

## PREVENTIVE DIPLOMACY IN CONFLICT RESOLUTION

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**Introduction.** Diplomacy has been developed throughout history since ancient times, and today it represents a very important factor in the functioning of Global society as a whole. Over the time, the methods of diplomacy have changed, perfected and improved, so we can say that today diplomacy has become a complex system, functional and useful in every respect. Thus, one of the skills which is used is negotiation, which has a multiple role especially in a field of Preventive diplomacy.

**Methodology and literature review.** *Preventive diplomacy in conflict resolution in the light of the United Nations.* According to Ted Robert Gurr, only during 1993 and 1994, about fifty serious and urgent ethno-political conflicts took place in the world. While in the report of the UN Development Program (UNDP) A Human Development Report, it is estimated that during 1993, 52 major conflicts took place in 42 countries in the world, and that another 37 countries in the world were rocked by political violence. Out of a total of 79 countries that were affected by conflicts and political violence, 65 are from developing countries. Since the fall of the Berlin Wall, there have been over 90 armed conflicts, of which the largest number are ethnic conflicts (Croatia, Bosnia and Herzegovina, Somalia, Rwanda, Chechnya, Tajikistan, Kurdistan, etc.) [Sahadžić, 2009, 113]. Due to the large scale of internal armed conflicts<sup>1</sup>, especially in the last few decades of the last century until today, including the "Arab Spring"<sup>2</sup>, one gets the impression that international law is powerless to use existing legal solutions. Namely, the attempt was made in 1992 with the Agenda for Peace<sup>3</sup> and its Addendum from 1995. It has been shown that preventive diplomacy is an acceptable solution in the newly created situation, but with one shortcoming, it is difficult to implement it<sup>4</sup>.

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<sup>1</sup> The causes of internal armed conflicts have an ethnic, religious and economic component. They are followed by a large number of civil victims. And that: a large number of dead civilians, displaced persons and refugees. Organized crime often flourishes parallel to internal armed conflicts, such as: smuggling of weapons, people, narcotics, trafficking in human organs, prostitution.

<sup>2</sup> The goal of which is not only the overthrow of the regime, but also has religious elements.

<sup>3</sup> It was adopted at the suggestion of Boutros Boutros Ghali, Secretary General of the UN.

<sup>4</sup> The Arab Spring case is also in support of this influence wave «spilled over» from society to the State in: Tunisia, Egypt, Libya and Syria - where the fighting continues till today.

Only with use of the UN Charter, especially through Chapter VII, and the activation of the Security Council, UN activities can achieve some results. However, it should not be forgotten that armed interventions are often approached without the consent of the aforementioned UN bodies, which is a direct violation of the UN Charter, and as a result, weakens the international legal system when it comes to preserving peace in the World, and Peace should be the main goal of the UN Charter.

**Scientific novelty.** Preventive diplomacy is introduced as a major tool to establish peace and security. Namely, it is very likely that humanity is facing only one in a series of challenges to which humanity must respond. One, and maybe the most important problem is all about the need to change (revision) the UN Charter. It is even possible that the Amendment of the UN Charter is carried out unobtrusively through the 1992 Agenda for Peace as well as its 1995 Supplement.

In the essence of the Agenda for Peace is Preventive Diplomacy, which means preventing the emergence of disagreements between the parties, but also preventing that disagreements turning into conflicts and preventing the spread of other misunderstandings when spread of conflict arise. Namely, the essence of preventive diplomacy lies in negotiation.

**Analysis.** The agenda for peace draws attention to the fact that it is obviously better to prevent conflicts through early warning, quiet diplomacy, and in some cases preventive deployment of forces, than to be forced to undertake major political-military efforts to resolve the conflict once it has already broken out. The author of the Agenda for Peace draws attention to the experience that has shown that the biggest obstacles to success in these efforts are not, as is widely assumed, a lack of information, analytical skills or ideas for a UN initiative. Success is often hampered at the outset by the unwillingness of one side or the other to accept UN assistance. This also applies to interstate and internal armed conflicts<sup>1</sup>.

The basic principles of modern international law in relation to preventive diplomacy and conflict resolution, apart from the Agenda for Peace from 1992, also refer to Article 2 of the UN Charter, which prohibits the use of force and obliges member states to resolve their disagreements by peaceful means, but in such a way that international peace, security and justice cannot be threatened.

Chapter VII of the UN Charter, which elaborates on the issue of the collective security system, is particularly important. The Agenda for Peace emphasizes respect for

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<sup>1</sup> UN 1945-1995: between recognition and rule: UN Charter, Agenda for Peace, Agenda for Development, Security Council Resolutions, On the Circle in the former Yugoslavia and other appendices, "International Policy" "Official Gazette" Faculty of Law, Faculty of Political Sciences, Institute for International Politics and Economy, Belgrade, 1995, p. 99.

the fundamental sovereignty and integrity of states, which is the cornerstone of the organization. It is also vital to strengthen institutions that can provide a long-term and sustainable base for global peace and security. Since 1992, numerous centers for preventive diplomacy have been established around the world, namely: the United Nations, the Organization for European Security and Cooperation, the Inter-Parliamentary Union, the Association of Southeast Asian Nations, American conflict prevention institutions and many others. While the instrument in the cooperation strategy for reducing global violence is the International Court of Justice, whose jurisdiction is the prosecution of individuals for crimes of genocide and other crimes against humanity. Thus, the International Court of Justice acts as part of the UN preventive diplomacy strategy, helps the parties to the conflict to clarify their positions and positions, calms tensions and gives additional time for sensitive bilateral negotiations<sup>1</sup>.

As a crucial importance for the success of preventive diplomacy, are not only early warning, which can control the moment when a third party will become involved in conflict resolution, but also political factors and the will of the parties involved in disouties.<sup>2</sup>

Diplomacy, like war after all, is only an instrument in the service of politics. So the concept of preventive diplomacy does not take shape by chance. it as a methodological practice which requires adapting the entire mechanisms and international networks. In fact, it does not promise a world in which resorting to force would become superfluous [Piroćanac, 2004, 356-357].

Of course, it should not be overlooked that the OUN is faced with a great challenge to give answers on many questions about "prevention of armed conflicts", such as the overall situation in the Middle East, the area of the former USSR, as well as solving the Palestinian and Cyprus problems. The rhetoric of "arms rattling" and "some new spring" in some powerful states is also running through the media<sup>3</sup>. So, one could freely say that the world is a "powder keg" that can explode into a devastating total war, the only, still open question is - which internal armed conflict and which country will

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<sup>1</sup> Retrieved from the link: <http://www.doiserbia.nb.rs/img/doi/0025-8555/2009/0025-85550902112S.pdf>, Maja Sahadžić, Preventive diplomacy in international law and its application in the territory of the former Yugoslavia, Scientific source paper, MP 1-2, April 2009, p. 123-128. Access 11.08.2022

<sup>2</sup> On the example of the disintegration of the SFRJy, only later did the negotiations that resulted in the Dayton Agreement take place, the achievement of which depended both on the negotiating skills of mediator Richard Holbrook and those who decided to negotiate. More about it at: [http://www.patriotiskifront.com/index.php?option=com\\_content&view=article&id=164:-q-q&catid=34:geo-politika&Itemid=50](http://www.patriotiskifront.com/index.php?option=com_content&view=article&id=164:-q-q&catid=34:geo-politika&Itemid=50), interview with Vladislav Jovanović, "CIA obsessed with Kosmet, broke up the Balkans", (Č). Access 11.08.2022

<sup>3</sup> More about it at: <http://www.srpskapolitika.com/Tekstovi/Komentari/2012/latinica/017.html>. Access 11.08.2022.

play the role of "fuse". The international community can avoid this outcome precisely by applying all instruments from the arsenal of "preventive diplomacy", which have not been used in recent years<sup>1</sup>.

*The Ukrainian crisis and the UN.* The dynamics of the multi-year unresolved Ukrainian crisis have eroded the relations between Moscow and Brussels since the annexation of Crimea in 2014, and the Russian military invasion / special operation / in 2022. has moved the European Union and the Western allies (within NATO ) to increase the scope of sanctions and various politically motivated economic retributive measures in light of expressing their solidarity with Ukraine and her territorial sovereignty.

International organizations such as the United Nations or the OSCE have acted from a different perspective since the beginning of the war in Ukraine, while the dynamics are mainly shaped by the positions of the leading EU member states such as France and Germany, as well as the positions of the EU and NATO.

Admittedly, it should be borne in mind that the last straw of rationality in the entire tragic situation is that NATO refrains from its direct engagement in Ukraine, in order to avoid a much more dangerous direct clash with Moscow. Quite understandably is the the question which arises as : why the organization, as UN, which is in charge of peace and security is not more actively involved, except in the humanitarian part, while other forms of preventive diplomacy to achieve peace are absent. Obviously, the world community is completely divided and at this moment everyone is focused on themselves, with the goal of making the best possible profit, while the population remains alienated, and does not know what awaits them in the future.

**Conclusions.** Unfortunately, the United Nations failed to prevent the outbreak of war in Ukraine, i.e. to preserve international peace and security through preventive diplomacy. The reason for this is that Russia, as one of the parties to the conflict, blocked the adoption of a binding Security Council resolution that would refer to its military actions in Ukraine.

We think that the United Nations will have a much more significant role after the war is over in terms of the humanitarian dimension and solving the refugee problem, as well as establishing facts and producing knowledge related to that situation.

The UN is already providing some help through its specialized agencies, although experts have the impression that, in addition to strong rhetoric, the Secretary General of the world organization could have used his intermediary role more significantly and

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<sup>1</sup> We are talking about the instruments that Ban Ki-moon, Secretary General of the United Nations Ban Ki-moon present ahead of the opening of the session in the Security Council.  
<http://www.vesti.rs/Nju-York/Preventivna-diplomatija-generalnog-sekretara-OUN.html>. access 11.08.2022.

provided good services in communication between the warring parties. It encourages the activation of the role of the General Assembly and its condemnation of the Russian invasion, which is an expression of global conscience, albeit without the power of a binding decision. It remains to be seen whether the role of the General Assembly can be further strengthened through practice and more active use of the Resolution United for Peace, in the adoption of which in 1950 the SFRY played an active role. This would allow the General Assembly to step forward politically and take responsibility for respecting the UN Charter and restoring international peace and security if the Security Council is temporarily paralyzed. As, unfortunately, the consequences of the war in Ukraine will be visible even after its end, we think the role of the UN will become more and more important as time goes by, because it is a long and difficult road from the end of the conflict to the achievement of a lasting and positive, long term, peace.

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#### **Hatidza A. BERISA, Zoran R. VITOROVIC** **Preventive diplomacy in conflict resolution**

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The concept of preventive diplomacy essentially represents a political activities that is well thought out and skillful, and in a basic elements that is one possibility of exercising power. Its main task is to enable states to achieve the goals of their foreign policies without using force, propaganda or law. Diplomacy consists of different elements which in a final goal are all communication between representatives of States who are in charge of foreign policy affairs through formal negotiation or inconspicuous communication. In this paper, we will try to look at the effectiveness of preventive diplomacy in negotiations to prevent conflicts.