers. In fact, the U.S. and the Soviet Union (by this time, Russia) did agree to stop arming their respective clients in 1991, but it was already too late.

Therefore, preventive diplomacy must begin with good analysis of the situation at hand, and a strategy that takes both opportunities and constraints into account.

Implications for Practice

In spite of the challenges, our analysis does suggest that IGOs are capable of making preventive diplomacy a more integral part of their work and turning their successes at operational prevention into longer-term efforts by adding some facets of the HCNM model. These include:

- Being more pro-active in their engagement by quietly engaging state actors when violence is a possible outcome of internal tensions.
- Creating a more robust conflict assessment capacity and being aware of where and when such escalation risks are developing and what strategies might be effective.
- Using the norms that define the organization more creatively, as an incentive for early action by states to address grievances and get credit for doing so.
- Arranging to stay engaged over a longer period, at the very least to keep a “watching brief” on simmering tensions and at most to help states change their capabilities over time to be more inclusive and pro-active in preventing violence.
- Further developing the mediation skills of their diplomats, and enhancing the capacity of the IGO itself to support these mediation functions at the highest standards of the practice.

One final note: a recent gathering of scholars and practitioners of conflict prevention discussed the challenges in the field in general, pinpointing the importance of sharing experiences for the purpose of joint learning and the crucial need for more extensive evaluation to determine “what works.”²⁸ This study is

²⁸ “Learning from Our Experience in Conflict/Violence Prevention.” Sponsored by the BEFORE Project, CDA/Collaborative Learning Projects, and the Toda Institute for Global Peace and Policy Research. Held at the Fletcher School of Law and Diplomacy, Tufts University. July 28–29, 2011.

a contribution to the analysis of “what works,” based on a small sample of cases and constrained by limited resources. Future research into effective preventive diplomacy should be conducted with greater breadth and depth, to test the conclusions we have reached.

References

- Bercovitch, Jacob (2007). “Mediation in International Conflicts: Theory, Practice and Developments” in Zartman, William I., editor, *Peacemaking in International Conflicts: Methods and Techniques*. Washington DC: United States Institute of Peace.
- Bloed, Arie (ed.) (1994). *The Challenges of Change: the Helsinki Summit of the CSCE and its Aftermath*. Dordrecht: Martinus Nijhoff Publishers.
- Boutros-Ghali, B. (1992). *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peacekeeping*. Report of the UN Secretary-General, A/47/277-S/24111, 17 June 1992. (Accessed on 11/26/11 at http://www.unrol.org/files/A_47_277.pdf).
- Carnegie Commission on Preventing Deadly Conflicts (1997). *Preventing Deadly Conflict: Final Report*. New York: Carnegie Corporation of New York. Chigas, Diana, with Elizabeth McClintock and Christophe Kamp (1996). “Preventive Diplomacy and the OSCE: Creating Incentives for Dialogue and Cooperation,” in Chayes, Abram and Antonia Handler Chayes editors, (1996). *Preventing Conflict in the Post-Communist World: Mobilizing International and Regional Organizations*. Washington, DC: Brookings Institute.
- Collins, Craig and Jon Fraenkel (2012). “Conflict Prevention in the Commonwealth: the 2000 Fiji Coup.” *International Negotiation*, 17, 3.
- Commonwealth Secretariat (1991). “Harare Commonwealth Declaration 1991.” The Commonwealth. Harare, Zimbabwe, 20 October 1991.
- (1995). “Millbrook Commonwealth Action Programme on the Harare Declaration.” The Commonwealth. Millbrook, New Zealand, 12 November 1995.
- (2002). “The Coolum Declaration – The Commonwealth in the 21st Century: Continuity and Renewal.” *Commonwealth News Release*. Coolum, Australia: The Commonwealth, 5 March 2002.
- Conference on Security and Cooperation in Europe (1975). Helsinki Final Act. Accessed on July 23, 2012 at <http://www.hri.org/docs/Helsinki75.html>.
- Council of Europe (2005). “The situation of the deported Meskhetian population” Report to the Parliamentary Assembly by the Committee on Migration, Refugees and Population. Accessed on July 23, 2012 at <http://assembly.coe.int/documents/workingdocs/doc05/edoc10451.htm>.
- Crocker, C.A., Hampson, F.O., and Aall, P. editors, (1999). *Herding Cats: Multi-Party Mediation in a Complex World*. Washington, D.C.: United States Institute of Peace Press.
- Ekéus, Rolf, Statement by Rolf Ekéus, OSCE High Commissioner on National Minorities, to the 555th Plenary Meeting of the OSCE Permanent Council, 12 May 2005.
- Ghosh, Palash R. (2011). “Ruling Party Wins Guyanese Election, But Loses Parliamentary Majority.” *International Business Times*, December 2, 2011. Accessed on July 27, 2012 at <http://www.ibtimes.com/articles/260292/20111202/ruling-party-wings-guyanese-election-loses-parliamentary.htm>.
- Hampson, F.A. and D.M. Malone, editors (2002). *From Reaction to Conflict Prevention: Opportunities for the UN System*. New York: International Peace Academy.
- Hayton, Bill (2004). “Regionalism and the Changing International Order in Central Eurasia.” *International Affairs*, 80, 3: 556–557.
- Human Security Report, 2009–10. Accessed September 8, 2012: <http://www.hsrgroup.org/human-security-reports/20092010/overview.aspx>.

- International Commission of Inquiry for Burundi (1996). "International Commission of Inquiry for Burundi: Final Report." Report of the United Nations, S/1996/682, 22 August 1996.
- Kachuyevski, Angela (2012). "The Possibilities and Limitations of Preventive Action: The OSCE High Commissioner on National Minorities in Ukraine." *International Negotiation*, 17, 3.
- Kemp, Walter A., editor (2001). *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities*. Office of the High Commissioner for National Minorities and the Ford Foundation, Kluwer Law International.
- Leatherman, Janie, William DeMars, Patrick D. Gaffney and Raimo Väyrynen (1999). *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*. West Hartford, CT: Kumarian Press.
- Lesser, Taryn (2012). "The Preventive Diplomacy Work of the Organization of American States (OAS)." *International Negotiation*, 17, 3.
- Lund, Michael (2009). "Conflict Prevention: Theory in Pursuit of Policy and Practice," in Bercovitch, J., V. Kremenyuk, and I.W. Zartman, editors, *The SAGE Handbook of Conflict Resolution*. London: Sage Publications.
- (1996). *Preventing Violent Conflicts*. Washington, DC: The United States Institute of Peace.
- , Barnett R. Rubin, and Fabienne Hara (1996). "Learning from Burundi's Failed Democratic Transition, 1993–96: Did International Initiatives Match the Problem," in Barnett R. Rubin, editor, *Cases and Strategies for Preventive Action*, (New York: Center for Preventive Action).
- Mukhopadhyay, Dipali (2012). "The Slide from Withdrawal to War: The UN Secretary General's Failed Effort in Afghanistan, 1992." *International Negotiation*, 17, 3.
- OAS General Assembly (1991). "Resolution 1080: Representative Democracy" AG/RES. 1080 (XXI-O/91). 5 June 1991.
- (1992). "Protocol of Washington," Protocol of Amendments to the Charter of the Organization of American States (A-56). 14 December 1992.
- Office for Democratic Institutions and Human Rights (2008). *Human Rights in the War-Affected Areas Following the Conflict in Georgia*. Warsaw: OSCE.
- Ostrowski, Stephen T. (1998). "Preventive Deployment of Troops as Preventive Measures: Macedonia and Beyond," *NYU Journal of International Law and Politics*, No. 30 (1997–1998).
- Ould-Abdallah, Ahmedou. (2000). *Burundi on the Brink, 1993–1996: A UN Special Envoy Reflects on Preventive Diplomacy*. Washington, DC: United States Institute of Peace.
- Packer, John (2001). "The OSCE High Commissioner on National Minorities," in Alfredsson, Gudmundur, editor, *International Human Rights Monitoring Mechanisms*, Great Britain: Kluwer Law International.
- Peck, Connie (1998). *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict*. Carnegie Commission on Preventing Deadly Conflict Series. New York: Rowman & Littlefield.
- Radio Free Europe/Radio Liberty (2007). "Georgian Parliament Backs Meshketian Turks Reparation." Accessed on July 23, 2012 at <http://www.rferl.org/content/article/1077291.html>.
- Ratner, Steven L. (1999). "Does International Law Matter in Preventing Ethnic Conflict?" *New York University Journal of International Law and Politics*, 32, 3: 591–698.
- "Report of the International Commission on Intervention and State Sovereignty." (2001). Ottawa: International Development Research Centre.
- Rubin, Barnett and Susanna Campbell (1998). "Introduction: Experiences in Prevention," in Barnett Rubin, editor, *Cases and Strategies for Preventive Action*. New York: The Century Foundation Press.
- Rubin, B.R., M.S. Lund and F. Hara (1998). "Learning from Burundi's Failed Democratic Transition, 1993–1996: Did International Initiatives Match the Problem?" in B.R. Rubin, editor, *Cases and Strategies for Preventive Action*, Washington, DC: Brookings Institution.

- Schnabel, Albrecht and David Carment, editors (2004). *Conflict Prevention from Rhetoric to Reality: Organizations and Institutions*. Lanham, MD: Lexington Books.
- (2004). “Mainstreaming Conflict Prevention,” in Schnabel, Albrecht and David Carment, editors, *Conflict Prevention from Rhetoric to Reality: Organizations and Institutions*. Lanham, MD: Lexington Books.
- Sokalski, Henryk J. (2003). *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy*. Washington, DC: USIP Press Books.
- The World Bank (2011). *World Development Report: Conflict, Security and Development*. Washington, DC: The World Bank.
- United Nations (1945). *Charter of the United Nations*. 1 UNTS XVI. 24 October 1945.
- (1993). Letter of Secretary General to President of the Security Council, United Nations Operation in Burundi, S/26631. 25 October 1993.
- U.N. General Assembly (1988). “Resolution 43/20: The situation in Afghanistan and its implications for international peace and security” A/RES/43/20. 3 November 1988.
- U.N. Office in Burundi (2010) Accessed on July 27, 2012 at <http://bnub.unmissions.org/Default.aspx?tabid=2962&language=en-US>.
- U.N. Security Council, 3147th Meeting. “Resolution 795 (1992)” S/RES/795. 11 December 1992.
- , 3356th Meeting. “Resolution 908 (1994)” S/RES/908. 31 March 1994.
- U.S. Department of State and the United States Agency for International Development (2010). *Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review*. Washington, DC: U.S. Department of State.
- Wohlfeld, Monika (2004). “The OSCE as a Primary Instrument of Conflict Prevention in Europe: Frameworks, Achievements and Limitations of the OSCE’s Preventive Action,” in Schnabel, Albrecht and David Carment, editors, *Conflict Prevention from Rhetoric to Reality: Organizations and Institutions*. Lanham, MD: Lexington Books.
- Zaagman, R. (1995). “Focus on the Future.” *Helsinki Monitor*. 3: 40–50—and Hannie Zaal. 1994. “The CSCE High Commissioner on National Minorities: prehistory and negotiations. In Bloed, A. *The Challenges of Change: the Helsinki Summit of the CSCE and its Aftermath*. Dordrecht: Martinus Nijhoff Publishers. 95–111.
- Zartman, I. William and Saadia Touval (2007). “International Mediation.” In Crocker, Chester A. and Fen Osler Hampson with Pamela Aall, editors. *Leashing the Dogs of War*. Washington, D.C.: United States Institute of Peace. 437–454.