THE PREVENTION COUNCIL
THE BUSINESS CASE FOR PLACING HUMAN RIGHTS AT THE HEART OF THE UN'S PREVENTION AGENDA

Including a five-point plan for operationalising the Human Rights Council's prevention mandate

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS

EXECUTIVE SUMMARY

Ever since the establishment of the UN in 1946, the Organisation has recognised the central importance and value of prevention, and declared its determination to place the approach at the centre of its work. Indeed, the very first words of the UN Charter make clear that the Organisation's overriding mission is to prevent the gross and systematic human rights abuses and violent conflicts that had so scarred the world during the early 20th century:

'We the peoples of the United Nations determined to save succeeding generations from the scourge of war...'

The last four UN Secretaries-General have each prioritised turning those words, and the concept of prevention, into an everyday practical reality for the Organisation. Boutros Boutros-Ghali ('An Agenda for Peace,' 1992), Kofi Annan (annual report to the GA, 1999; 'Millennium Report,' 2000; and 'In Larger Freedom,' 2005), and Ban Ki-moon ('Human Rights Up Front,' 2013) have all repeatedly called upon UN member States to place prevention at the heart of their work, and have each made seminal contributions to understanding what prevention means for the UN and the principal barriers to it's realisation. The current Secretary-General, António Guterres, has likewise made prevention his number one priority in Office.

Unfortunately, despite this persistent focus on prevention over more than three decades, when it comes to turning the broadly-held mantra that 'prevention is better than the cure' into concrete international policies, the UN is no further forward today than it was in 1992.

Why is that the case?

One key reason has long been understood by UN leaders: the short-term political-economic calculations of politicians. As remarked by Kofi Annan in his 2000 'Millennium Report:' 'the UN has long argued that prevention is better than cure; that we must address root causes, not merely their symptoms. But aspirations have yet to be matched by effective action.' 'Political leaders,' he explained, 'find it hard to sell prevention policies abroad to their public at home, because the costs are palpable and immediate, while the benefits - an undesirable or tragic future event that does not occur - are more difficult for the leaders to convey and the public to grasp.'

This policy report argues that there is also a second key reason why successive Secretaries-General have failed to translate their prevention ambitions into practical policies: the *de facto* side-lining of the UN's human rights pillar.

Each of the Secretaries-General mentioned above has recognised, in principle at least, the importance of the human rights pillar as a key part of a 'whole of UN' approach to prevention. This understanding was most famously and eloquently summed-up by Kofi Annan in his report, 'In Larger Freedom:'

'…we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.'

Indeed, not only did Annan recognise that each of the three pillars of the UN are inter-related and mutually-reinforcing, and that each pillar must play a key role in building an effective UN 'prevention agenda,' he also acknowledged that each must play a different yet complementary role – depending on the stage or phase of the crisis/conflict in question.

Unfortunately, while Boutros Boutros-Ghali, Kofi Annan and Ban-Ki-moon all recognised (in principle) the importance of the human rights pillar, when it came to putting forward concrete proposals they each retreated into a more traditional conception of prevention as being synonymous with 'conflict prevention,' and therefore something to be carried out, principally, by the Security Council. It is true that Boutros-Ghali, Annan and Ban Ki-moon did, on occasion, hint at the role of the human rights system in building national resilience, and did mention the relevance of human rights violations as an early warning signal of potential instability. Yet when it came to the operationalisation of the UN's prevention agenda, proposals and recommendations were principally directed towards the security pillar (sometimes in conjunction with the development pillar).

This policy report argues, using political and economic analyses, that this has been a critical flaw in the UN's long-standing prevention agenda. In reality, the international human rights system must play a central role in primary (building national resilience to prevent human rights violations from happening in the first place) and secondary prevention (early warning and early engagement), if the UN is to ever deliver on its promise to 'to save succeeding generations from the scourge of war.' By focusing on 'downstream' rather than 'upstream' interventions, the UN's traditional (and costly) focus on tertiary prevention (preventing the imminent outbreak of violent conflict, making peace, and preventing recurrence) has been doomed to fail. Likewise, recent attempts to widen the focus of security pillar policies to also cover primary and secondary prevention (e.g. the 'responsibility to protect' (R2P) and 'sustaining peace' initiatives),

represent a fundamental misreading of the different mandates of the Security Council, the Economic and Social Council (ECOSOC) and the Human Rights Council, and a retreat from Kofi Annan's understanding that each pillar must play a different yet complementary role in an overall UN prevention strategy.

ANTÓNIO GUTERRES' NEW PREVENTION AGENDA

Immediately after assuming Office, the new Secretary-General António Guterres made clear that prevention 'would not only be a priority, but *the* priority.' Like his predecessors, in his speeches and vision papers Guterres acknowledged the importance of a holistic approach to prevention, one that would 'cut across all three pillars of the UN's work' and would 'mean doing everything we can to help countries to avert the outbreak of crises,' (i.e. not only the outbreak of violent conflicts). Unfortunately, at least during the initial period of his term in Office, when moving beyond rhetoric to present detailed proposals on prevention the new Secretary-General followed the precedent established by Boutros-Ghali, Annan and Ban Ki-moon, and largely ignored the role and contribution of the UN human rights system.

This tendency to recognise (at a broad political level) the equal importance and mutual interdependence of the three pillars of the UN, but then to limit policy proposals and initiatives to only two of those pillars, can also be seen in the Secretary-General's overall (ongoing) programme of UN reforms. Although prevention is a stream running through each aspect of those reforms - security pillar reforms, development system reforms, and management reforms - it features most prominently in the former. Indeed, the key goal of the Secretary-General's security pillar reforms is 'to prioritise prevention and sustaining peace.'

The concept of 'sustaining peace' has become central to Guterres' efforts to make prevention work. The idea, endorsed by the GA and the Security Council in their twin-resolutions on the subject (GA resolution 70/262 and Security Council resolution 2282 (2016)) is, in short, that the UN should adopt a more preventative approach to peace and security by moving from policies premised on responding to and managing conflict, to policies premised on 'sustaining peace.' In his 2018 report on 'sustaining peace,' the Secretary-General called on States to 'work better together to sustain peace at all stages of conflict and in all its dimensions,' by 'preventing the outbreak, escalation, continuation and recurrence of conflict.'

The main weakness of the 'sustaining peace' initiative is that (as is also

the case with R2P) it represents (at least in its original form) an attempt by the UN security pillar to take charge of and realise every aspect of prevention (occasionally in conjunction with the development pillar and the 2030 Agenda). Recognition of the importance of human rights and of the key contribution the UN human rights system must necessarily make to primary and secondary prevention are almost completely absent from GA resolution 70/262 and Security Council resolution 2282 (2016).

Fortunately, over the past year, António Guterres appears to have woken up to this critical weakness. In his most recent report on 'sustaining peace' (2019/448), he makes the case that the UN's approach to prevention, whether through the 'sustaining peace' initiative or any other policy, should not only focus on preventing the outbreak or escalation of violent conflict, on keeping or building peace, or on preventing recurrence; but should rather go 'upstream' and seek to build the resilience of all States (in order to prevent human rights violations and shocks), and prevent the emergence and escalation of crises.

In this regard, the report contains two of the most important paragraphs on prevention ever written by a UN Secretary-General. First, in paragraph 8 he makes clear that 'preventing crises' (i.e. not only preventing violent conflict) lies 'at the very heart of efforts to sustain peace.' This 'saves lives and money and preserves development gains. The effective prevention of conflict alone saves up to $70 billion per year for the affected country and the international community combined.' Importantly, Guterres explains that true prevention should emphasise primary prevention in all member States, and secondary prevention interventions where there is a risk of an emerging crisis. 'All three pillars [of] the UN system' must come together 'to ensure that […] support is timely and focused on building national and regional resilience.' Where there is 'early warning' evidence of an emerging crises, 'improved risk […] methodologies [shall] inform regular regional prevention discussions.'

Second, paragraph 24 then places human rights at the heart of this 'upstream' understanding of prevention. In the context of improved 'policy and operational coherence among all three pillars,' the Secretary-General calls for 'better use of human rights mechanisms […] and their recommendations, by the peace and security and development pillars.' In that regard, he 'welcomes the continued efforts of the Human Rights Council to work effectively and efficiently with all pillars of the UN system, in support of member States.'

At the end of paragraph 24, in a single sentence, the Secretary-General makes the perfect case for placing human rights at the heart of the UN's prevention agenda. 'Efforts [to] strengthen UN system-wide support for the implementation of the recommendations of the Universal Periodic Review and other mechanisms,' he writes, and their integration into UN programming at country-level (to build resilience)

and risks analysis at international-level (for early warning and early action), will boost 'collective efforts to advance both Sustainable Development Goal achievement and crisis prevention.' In this, for perhaps the first time in a report by a UN Secretary-General, Guterres recognises not only the 'promotion [and] protection […] mandates of the Human Rights Council,' but also its crucial 'prevention mandate.'

PLACING HUMAN RIGHTS AT THE HEART OF PREVENTION

The fact that the Secretary-General's 2019 report is the first time a major UN policy document has referred the Human Rights Council's prevention mandate becomes slightly less surprising when one considers that most Council member States were themselves blissfully unaware of its existence until just a few years ago.

Prevention may be there, in black and white, in the GA resolution founding the Council and setting out its mandate (with paragraph 5f of resolution 60/251 the GA decided that the Council shall 'contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies'); however that mandate was largely ignored during the Council's 'institution-building' negotiations (2006-2007) and, partly as a consequence, has been almost completely ignored ever since.

That situation began to change in earnest in 2016, with the third Glion Human Rights Dialogue (Glion III). During the retreat members of the Council, the then High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, senior representatives of the Secretary-General, and representatives of civil society, acknowledged that the Council had largely failed to fulfil its prevention mandate under paragraph 5f. As one speaker noted: 'the Council's default response to emerging situations of concern is, first, to do nothing (because the situation is not considered serious enough to warrant action under item 4) and then, when the situation is sufficiently grave, to establish country-specific monitoring or accountability mechanisms, or to hold special sessions where the concerned State is roundly condemned.' Others agreed, arguing that by the time a human rights situation is finally brought to the Council's attention (usually by a Western State responding to public pressure), it is generally too late for the Council to do anything to halt a further deterioration (and ultimately a descent into violent conflict).

Importantly, in addition to recognising this shortfall in the delivery of the Council's mandate, participants also expressed a commitment to rectify it. As one ambassador noted, promoting respect for human rights is critical to any efforts to build national resilience, while

'human rights violations are the key markers of potential instability' (i.e. 'the smoke alarm of the UN system.') A civil society representative went further, arguing that 'if one looks at the nature of true prevention and the mandate and prerogatives of the Council, then it seems clear that the Human Rights Council is, or should be, the UN's Prevention Council.'

One year later, the Glion IV retreat looked in more detail at 'How to operationalise the Council's prevention mandate: the effective implementation of paragraph 5f of GA resolution 60/251.' During the meeting, participants recognised that paragraph 5f contains two elements (i.e. there are two parts to the Council's prevention mandate). First, the paragraph calls upon the Council to work, 'through dialogue and cooperation, towards the prevention of human rights violations.' In other words, the body is mandated to prevent human rights violations from happening in the first place, by building domestic human rights capacity and resilience and by focusing on root causes. Second, under the latter part of paragraph 5f, the Council is mandated to 'respond promptly to human rights emergencies.' In other words, where primary prevention fails and where there are early warning signs of emerging patterns of human rights violations, the Council should act quickly to reach out to the State (and region) concerned to prevent a widening or deepening of the crisis.

With this understanding in mind, participants made important proposals for the operationalisation of the Council's prevention mandate, and for placing that work within the UN's overall prevention agenda. Those proposals included: (for primary prevention) the establishment of a new 'voluntary annual platform for human rights dialogue, capacity-building and resilience;' and (for secondary prevention) the strengthening of OHCHR's early warning capability, providing the High Commissioner with a mandate to bring emerging situations to the urgent attention of the Council, creating a safe space for dialogue with the concerned State and region, and developing new 'good offices' mechanisms to leverage preventative diplomacy.

In addition to these specific proposals, debates during Glion IV also highlighted that the barriers to the successful implementation of the Council's prevention mandate are as much political as they are technical/procedural.

The first of these political barriers is one of mindset. As noted by successive Secretaries-General, the UN and its member States have always found it easier to react to serious situations (e.g. marked by high-intensity violent conflict) than they have to pre-empt or prevent those situations from developing in the first place. The sense of participants at Glion IV was that the best way to overcome this barrier is to make the economic case – the business case – for prevention (one goal of this policy report), and to showcase examples where prevention has worked – and saved lives.

Linked with this point on mindsets is a perhaps even more important barrier to progress: mistrust. During an April 2017 speech to the Security Council, António Guterres made this point clearly: 'International cooperation for prevention, and particularly for translating early warning into early action, depends on trust between member States, and in their relations with the UN.' This issue, more than any other, has the potential to make or break the Council's efforts to construct a workable prevention strategy.

Building on the discussions in Glion, in June 2018, at the 38th session of the Council, Colombia, Norway, Sierra Leone and Switzerland tabled a draft resolution on the body's contribution to prevention. Specifically, the draft called for a process of consultations 'with States and other relevant stakeholders,' to gather their views and proposals on the operationalisation of the Council's prevention mandate. The process would be convened and facilitated by three eminent experts (a chair-rapporteur, and two rapporteurs), and would end with the presentation of a report, containing proposals for the consideration of States, at the 43rd session of the Council in March 2020. Council resolution 38/18 was eventually adopted on 6 July 2018 by a recorded vote, (with 28 in favour, 9 against, and 8 abstentions).

ECONOMICS OF PREVENTION

Kofi Annan's 1999 report to the GA was ground-breaking in a number of respects, not least in the insights it provided on the principal barriers to prevention. As the first lines of the report put it: 'the UN has long argued that prevention is better than cure; that we must address root causes, not merely their symptoms.' However, in words and sentiments as relevant today as they were 20 years ago, Annan goes one to lament the fact that the international community's 'aspirations [on prevention] have yet to be matched by effective action.'

The main barrier to prevention, identified by the Secretary-General, relates to the interplay of politics and economics. Annan's thesis, put succinctly, was that violent conflicts entail huge costs – in lives and in money (for example, he quoted a study that showed the cost to the international community of the seven major wars of the 1990s to be close to $200 billion); and it would be far more logical and effective to invest that money in building the resilience of States and in early warning systems – thereby preventing violent conflicts from happening in the first place. Unfortunately, this powerful economic case is too often either not understood or ignored by policymakers. That is because they tend to base foreign policy and financial decisions on short-term political considerations (because, simply, they tend to enjoy only a limited time in Office), and, as Kofi Annan explained, 'while the costs of prevention have to be paid

in the present, its benefits lie in the distant future.' What is more, 'the benefits [of prevention] are not tangible; they are the wars and disasters that do not happen.'

Therefore, if the international community is to finally realise the interlinked and mutually-dependent goals of moving human rights to the heart of prevention, and of rolling out an effective UN-wide prevention strategy, then it is necessary to make the economic case – or the business case – for such an outcome.

In 2018, the World Bank and UNDP published a ground-breaking new report on prevention, 'Pathways for Peace: inclusive approaches to preventing violent conflict.' The report aimed to underscore the terrible human and economic costs of war, and to make the case that those costs, if left unchecked, would make it impossible to achieve the SDGs by 2030. With that in mind, the report argued that the international community must urgently refocus its attention and efforts on preventing violent conflict. As part of that argument, the report included a single box on 'The business case for prevention,' which presented a cost-benefit economic analysis of 'an effective system for preventing violent conflict,' (based on a 2017 paper by Professor Hannes Mueller).

Unfortunately, taking its lead from successive UN prevention agendas, the World Bank and UNDP focused their analysis and recommendations solely on the UN's security and development pillars, almost completely ignoring the human rights pillar.

To correct this oversight – and thereby demonstrate the economic benefits of integrating human rights into international prevention strategies - URG worked with Professor Mueller to develop a new business case analysis. This ran on a similar model to that used in his 2017 paper and reflected in 'Pathways for Peace,' but this time including the costs of human rights violations, and the potential benefits of UN interventions that integrate actions by the human rights system (specifically primary and secondary preventative actions) to prevent at-risk countries from 'tipping' into situations marked by gross and systematic human rights violations.

Key conclusions of the new analysis include:

- Human rights-integrated prevention strategies (i.e. primary prevention actions by the UN human rights pillar in concert with the UN development pillar, and secondary prevention actions by the human rights pillar supplemented by actions of the security pillar) are economically beneficial under all prevention scenarios. In the most optimistic scenario, human rights-integrated preventative strategies provide net benefits (prevented damage for the State concerned and savings for the international community) of US$4 billion

per year; in a neutral scenario, net savings will amount to US$2.5 billion per year.

- Important savings accrue at the national level. In States that avoid systematic human rights violations, in a neutral scenario, human rights-integrated prevention strategies will deliver savings of US$1.5 billion per year in five years, and surpass US$2 billion per year after ten years.

- There are also significant savings for the international community (in the case of this analysis, meaning the UN). An international prevention agenda that has the human rights pillar at its heart would generate major savings in humanitarian assistance (mostly aid for refugees), troop deployment and peacekeeping interventions. In the most optimistic scenario, yearly savings for the international community could amount to almost US$1 billion per year. After seven years the total savings to the international community would increase to US$3 billion per year.

The URG-Mueller analysis aims to understand the economic benefits, for the State concerned and the international community, of preventing (avoiding) the evolution of a human rights crisis from one characterised by worrying patterns of violations (i.e. high-risk States) to one characterised by gross and systematic violations. As the above results clearly show, those benefits are substantial and grow over time.

Notwithstanding, considering that the ultimate goal of any UN prevention strategy is to 'save succeeding generations from the scourge of war,' when building a business case for placing human rights at the heart of prevention it is also important to understand the economic benefits (net savings) for the State concerned and the international community of a rights-integrated approach to *preventing violent conflict*.

To estimate these figures, URG (not on this occasion with Professor Mueller) combined relevant data from the two cost-benefit analyses (the one presented in 'Pathways for Peace' and the one presented in this policy report). Using this methodology, URG found that:

- A UN prevention strategy that emphasises primary and secondary prevention, with the central and integrated involvement of the human rights pillar, would result in net annual savings (for the State concerned and the international community – specifically the UN) of US$8.5 billion in a pessimistic scenario, over US$35 billion in a neutral scenario, and almost US$71 billion in an optimistic scenario.

Importantly, these net benefits are larger than those identified in the cost-benefit analysis presented in 'Pathways for Peace.' That is because human rights and development interventions (primary and secondary prevention) are cheaper and - because they happen 'upstream' - more cost-effective than 'downstream' interventions by the UN security pillar (i.e. tertiary prevention).

Security Council meeting on peacebuilding and sustaining peace, New York, December 18, 2018

CONCLUSIONS AND RECOMMENDATIONS – A FIVE-POINT PLAN FOR PREVENTION

Building on this political-economic analysis of prevention, and the related arguments as to why human rights should be placed at the heart of the UN's prevention agenda - which (it is hoped) will contribute to a change in political calculations and mindsets at the Council and across the UN (i.e. from reaction to prevention); this policy report concludes by presenting a five-point plan for the operationalisation of the Council's prevention mandate.

PRIMARY PREVENTION

Preventing violations from occurring in the first place means, in essence, working with all States, through cooperation and dialogue, to build national human rights capacity and resilience. As noted above, it is clear that the Council is – in principle – perfectly placed to play a central role in this area, both in its own regard but also in conjunction with the 2030 Agenda and the on-going reform of the UN's development system.

The key to fulfilling the Council's primary prevention role will be to better follow-up on and support the national implementation of States' international human rights obligations and commitments. In addition to a greater focus on the global human rights 'implementation agenda,' this will require fresh thinking about how to create a 'safe space' for cooperation and dialogue under item 10 of the Council's agenda (on technical assistance and capacity-building). With this in mind, it is proposed that States:

1. Establish a new 'voluntary annual platform for human rights dialogue, capacity-building and resilience,' under item 10.

SECONDARY PREVENTION

Regarding early warning and early engagement, the following four steps will be crucial if the UN human rights pillar is to effectively fulfil its secondary prevention mandate:

2. OHCHR must urgently strengthen its capacity to re- ceive, manage and rapidly analyse early warning data

from across the UN system (including Resident Coor- dinators, Country Teams, Human Rights Advisors, and Special Procedures), as well as from national actors such as NHRIs, human rights defenders and NGOs. This would mean building a powerful early warning unit (a kind of 'UN situations room') staffed by senior analysts.

3. Where worrying patterns of human rights violations are identified, the High Commissioner must have a clear man- date to bring those situations to the urgent attention of Council members via confidential briefings. Council mem- bers would then need to decide whether they could use- fully contribute to preventing a widening or deepening of the crisis. Moreover, the High Commissioner could also feed early warning information into relevant internal UN processes such as the regional monthly reviews (RMRs).

4. Where States conclude that they could help, the Council should convene 'confidential dialogues for cooperation and prevention' with the concerned country as well as with relevant regional and/or sub-regional organisations.

5. With the consent of the concerned State, and in dialogue with relevant regional and/or sub-regional organisations, the Council may decide to create and dispatch a 'good of- fices mission' to the country (e.g. made up, for example, of members of the Council Bureau, the High Commissioner, or eminent persons from the region), to engage all relevant national stakeholders, facilitate dialogue, build trust, and leverage preventative diplomacy. Such missions would not necessarily have to conclude with a formal written (public) report to the Council or a press release (which tend to un- dermine trust and preclude further cooperation).

INTRODUCTION

UN Secretary-General Kofi Annan (second from right) speaking with refugees at a social welfare section of the Shamshatoo refugee camp, Pakistan.

UN leaders have long understood and contended that, when it comes to crises, conflicts and natural disasters, 'prevention is better than cure.'[2] Former Secretary-General Kofi Annan, writing in a 1999 report on the work of the Organisation, made this point particularly powerfully.[3] Yet he also conceded that the UN had consistently failed to match rhetoric about the importance of prevention with the institutional and operational reforms necessary to make it real.

This gap - between rhetorical support for and the practical reality of prevention at the UN - is evident across each of the Organisation's three pillars but is particularly significant (and damaging) for the human rights pillar. The Human Rights Council (Council) and its mechanisms, and the Office of the High Commissioner for Human Rights (OHCHR), are – in principle – ideally placed to play a central role in the current Secretary-General António Guterres' re-energised 'prevention agenda.' Indeed, if the Secretary-General and the wider UN family do want to move from a reactive approach to crises and conflicts to a genuinely preventative approach (i.e. an approach that emphasises primary and secondary prevention – see below), then particular attention must be paid to operationalising the Council's prevention mandate and prerogatives.

To understand this point, it is important to consider and understand what we mean by 'prevention,' in particular in a UN context.

The Oxford English dictionary defines 'prevention' as 'the action of stopping something from happening or arising.'[4] This definition is important because there continue to be important debates about what is meant by, and what is included in, the UN's prevention agenda. For example, some diplomats in Geneva and New York argue that the

moment fighting starts, the moment a significant number of people are killed, then all the UN can do, by definition, is react or respond to events. It is no longer relevant to talk about prevention. Taking this argument to its extreme, the diplomats argue that the only real or true prevention is primary prevention (see below) – i.e. stopping human rights violations from happening or arising (thus preventing the emergence of crises and conflicts at root cause-level). Others disagree. In fact, many States in New York, together with the last four UN Secretaries-General, appear to believe that prevention only relates to UN action once conflict has broken out or is at imminent risk of doing so. In this sense, 'prevention' is limited to the action of stopping the immediate outbreak or escalation of violent conflict and, once there is some level of peace, of avoiding recurrence.

These seemingly abstract debates have very real consequences for the operation of any UN prevention strategy. Indeed, it is possible to argue that the failure of UN prevention agendas over the past thirty years have at their root the inability of world leaders to resolve the seemingly simple question of what preventions means in a UN context. This point was made bluntly by Wallensteen and Moller in 2003: 'most definitions [of prevention] are used very loosely, which make them too broad to be researchable and, thus […] it is not surprising that they are weak on operationalisation.'[5]

So what is the answer? What should be our understanding of prevention in a UN context? Are we preventing human rights violations, escalating patterns of human rights violations, crises, conflicts,[6] violent conflicts, atrocity crimes, or conflict recurrence?

For its part, URG agrees with those, including former UN Special Rapporteur (and current URG board member) Pablo de Greiff, who have called for the UN's conception of prevention to be 'upstreamed.' In 2017, de Greiff in his then capacity as UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, laid the blame for the repeated failures of UN prevention agendas squarely upon a tendency towards 'reductionism' amongst the UN's leadership. This tendency has seen UN member States and Secretaries-General consistently 'reduce prevention to a form of crisis response.'[7] On the contrary, according to de Greiff, 'the presence of anything that is capable of triggering an early warning system indicates that prevention [hasn't worked] or has started too late.'[8]

In URG's view, the UN's prevention agenda must cover the full spectrum of a continuum that can see a State move from stability or 'normalcy' to large-scale violent conflict. However, it should focus most heavily on the 'upstream' aspects of prevention - in other words,

on preventing human rights violations, preventing escalating patterns of human rights violations, and preventing crises. Yes, the prevention of violent conflict, of crimes against humanity, and of recurrence should be covered too. But they should not be the principal focus; for the simple and inescapable reason that the most effective (and cost-efficient) preventative interventions are those that take place the furthest 'upstream.' The main reason for the failure of UN prevention agendas over the past thirty years is, simply, that they have got this the wrong way around. They have focused – and indeed, they continue to focus – policy attention and resources primarily on 'downstream' points of intervention.

One important consequence of such a (long overdue) shift from a 'downstream' to an 'upstream' conception of UN prevention, would be to automatically place a spotlight on the importance of human rights. Just as the enjoyment of human rights (and respect for human rights on the part of the government) is key to building a stable and resilient society, so patterns of human rights violations are the surest indicator of impending crisis or conflict. There is simply no escaping the logic or the importance of this point. Therefore, just as any UN-wide prevention strategy must, if it is to be effective, emphasise 'upstream' interventions, so it necessarily follows that it must emphasise human rights.

With this broad understanding in mind, it is also important to settle on a clear and workable terminological framework for prevention at the UN. As noted above, Pablo de Greiff and others have tended to use terms such as 'upstream' and 'downstream' to describe different preventative interventions. UN Secretaries-General, for their part, have tended to talk of 'long-term prevention' and 'short-term prevention' to convey the same basic idea (though in practice they have tended to focus only on 'short term prevention'). OHCHR, in a 2015 study on prevention, spoke of 'direct' and 'indirect' prevention, though seems to have been confused about the difference between the two.[9] This policy report will adopt a different conceptual and terminological framework, one borrowed from the World Health Organisation (WHO).

According to the WHO there are three levels of prevention (in the context of public health and disease prevention):

- Improving the overall health of the population (e.g. routine vaccination/immunisation programmes) - primary prevention;
- Early detection of illness and early intervention (e.g. evidence-based screening and systemic health checks) - secondary prevention; and
- Improved treatment and recovery - tertiary prevention.

The WHO recognises that 'each of the three approaches has an important role to play in disease prevention.' However, 'upstream approaches, e.g. primary prevention, generally tend to be cheaper and more efficient, and they entail lower morbidity and mortality rates. Health promotion is inextricably intertwined with disease prevention.'[10]

Based on the WHO's framework, this policy report will use the following terminology to describe, broadly, the different stages or phases of prevention, as they relate to the crisis-conflict continuum:

- Building the resilience (by promoting and protecting human rights, and by securing the achievement of the Sustainable Development Goals (SDGs) 'leaving no-one behind') of populations and society at national-level – primary prevention;
- Evidence-based early warning of emerging patterns of human rights violations, and early engagement (through cooperation and dialogue) with the concerned country to prevent the further deterioration of the situation – secondary prevention; and
- Where a crisis escalates and the situation becomes marked by gross and systematic human rights violations, then other more 'downstream' interventions (e.g. conflict prevention, peacekeeping, etc.) become necessary – tertiary prevention.

Using this conceptual framework, this policy report seeks to analyse three decades of UN efforts to put in place a workable and effective 'prevention agenda,' and to understand why those efforts have largely failed. It will then look at the latest attempt to revive the agenda – by the current UN Secretary-General António Guterres – to understand whether he is avoiding the mistakes of the past. Third, the report will argue that in order to finally move prevention 'from rhetoric to reality,' the UN must shift the emphasis of its strategy to 'upstream' prevention and, in particular, must strengthen primary and secondary prevention interventions by the Human Rights Council. In support of this argument, the report seeks to make a political but also a business (economic) case for placing human rights at the heart of prevention. Finally, the report concludes by reviewing recent steps taken by the Human Rights Council to 'operationalise' its prevention mandate and prerogatives, as a key pillar of a revitalised UN prevention agenda; and by proposing a simple five-point plan to ensure the success of this crucial endeavour.

I.
THE UN'S LONG LOVE AFFAIR WITH 'PREVENTION'

Ever since the establishment of the UN in 1946, the Organisation has recognised the central importance and value of prevention, and declared its determination to place the approach at the centre of its work. Indeed, the very first words of the UN Charter make clear that the Organisation's overriding mission is to prevent the gross and systematic human rights abuses and violent conflicts that had so scarred the world during the early 20th century:

'We the peoples of the United Nations determined to save succeeding generations from the scourge of war...'[11]

One of the earliest attempts to turn this core UN principle into a binding legal and practical reality was the Convention on the Prevention and Punishment of the Crime of Genocide (**Genocide Convention**). On 11 December 1946, the UN General Assembly (GA) adopted resolution 96(1) recommending that 'international co-operation be organised between States with a view to facilitating the speedy prevention and punishment of the crime of genocide.'[12] Two years later, the GA approved the Convention, recognising States' legal obligation to adopt all reasonable measures to prevent this crime against humanity.[13]

In addition to providing a first example of the UN constructing a policy around the idea that prevention is the most enlightened and effective approach to realising its mandate, and that the key measure of the Organisation's success should be whether or not it is able to prevent crises, conflicts and atrocities (rather than manage or resolve them), the Genocide Convention was also significant in its acknowledgment that 'true' prevention requires a long-term, sustained approach, focused on the root causes of conflict. Article 1 of the Convention recognises that genocide can occur 'in time of peace or in time of war,'[14] demonstrating that

States in the late 1940s were fully aware that prevention strategies must take place long before the onset of armed conflict and long before there is any indication that atrocity crimes may occur. Indeed, 'true prevention' (i.e. primary and secondary prevention – see Introduction) should cover every country in the world, and be focused on building inclusive and resilient societies, preventing human rights violations, and addressing crises at an early stage (i.e. long before there is any prospect of war).

Another oft-cited example of an explicitly preventative approach on the part of the UN relates to torture. The 1984 **Convention against Torture** (CAT) states, in paragraph 2(1), that each State Party 'shall take effective legislative, administrative, judicial or other measures to *prevent* acts of torture in any territory under its jurisdiction,'[15] [emphasis added]. The thinking here is clear: like genocide, the jus cogens crime of torture is so abhorrent that the international community's primary goal must be to prevent it from ever happening in the first place.

In 2002, seeking to build on the success of the CAT, the UN adopted the Optional Protocol to the Convention against Torture (OPCAT) – the first UN human rights treaty to adopt an explicitly preventive approach to human rights violations. The preamble of OPCAT recalls that the 'effective prevention of torture […] requires education and a combination of various legislative, administrative, judicial and other measures,'[16] that 'the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention,'[17] and that 'the protection of persons deprived of their liberty against torture […] can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention.'[18] With the Treaty, States decided to establish a UN-level 'Subcommittee on the Prevention of Torture' (SPT), while States Parties would establish 'National Preventative Mechanisms' (NPMs). Both the SPT and NPMs emphasise the importance of dialogue and cooperation between States and UN mechanisms in order to ensure that national policies, laws and practices are such that torture is prevented from occurring.

'PREVENTATIVE APPROACHES' IN OTHER PARTS OF THE UN

The pioneering UN organisation in the field of prevention (though its role in defining the concept and practical application of prevention is often overlooked) is probably the **World Health Organisation** (WHO), especially in the context of its work on public health.

As the WHO itself explains, the purpose of 'this essential public health operation is to prevent disease through actions at primary, secondary and tertiary levels.'[19] Primary prevention means 'improving the overall health of the population'[20] (e.g. 'routine vaccination programmes'); secondary prevention means improving early diagnoses and response (e.g. 'routine [evidence-based] screening for major forms of cancer'); and tertiary prevention means improving the quality and appropriateness of 'treatment and recovery.'[21]

As already noted in the introduction to this policy report, the WHO has acknowledged that while 'each of the three approaches has an important role to play in disease prevention, […] upstream approaches, e.g. primary prevention, generally tend to be cheaper and more efficient, and […] entail lower morbidity and mortality rates.'[22] In other words, 'health promotion' and building the body's resilience to disease 'is inextricably intertwined with disease prevention.'[23] The similarities between this conceptual framework and a possible human rights framework for prevention (where human rights promotion and the building of a society's resilience to shock is 'inextricably intertwined with' the prevention of human rights violations and crises) is self-evident.

A second and more frequently referenced example of where international policy has shifted from reaction to prevention is **'disaster risk reduction' (DRR)**.

Historically, UN and wider international action in the face of 'natural disasters' (e.g. earthquakes, tsunamis, hurricanes) focused on emergency or humanitarian response. However, during the 1990s experts began to recognise that disasters are never truly 'natural' (even if the associated hazard is), and that the international community should therefore place greater emphasis on preventing them from happening in the first place. This would entail strengthening a country's resilience and thus reducing its vulnerability/exposure to the risks associated with natural hazards. Reducing vulnerability and exposure means identifying and reducing the underlying drivers of disaster risk, which are particularly related to poor economic and urban development choices, degradation of the environment, poverty and inequality. By doing so, according to the UN Office for Disaster Risk Reduction, it should be possible 'to avoid (i.e. prevent) or to limit (i.e. mitigate) the adverse impacts of hazards, within the broad context of sustainable development.'[24]

At the UN World Conference on Disaster Reduction (WCDR) in Kobe, Japan in 2005 (only days after the 2004 Indian Ocean earthquake), international agencies and national governments moved to translate these ideas into a practical policy framework for DRR. The first step was the formal approval of the Hyogo Framework for Action (2005–2015).[25] In March 2015, the Hyogo Framework was replaced by the Sendai Framework,[26] which sets four priorities for DRR: understanding disaster risk; strengthening disaster risk governance to manage disaster risk; investing in disaster risk reduction for resilience; and enhancing disaster preparedness for effective response.

THE RECURRING 'UN PREVENTION AGENDA'

From the foregoing examples, it is clear that there is a long history of applying 'preventative approaches' to different UN policy areas, from torture to genocide, and from public health to disaster risk reduction. Notwithstanding, when most people think or talk about prevention at the UN, they are most likely referring not to such sectoral efforts but rather to UN-wide efforts to prevent serious crises and conflicts (in line with the Charter's promise to 'save succeeding generations from the scourge of war'). When UN Secretary-General António Guterres took Office in 2017 and announced that his top priority would be to build an effective 'prevention agenda' at the UN, it was this security-related dimension of prevention that he had in mind.

The current Secretary-General is certainly not the first to prioritise prevention, nor to attempt to build a 'prevention agenda' at the UN.

In January 1992, the UN Security Council met to consider how to best maintain international peace and security in the post-Cold War world. During the meeting, members agreed on the need to focus, in the future, on 'non-military sources of instability in the economic, social, humanitarian and ecological fields, [which] have become threats to peace and security.'[27] At the end of the meeting, the President of the Security Council presented a statement[28] inviting the-then Secretary-General, Boutros Boutros-Ghali, to identify ways to strengthen 'the capacity of the United Nations for preventive diplomacy, for peace-making and for peace-keeping.'[29]

In response, later that same year, Boutros-Ghali presented his landmark report, **'An Agenda for Peace.'**[30] This represented a first concerted attempt to re-orientate the work of the UN towards prevention. The report argued that rather than continuing to focus exclusively on conflict resolution, the UN should shift to a more preventative mindset and approach; an approach premised on an understanding that social peace is threatened not only by acts of terrorism or outbreaks of violence, but also - at an earlier stage - by patterns of discrimination and exclusion.[31]

Boutros-Ghali therefore called upon members of the Security Council to focus on the root causes of conflict, to the gathering and urgent analysis of 'early warning' signs of impending crisis, and - where UN intervention might be necessary - to acting 'at the earliest possible stage' in an evolving crisis through, for example, preventative diplomacy. In other words, the Secretary-General urged States to move away from the reactive 'military-interventionist' policies of the past, and towards an approach that emphasised UN engagement during each phase in the evolution of a crisis or conflict (i.e. across primary, secondary and tertiary prevention).

Importantly, 'An Agenda for Peace' recognised the centrality of human rights promotion and protection to any UN efforts to prevent crises and conflicts, as part of a truly cross-pillar approach to maintaining peace and security. The report recognises, for example, that a core requirement for any effective strategy to prevent armed conflict must 'lie in a commitment to human rights, with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic.'[32]

Unfortunately, although some of the ideas contained in 'An Agenda for Peace' did influence and/or feed into new policies and ways of working, overall the Secretary-General's ambitious agenda did not succeed in forging a genuine and sustained shift in mindsets/strategies at the UN – i.e. from reaction to prevention. As the UN's response to serious conflicts in places like Angola (1993), Guinea-Bissau (1998-1999), Kashmir (1990s), Kosovo (1998-1999), Zaire (1992-1996) and Eritrea-Ethiopia (1998-2000), as well as its response to warning signs of ethnic cleaning and crimes against humanity in places like Bosnia (1992-1995) and Rwanda (1994) showed, the Organisation continued to react to events rather than pre-empt them, and remained slow to act in the face of clear early warning signals of impending crisis, conflict or – even - genocide.

States had, in short, welcomed Boutros-Ghali's landmark proposals, and had acknowledged the logic and importance of shifting to a more prevention-orientated approach to conflict, yet had largely failed to implement the Secretary-General's ideas. This would set the tone for prevention at the UN for the next quarter-century – right up until the present day. During those years, the UN has repeatedly acknowledged, in principle, the importance of shifting from a reactive to a preventative approach to crises, yet has consistently failed to translate that acknowledgement of principle into a practical and effective prevention strategy.

KOFI ANNAN AND THE MOVE TOWARDS A THREE-PILLAR APPROACH TO PREVENTION

In response to UN failures in places like Bosnia and Rwanda, the new UN Secretary-General, Kofi Annan (who had replaced Boutros Boutros-Ghali in 1997), also prioritised the 'prevention agenda' during his time in Office. Indeed, his **1999 annual report to the GA** on the work of the Organisation focused almost exclusively on prevention, and explicitly (even in the title of the report) grappled with the question of how to (finally and practically) move the UN 'Towards a culture of prevention.'[33]

The first lines of the report immediately and succinctly set out the challenge: In 'confronting the horrors of war and natural disasters, the United Nations has long argued that prevention is better than cure; that we must address root causes, not merely their symptoms. But aspirations have yet to be matched by effective action. As a consequence, the international community today confronts unprecedented humanitarian challenges.'[34] Faced with an upsurge in armed conflicts, especially civil conflicts and their particularly grave consequences for civilians, and the 'rapidly escalating human and financial costs of natural disasters,' Kofi Annan argued that the UN's task was two-fold: 'We must strengthen our capacity to bring relief to victims, but we must also devise more effective strategies to prevent emergencies from arising in the first place. The case for better and more cost-effective prevention strategies is my central theme in this report.'[35]

Kofi Annan's analysis of what 'prevention' means in practice and the main barriers to its effective deployment by the UN, remains one of the most important studies of the subject ever written. In fact, in many ways it is more advanced than our understanding today. Yet his report (he called it his 'essay') also presaged some of the analytical and conceptual weaknesses that continue to restrict the uptake of 'prevention' and 'preventative strategies' in the 21st century.

On the first point (i.e. strengths), Kofi Annan was the first Secretary-General to understand and elaborate on the key barrier to a genuine and systemic shift from a culture of reaction 'to a culture of prevention.' In particular, he focused on two inter-related points: the economics of prevention, and the overtly reactive mindsets of national politicians.

Regarding the economics of prevention, the Secretary-General cited research by the Carnegie Commission on Preventing Deadly Conflict, which estimated that the cost to the international community of 'the seven major wars of the 1990s (not including Kosovo), was $199 billion.'[36] This was in addition to the costs borne by the warring countries themselves. 'The Carnegie researchers [have] argued,' continued the Secretary-General, 'that most of these costs could have been saved if greater attention had been paid to prevention. More effective prevention strategies would save not only tens of billions of dollars, but hundreds of thousands of lives as well.'[37] Therefore, he argued, funds currently spent on intervention and relief should be devoted instead 'to enhancing equitable and sustainable development, which would further reduce the risks of war and disaster.' Unfortunately, according to Annan, this economic case for prevention was too often either not understood or ignored by

national policymakers (especially in democracies). That is because politicians tend to base foreign policy and financial decisions on short-term political considerations (because, put simply, they usually hold elected office –certainly ministerial office – for only a short period of time) and, as Annan explained, 'while the costs of prevention have to be paid in the present, its benefits lie in the distant future.'[38] What is more, 'the benefits [of prevention] are not tangible; they are the wars and disasters that do not happen.'[39]

Therefore, wrote the Secretary-General, 'we should not be surprised that preventive policies receive support that is more often rhetorical than substantive.'[40]

A second strength of Kofi Annan's analysis was its focus on understanding and addressing the 'underlying causes' of crises and conflict. In this regard, he drew particular attention to the importance of inequalities (whether based on ethnicity, religion, national identity or economic class) in society, 'which seems to be the critical factor.' Such socio-economic inequality is reflected in and further exacerbated by 'unequal access to political power that too often forecloses paths to peaceful change.'[41]

Third, the report helpfully focused on the importance of 'triggers' – the actions or rhetoric of national stakeholders that may serve as early warning signs that the presence of a 'fertile ground' for conflict (e.g. national conditions marked by discrimination against certain groups) may soon give way to war itself. Here, the Secretary-General drew particular attention to the 'deliberate mobilisation of grievances, […] ethnic, religious or nationalist myth-mongering and the promotion of dehumanising ideologies, all of them too often propagated by hate media.'[42]

Unfortunately, the weaknesses in Annan's analysis were also significant. Most importantly, while he did touch upon the importance of uneven or unequal development, and of human rights violations (of both civil and political rights, and economic, social and cultural rights) as root causes of conflict, he did not explicitly refer to the importance, when building an effective UN prevention agenda, of mobilising the UN's development and human rights pillars. Indeed, human rights receives only a passing mention in the Secretary-General's 'essay.' Instead, his report served to 'securitise' the issue of prevention – making it appear that prevention is, in essence, a matter of conflict prevention and atrocity prevention, and therefore a matter for the Security Council.

Indeed, the Secretary-General explicitly concedes this point in his report. Whereas the document's title is, 'Facing the humanitarian challenge: Towards a culture of prevention,' (i.e. prevention in a general sense), in the first 'operative' paragraph of the report (i.e. where he discusses what the UN should do to make prevention

'real'), he writes that, for the UN, 'there is no higher goal, no deeper commitment and no greater ambition than *preventing armed conflict*'[43] [emphasis added]. It is in this security context that he proposed three key strategies for prevention: 'preventive diplomacy [here he particularly highlights mediation and conciliation], preventive deployment, and preventive disarmament.'[44] Regarding 'preventative diplomacy,' the Secretary-General helpfully draws attention to one of the key challenges to the systematic roll-out of this 'non-coercive, low-key and confidential approach.'[45] Namely, that 'it's quiet achievements are mostly unheralded; indeed, it suffers from the irony that when it does succeed nothing happens.'[46] As former Secretary-General U Thant once remarked, 'the perfect good offices operation is one which is not heard of until it is successfully concluded or even never heard of at all.' However, when giving examples of where 'preventative diplomacy' has been used by the UN, Kofi Annan again placed prevention solely within the orbit of peace and security. Each example he offered, from Afghanistan to North Korea, related to conflict prevention and global security (e.g. nuclear disarmament).

At one point in the report, the Secretary-General did acknowledge the importance of all three pillars of the UN, including the human rights pillar, being fully involved and engaged in order for prevention to work. For example, he recognised that effective prevention strategies must include national level actions to support 'human security, good governance, equitable development and respect for human rights,'[47] which are 'interdependent and mutually reinforcing.' However, even then, the Secretary-General positioned these actions within the context of conflict and post-conflict situations (e.g. Guatemala and Namibia).

Similarly, while the report does, at one stage, move to recognise the importance of 'long-term prevention strategies' that address the 'root causes' of conflict (i.e. human rights violations), Annan again placed this analysis in a security context, explaining that according to the 'democratic peace thesis […] democracies rarely go to war against each other, and have low levels of internal violence compared with non-democracies.'[48] Continuing this logic, the three 'long-term prevention strategies' proposed by Kofi Annan (i.e. 'enhanced people-centred security in conflict-prone States,' the application of 'conflict impact assessments' to ensure national policies 'do not undermine security,' and mobilising the private sector to support human security), were all directed towards members of the Security Council.

Indeed, it is only towards the end of the report, almost as an afterthought, that the Secretary-General raised the crux of 'long term' (or primary) prevention: human rights and sustainable development. Here he recognised that 'the common thread' running through all long-term prevention policies are 'good governance, […], rule of law, tolerance of minority and opposition groups, transparent political processes, a commitment to eradicate corruption, an independent

Peaceful protest against persecution of Tamils, Sri Lanka, 24 July 2006

judiciary, an impartial police force, a military that is strictly subject to civilian control, a free press and vibrant civil society institutions, as well as meaningful elections.'[49] 'Above all,' he concluded, long-term prevention means good governance, and 'good governance means respect for human rights.'[50]

One year later, Annan built upon these initial ideas on prevention in his report: 'We the Peoples – the role of the United Nations in the 21st Century' (the **Millennium Report**). Notwithstanding some of the same weaknesses as his 1999 essay, this new report offered a sharper recognition and understanding of the important role of human rights in prevention.

Under the tagline 'Security begins with prevention,' the Millennium Report argued that 'strategies of prevention must address the root causes of conflicts, not simply their violent symptoms.'[51] Importantly, on this occasion the Secretary-General cited two broad groups of 'root causes' – those related to socio-economic development (e.g. 'poverty and [the absence of] broad-based economic growth')[52] and those related to human rights violations (e.g. 'the rights of subordinate groups are insufficiently respected, the institutions of government are insufficiently inclusive, and the allocation of society's resources favours the dominant faction over others.')[53]

On this basis, the Secretary-General was clear about what is needed to effectively prevent crises and conflicts:

'The solution is clear, even if difficult to achieve in practice: to promote human rights, to protect minority rights and to institute political arrangements in which all groups are represented […] Every group needs to become convinced that the State belongs to all people.'[54]

The report was also extremely clear-headed about the political barriers to the realisation of the Secretary-General's vision to make the prevention of human rights violations, sustainable development, and early warning/early engagement the bedrock of long-term peace and security:

'Consensus [on the value of prevention] is not always matched by practical actions. Political leaders find it hard to sell prevention policies abroad to their public at home, because the costs are palpable and immediate, while the benefits - an undesirable or tragic future event that does not occur - are more difficult for the leaders to convey and the public to grasp. Thus prevention is, first and foremost, a challenge of political leadership.'[55]

Later that same year, the importance of shifting the UN towards a 'prevention paradigm' was raised again in another landmark report, this time from the 'Panel on UN Peace Operations,' (usually referred to as the '**Brahimi report**'[56] after Lakhdar Brahimi, the Chair of the Panel). The panel had been created by Kofi Annan in 1999 to understand and learn from the UN's failures to prevent genocide in Rwanda and to protect the inhabitants of Srebrenica.

As with Boutros-Ghali's 'Agenda for Peace' and Kofi Annan's 1999 annual report to the GA, the 'Brahimi report' placed the concept of prevention (perhaps unsurprisingly given the Panel's mandate) squarely in a security context – i.e. in the context of conflict prevention, peacekeeping and peacebuilding. Thus, although the report did call upon the UN to place greater emphasis on 'upholding the rule of law and respect for human rights,'[57] it did so solely in the context of UN 'peace operations' - with the aim of 'helping communities coming out of a conflict to achieve national reconciliation, consolidation of disarmament, demobilisation, and reintegration.'[58]

In June 2001, Kofi Annan submitted a report to the Security Council (pursuant to a Security Council presidential statement of 20 July 2000[59]) on the '**Prevention of armed conflict**.'[60] In it he reiterated his pledge 'to move the UN from a culture of reaction to a culture of prevention,'[61] provided a review of progress in building such a culture, and offered a series of recommendations to members of the Security Council.

The Secretary-General offered a number of top line conclusions:

- Conflict prevention is one of the primary obligations of member States set forth in the UN Charter.
- The primary responsibility for conflict prevention rests with national governments. The main role of the UN is to support national efforts for conflict prevention and assist in building national capacity in this field.
- Preventive action should be initiated at the earliest possible stage of a conflict cycle in order to be most effective. One of the principal aims of preventive action should be to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that often underlie the immediate political symptoms of conflict.
- An effective preventive strategy requires a comprehensive approach that encompasses both short-term and long-term political, diplomatic, humanitarian, human rights, developmental, institutional and other measures taken by the international community, in cooperation with national and regional actors.
- Preventive strategies remain difficult to implement because 'the costs of prevention have to be paid in the present, while its benefits lie in the distant future.'[62]

Srebrnica Genocide Memorial, dedicated to the victims of the 1995 genocide.

Survivors of the Rwandan genocide in a refugee camp, Rwanda, April 1994.

Notwithstanding these insights, the report quickly reverted to a more 'traditional' understanding of prevention – i.e. as being synonymous with 'conflict prevention' and therefore falling squarely within the UN's peace and security prerogatives. Indeed, Annan spelt out this understanding, in black and white, in the report's Executive Summary, stating that 'conflict prevention is […] an activity best undertaken under Chapter VI of the Charter,'[63] i.e. 'The pacific settlement [by the Security Council] of disputes […] likely to endanger the maintenance of international peace and security.'[64]

By the end of his time in Office, Annan's thinking on prevention, and specifically the role of the UN's human rights pillar therein, had evolved significantly. In 2005, he presented a five-year progress report on the implementation of the Millennium Declaration. His report, called '**In Larger Freedom**,' was presented to the GA six months before the 2005 World Summit. While 'In Larger Freedom' makes fewer explicit references to 'prevention' than earlier seminal reports by UN Secretaries-General (see above), by basing its analysis and proposals on the idea that 'development, security and human rights go hand in hand,' that each pillar of the UN is therefore of equal importance and should be treated with equal emphasis, and that those three pillars 'reinforce each other,' it set out the fundamental basis of any effective prevention agenda.

This worldview – crucial to our contemporary understanding of prevention – was reflected in the report's title (the name 'In larger freedom' was chosen to stress the enduring relevance of the Charter

and the equal importance of all three pillars of the UN) and in its most famous lines:

'…we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.'[65]

Importantly, Annan then applied this conceptual framework to his assessment of every area of the UN's work and to his proposals for change – including in the context of prevention. What is more, for the first time a UN Secretary-General was clear that the human rights system is critically important not only for 'primary prevention' (or 'long term prevention' as he called it), but also for 'secondary prevention' (i.e. early warning and early engagement).

Regarding the former, Annan built on earlier reports by stating that: 'While poverty and denial of human rights may not be said to cause […] war […], they greatly increase the risk of instability and violence.'[66] With this in mind, he argued that a strong and equal human rights pillar must be a critical component of any effective prevention strategy. 'The protection and promotion of the universal values of the rule of law, human rights and democracy are ends in themselves. They are also essential for a world of justice, opportunity and stability. No security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity.'[67]

Shelter for children who survived the 1994 genocide, Rwanda, February 1995.

Regarding the latter (i.e. secondary prevention), Annan called for both 'a greater human rights field presence [to] provide timely information to UN bodies and, when necessary, [to] draw urgent attention to situations requiring action,' and for States to 'strengthen OHCHR.'[68] On the latter point, he noted that 'while the role of the High Commissioner has expanded in the areas of crisis response, national human rights capacity-building […] and conflict prevention, her Office remains woefully ill-equipped to respond to the broad range of human rights challenges facing the international community.'[69] A strengthened OHCHR would also help ensure that 'human rights [are] incorporated into decision-making and discussion throughout the work of the Organisation'[70] – including those areas of its work focused on primary prevention (e.g. mainstreaming human rights into the UN development system) and on secondary prevention (e.g. early warning, 'horizon scanning,' and 'good offices' missions by the Secretary-General).

Finally, in addition to recognising that each of the three pillars of the UN are inter-related and mutually-reinforcing, and that each must play a key role in building an effective UN 'prevention agenda,' 'In

Larger Freedom' was also important in its clear (though not always explicit) acknowledgment that the prevention role of each of the pillars is different yet complementary, and that each relates to a different 'phase' in the emergence and escalation of a crisis/conflict. Earlier UN reports had often given the impression that the Security Council could pretty much 'do' prevention on its own. However, with 'In Larger Freedom' the reader has a much clearer sense of the particular importance of the human rights and development pillars for 'primary prevention' (i.e. building 'resilient' societies), the particular importance of the human rights pillar for secondary prevention (i.e. monitoring and identifying emerging patterns of human rights violations that may provide early warning of an impending crisis, and 'good offices' missions to help resolve crises at an early stage), and the over-riding importance of the security pillar (especially the Security Council and the Peacebuilding Commission) for tertiary prevention (i.e. conflict prevention, mediation, peacekeeping and peacebuilding).

On this last point (peacebuilding), the Secretary-General explained that: 'Roughly half of all countries that emerge from war lapse back

into violence within five years […] Yet at this very point there is a gaping hole in the UN institutional machinery: no part of the UN system effectively addresses the challenge of helping countries with the transition from war to lasting peace.'[71] He therefore proposed the creation of 'an intergovernmental Peacebuilding Commission, as well as a Peacebuilding Support Office within the UN secretariat, to achieve this end.'[72]

As will be seen in part II of this report, today the international community, led by the UN Secretary-General, seems to have lost this understanding of the distinct yet complementary roles of the three pillars of the UN (as well as of the institutional machinery under each of those pillars), as equally important, interlocking parts of the UN's prevention capability. Rather, prevention has again come to be seen as overwhelmingly the prerogative of the Security Council, the Peacebuilding Commission, and the Secretary-General.

DOES THE INTERNATIONAL COMMUNITY HAVE A 'RESPONSIBILITY TO PROTECT' PEOPLE FROM ATROCITY CRIMES?

In the same chapter of the 'Millennium report'[73] that argued 'security begins with prevention,' Annan had also raised the question of what to do when there is a risk that violent conflict may lead to war crimes or crimes against humanity (i.e. atrocity crimes). In particular, he raised the concept of '**humanitarian intervention**' by the international community.

Annan recognised that this is an incredibly sensitive question for many States. Under the subtitle 'Addressing the dilemma of intervention,'[74] he recalled his 1999 address to the GA during which he had 'called on member States to unite in the pursuit of more effective policies to stop organised mass murder and egregious violations of human rights.'[75] He noted that while such interventions could cover a wide continuum of possible responses, from diplomacy to armed action, 'it was the latter option that generated most controversy in the debate that followed.'[76] In particular, 'some critics were concerned that the concept of 'humanitarian intervention' could become a cover for gratuitous interference in the internal affairs of sovereign States.'

In response to these concerns, Annan posed the following question: 'if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica -

to gross and systematic violations of human rights that offend every precept of our common humanity?'[77]

'Humanitarian intervention,' he continued, '[may be] a sensitive issue, fraught with political difficulty and not susceptible to easy answers, [but] surely no legal principle - not even sovereignty - can ever shield crimes against humanity? […] Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished.'[78]

Those States that raised objections to the concept of 'humanitarian intervention' in 1999-2000 did so (in the most part) because of concerns that it could be used as a cover for Western military intervention. (These developments came against a backdrop of Western military intervention in Kosovo in 1999, an intervention justified by US President Bill Clinton and UK Prime Minister Tony Blair on the grounds that it was necessary to protect the human rights of civilian populations from Serbian violence). This perception continues to this day, even though the first and most important stride towards recognising the 'responsibility to protect' came not from the West but from Africa. In 2000, the African Union incorporated article 4(h) of its Constitutive Act setting out 'the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.'[79]

Six months after the publication of the Millennium Report and in response to the important questions raised in it, the Canadian Government established an 'International Commission on Intervention and State Sovereignty' (ICISS). In February 2001,

UN Secretary-General, Boutros Boutros-Ghali, talks to survivors of the genocide in Nyarubuye, Rwanda, July 1995.

UN Secretary-General Ban Ki-moon speaks to the Permanent Representative of the Libyan Arab Jamahiriya, during a meeting of the Security Council on the Libyan crisis, New York, February 2011.

during the third meeting of the ICISS in London, the phrase '**the responsibility to protect'** was proposed to capture the essence of international intervention for humanitarian purposes.

Later that year, ICISS released a report on 'The Responsibility to Protect'[80] (R2P). In a radical reformulation of the meaning of State sovereignty, the report argued that sovereignty entailed not only rights but also responsibilities, specifically a State's responsibility to protect its people from major violations of human rights. The report further asserted that where a State is 'unable or unwilling' to protect its own people, the responsibility should shift to the international community and 'the principle of non-intervention yields to the international responsibility to protect.'[81]

In 2005, despite the controversies surrounding US-UK military intervention in Iraq, UN heads of State and Government, meeting at the 2005 World Summit, unanimously recognised the 'responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.'[82] While the concept of R2P presented in the World Summit Outcome (GA resolution 60/1) was close to the ideas contained in the ICISS report, there were some notable differences. Most importantly, R2P would now only apply to mass atrocity crimes rather than all serious human rights violations, and the Security Council was made the only body allowed to authorise intervention.

In January 2009, UN Secretary-General Ban Ki-moon issued a report on 'Implementing the Responsibility to Protect.'[83] The report sought to turn the idea of R2P into active international policy, and proposed an approach based on three-pillars:

1. States have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.
2. The international community should help States build capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and to help those under stress before crises and conflicts break out.
3. The international community has a responsibility to act in a timely and decisive way to prevent and halt genocide, ethnic cleansing, war crimes, and crimes against humanity, where a State manifestly fails to protect its own population.

The Secretary-General's report and his 'three-pillar' proposals were an important attempt to strengthen the notion of 'prevention' in the UN's evolving R2P policy framework, with pillars 1 and 2 introducing, in essence, the idea of 'primary prevention.' Linked with this point, the report and its proposals (especially the addition to pillars 1 and 2) also represented an effort, by Ban Ki-moon, to make the concept of R2P more palatable to those countries that had long been suspicious of, or outright opposed to, the idea of humanitarian intervention.

Yet irrespective of this reformulation, for most countries the concept of R2P has always been, and will always be, about whether and when it is acceptable for the international community to intervene in a country to prevent or halt genocide, ethnic cleansing, war crimes and crimes against humanity. This in-turn explains why it remains such an important, but also controversial, topic. That is especially so at the Human Rights Council, because the main early warning sign that may forewarn the international community that atrocity crimes are about to occur (and therefore the signal that the international community should consider humanitarian intervention to prevent such an outcome) is: the commission, by the State concerned, of gross and systematic human rights violations. The concern amongst some States at the Council (especially members of the Like-Minded Group - LMG) is therefore that any recognition by the Human Rights Council that gross and systematic violations have occurred could quickly lead to a wider UN determination (including with the involvement of the Security Council) that it should intervene to prevent genocide, ethnic cleansing, war crimes and crimes against humanity.

The principal source of this concern (even fear) is the Council's 2011 resolution (led by the UK and adopted by consensus in February 2011) on the situation of human rights in Libya. As well as recommending the suspension of Libya's membership of the Council, resolution S15/1 expressed 'deep concern at the situation in the Libyan Arab Jamahiriya,'[84] and strongly condemned 'the recent gross and systematic human rights violations committed in that country.'[85] Resolution S15/1 also raised the spectre of further action under the R2P framework by calling 'upon the Libyan Government to meet its responsibility to protect its population.'[86]

The very next day in New York, the UK secured the adoption of a follow-up resolution at the Security Council (resolution 1970 (2011)), which 'welcomed Human Rights Council resolution S15/1,' 'deplored the gross and systematic violation of human rights'[87] in Libya, expressed 'grave concern' about the level of violence and the 'use of force against civilians,' expressed alarm at the prospect that the escalating levels of violence 'may amount to crimes against humanity,' and (like the Human Rights Council's resolution) recalled 'the Libyan authorities' responsibility to protect its population.' The Security Council then demanded 'an immediate end to the violence.'[88]

When that demand was ignored by the Libyan authorities, the Security Council proceeded to adopt (on 17 March – just three weeks after the adoption of resolution S15/1) resolution 1973 (2011).[89] This expressed 'grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,' condemned the continued 'gross and systematic violation of human rights' in Libya, reiterated 'the responsibility of the Libyan authorities to protect the Libyan population,' raised the prospect that 'the widespread and systematic attacks currently taking place […] against the civilian population may amount to crimes against humanity,' and expressed the international community's 'determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel.'[90] Crucially, the operative parts of the resolution then authorised member States 'to take all necessary measures [short of armed

UN Secretary-General Ban Ki-moon meets UN High Commissioner for Human Rights Navi Pillay during a high-level panel debate on human rights mainstreaming, Geneva, March 2013.

occupation of Libyan land] to protect civilians and civilian populated areas under threat of attack [...] including Benghazi,'[91] and decided to establish a 'no fly zone' in the 'airspace of the Libyan Arab Jamahiriya in order to help protect civilians.'[92]

Two days after the adoption of resolution 1973 (2011), the UK, US, France and other NATO members established a no-fly zone throughout Libya and started bombing Libyan armed forces. Seven months later, in October 2011, after an extended military campaign with sustained Western support, rebel forces conquered the country and shot dead Libyan dictator Muammar al-Qaddafi.

Today, in part because of residual anger at the use of R2P and the concept of 'humanitarian intervention' to (according to Russia, China and others) justify and give international legitimacy to what turned out to be a NATO bombing campaign and regime change in Libya, the concept of R2P remains extremely divisive, including (and perhaps especially) at the Human Rights Council. As part III of this report shows, this fact – and associated mistrust and misunderstandings between States - helps explain why Council resolution 38/18 was not adopted by consensus.

A final important question on R2P (which will also be made later in this report about the UN's 'sustaining peace' initiative) is this: does it really make sense to incorporate primary or 'long-term' prevention into a framework ostensibly about UN interventions to prevent/halt atrocity crimes? Pillar two of R2P calls on the international community to 'help States build capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.'[93] But is this really possible when we don't know – far in advance – which countries may one day face such risks? Surely, if the international community is serious about prevention, it should help to build the human rights capacity/resilience of *all States* – long before there is any risk of the perpetration of war crimes, and even long before there is any risk of violent conflict?

In other words, is the three-pillar approach to R2P (like that of the 'sustaining peace' initiative) not evidence that the UN is continuing to misunderstand and thus misapply the concept of prevention? Does it not suggest that the UN's traditional approach of looking at situations where terrible conflicts and/or atrocity crimes have occurred, and then working backwards to identify what steps the UN should have taken to prevent those episodes, is wrong-headed? Surely, instead, the UN's prevention agenda should be premised on preventing human rights violations, and especially preventing escalating patterns of human rights violations and crises, in *all countries*?

ACCOUNTABILITY FOR PREVENTION

A further important point raised in the Millennium Report, was the importance of accountability as a deterrent to the perpetration of serious human rights violations in the future.

The report noted that international conventions (covering human rights law and humanitarian law) have traditionally looked to States to protect the rights and wellbeing of civilians. However, paradoxically, it is those same States that are the principal perpetrators of violence against their own populations. Therefore, the report argues, to strengthen protection and prevention, the international community 'must reassert the centrality of international humanitarian and human rights law [and] strive to end the culture of impunity.'[94] The report thus called for stronger international accountability mechanisms, including 'the creation of the International Criminal Court.'[95]

This issue – accountability as part of prevention – continues to be an important contemporary point of debate. The notion that accountability for violations of international law has an important deterrent effect is both entirely valid and extremely important. However, as Part III of this report will show, arguments over the point risk undermining efforts to strengthen the role of the Human Rights Council in prevention.

PLACING HUMAN RIGHTS UPFRONT

A final word on the (sometimes cyclical) evolution of the UN's 'prevention agenda,' and in particular on the role of human rights therein, must go to Ban Ki-moon's '**Human Rights up Front**' (HRuF) initiative.[96] This was launched in 2013 in response to a damning internal review (the 'Petrie report'[97]) of the UN's failure to defend human rights and prevent war crimes and crimes against humanity during the closing stages of the civil war in Sri Lanka.

Paradoxically, although Ban Ki-moon, of all the UN Secretaries-General of the past thirty years, probably left the least impression on UN debates in the area of prevention, his HRuF policy came closest to understanding that for prevention to work, the UN must place human rights 'upfront.' Whereas Boutros Boutros-Ghali and Kofi Annan had reviewed UN failures in places like Srebrenica and Rwanda and come to the conclusion that the Security Council should take the lead in preventing such conflicts/atrocities from happening again, Ban Ki-moon (largely because of the insights provided in the excellent Petrie report), when reviewing the UN's performance in Sri Lanka, rightly

The United Nations Development Programme launches a training centre in Ketou, Benin, September 2012.

concluded that the roots of the UN's failure laid in the refusal of its country-level operations to make the promotion and protection of human rights a guiding principle of its engagement with the Sri Lankan Government. Instead, fearful that it would undermine their development-focused relationship, the Resident Coordinator and senior members of the Country Team turned a blind eye to growing evidence of serious human rights abuses – the 'smoke' that warned of an impending fire. With this conclusion in mind, the Secretary-General decided, rightly, that to prevent such war crimes from happening in the future, all Resident Coordinators and Country Teams must place human rights 'upfront' in their dealings with host governments and other national stakeholders. Moreover, when they do so, the must receive strong and explicit political backing from UN headquarters.

In October 2019, the Universal Rights Group (URG) and Jacob Blaustein Institute (JBI) published a policy report charting the emergence of the HRuF initiative, its impact and its current status.[98] The report concludes that while the HRuF policy appears today to be largely ignored or forgotten (especially after UN's failure in Myanmar), it did succeed in two important respects. Both have vital implications for the future of prevention at the UN.

First, it catalysed the start of a change in mindsets at the UN – a widening understanding that all parts of the UN, but especially 'country-facing' parts such as Country Teams, must give equal emphasis to all three pillars, including human rights, in the discharge of their mandate. This change in mindsets, for example, is widely credited with providing the political cover for the decision of the UN Mission in South Sudan to open its gates to civilians seeking shelter. Notwithstanding, the UN's failure in Myanmar shows that it is far from infusing decision-making across the entirety of the Organisation.

Second, the 'spirit' of HRuF lives on at the UN in important ways. With regard to primary prevention, the idea that UN Resident Coordinators and Country Teams must promote human rights in the context of their development cooperation with host governments has infused current Secretary-General António Guterres' development system and management reforms. Resident Coordinators and Country Teams are now expected to take human rights (including OHCHR analyses) into account when conducting 'common country analyses' (of sustainable development gaps and of conflict risks) and to integrate Special Procedures, Treaty Body and UPR recommendations into national development planning (via UN Sustainable Development Cooperation Frameworks - UNSDCFs) and country-level risk mitigation strategies.

With regard to secondary prevention, the idea championed by HRuF that UN Resident Coordinators must be sensitive to, and must immediately report to headquarters, early warning signs of crises (i.e. patterns of human rights violations), and that headquarters should rapidly analyse and act upon that information, is a core principle of the Secretary-General's security pillar reforms, especially with regard to prevention and 'sustaining peace.' For example, today, as a key part of UN headquarters' early warning function, representatives from UN regional divisions, using data received from Country Teams, conduct regular 'scanning' exercises known as 'regional monthly reviews' (RMRs). RMRs use a combination of development, political/security and human rights analysis to identify situations of emerging concern, and to make recommendations for preventative action (where appropriate) to the Executive Committee of the Secretary-General's Office (where the Secretary-General and his most senior advisors meet on a weekly basis). Importantly (in terms of the legacy of HRuF), RMRs were first established as a key part of Ban Ki-moon's flagship policy.

II.
ANTÓNIO GUTERRES' NEW PREVENTION AGENDA

Even before becoming Secretary-General in 2016, António Guterres had clearly stated his intention to make 'prevention' the priority of his time in Office (should he be appointed). In his 2016 'Vision statement'[99] (part of his campaign) he had already highlighted: 'The centrality of prevention.' Echoing the words of Kofi Annan, he lamented the fact that 'the world spends much more energy and resources managing crises than preventing them,'[100] and promised to turn the 'culture of prevention' [first raised in Kofi Annan's 1999 report to the GA] from an ideal into a reality.

Importantly, his 'Vision statement'[101] also showed that Guterres (again like Kofi Annan) had a clear understanding that in building a 'culture of prevention,' the UN 'must further strengthen the nexus between peace and security, sustainable development and human rights policies'[102] by adopting 'a holistic approach to the mutually-reinforcing linkages between its three pillars.'[103]

Within this overall vision for the UN and for prevention, the man who would become the UN's ninth Secretary-General appeared to fully recognise the importance of human rights. 'It is widely recognised,' he wrote, 'that there is no peace without development and no development without peace; [but] it is also true that there is no peace and sustainable development without respect for human rights.'[104] In the context of prevention, his statement appeared to recognise the human rights pillar's potential role in both primary prevention (e.g. 'the UN human rights system has a key role to play in strengthening member States' capacity to comply with their human rights obligations, without discrimination') and secondary prevention (e.g. 'human rights [should be] mainstreamed […] across the whole UN system, notably through the Human Rights Up Front initiative [and by] preventing violations and abuses.'[105])

Unfortunately, this understanding and the related importance of mobilising each of the UN's three pillars to make the 'culture of prevention' a reality, was not fully reflected in Guterres'

more detailed (five) points on prevention. While these specific proposals[106] did, to some extent, recognise the importance of the human rights dimension of prevention (e.g. his third point spoke of the importance of scaled-up 'investment in capacity- and institution-building of States' as 'a central element of prevention - promoting inclusive and sustainable development, overcoming fragilities and strengthening the ability of Governments to address the needs of their people and respect their rights,') for the most part Guterres focused on its security dimensions. For example, his first point addressed the importance of 'good offices' and 'mediation' in the resolving violent conflicts, 'under the guidance of the Security Council,' while his second point focused on 'peacekeeping, peacebuilding and on women, peace and security.'

Following his appointment as Secretary-General, Guterres' first keynote speech came in January 2017 during a ministerial-level open debate of the UN Security Council on conflict prevention and 'sustaining peace.' Guterres used his speech to outline his vision for a renewed emphasis on prevention, which should not '[be] merely a priority, but *the* priority'[107] of the UN.

As with his Vision statement, he called for a 'whole new approach' at the UN, an Organisation that spends far 'more time and resources on managing conflicts' than it does on 'preventing them.' He remarked that the UN's 'response to crises remains fragmented, while their causes are deeply interlinked.'[108] He therefore called for stronger connections between the UN's work in the inter-dependent fields of 'peace and security, sustainable development and human rights.'[109] However, once the new Secretary-General moved from general ideas to specific proposals, the focus of his remarks shifted clearly towards the role of the Security Council, 'sustaining peace,' and the 'reform of the UN's peace and security architecture [in concert] with reform of the UN development system.'[110]

Shortly afterwards, the Secretary-General published a more detailed 'Vision on prevention.'[111] Again, in its broad thrust, this presented a holistic approach to prevention at the UN, one that would 'cut across all three pillars of the UN's work' and would 'mean doing everything we can to help countries to avert the outbreak of crises'[112] (i.e. not only avert violent conflicts).

Unfortunately, as with the Vision statement in support of his candidacy, and his inaugural address to the Security Council, the more detailed proposals presented in the Secretary-General's Vision on prevention[113] largely ignored human rights and the role of the UN human rights system. Those proposals were four-fold:

I. 'A surge in preventative diplomacy,' especially through strengthened mediation capacity to resolve violent conflicts.

II. A call to place the 2030 Agenda for Sustainable Development and the UN's 'sustaining peace' resolutions at the centre of the UN's long-term prevention efforts. Here the Secretary-General asserted that 'development is the key to prevention,' while 'for countries at particular risk or recovering from conflict, the resolutions on 'sustaining peace' and the 'women, peace and security' agenda, provide additional tools adapted to their needs.'

III. A call to 'build meaningful partnerships' for prevention with the widest array of governments, regional organisations, international financial institutions, civil society organisations, academia and the private sector.

IV. 'Reforms to consolidate our capacity to meet the prevention challenge,' with the goal of 'joined up' delivery across all three pillars of the UN.

The broad proposals submitted under each of these titles pointedly excluded the UN's human rights mandate and functions. Under point II the Secretary-General (importantly) recognises that 'the best way to prevent societies from descending into crisis is to ensure they are resilient,'[114] under point I he talks of the importance of addressing 'root causes,' while under point IV he recognises the need to 'manage risk, build resilience against shocks, and avert outbreaks of crisis.'[115] However, in each case he ignores the international human rights system and instead promotes the idea that sustainable development (i.e. the 2030 Agenda and the Paris Agreement on climate change) and 'sustaining peace' are the key building blocks of resilience. 'The SDGs and sustaining peace are complementary and mutually-reinforcing,' he notes. 'Implementation of both agendas will ensure that societies prosper, and fragile societies become resilient and can manage risks and shocks effectively.'[116]

(The Secretary-General does go on to recognise that 'societies are more resilient when they uphold the full breadth of human rights of all, gender equality and women's empowerment, the rule of law, inclusion and diversity;'[117] however, he places this exclusively in the context of violent conflict prevention and recovery).

Similarly, while Guterres, under point I, correctly identifies the key aspects of secondary prevention, namely 'promptly identifying and responding to early signs of tension'[118] (i.e. 'early warning' and 'good offices' engagement with the concerned country), his proposals ignore human rights – focusing instead on conflict mediation.

THE SECRETARY-GENERAL'S REFORM AGENDA AND THE PRIORITISATION OF PREVENTION

This tendency to recognise (at a broad political level) the equal importance and mutual interdependence of all three pillars of the UN, but then limit policy proposals and initiatives to only two of those pillars, can also be seen in the Secretary-General's overall (ongoing) programme of UN reforms. Those reforms cover the UN's security pillar, its development pillar, and its management systems, (but not its human rights pillar).

The key objective of the development system reforms (supported by relevant aspects of his management reforms) is to build more 'responsive and accountable' UN Country Teams led by Resident Coordinators who from now on would be expected to represent all three pillars of the Organisation (for that purpose the Resident Coordinator system was moved from under the administration of UN Development Programme and now, according to the Secretary-General, has 'a direct reporting line to me.')[119] As well as promoting better coherence and delivery, the reforms are designed to support prevention by ensuring that SDG and human rights implementation contribute to building resilient societies, and (in line with the goals of HRuF) by 'enabling better risk management,' early warning, timely reporting to headquarters, and rights-based engagement with host governments, 'as required by each specific country context.' As well as informing changes to the Resident Coordinator system, these goals have also informed the redesign of UN Development Assistance Frameworks (UNDAFs) into new UN Sustainable Development Cooperation Frameworks (UNSDCFs). These new frameworks will be informed by multidimensional risk analyses (including to identify human rights implementation gaps/resilience gaps) and are supposed to be 'more agile and adaptive to evolving country contexts' (e.g. through the real-time integration of UN human rights recommendations).

Notwithstanding, prevention features most prominently in the Secretary-General's peace and security pillar reforms. Indeed, one the key goals of those reforms is 'to prioritise prevention and sustaining peace,'[120] (see below). As with the development system reforms, the security pillar reforms are backstopped by UN management changes (i.e. the third reform stream). Here, the Secretary-General's proposals include the creation of a Department of Political and Peacebuilding Affairs and a Department of Peace Operations to provide 'single regional political-operational structure.' This new structure is expected to strengthen the UN's prevention capacity at all stages in the evolution of a crisis/conflict, from primary (it will

'provide analytical and support capacity to Resident Coordinators and Country Teams to help address the drivers and root causes of conflict,') to secondary (the UN 'will rely on regional offices as forward platforms for preventive diplomacy [and to] build partnerships with regional and other actors,') and tertiary prevention (e.g. the new structure will provide 'dedicated mediation support […] to member States.')[121]

SUSTAINING PEACE

As noted above, prevention is *the* priority of current Secretary-General António Guterres, and while that prioritisation has informed all three streams of his current reform plans, it has most heavily influenced his proposals for security pillar reform – especially via the concept of 'sustaining peace.' But what is sustaining peace?

In October 2014, as part of the implementation of the Human Rights up Front initiative, Secretary-General Ban Ki-moon appointed a High-Level Independent Panel on Peace Operations. The Panel was asked to present recommendations on how to strengthen the prevention capacity of the UN. Amongst its conclusions, it argued that 'template' technical and military approaches to security were taking precedence over more 'tailor-made political strategies.'[122] The report also acknowledged that preventive actions remained limited, emerging crises were not being addressed promptly, and that UN response mechanisms and capacity were overburdened. 'Put simply, the international community is failing to prevent conflict.'[123]

Consequently, the report proposed a new holistic approach to security based on the concept of 'sustaining peace.' This approach was later (2016) endorsed by the GA and the Security Council in their twin-resolutions on the 'Review of the UN's peacebuilding architecture' (GA resolution 70/262 and Security Council resolution 2282 (2016)).

With those resolutions the UN decided, in short, to adopt a more preventative approach to peace and security, by moving from policies premised on responding to and managing conflict, to policies premised on 'sustaining peace.' The concept of 'sustaining peace' was defined as follows:

'… *a goal and a process to build a common vision of society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development.'[124]*

The resolutions further emphasised:

'… *the importance of a comprehensive approach to sustaining peace, particularly through the prevention of conflict and addressing its root causes, strengthening the rule of law at the international and national levels, and promoting sustained and sustainable economic growth, poverty eradication, social development, sustainable development, national reconciliation and unity, including through inclusive dialogue and mediation, access to justice and transitional justice, accountability, good governance, democracy, accountable institutions, gender equality and respect for, and protection of, human rights and fundamental freedoms.'[125]*

In other words, the UN had come to the conclusion that rather than seeing UN engagement with situations of violent conflict in a narrow sense, with a particular focus on resolving the conflict through, for example, mediation or military action; it should adopt a more holistic approach based on preventing 'the outbreak, escalation, continuation and recurrence of conflict.'[126]

In reaching this conclusion, the UN was continuing its long 'love affair' with the idea of prevention – the notion that the best approach to violent conflicts (or atrocity crimes) is to prevent them from happening in the first place by addressing root causes and responding promptly to emerging crises (before they turn into violent conflict). However, as had been the case with R2P, while the UN's diagnosis of the problem may have been correct, its new policy prescription (the 'sustaining peace' initiative) had an important flaw. By linking prevention so squarely with war and conflict, and – as a consequence – by handing responsibility for its implementation so squarely to the Security Council and the Peacebuilding Commission, UN member States were in effect 'securitising' prevention, when in fact 'true prevention' should begin with the UN's development and human rights pillars. Even the name of the policy - 'sustaining peace' - is suggestive of an approach focused on peace and security.

This weakness in the 'sustaining peace' initiative – i.e. the 'securitisation of prevention' – is evident in its founding (twin) resolutions. While the texts do refer to other parts of the UN (e.g. the GA and ECOSOC) they do so only in the context of encouraging the UN's security pillar to better coordinate with them. The resolutions are clear: the primary mandate and responsibility to realise prevention at the UN lies with the Security Council and the Peacebuilding Commission. Yes, those institutions should (according to the twin resolutions) 'not[e] that security, development and human rights are closely interlinked and mutually reinforcing,'[127] however this recognition is subsumed within a call for 'an integrated, strategic and coherent approach to peacebuilding.'[128] In other words, the central importance of the UN's development and human rights pillars in the UN's prevention agenda is reduced to a supporting role in helping

prevent a small number of countries at imminent risk of war from falling into conflict - and a small number of post-conflict countries from sliding back.

In 2018, the Secretary-General issued a report on 'Peacebuilding and sustaining peace.'[129] It recalled the twin resolutions and States' agreement that in the future they should 'work better together to sustain peace at all stages of conflict and in all its dimensions,'[130] by 'preventing the outbreak, escalation, continuation and recurrence of conflict.'[131]

Importantly, the Secretary-General's report foresaw a more important role for the 'international human rights framework' in building resilient societies than had the UN's original twin resolutions. 'In particular,' according to the Secretary-General, in one of the most insightful and important passages in the report, 'member States' obligations under the Universal Declaration of Human Rights [and the human rights treaties], provide a critical foundation for sustaining peace.'[132] Explaining this point, Guterres writes: 'The collective work of the UN system to advance human rights should help to identify the root causes of and responses to conflict. In that respect, it will remain imperative for the peace and security and development pillars to make better use of the existing human rights mechanisms, such as Special Procedures, the Treaty Bodies and the Universal Periodic Review (UPR), and their recommendations in support of member States.'[133]

The Secretary-General goes on to show how this integration of human rights standards into UN country-level development programming (via the integration of the recommendations of UN human rights mechanisms into UNSDCFs) allows the UN, in principle, to help 'each UN member State' (i.e. not only States in imminent risk of conflict) to build resilience to shocks. Taken together and clustered, the recommendations addressed to a given State by the Special Procedures, Treaty Bodies and UPR, provide a 'common analysis of […] risks' (i.e. resilience weak-spots – areas of national law, policy or practice which, if left unaddressed, could lead to a future crisis or conflict).[134] This 'common analysis' in turn 'allows for risk-informed development strategies and targeted efforts to build resilience and sustain peace.'[135] In other words, by integrating human rights recommendations into UNSDCFs at country-level, the UN can help each and every member State elaborate a tailored 'blueprint' for sustainable development and for building resilient societies – thereby preventing future crises.

One year later, the Secretary-General published a second report on the subject.[136] The document provides further evidence of the positive evolution in the Secretary-General's thinking on prevention, and of how his reforms are designed to reflect that thinking. In particular, the 2019 report makes a clear case that the UN's approach to prevention,

whether through the 'sustaining peace' initiative or any other policy, should not only focus on preventing the outbreak or escalation of violent conflict, on keeping or building peace, or on preventing recurrence; but should rather go 'upstream' and seek to build the resilience of all States (in order to prevent human rights violations and shocks), and prevent the emergence and escalation of crises.

In this regard, report 2019/448 contains two of the most important paragraphs on 'true prevention' ever written by a UN Secretary-General.

United Nations Peacekeeping Forces

First, in paragraph 8 he makes clear that 'preventing crises' (i.e. not only preventing violent conflict) lies 'at the very heart of efforts to sustain peace.' This 'saves lives and money and preserves development gains. The effective prevention of conflict alone saves up to $70 billion per year for the affected country and the international community combined.'[137] 'That is why,' he notes, 'I have made prevention a priority across the work of the Organisation, at the country, regional and global levels and as a common thread running through the three

reform streams.'[138] Importantly, Guterres explains that true prevention should emphasise primary prevention in all UN member States. 'All three pillars [of] the UN system' must come together 'to ensure that […] support is timely and focused on building national and regional resilience.' Where there is 'early warning' evidence of an emerging crises, 'improved risk […] methodologies [shall] inform regular regional prevention discussions.'[139]

Second, paragraph 24 then places human rights at the heart of this 'upstream' understanding of prevention. In the context of improved 'policy and operational coherence among all three pillars in support of member States,' the Secretary-General calls for 'better use of human rights mechanisms […] and their recommendations, by the peace and security and development pillars.' In that regard, Guterres 'welcomes the continued efforts of the Human Rights Council to work effectively and efficiently with all pillars of the UN system, in support of member States.'[140]

At the end of paragraph 24, in a single sentence, the Secretary-General makes the perfect case for placing human rights at the heart of the UN's prevention agenda. 'Efforts [to] strengthen UN system-wide support for the implementation of the recommendations of the Universal Periodic Review and other mechanisms,'[141] and their integration into UN programming at country-level (to build resilience) and risk analysis at international-level (for early warning and early action), will boost 'collective efforts to advance both SDG achievement and crisis prevention.'[142] In this, for perhaps the first time in a report of a UN Secretary-General, Guterres recognises not only the 'promotion [and] protection […] mandates of the Human Rights Council,' but also its crucial 'prevention mandate.'[143]

III.
FROM PERIPHERY TO CENTRE? THE PLACE OF HUMAN RIGHTS IN THE UN'S PREVENTION AGENDA

The fact that the Secretary-General's 2019 'Peacebuilding and sustaining peace' report is the first time a major UN policy document has referred to the Human Rights Council's prevention mandate becomes slightly less surprising when one considers that most Council member States were themselves blissfully unaware of its existence until just a few years ago.

Prevention may be there, in black and white, in the GA resolution founding the Council and setting out its mandate (with paragraph 5f of resolution 60/251 the GA decided that the Council shall 'contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies'); however, as this chapter will show, that mandate was largely ignored during the Council's 'institution-building' negotiations (2006-2007) and, partly as a consequence, has been almost completely ignored ever since.

INSTITUTION-BUILDING NEGOTIATIONS

During the Council's first session in June 2006, its first President, Luis Alfonso de Alba of Mexico, established a consultation process to negotiate and agree the institutional framework for the body's operation. The process was led by a group of co-facilitators, appointed by the President, who convened a series of three 'open-ended intergovernmental working groups' (IGWGs) focused on the following issues: review, rationalisation and improvement of

mandates, mechanisms, functions and responsibilities in order to maintain a system of Special Procedures, expert advice and a complaints procedure; the development [of] the modalities of the UPR; and the Council's agenda, programme of work, methods of work, and rules of procedure.

At the end of these consultations, the President brought the outcomes of each IGWG together into a draft 'institution-building package' (IBP). This was presented to the Council and, following final negotiations under the authority of the President, was adopted on 18 June 2007 through Council resolution 5/1.[144]

Resolution 5/1 makes no mention of the body's prevention mandate, or of the concept of prevention more broadly. While other core aspects of the Council's mandate (e.g. addressing situations of violations of human rights, delivering capacity-building support and technical assistance, promoting implementation and follow-up, establishing the UPR, maintaining a system of Special Procedures) are fully reflected in the IBP (which sets out how the Council should deliver on these prerogatives), the document makes no mention of how the Council should 'contribute, through dialogue and cooperation, towards the prevention of human rights violations'[145] or how it might 'respond promptly to human rights emergencies.'[146]

There is no mention of prevention, for example, in the principles guiding the Council's work,[147] under any of the ten items making up the body's agenda, or in its methods of work. The concept of prevention is even absent from those sections of the IBP governing the operation of the Council's 'confidential complaints procedure' and its special (or emergency) sessions – both of which have ostensibly preventative functions.

The reason for this omission is clear enough: the concern of certain countries (Russia, China, Cuba and powerful members of the OIC and the African Group) that the concept of prevention in a human rights context could become a 'conveyer belt' leading, ultimately, to armed 'humanitarian intervention' (authorised by the Security Council) in countries accused of gross and systematic human rights violations.

Five years later, as foreseen in paragraph 16 of GA resolution 60/251, the Council conducted a 'review [of] its work and functioning.' Ahead of the first meeting of the single IGWG that would coordinate the review in October 2010, States were invited to submit proposals for the reform/improvement of the IBP. Amongst hundreds of ideas put forward, finding ways to strengthen the delivery of the Council's mandate under paragraph 5f featured quite prominently.[148] The five-year review saw proposals put forward to, *inter alia*: make better (i.e. preventative) use of the Council's existing 'toolbox,'

including open-ended briefings; the convening of urgent 'early warning' briefings by the High Commissioner to the Council; the establishment of new types of mechanisms/forums such as 'good offices' diplomatic missions, under the authority of the President of the Council; and the organisation of confidential (Council members only) 'cooperation and dialogue' meetings with concerned countries and regions.

There were also proposals to develop a set of objective 'criteria' to guide Council members as they decide, on the basis of early warning information, whether or not to engage on a given situation. On this specific point, although the matter was left out of the review outcome (see below), in June 2012 the Maldives delivered a joint statement[149] at the Council proposing such criteria. Then, in July 2016, Ireland delivered a follow-up statement further elaborating these principles (which became known as the 'Irish principles').[150] The objective criteria suggested by the Maldives and Ireland included, for example: has the High Commissioner expressed concern about the situation; have Special Procedures mandate-holders expressed concern; do journalists and humanitarian actors have access; has the government of the country concerned recognised the difficulties it faces; and has the country's NHRI and/or NGO community sounded the alarm?

In the end, none of the prevention proposals put forward during the five-year review were included in the review outcome, subsequently adopted (in 2011) in Council resolution 16/21 and, later, in GA resolution 65/281.

Partly as a result of the significant and continued omission of prevention from the Council's agenda and methods of work, but also because it is the way the UN human rights system has always operated, from 2006 onwards the Council adopted a predominantly reactive approach to situations of human rights violations (with some notable exceptions such as the early prevention-orientated work of the Council's 2016 Independent Investigation on Burundi). That approach (fulfilling the body's mandate under paragraph 3 of GA resolution 60/251) typically involves the adoption of resolutions under item 4 of the Council's agenda that seek to draw international attention to situations of violations, express the international community's concern and/or condemnation, and, in some instances, establish international accountability mechanisms (e.g. country-specific Special Procedures, or commissions of inquiry – COIs).

GLION HUMAN RIGHTS DIALOGUE

This situation only began to change in earnest in 2016. In May of that year, Norway and Switzerland hosted the third Glion Human Rights Dialogue (Glion III) which focused on 'Human rights implementation, compliance and the prevention of violations.'[151] During the retreat, members of the Council (ambassador-level), the then High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, senior representatives of the Secretary-General (including the Assistant Secretary-General for human rights and officers responsible for HRuF), and representatives of civil society, acknowledged that the Council had largely failed to fulfil its prevention mandate under paragraph 5f of GA resolution 60/251. As one speaker noted: 'the Council's default response to emerging situations of concern is, first, to do nothing (because the situation is not considered serious enough to warrant action under item 4) and then, when the situation is sufficiently grave, to establish country-specific monitoring or accountability mechanisms, or to hold special sessions where the concerned State is roundly condemned.'[152] Others agreed, arguing that by the time a human rights situation is finally brought to the Council's attention (usually by a Western State responding to public pressure), it is generally too late for the Council to do anything to halt a further deterioration (and ultimately a descent into violent conflict).

Importantly, in addition to recognising this shortfall in the delivery of the Council's mandate, participants also expressed a commitment to rectify it. As one ambassador noted, promoting respect for human rights is critical to any efforts to build national resilience, while 'human rights violations are the key markers of potential instability'[153] (i.e. 'the smoke alarm of the UN system.') By extension, according to another ambassador: 'The Council [and the wider human rights pillar] must necessarily be a central player in any effective UN-wide effort to prevent emerging crises.'[154] A think tank representative went further, arguing that 'if one looks at the nature of true prevention and the mandate and prerogatives of the Council, then it seems clear that the Human Rights Council is, or should be, the UN's Prevention Council.'[155]

Notwithstanding, participants at Glion III also recognised the politically sensitive nature of the issue of prevention, especially in a human rights context. Many therefore called on the Council to proceed cautiously and inclusively, with the aim of building trust and identifying common ground.

One year later, the next Glion retreat (Glion IV) looked in more detail at 'How to operationalise the Council's prevention mandate: the effective implementation of paragraph 5f of GA resolution 60/251.'[156] During the meeting, it was recognised that paragraph 5f comprises two main parts. First, paragraph 5f begins by calling upon the Council

to work, 'through dialogue and cooperation, towards the prevention of human rights violations.' In other words, the Council is mandated to prevent human rights violations from happening in the first place, by building domestic human rights capacity and resilience and by focusing on root causes. Second, under the latter part of paragraph 5f, the Council is mandated to 'respond promptly to human rights emergencies.' In other words, where primary prevention fails and where there are early warning signs of emerging patterns of human rights violations, the Council should act quickly to reach out to the State (and region) concerned to prevent a widening or deepening of the crisis. Others at Glion IV argued that there is also a third element to paragraph 5f – namely that the inclusion of the word 'contribute' reflects the fact that any new policy framework operationalising paragraph 5f must not be seen in isolation, but rather as part of a coherent UN-wide prevention agenda. During Glion IV, ideas and proposals were developed to respond to each of these aspects.

Regarding the first element (i.e. preventing human rights violations from happening in the first place by addressing root causes), important progress was made at Glion IV in shaping a common understanding of the concept of resilience. As one participant put it: 'The best way for the Council to deal with human rights violations is to prevent them from happening, by working with governments and other national stakeholders to build domestic capacity and, thus, human rights resilience.'[157] The aim of such an exercise should be to identify the typical root causes of serious human rights violations (e.g. absence of rule of law and good governance, restricted civil society space, the marginalisation of minority groups, a weak or cowed free press, low levels of education or awareness about human rights, politicised judiciaries, etc.), and to make targeted interventions to build domestic capacity and resilience across those areas. Borrowing terminology from the medical world, a number of participants referred to this as 'primary prevention.'

Echoing the sentiments of Kofi Annan, participants also recognised that the main barrier to a strengthened focus on resilience-building at the Council (or at the UN more generally) is a situation whereby 'the international community is usually prepared to invest time, energy and financial resources in responding to situations of serious violations and crises (i.e. situations that are in the public eye), but far less ready to invest in lower visibility activities such as working with States to build human rights capacity and resilience.'[158]

To illustrate this 'reactive mind-set,' a number of diplomats pointed out that the UN human rights pillar invests around US\$6.5 million each year to maintain a Commission of Inquiry on the situation in

Opening panel debate 'What is prevention and are the Council and the wider UN system ready to meet the challenge?', Glion III dialogue, Vevey, Switzerland, May 2016

Syria (since the COI was first established in 2011, that investment has totalled nearly US$50 million), and yet regularly turns away countries from Africa, Asia and Latin America, including a number of fragile or at-risk States, that ask for human rights-technical assistance. Another speaker referenced an analysis by URG, which shows that since 2006 the Council has invested around five times more financial resources setting up 'response mechanisms' (e.g. COIs, country Special Procedures) than it has on capacity-building mechanisms or programmes under item 10.

Even where the Council does seek to fulfil its mandate to provide 'advisory services, technical assistance and capacity-building [...] in consultation with and with the consent of member States concerned,'[159] it was pointed out by one ambassador that its actions are usually limited 'to post-conflict countries or countries that have recently suffered natural disasters.'[160] By extension, the vast majority of developing countries are systematically excluded from international support delivered under item 10. Yet these latter countries, seen through a prevention lens, are where UN capacity building/resilience building support might have the greatest long-term impact.

With this understanding in mind, many of the proposals made at Glion IV centred on 'item 10 reform,' for example via the establishment of a new 'voluntary annual platform for human rights dialogue, capacity-building and resilience.'[161] There were also wide recognition of the importance, for primary prevention, of the emerging human rights 'implementation agenda.' If a State takes all the recommendations it has received from the Special Procedures, Treaty Bodies and UPR, ands clusters them by theme and type, then it allows that State to easily identify 'implementation gaps or, more accurately, resilience gaps.' Especially where developing countries have established 'national mechanisms for implementation, reporting and follow-up' (NMIRFs), backed up with a single national database of recommendations, they are then able, with international support, to close those gaps by implementing key clusters of recommendations. Linked with this point, there was also a clear understanding that Council efforts to build a human rights 'implementation agenda,' including as a contribution to primary prevention, should proceed in tandem with UN efforts to promote the implementation of the SDGs 'leaving no one behind' (i.e. the human rights pillars and the development pillar should work together). Finally, there were repeated calls for a major financial 'reorientation towards, and investment in, resilience,'[162] (by the UN as a whole and also by the UN human rights system).

Regarding the second part of the Council's 5f mandate (i.e. to respond promptly to human rights emergencies – secondary prevention), participants discussed how to move beyond a situation where 'by the time a human rights crisis is finally brought to the Council's attention [...] it is usually too late for us to do anything to halt a further deterioration - and ultimately a descent into violent conflict.'[163]

There was a broad understanding at Glion IV that the key reason for this situation is the intensely politicised nature of Council action (under paragraph 3 of its mandate) to 'address situations of violations of human rights, including gross and systematic violation.' As noted earlier in this report, Council action in this area usually takes the form of the adoption of resolutions publicly condemning the human rights record of a given State and, often, establishing some form of accountability mechanism. A hard core of developing countries (plus Russia) reject such 'naming and shaming' (as they see it) on the grounds that it is selective (item 4 action by the Council tends to focus on a small number of developing countries) and does not work (because 'naming and shaming' tends to preclude cooperation). This opposition in turn makes it more difficult (or, more accurately, increases the political cost) for States (even powerful States) to table and secure the adoption of country-specific resolutions. As a consequence, these States (nearly always Western States) tend to only bring a situation to the Council's attention when it is grave enough to have generated sufficient public and therefore political pressure. Unfortunately, by that time such a 'wait and see' approach has run its course, it is usually too late for the Council to exert meaningful influence over the situation.

This same mentality, driven by short-term political pressure (in democracies), also helps explain why Council member States (as noted above) devote more financial resources to high-profile, short-term accountability mechanisms than they do to low-visibility, long-term interventions aimed at building national human rights resilience.

With these considerations in mind, participants at Glion IV developed a range of ideas to:

1. Move from late reaction to early prevention - enable the UN human rights system (especially OHCHR) to gather 'early warning' information about patterns of human rights violations (anywhere in the world), rapidly analyse that information to identify nascent or emerging crises, bring information on those crises to the urgent attention of members of the Council, and create a 'safe space' for members to consider (confidentially if necessary) that information and decide upon appropriate preventative action. In this sense, participants mentioned the importance of building on the 'informal conversations with the High Commissioner' organised from 2015 onwards – themselves an idea that emerged from Glion II. These informal 'conversations' were meant to provide a flexible space or platform through which the High Commissioner could bring 'early warning' information to the Council's attention, (the first two 'conversations' were held in 2015 to brief States on the migrant crisis in the Mediterranean and on the situation in Burundi).[164]

Keynote address by Joaquin Alexander Martelli, President of the Human Rights Council, during the opening high-level debate of the fourth Glion Human Rights Dialogue (Glion IV), Glion, Switzerland, May 2017.

2. Move from confrontation to 'constructive engagement' and cooperation – create fora, processes and mechanisms that emphasise 'wherever possible, cooperation and dialogue with the concerned State,' including 'a [further] safe space to have difficult but necessary conversations with the concerned country [and] relevant regional actors' about how to prevent an escalation of the human rights crisis; and develop 'new tools' at the Council (e.g. good offices missions by the Council President and High Commissioner) that prioritise preventative diplomacy over public reporting/condemnation.

In addition to these specific proposals, the debates during Glion IV also highlighted again (the same points were raised during Glion III) that the barriers to the successful implementation of the Council's prevention mandate are as much political as they are technical/procedural.

The first of these political barriers is one of mindset. As noted by successive Secretaries-General, the UN and its member States have always found it easier to react to serious situations (e.g. marked by high-intensity violent conflict, or mass atrocity crimes) than they have to pre-empt or prevent those situations from developing in the first place (e.g. by building national resilience or through preventative diplomacy). The sense of participants at Glion IV was that the best way to overcome this barrier is to make the economic case – the

business case – for prevention (one goal of this policy report), and to showcase examples where prevention has worked – and saved lives.

Linked with this point is a perhaps even more important barrier to progress: mistrust between States. During an April 2017 speech to the Security Council, António Guterres made this point clearly: 'International cooperation for prevention, and particularly for translating early warning into early action, depends on trust between member States, and in their relations with the UN.'[165] This issue, more than any other, has the potential to make or break the Council's efforts to construct a workable prevention strategy. Unfortunately, there were already clear signs at Glion IV of a worrying lack of confidence between key States (especially between members of the Like-Minded Group and Western countries).

Put simply, members of the LMG were (and remain) concerned that the operationalisation of paragraph 5f is a 'trap,' designed to bring developing countries more easily onto the Council's agenda, and from there – perhaps - onto the agenda of the Security Council. According to this narrative, the end goal for Western States and NGOs remains the adoption of condemnatory resolutions and the establishment of COIs; the operationalisation of paragraph 5f is simply a means to that end. Importantly, this scepticism only relates to the second part of paragraph 5f (i.e. early warning and early engagement). LMG States (indeed, all developing countries) are firmly in favour of the first part of the paragraph.

For Western States (and NGOs) on the other hand, the major concern expressed at Glion IV was (and remains) that the Council's prevention mandate could offer a way for human rights violators to 'get off the hook' and avoid public scrutiny. According to this narrative, developing countries will only ever engage with the first part of paragraph 5f (i.e. the part many Western States see as little more than 'window dressing'). What is important to Western minds is the second part of 5f (i.e. secondary prevention), and here they doubt that LMG States or those States accused of serious human rights violations will ever engage meaningfully. Worse, those accused of violations may pretend to engage with the Council under its prevention mandate, simply as a means of 'buying time' or 'delaying/avoiding action under item 4.'

The issue of trust, raised implicitly and explicitly throughout the Glion IV retreat, also fed into discussions on next steps. In this regard, it was deemed crucial that any process set up to operationalise the Council's prevention mandate must cover, and secure balanced progress across, both parts of the 5f mandate (i.e. both primary and secondary prevention). It was also deemed crucial that any such process be structured, transparent and inclusive – in order to build confidence that all views and concerns would be taken into account and that any new prevention framework would indeed 'represent a new way of doing things – and that this new approach will run like a vein through all the different stages of prevention.'

On the basis of these considerations, several participants at Glion IV proposed that the Council, as a next step, 'should adopt a resolution establishing an independent group of eminent persons to consult with States, in Geneva and New York, as well as with NGOs, OHCHR, the Secretary-General, regional organisations, and other relevant stakeholders, and prepare a comprehensive framework proposal containing the principles, processes and mechanisms needed to effectively operationalise paragraph 5f.'[166] Under this proposal, the eminent experts would also consult on how that framework 'should fit within a coherent UN-wide prevention agenda.' The group of eminent persons could be made up of independent experts, former UN officials and senior diplomats. 'The Council would then consider and, hopefully, agree on that framework proposal as a package in order to keep the trust of all sides.'[167]

JOINT STATEMENTS AT THE HUMAN RIGHTS COUNCIL

UN Secretary-General António Guterres speaks during the high-level segment of the 37th session of the Human Rights Council, Geneva, February 2018. .

In order to take forward the ideas generated at Glion IV, a few months later, during the 36th session of the Council, Ambassador Hans Brattskar of Norway delivered a joint statement on behalf of 69 States. The signatories asserted[168] that 'this Council has a clear mandate, given by the General Assembly […], to contribute, through dialogue and cooperation, towards the prevention of human rights violations [and to] respond promptly to human rights emergencies.' 'However,' he continued, 'the Council is yet to put in place an explicit and coherent policy framework to turn these important words into reality.' The 69 cosponsors therefore called for 'renewed discussion' of this important subject and, ultimately, for an 'inclusive and cooperative' process to be put in place to develop a workable prevention policy framework.

As had happened at Glion IV, the States recognised that paragraph 5f comprises two parts. 'First, there is the prevention of violations at 'root-cause' level. States must be committed to engage in preventing human rights violations from happening by implementing their obligations and commitments, and building domestic human rights resilience, including through international dialogue and cooperation for the delivery of technical assistance and capacity-building by the entire UN system.'[169] Second, the Council must build the systems and processes necessary to translate early warning into early action. 'This means that the High Commissioner […] should have the tools and resources necessary to gather, process and synthesise early warning information about patterns of violations in a timely and effective manner and to brief the Council, either during or outside of its regular sessions.'[170] The Council, in accordance with its mandate, 'should then appraise that information in an objective and non-selective manner, and decide whether the situation merits and/or may benefit from early preventive action.'[171]

Finally, the signatories recognised that 'none of this can or should happen in isolation,' and therefore called for 'better coherence throughout the three pillars' of the UN.

At the next session of the Council in March 2018, Secretary-General António Guterres placed prevention at the heart of his inaugural speech to the body. Referring to the Universal Declaration of Human Rights, he remarked that 'respect for human rights is the best prevention strategy.'[172] He recognised that 'all the crisis situations currently being examined by the Security Council' stem from 'human rights violations and abuses,' and therefore it is by preventing human rights violations 'that conflicts can be prevented.'[173] He went on to 'commend the Council for emphasising prevention in the informal dialogues held at Glion in 2017,'[174] and offered the support of his Office 'to help the Council strengthen its preventative role.'

Later that same session, 63 States delivered a second joint statement in which they tried to allay continuing concerns about the operationalisation of the Council's prevention mandate, and informed States about the process they intended to pursue.

In order to address the concerns raised at Glion IV and to build trust, the signatories made clear that the implementation of the Council's prevention mandate would require 'a new mindset at the Council and new ways of working for States, UN experts and officials, NHRIs and civil society organisations,'[175] would take place within the confines of the 'Council's existing institutional framework' and thus not require any amendment of the IBP, and would reflect the fact that 'all parts of this Council's mandate are interlinked and mutually reinforcing.'[176] The States also repeated their conviction that in fulfilling its prevention mandate, the Council must work with the other two pillars of the UN.

Looking ahead, the sponsors explained that 'in the near future [they] would seek to establish a structured and inclusive process of consultations […], to be steered by a group of experts, through which States, civil society, NHRIs and other relevant stakeholders, can provide their views, concerns and proposals.'[177] Unusually for a Council mandate of this nature, the supporters of the statement made clear that 'the group of experts should have relevant human rights and multilateral experience,' (e.g. be former diplomats) as well as representing 'different geographical regions' (i.e. should include individuals from developing and developed countries). All these points were made in light of the extreme political sensitivities involved with the issue of prevention, and were designed to build trust in the process to be launched later that year.

HUMAN RIGHTS COUNCIL RESOLUTIONS

In their statement to the Council's 37th session, the sponsoring States had made clear that 'our focus is solely on the Council's mandate under paragraph 5f, and is thus distinct from, yet complementary and reinforcing to, other ongoing discussions on prevention.'[178] This was mainly a reference to Ukraine's regular (since 2010) resolutions on 'The role of prevention in the promotion and protection of human rights.'[179]

Through these resolutions, the Council has affirmed the 'importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights' (e.g. preventative approaches to torture), and has also – importantly – clarified how and why universal human rights standards and the international human rights system must necessarily play a central role in primary prevention. For example, in the latest iteration of these resolutions (resolution 42/6,)[180] the Council called upon States to build national resilience by: ratifying the international human rights conventions, and implementing their obligations under those treaties; promoting good governance, democracy and rule of law; addressing all forms of discrimination, including racial discrimination; addressing inequality and poverty; promoting a free and active civil society; promoting freedom of opinion and expression; establishing 'strong and independent' NHRIs; promoting human rights education and training; ensuring an independent and functioning judiciary; and fighting corruption.'[181]

Independent of yet complementary to these Ukraine-led texts, at the Council's 38th session in June 2018, Colombia, Norway, Sierra Leone and Switzerland tabled a new draft resolution[182] designed to build on discussions at Glion and begin a process to operationalise the Council's mandate under paragraph 5f.

UN High Commissioner for Human Rights Michelle Bachelet speaks before the Third Committee of the UN General Assembly, New York, October 2019.

The draft text began by reaffirming the Council's prevention mandate but making it clear (by recalling Council resolution 5/1 on the IBP) that this mandate must be implemented within the body's existing institutional framework. Moreover, to clarify that any role foreseen for the High Commissioner would likewise take place within the framework of her existing mandate, the draft reaffirmed 'GA resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights.' Paragraph 4f of that mandate calls upon the High Commissioner to 'play an active role in removing the current obstacles and in meeting the challenges to the full realisation of human rights, and in preventing the continuation of human rights violations throughout the world.'[183]

Again, to pre-empt known concerns on the part of different groups of States, the draft included a number of important paragraphs. For example, in the preamble it recognised that 'States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations.'[184] This was designed to assuage the concerns of developed countries that certain States might blame future human rights violations or crises on them, on the grounds that they had provided insufficient international (financial) support; as well as the concerns of certain developing countries that the Council's prevention mandate should not involve foreign interventions in their sovereign affairs.

Finally, the resolution's preamble made the important point that the Council's contribution must be seen as part of a 'whole of UN' approach to prevention, and in that regard, it emphasised that 'development, peace and security and human rights are interlinked and mutually reinforcing.'[185] In particular, the text makes explicit reference to the twin GA and Security Council resolutions on the review of the UN peacebuilding architecture (i.e. 'sustaining peace,') and to the 2030 Agenda for sustainable development.

Building on these preambular points, the first operative paragraph of the resolution:

'Recognises the contribution that the Council can make to the prevention of human rights violations, including through the mandate set out in paragraph 5f of GA resolution 60/251, which comprises two mutually reinforcing elements:

a. *To contribute, through dialogue and cooperation, towards the prevention of human rights violations;*
b. *To respond promptly to human rights emergencies.'[186]*

With both key elements of the Council's prevention mandate explicitly affirmed, the draft resolution proposed a process of consultations 'with States and other relevant stakeholders,' to gather their views and proposals on the operationalisation of the Council's

prevention mandate. The main plank of that process would be two 'intersessional seminars in Geneva. Crucially however (this innovation would be the source of considerable debate in the open informal consultations on the draft), the sponsors made clear in paragraph 3 that the consultations would be convened and facilitated by three eminent experts (a chair-rapporteur, and two rapporteurs). This was important as it increased the likelihood (as compared with a more typical Council consultations) that the process would result, not in a simple compilation of State views, but in a balanced (i.e. covering both parts of paragraph 5f), considered and implementable framework of 'proposals on how the Council could effectively contribute in the future to the prevention of human rights violations.' Ending up with such a framework of proposals was considered important in view of the fact that different States would naturally like or dislike different individual proposals, but would be more likely to accept them all as a package if they could see how each proposal were to fit within an overall prevention framework. That, at least, was the idea. Notwithstanding (and equally important), the draft was clear that the final report of the eminent experts (including any proposals made) should be based on 'the views reflected in the two seminars' (i.e. the views of States and other stakeholders – not on the personal views of the experts).

Three further important (and innovative) elements of the draft were:

1. In order to ensure that the Council's prevention work would connect with that of the other two pillars of the UN 'with a view to strengthening system-wide coherence' (including in the context of 'contributing to sustaining peace and the implementation of the SDGs,') the resolution asked the three experts (in addition to the two seminars in Geneva) 'to consult and gather the views of relevant stakeholders in […] New York.'[187]

2. A request that the three experts, in their final report, 'give due consideration to the availability in the UN system of financial resources for human rights promotion, and for prevention in particular.'[188] This was included to offer scope to consider, and build a case around, the economics of – or the business case for – prevention.

3. A request to the Council President 'when appointing the chair-rapporteur, to consult with regional groups and to give paramount consideration to governmental background or experience,' and 'when appointing the rapporteurs, to give paramount consideration to relevant multilateral and human rights expertise and experience.'[189] This was reflective of the extremely political nature of the mandate, the fact that the experts would need to chart a diplomat course between the views and concerns of different groups of States, and the fact that in order to produce broadly acceptable and workable proposals for consideration by the

Council, they would ultimately need to identify the political 'common ground' between different positions.

The draft resolution called upon the three experts to deliver their report (including proposals) to the Council at its 43rd session (March 2020) for consideration.

Unfortunately, despite the carefully crafted draft and intensive consultations/negotiations before and during the 38th session, when the text was presented to the Council on 6 July 2018 a vote was called. In the end the 'leap of faith' needed to accept a resolution/process that might conceivably be used by 'the other side' as a first step towards 'humanitarian intervention,' was simply too much for key members of the LMG.[190] Notwithstanding, resolution 38/18[191] was ultimately adopted by a comfortable margin (28 in favour, 9 against and 8 abstentions). Equally importantly, at the end of the session, China, Cuba, Egypt, Russia and others informally indicated that they would participate in the forthcoming process of consultations.

On 18 October 2018, the President appointed Yvette Stevens (the former Ambassador of Sierra Leone at the Council) as chair-rapporteur, and Pablo de Greiff (a former UN Special Rapporteur who had issued an important report on prevention, and a former member of the Independent Investigation on Burundi) and Nils Muižnieks (former Council of Europe Commissioner for Human Rights) as rapporteurs. The experts convened a first intersessional seminar in Geneva in April and a second in October 2019. In September 2019 they also travelled to New York to consult with States, the Secretary-General and civil society.

UN High Commissioner for Human Rights Michelle Bachelet on a visit to Cameroon, May 2019.

OHCHR AND PREVENTION

OHCHR has long taken an interest in different aspects of prevention.

In 2000, for example, the then High Commissioner for Human Rights, Mary Robinson, presented a report on prevention to the Commission on Human Rights. In it, she reminded States that prevention should not be solely – or even mainly – understood in the context of armed conflict or genocide, but rather (in a more 'upstream' sense) in the context of preventing human rights violations (e.g. racial or religious discrimination, extreme poverty), and promoting good governance, democracy and environmental conservation. In this regard, she underscored the importance of the full implementation of States' human rights obligations as the foundation of prevention. Within this conceptual repositioning of prevention to address root causes, Robinson drew particular attention to human rights education:

'Human rights education constitutes an essential contribution to the long-term prevention of human rights violations and thus to the prevention of conflicts, and represents an important investment in the achievement of a just society in which all human rights of all persons are valued and respected.'[192]

Unfortunately, as noted by former acting High Commissioner for Human Rights, Bertrand Ramcharan, Robinson's ground-breaking report 'did not receive the attention it deserved.'[193] The important ideas it contained were therefore lost to the international human rights system for the next 18 years.

Thereafter, OHCHR adopted what might best be described as a 'piecemeal' approach to prevention – with a strong focus on its potential role in early warning. For example, between 2007-2012 it produced biannual internal 'Early warning early action' (EWEA) reports, which aimed to analyse global patterns of human rights violations and forecast potential situations of concern. It also used the same data to produce a confidential (again internal) biweekly report listing countries on a scale of high- to low-risk. These reports were discontinued in 2012 due to the inconsistent receipt of information from the field, a lack of internal early warning analysis capacity, and the absence of a 'final destination' for OHCHR's analyses (e.g. the Human Rights Council or the Executive Office of the Secretary-General) - meaning that early warning could not be translated into early action.

Five years later, OHCHR produced a draft 'Guide note on human rights assessments and early warning analysis.'[194] This drew on its experience with the EWEA in order to strengthen forward-looking analysis, so that it might better identify emerging situations of concern and feed that information into relevant UN decision-making

structures at headquarters or at country-level (e.g. in the context of HRuF). To coordinate this work, OHCHR established an 'Early warning and information support unit.' Although this unit should, in principle, receive early warning information from OHCHR desk officers and country presences, as well as UN Resident Coordinators and Country Teams, analyse that data, and then feed the Office's conclusions into relevant UN processes, in reality (according to sources inside OHCHR) it is, today, understaffed and mainly works to promote a human rights angle in UN-wide prevention debates.

Notwithstanding these small steps, OHCHR has traditionally played a very limited role in the area of prevention. There are a number of reasons for this, including a lack of resources, the lack of a mandate from the Council (or the Commission before it), the personality of successive High Commissioners (who have tended to prefer public to preventative diplomacy), and – perhaps most importantly – the fact that (as argued in the first chapters of this report) the human rights pillar has tended to be frozen out of successive UN prevention agendas.

However, this looks set to change with the appointment in late 2018 of Michelle Bachelet. As a former Head of State (who therefore understands how governments tend to think and work) and a close ally of the current Secretary-General António Guterres (who has made prevention his top priority), Bachelet has seized upon the issue of prevention (particularly primary and secondary prevention) as a key focus of her work.

In September 2018, the new High Commissioner used her inaugural address to the Council (at its 39th session) to set out her priorities for her time in Office. In particular, she called upon the UN human rights system to drive progress in three interconnected areas: the national implementation of international human rights obligations and commitments; the contribution of human rights to the 2030 Agenda and the SDGs; and the UN's prevention agenda.

Regarding prevention, Bachelet drew attention to the important role of the Council, in cooperation with her Office and other relevant parts of the UN system, in building the human rights resilience of societies, and in responding promptly to emerging crises. Making an analogy with human health, she reflected that: 'good doctoring is based on building resilience: strengthening healing processes and intervening to interrupt symptoms of pathology.' In this sense, 'human rights are a powerful medicine, which help heal wounds and develop the resilience [of societies,]' so that they are 'more able to resist unpredictable shocks.'[195] With this in mind, 'the Covenants, the seven other core human rights treaties, and the recommendations of all UN human rights bodies and experts, are fundamental contributions to the work of preventing, mitigating and ending human rights violations – including the inequalities and discriminations which torment so many of our fellow human beings.'[196]

Where such 'primary prevention' fails, she called on the Council, with the support of her Office, to 'build new strategies and stronger tools for prevention, early intervention and also accountability. I firmly believe that the power of justice can deter and prevent even the worst violations and crimes.'[197]

Later the same year, the High Commissioner participated in a high-level event during the 73rd session of the GA in New York on 'The Universal Declaration of Human Rights at 70: a prevention tool to achieve peace and sustainable development.' She used her speech to place human rights at the heart of the Secretary-General's prevention agenda. Indeed, in line with the conclusions of this policy report, she suggested that his agenda cannot possibly work without the full involvement of the Council and her Office. Regarding primary prevention, she explained the role of the human rights pillar as follows:

'Human rights are the interlocking elements that build resilient and confident societies – societies able to withstand and surmount threats, peacefully resolve disputes, and facilitate sustained progress in prosperity and well-being for all their members. Every step towards greater implementation of the human rights agenda is an act of prevention - strengthening the bonds between communities and reinforcing inclusive development and peace. Every step away from it tugs us down, towards suffering, injustice, hatred and conflict.'[198]

Again, drawing on her medical background Bachelet made clear that the human rights pillar's central contribution to primary prevention must go hand in hand with that of the development pillar: 'Good doctoring is based on building resilience,' she said. Human rights, equality and non-discrimination 'drive equal and sustainable economic development.' Therefore, it is only by driving common progress across these interlinked agendas that 'societies become stronger and more able to resist unpredictable shocks.'[199] Importantly, in the context of secondary prevention and changing mindsets at the Council, she also underscored 'the value of consensus and sincere cooperation.'[200]

The High Commissioner continued to explore these themes in her 2018 speech to the GA's Third Committee.[201] Regarding primary prevention, she drew States' attention to the critical role of the Council, the human rights mechanisms, and OHCHR, for the achievement of sustainable development and peace. Likewise, regarding secondary prevention, she made a strong bid for an explicit recognition of the roles of the UN's human rights bodies and mechanisms in the Secretary-General's prevention agenda. The human rights system 'is ideally placed to pick up early warning signs of impending crises,' she noted. Moreover, that system 'is not a Cassandra, correctly predicting crises yet unable to prevent them.' Rather, 'when it is backed by the political will of key actors, effective, sustained human rights work prevents, mitigates and helps to resolve conflict: this is the essence of what we do.'[202]

The High Commissioner's most recent statement at the GA, in late 2019, set out her most powerful analysis yet of the precise role the UN human rights mechanisms can play in identifying resilience gaps and in plugging those gaps to prevent future crises and conflicts. Referring to the complementary and mutually-reinforcing nature of the recommendations generated by the UPR, Special Procedures and Treaty Bodies, she argued that taken together and 'clustered' they 'form a cross-section of critical human rights gaps at the country level, which, if addressed, will build more resilient societies, and sustain development and peace.'[203] She therefore called for 'the better and more focused use of human rights recommendations in system-wide UN action [to support] the Secretary General's emphasis on prevention, as well as the 2030 Agenda.'[204] Regarding secondary prevention, she repeated her assertion that 'the entire UN human rights system can be very helpful in identifying early warning signs that could lead to prevention in the peace and security area.'[205]

A final example of the High Commissioner's focus on prevention is the apparent reorientation of her country visits from a traditional approach premised on public advocacy and reporting, to an approach that emphasises preventative diplomacy, cooperation and dialogue. For example, in May 2019 she undertook an important mission to Cameroon, a country beset by serious human rights challenges especially in the context of unrest and violence in the west and north of the country. Both during the visit and in a press statement afterwards, she continually emphasised the importance of cooperation between the Government and the UN, as well as – crucially – the importance of adopting a preventative approach to the crisis. 'I believe,' she said, 'that there is a clear – if possibly short – window of opportunity to arrest the crisis.' To seize that opportunity, Cameroon and the international community must work together to address 'root causes and underlying grievances.'[206]

IV.
THE BUSINESS CASE FOR PREVENTION

Kofi Annan's 1999 report to the GA on prevention was ground-breaking in a number of respects, not least in the insights it provided on the principal barriers to prevention. As the first lines of the report put it: 'In confronting the horrors of war and natural disasters, the UN has long argued that prevention is better than cure; that we must address root causes, not merely their symptoms.' However, in words and sentiments as relevant today as they were 20 years ago, Annan went one to lament the fact that the international community's 'aspirations [on prevention] have yet to be matched by effective action […] As a consequence, the international community today confronts unprecedented humanitarian challenges.'[207]

The main barrier to prevention, identified by the Secretary-General, related to the interplay of politics and economics. Annan's thesis, put succinctly, was that violent conflicts entail huge costs – in lives and in money (for example, as mentioned in part I of this report, he quoted a study that showed the cost to the international community of the seven major wars of the 1990s to be close to $200 billion); and it would represent a far more logical and effective strategy to invest that money in building the resilience of States and in early warning systems – thereby preventing violent conflicts from happening in the first place. Unfortunately, this powerful economic case is too often either not understood or ignored by national policymakers (especially in democracies). That is because they tend to base foreign policy and financial decisions on short-term political considerations (because, simply, they tend to enjoy only a limited time in Office), and, as Kofi Annan explained, 'while the costs of prevention have to be paid in the present, its benefits lie in the distant future.'[208] What is more, 'the benefits [of prevention] are not tangible; they are the wars and disasters that do not happen.'[209]

Therefore, if the international community is to finally realise the interlinked and mutually-dependent goals of moving human rights to the heart of prevention, and of rolling out an effective UN-wide prevention strategy, then it is necessary to make the economic case – or the business case – for such an outcome. That is the goal of this section of the policy report.
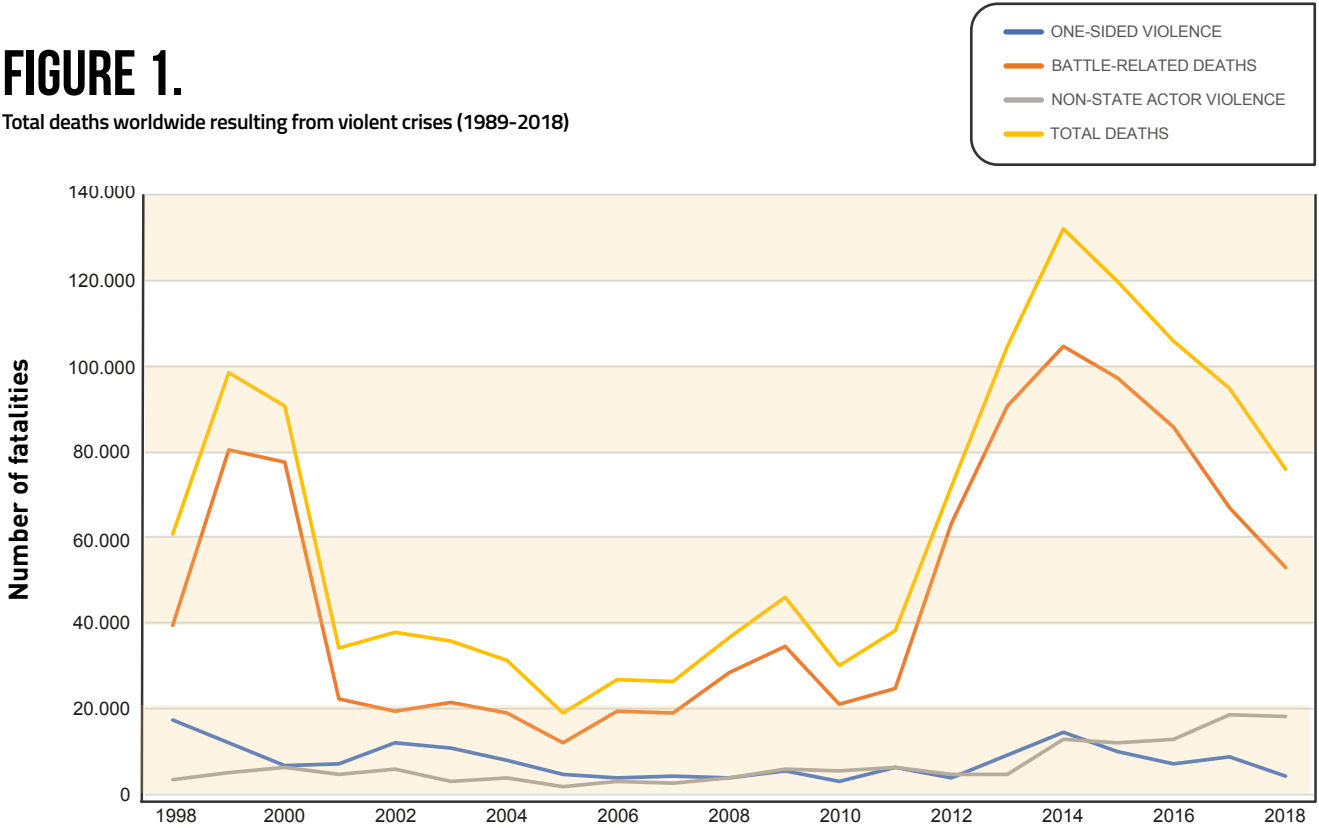
THE COSTS OF VIOLENT CONFLICT

'A full accounting of any war's burdens cannot be placed in columns on a ledger.'[210] It is clear, however, that violent conflict exacts an incalculably high price in direct and indirect damage to societies, economies and people. As noted in the World Bank-UNDP report 'Pathways for Peace,'[211] war kills and injures combatants and civilians alike, and inflicts insidious damage to bodies, minds and communities that can halt human and economic development for many years to come. Violent conflict also has a major impact on the long-term ability of societies to improve the well-being of populations and to reduce poverty, disease and other catastrophic risks. Its long-term effects on the countries involved, and on their neighbours, include monetary costs such as reduced economic growth, minimised trade and investment opportunities, and the added costs of reconstruction.[212]

HUMAN COSTS

Wars, whether internal or inter-State, have devastating consequences for the lives and rights of individual people. While violent conflict leads to the large-scale violation of all human rights, both civil and political, and economic, social and cultural, the most shocking violations are of the right to life itself. It has been estimated that the total number of deaths caused by or associated with violent conflicts in the 20th century was around 187 million.[213] If one looks at just a few of the wars of the 1990s; approximately 140,000 died during the breakup of Yugoslavia, over 50,000 in Sierra Leone,[214] and between 2.5-5 million in the Democratic Republic of Congo.[215] In all wars, it is civilians (non-combatants) who suffer the most. For example, approximately 75-90% of all those killed during the major wars of the 1990s were civilians; two million were children.[216] Moreover, during the same decade, acts of genocide against civilians led to millions more deaths, including approximately 310,000 Muslims in Bosnia and Herzegovina, and approximately 1 million Tutsis and moderate Hutus in Rwanda.

Figure 1 shows that after the turn of the century, the number of conflict-related deaths in the world dropped sharply. However, after 2011 the number of people dying during war began to rise again – reaching a post-Cold War high in 2014 (driven principally by the civil wars in Syria - around 570,000 deaths, Iraq - around 200,000 deaths, and Yemen - around 100,000 deaths). Since 2015, the number of people killed in wars has again decreased, while the number of deaths caused by violent attacks by non-State actors (e.g. violent extremist groups like Boko Haram and Islamic State) has steadily gone up.

FIGURE 1.

Total deaths worldwide resulting from violent crises (1989-2018)
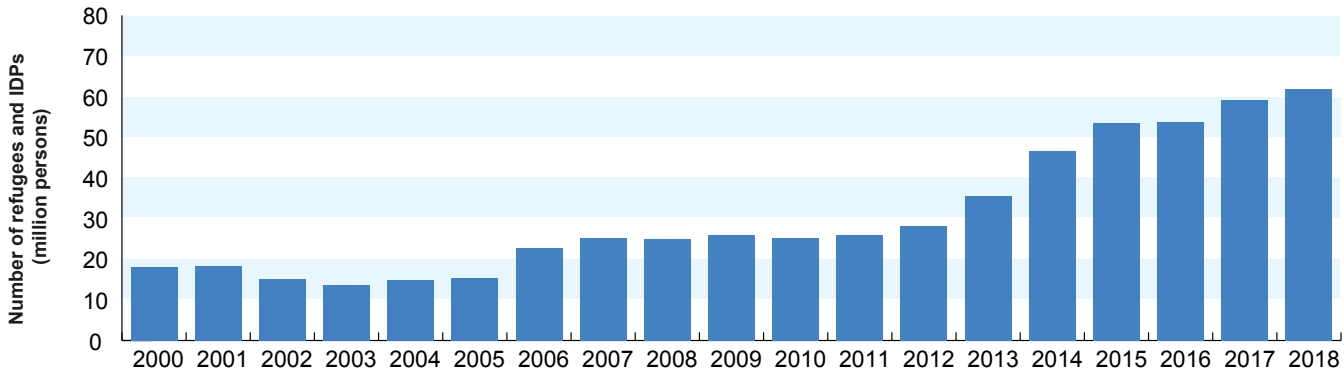

Source: UCDP UPPSALA conflict data programme. Eck, Kristine and Lisa Hultman (2007). 'One-sided violence against civilians in war: insights from new fatality data,' Journal of Peace Research 44(2): 233-246. Available at: https://ucdp.uu.se/.

Another important consequence of violent conflict, with significant implications for the enjoyment of human rights, is mass population displacement. Every year since 1998, the UN High Commissioner for Refugees has reported new highs in the number of refugees and internally displaced persons worldwide (see figure 2). As with civilian deaths, the numbers are shocking. For example, approximately 2.5 million people (out of a population of only 4.4 million) were forced to flee their homes in Bosnia and Herzegovina in the early 1990s, more

than 2 million Rwandans left their country in 1994, and over 200,000 people were driven from Afghanistan to Pakistan in the early years of the 21st century. More recently, the UN has identified 13.5 million people (out of a pre-war population of 22 million) as refugees of the Syrian civil war requiring humanitarian assistance.[217] Of these (as of 2016), more than six million were internally displaced, and around five million had crossed into other countries (especially Turkey, Lebanon, Jordan and Egypt).

FIGURE 2.

Total number of refugees and internally displaced persons (2000-2018)

Source: United Nations Office of the High Commissioner for Refugees. UNHRC Statistics: the world in numbers. Available at: http://popstats.unhcr.org/en/overview

ECONOMIC COSTS

The economic costs of violent conflict are also startling. The Institute for Economics and Peace states in a 2016 report that the cost of containing violence is US$13.6 trillion a year globally, a figure 'equivalent to 13.3% of the world's GDP.'[218] That figure represents US$5 per person, per day, every day of the year, an amount all the more alarming when one considers that, according to the most recent World Bank estimates, 10.7% of the world's population lives on less than US$2 a day. Moreover, the costs of conflict are unevenly distributed – with 'certain high-income countries benefiting from […] violent conflict, while certain low- and middle- income countries bear a disproportionate amount of the costs.'[219] Indeed, Mueller and Tobias[220] have found conflict to be a major cause of the reversals in economic growth that many low- and middle-income countries have experienced in recent decades. Mavriqi[221] estimates that countries experiencing violent conflict tend to suffer a hit to annual GDP growth of between 2-4%, increasing to 8.4% if the conflict is severe. This is to say nothing of the long-term 'opportunity costs' of conflict, caused by reductions in working age populations, drops in employment opportunities, the destruction of infrastructure, etc.

In addition to the countries concerned, violent conflict entails huge economic costs for the international community – both in terms of humanitarian response, and peacekeeping.

In 2017, an estimated 141.1 million people living in 37 countries were in need of international humanitarian assistance.[222] The costs of that assistance are high and rising.[223] According to the 'Pathways for Peace' report, total funding requirements for humanitarian action in 2016 reached US$22.1 billion, an increase of US$2.2 billion over the previous year, and US$13.3 billion (nearly 70%) higher than 2012. A 2014 report by the UN Secretary-General showed that the vast majority of this assistance (86%) was mobilised in response to violent conflicts (as opposed to, for example, natural disasters).

Turning to peacekeeping, by 2016 the total cost of maintaining peacekeeping missions in the field had climbed to almost US$8 billion a year. This growing cost reflects both the increased sophistication of missions, and their longer duration.[224] At the same time, the number of smaller civilian political missions has also grown (21 such missions are currently operational, involving more than 3,000 personnel).[225] Even these huge sums pale in significance compared to the overall cost to governments of efforts to 'contain violence'[226] (e.g. avoiding the 'spread' of a conflict to neighbouring countries). In 2012, according to research cited in 'Pathways for Peace,' the total cost of such containment efforts was US$9.46 trillion, or 11% of world gross product.[227]

BOX 1

THE HUMAN AND ECONOMIC IMPACTS OF THE SYRIA CONFLICT

Source – Pathways for Peace (2018)[228]

The Syrian conflict is one of the defining crises of the contemporary era. At least 400,000 people have been killed, about 5 million have fled the country, and, according to the UN Office for the Coordination of Humanitarian Affairs, 6.3 million have been internally displaced. Many of the individuals remaining in the country cannot access the help they need, as more than 50% of hospitals have been partially or completely destroyed, and the supply of doctors, nurses, and medical supplies is woefully inadequate.

Children have been particularly affected. UNICEF reports more than 1,500 grave human rights violations against children in 2015 alone, of which more than one-third occurred while children were in or on their way to school.[229] The proportion of children under 15 being recruited by armed groups increased from 20% in 2014 to more than 50% in 2015.

The economic impacts of the conflict are also enormous. In real terms, Syria's GDP contracted by an estimated 63% between 2011 and 2016. In cumulative terms, this amounted to an estimated US$226 billion between 2011 and 2016, or approximately four times the country's 2010 GDP.

PREVENTION OR REACTION? AN ECONOMIC ANALYSIS OF CURRENT CRISIS/CONFLICT INVESTMENTS

UN-WIDE INVESTMENTS

The key point to understand from the aforementioned figures is that the costs of UN and other international interventions in response to violent conflict and its consequences dwarf the international community's financial investments in prevention (especially primary and secondary prevention). Figure 3, showing the UN's 2018 spend on different types of country-focused interventions, seeks to illustrates this point. Although the exact figures should be treated with caution (in part because of overlap between different budget lines), the overall trend the graphic reveals is striking. In brief, the UN's financial investments (spend) in conflict response strategies, especially humanitarian interventions to assist refugees and IDPs, and

peacekeeping missions, far outstrip its investments in more conflict prevention-orientated interventions such as special political missions or 'preventative deployments.' Moreover, even the relatively small investments in these conflict prevention interventions are far greater that the resources devoted to early warning and early engagement (especially by the human rights pillar), or to the delivery of human rights technical assistance and capacity-building support, human rights education and training, the deployment of UN human rights advisers, support for policies to foster inclusion, the collection of human rights indicator data (for the measurement of national human rights change), and support for the establishment or strengthening of national mechanisms for implementation, reporting and follow-up (NMIRFs) and national human rights institutions (NHRIs).

HUMAN RIGHTS COUNCIL INVESTMENTS

As with the UN system as a whole, the Human Rights Council (supported by the High Commissioner for Human Rights) has consistently invested far more in actions premised on responding to serious situations of human rights violations (indeed, in most cases these situations have already developed into situations of gross and
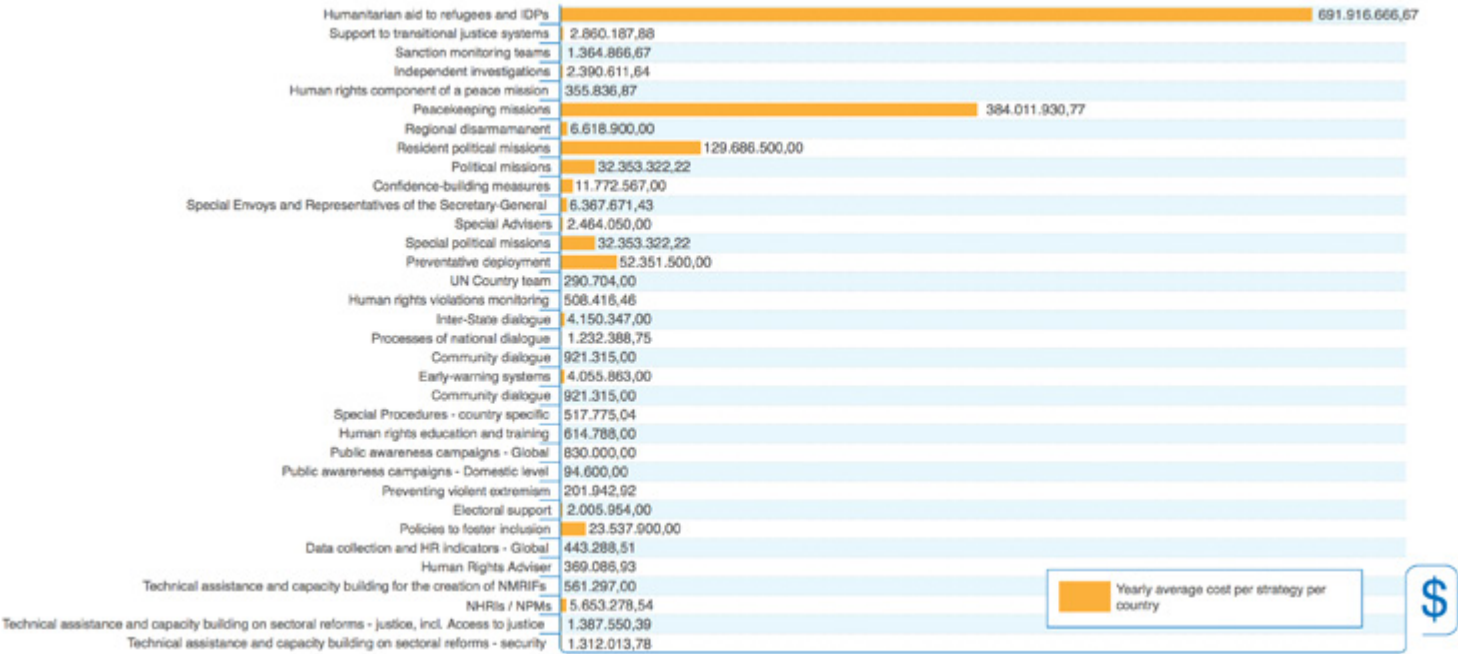
systematic violations, and violent conflict) - usually by monitoring/reporting on those situations and by gathering evidence for possible future accountability processes - than it has in country-specific or country-facing actions designed to build national human rights capacity and resilience (i.e. primary prevention).

According to URG's analysis (see figure 4), between 2006 and 2018 over 72% of the Council's financial investments in country-specific or country-facing actions were directed towards response or accountability measures (broadly speaking, actions mandated through resolutions adopted under items 2, 4 or 7 of the Council's agenda); with just 27% of investments directed towards the delivery of human rights technical assistance and capacity building support (broadly speaking, actions mandated through item 10 resolutions).[231] Moreover, even for those investments that were directed towards

building a State's resilience, in almost all cases (the exceptions are investments in Council trust funds that can be accessed by a range of developing countries) the mandated actions have aimed to rebuild human rights capacity in post-conflict settings. In other words, almost none of the Council's country-facing investments have been targeted towards primary or secondary prevention.

If we look at the mechanisms established under those resolutions between 2006-2018 (see figure 5), we see that a large majority - 82% - have been commissions of inquiry (or similar 'independent investigations,') or country-specific Special Rapporteurs. In other words, 84% of the country-specific or country-facing mechanisms established by the Council since 2006 have been premised on reacting to and reporting on situations of serious violations/conflicts. Only 18.4% have had an ostensibly capacity-building function (e.g.

FIGURE 3.

Average annual spend on/cost of different UN country-focused policies and programmes (2018)

Humanitarian aid to refugees and IDPs	691.916.666,67
Support to transitional justice systems	2.860.187,88
Sanction monitoring teams	1.364.866,67
Independent investigations	2.390.611,64
Human rights component of a peace mission	355.836,87
Peacekeeping missions	384.011.930,77
Regional disarmament	6.618.900,00
Resident political missions	129.686.500,00
Political missions	32.353.322,22
Confidence-building measures	11.772.567,00
Special Envoys and Representatives of the Secretary-General	6.367.671,43
Special Advisers	2.464.050,00
Special political missions	32.353.322,22
Preventative deployment	52.351.500,00
UN Country team	290.704,00
Human rights violations monitoring	508.416,46
Inter-State dialogue	4.150.347,00
Processes of national dialogue	1.232.388,75
Community dialogue	921.315,00
Early-warning systems	4.055.863,00
Community dialogue	921.315,00
Special Procedures - country specific	517.775,04
Human rights education and training	614.788,00
Public awareness campaigns - Global	830.000,00
Public awareness campaigns - Domestic level	94.600,00
Preventing violent extremism	201.942,92
Electoral support	2.005.954,00
Policies to foster inclusion	23.537.900,00
Data collection and HR indicators - Global	443.288,51
Human Rights Adviser	369.086,93
Technical assistance and capacity building for the creation of NMIRFs	561.297,00
NHRIs / NPMs	5.653.278,54
Technical assistance and capacity building on sectoral reforms - justice, incl. Access to justice	1.387.550,39
Technical assistance and capacity building on sectoral reforms - security	1.312.013,78

Yearly average cost per strategy per country

$

Calculations by the URG based on the UN's revised estimates (2006-2018). Note: for comprehensive information on data sources, timeframes, and methodology, please see endnote. [230]
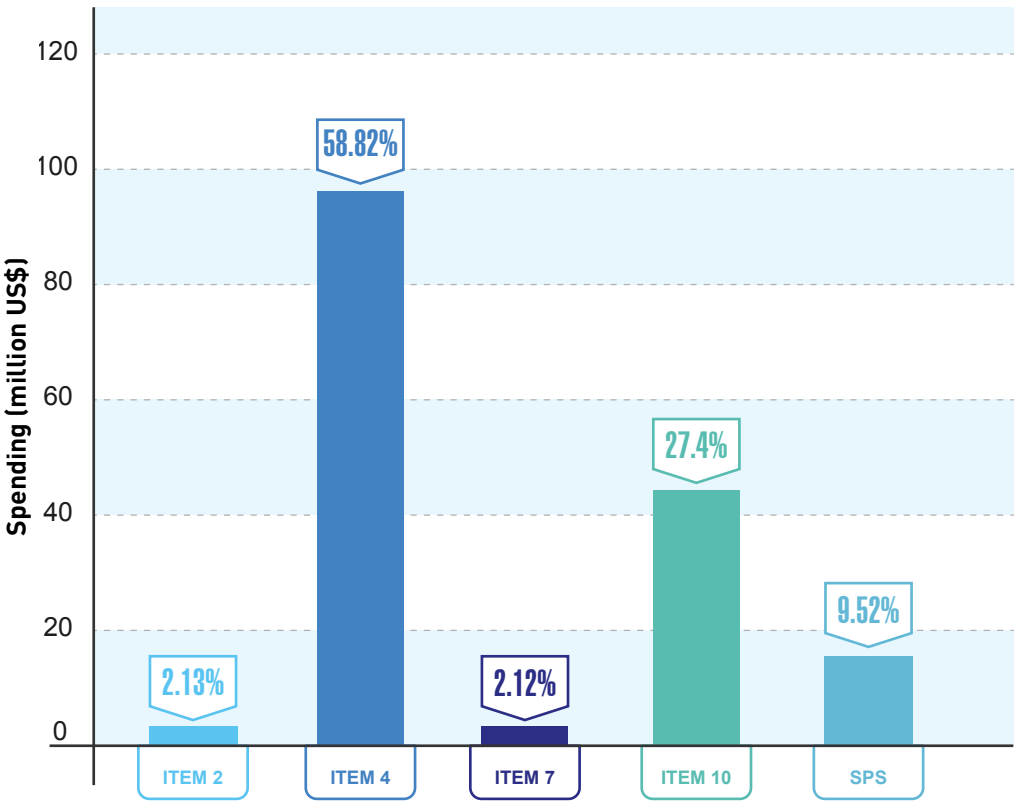
FIGURE 4.

Total 'cost' of resolutions adopted under each Council agenda item (based on the resolutions' associated 'programme budget implications' (PBIs)) as adjusted by the UN's revised estimates, (2006–2018)

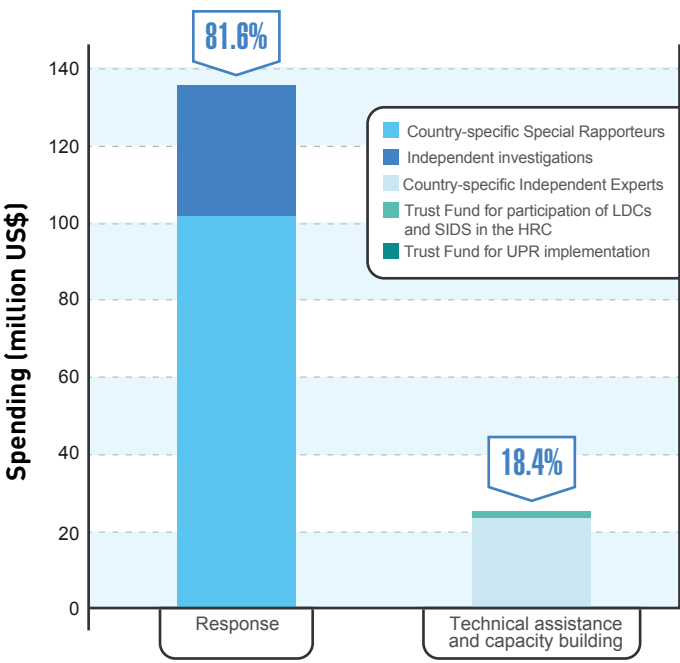| Item	%
ITEM 2	2.13%
ITEM 4	58.82%
ITEM 7	2.12%
ITEM 10	27.4%
SPS	9.52%

Calculations by the URG based on the Human Rights Council's revised estimates (2006-2018). Note: for comprehensive information on data sources, timeframes, and methodology, please see endnote. [232]

country-specific Independent Experts, the UPR implementation trust fund, and the trust fund for participation of LDCs and SIDS in the Council's work). As noted above, even these latter mechanisms, in the most part, have been designed to rebuild human rights capacity in post-conflict or post-disaster settings – not to prevent human rights violations from happening in the first place. Finally, it is important

to note that the function of country-specific Independent Experts (established under item 10) is principally to travel to the countries concerned to assess and report on their capacity gaps and needs – they do not have the mandate, power or resources to actually deliver human rights technical assistance and capacity-building support.

FIGURE 5.

Total 'costs' of Council mechanisms (based on the resolutions' associated 'programme budget implications' (PBIs) as adjusted by the UN's revised estimates,) (2006-2018)

Calculations by the URG based on the Human Rights Council's revised estimates (2006-2018). Note: for comprehensive information on data sources, timeframes, and methodology, please see endnote.[233]

THE BUSINESS CASE FOR PREVENTION

In 2018, the World Bank and UNDP published a ground-breaking new report on prevention, 'Pathways for Peace: inclusive approaches to preventing violent conflict.'[234] The report aimed to underscore the terrible human and economic costs of war, and to make the case that those costs, if left unchecked, would make it impossible to achieve the SDGs by 2030. With this in mind, the report argued that the international community must urgently refocus its attention and efforts on preventing violent conflict. As part of that argument, the report included a single box on 'The business case for prevention,' presenting a 'cost-benefit' economic analysis 'of an effective system for preventing violent conflict.'[235]

The economic analysis presented in 'Pathways for Peace' was based on a 2017 paper by Hannes Mueller: 'How much does prevention cost?' This sought to weigh the negative effects of war on economic growth, together with expenditures on post-conflict aid and peacekeeping, against the expected costs and efficacy of three scenarios for prevention (optimistic, neutral and pessimistic). The effects of prevention for each scenario are described in terms of the economic damages and loss of life avoided (prevented damage), cost savings in post-conflict reconstruction and peacekeeping (saved costs), and the costs of putting in place preventative initiatives (additional costs).

The 'Pathways for Peace' economic analysis reached a number of conclusions:[236]

- Prevention is economically beneficial under all scenarios. Even in the most pessimistic scenario, the average net savings are close to **US\$5 billion per year**. In the most optimistic scenario, the net savings are almost **US\$70 billion per year**.
- The bulk of savings accrue at the national level, where the direct costs of conflict in terms of casualties and lost economic growth are greatest.
- The lost growth from a year of conflict means that every subsequent year's economic growth starts from a lower base, so prevention leads to compounded savings over time.
- Prevention is also good for the international community. It generates major savings in post-conflict humanitarian assistance and peacekeeping interventions, which are much more expensive than preventive actions. In the most optimistic scenario, yearly savings for the international community (specifically, for the purposes of this analysis, the UN – in both UN regularly budgetary and extra-budgetary resources) could amount to **US\$1.5 billion per year**.

Notwithstanding the importance of 'Pathways for Peace,' it suffered from one major drawback: it focused its analyses and recommendations solely on the UN's security and development pillars, almost completely ignoring the human rights pillar. This had two important consequences.

First, calculations of the costs of conflict assume three basic national situations: peace, war and recovery. This ignores the truth that the transition from peace to war does not happen overnight but is rather the end point of the steady, long-term build-up of human rights violations (e.g. suppression of the free press, torture, disappearances, the targeting of minorities) and related socio-economic inequalities. It is therefore important in any cost-benefit analysis to 'cost in' the impacts of serious human rights violations on individuals, society and the economy. This shortcoming in-turn translates into an overly simplistic understanding of possible 'upstream' entry points for international prevention strategies.

Second, by ignoring the human rights pillar, the economic analysis misses crucial prevention options for the UN, especially at the stages of primary and secondary prevention. 'Pathways for Peace' assumes prevention interventions by the security pillar (e.g. peacekeeping), supplemented by interventions by the development pillar (e.g. UNDP support for the achievement of the SDGs). In the introduction, for example, the report recognises that it will look primarily 'at how development processes can better interact with diplomacy and mediation, security and other tools to prevent conflict from becoming violent.'[237] But what of interventions by the UN human rights system? As this report argues, the best and most cost-efficient way to prevent conflict is to build national resilience, and the best way to do that is to help States implement their international human rights obligations (including via international human rights capacity-building assistance). Moreover, where primary prevention fails, the best and most cost-efficient prevention strategy is not to wait and see whether conflict follows. It is rather to gather early warning information about emerging patterns of human rights violations that might signal a coming storm, to engage with the country and region concerned, and to dispatch good offices missions to avoid a further deterioration. Those interventions reflect, in essence, the mandate and prerogatives of the Human Rights Council - not the Security Council or ECOSOC.

FIGURE 6.

Political Terror Scale (PTS) levels

1	Countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional. Political murders are extremely rare.
2	There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.
3	There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted.
4	Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects those who interest themselves in politics or ideas.
5	Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.

Source: Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, Daniel Arnon, Attilio Pisanò, and Gray Barrett. (2019). The Political Terror Scale 1976-2018. Retrieved from the Political Terror Scale website: http://www.politicalterrorscale.org.

THE BUSINESS CASE FOR INTEGRATING HUMAN RIGHTS INTO THE UN'S PREVENTION AGENDA

With the above in mind, and for the purposes of preparing this policy report, URG worked with Professor Mueller to integrate human rights into his calculations of both costs and benefits. This new economic analysis runs on a similar model to that used in Mueller's 2017 paper and reflected in 'Pathways for Peace,' but this time including the costs of human rights violations, and the potential benefits of UN interventions that integrate preventative actions by the human rights system (specifically primary and secondary preventative actions).

ECONOMIC BENEFITS OF PREVENTING ESCALATING HUMAN RIGHTS CRISES

The primary aim of the URG-Mueller 'human rights-integrated' cost-benefit analysis is to understand the economic benefits to the State concerned and the international community (specifically the UN – covering both regular budgetary and extra-budgetary resources) of preventing the escalation of human rights crises (i.e. preventing patterns of human rights violations from increasing in scope and intensity) to the stage where they might be said to be characterised by 'gross and systematic human rights violations.'

To define this 'inflection point' the URG-Mueller analysis uses the Political Terror Scale (PTS – see figure 6).[238] Specifically, the analysis presumes the onset of 'gross and systematic violations' to be commensurate with a shift from level 3 of the PTS to levels 4 and 5.

The URG-Mueller analysis is based on the same basic formula as that used in Mueller's 2017 paper and the 'Pathways for Peace' report, namely:

Prevented damage + saved costs of unnecessary future interventions by the international community – costs of preventative strategies = net savings.

As noted above, the original economic analysis included in 'Pathways for Peace' based its 'prevented damage' assessments solely on the costs of violent conflict (war). Based on URG's thesis - that increasingly serious patterns of human rights violations are the 'smoke' signalling that a 'fire' (violent conflict) is coming, and that it is best and most cost-efficient to prevent those patterns of violations from escalating
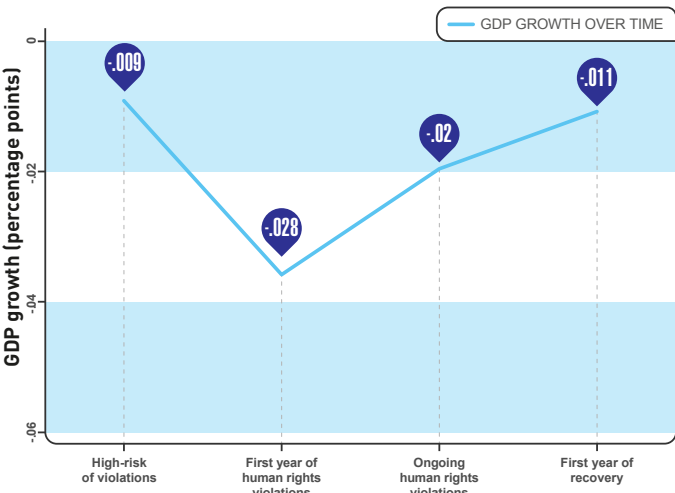
into gross and systematic violations and thence into war - the new URG-Mueller analysis seeks to identify the cost-benefits of preventing countries considered to be at high-risk of gross and systematic human rights violations from subsequently slipping into situations actually marked by such violations (i.e. from moving from level 3 of the PTS to levels 4 and 5). (It is important to note that such violations can take place before war breaks out, during violent conflict, or in the absence of war). It does so by measuring the impacts on economic growth (GDP) and the cost of 'lost lives'[239] caused by serious human rights violations such as extrajudicial killings and torture – using PTS data from the annual country reports of Amnesty International and the US State Department's Country Reports on Human Rights Practices (1975-2018).

The second key difference between the original 'Pathways for Peace' calculations and the new URG-Mueller 'human rights-integrated' cost-benefit analysis is the inclusion of preventative actions by the UN's human rights pillar. In other words, whereas the former analysis focused on prevention actions by the security pillar (e.g. peacekeeping) – supplemented by the actions of the development pillar (e.g. UNDP support for the achievement of the SDGs); the new analysis focuses on prevention actions by the development pillar (primary prevention) and the human rights pillar (primary and secondary prevention) - supplemented by secondary prevention interventions by the security pillar (e.g. the dispatch of political missions or special envoys). The assessment of the costs of these rights-based prevention actions is based on relevant spending by the Human Rights Council, OHCHR, UNDP, the Security Council and the GA.[240]

Taken together, these additions have allowed URG and Professor Mueller to complete a 'human rights-integrated' cost-benefit analysis.

FIGURE 7.

Impact of gross and systematic human rights violations on economic growth

Calculations by Hannes Mueller based on method similar to Mueller (2017)

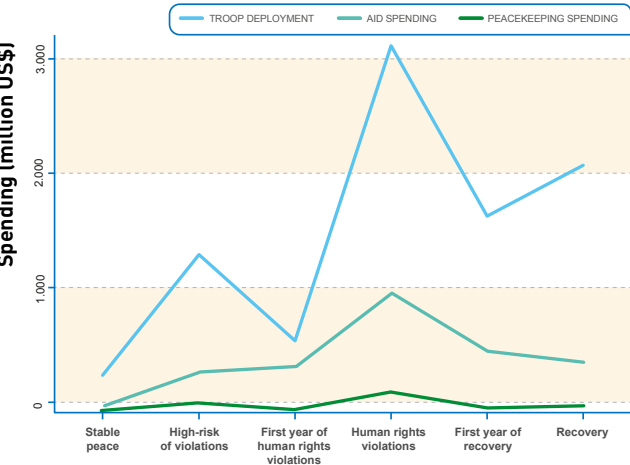## THE COSTS OF FAILING TO PREVENT GROSS AND SYSTEMATIC VIOLATIONS

Before presenting the overall results of that analysis, it is informative to look at the identified costs, to the State concerned and the international community, of failing to prevent the onset of gross and systematic human rights violations. This helps illustrate the potential economic benefits that would come with a strengthening of the Human Rights Council's 'early warning' and 'early engagement' capabilities.

Looking at the economic costs to States concerned, the URG-Mueller analysis shows that countries considered to be at high-risk of widespread human rights violations can expect, overall, to see a reduction in economic growth of around **one percentage point of GDP** (compared to 'normal,' i.e. at peace scenarios). Importantly from a prevention perspective, where that risk does subsequently translate into systematic violations of human rights, then during the first year of the crisis the drop in a country's GDP can increase to around **four percentage points of GDP** (see figure 7).

Turning to the average cost-savings to the international community of preventing countries at high-risk of gross and systematic human rights violations compared to the costs to the international community once those serious patterns have actually occurred, the URG-Mueller analysis found that the cost of the former scenario to be over **US\$1.65 billion per year**, while the later cost (i.e. once gross and systematic violations have begun) is much higher - around **US\$4 billion per year** (see figure 8).

FIGURE 8.

Economic costs of gross and systematic human rights violations to the international community

Calculations by Hannes Mueller based on method similar to Mueller (2017)

COST-BENEFIT ANALYSIS: THE RESULTS

The overall results of the URG-Mueller cost-benefit analysis, for three different 'prevention scenarios' (optimistic, neutral and pessimistic),[241] are presented in figure 9.

Key conclusions of the analysis include:

- Human rights-integrated prevention strategies (i.e. primary prevention actions by the UN human rights pillar in concert with the UN development pillar, and secondary prevention actions by the human rights pillar supplemented by actions of the security pillar) are economically beneficial under all scenarios. As figure 9 shows, in the most optimistic scenario, human rights-integrated preventative strategies provide net benefits (prevented damage for the State concerned and savings for the international community) of **US$4 billion per year**; in a neutral scenario, net savings will amount to **US$2.5 billion per year**.

- In a pessimistic scenario, human rights-based prevention strategies would entail an initial investment of US$75 million per year. However, because the benefits of prevention tend to increase overtime while its costs decrease, after seven years even the costliest and least efficient human rights-based strategies would provide net savings of around **US$1 billion per year** (see figure 10).

- Important savings accrue at the national level. In States that avoid systematic human rights violations, in a neutral scenario, human rights-integrated prevention strategies would deliver immediate savings of around **US$500 million**. Savings would increase to **US$1.5 billion in five years** and surpass **US$2 billion in ten years**. In a pessimistic scenario, these strategies would deliver benefits for the concerned States of around US$1 billion in seven years, (see figure 11).

- There are also significant savings for the international community (in the case of this analysis, meaning the UN). An international prevention agenda that takes into account human rights and has the human rights pillar at its heart would generate major savings in humanitarian assistance (mostly aid for refugees), troop deployment and peacekeeping interventions. In the most optimistic scenario, yearly savings for the international community could amount to almost **US$1 billion per year**. As figure 12 shows, after seven years the total savings for the international community would increase to **US$3 billion per year**.

- Even the costliest and least effective preventative strategies (i.e. pessimistic scenario) would deliver immediate savings to the international community of around US$2 million per year. These numbers would increase over time, reaching US$1 billion in five years and **US$1.8 billion in 15 years** (see figure 12).

FIGURE 9.

The business case for preventing gross and systematic human rights violations: net savings of human rights-integrated preventation strategies (in millions, US$)[242]
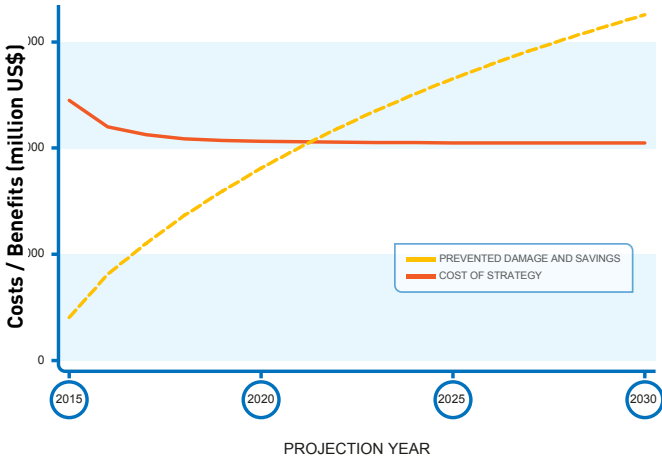
	OPTIMISTIC	NEUTRAL	PESSIMISTIC
PREVENTED DAMAGE	1.985	1.374	716
SAVED COSTS	2.249	1.602	860
ADDITIONAL COST	-235	-507	-1.651
NET SAVINGS PER YEAR	4.000	2.469	-75

Source: Human rights-based strategies, calculations by Hannes Mueller based on method similar to Mueller (2017)[243].
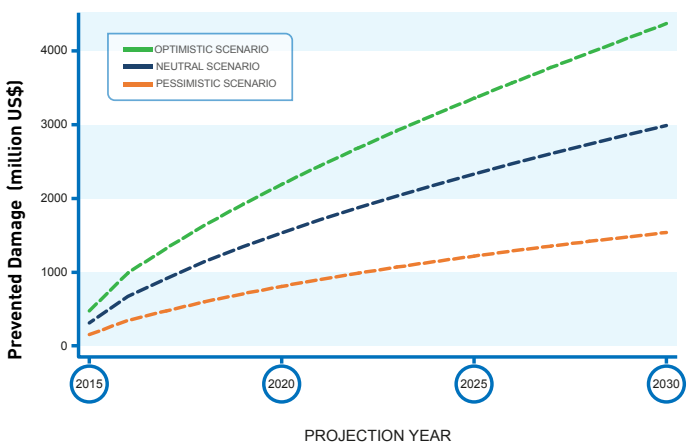
FIGURE 10.

Net economic benefits of human rights-integrated prevention strategies in a pessimistic scenario

Calculations by Hannes Mueller based on method similar to Mueller (2017)

FIGURE 11.

Net economic benefits of human rights-integrated prevention strategies: savings to the concerned States

Calculations by Hannes Mueller based on method similar to Mueller (2017)

WHAT ABOUT THE BENEFITS OF PREVENTING WAR?

The URG-Mueller analysis aims to understand the economic benefits, for the State concerned and the international community, of preventing (avoiding) the evolution of a human rights crisis from one characterised by worrying patterns of human rights violations to one characterised by gross and systematic violations. As the above results clearly show, those benefits are substantial and grow over time.
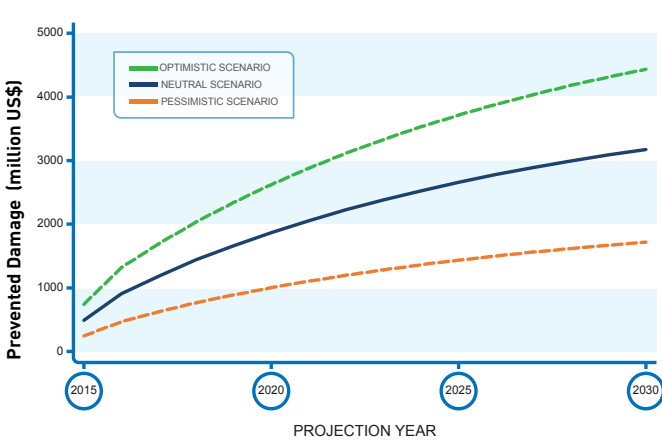
Notwithstanding, considering that the ultimate goal of any UN prevention strategy should be to 'save succeeding generations from the scourge of war,' when building a business case for placing human rights at the heart of prevention it is also important to understand the economic benefits (net savings) for the State concerned and the international community of a rights-integrated approach to preventing violent conflict.

The economic costs of war are far higher than the economic costs of serious human rights violations. GDP is directly affected by war-related damage (e.g. loss of infrastructure, decrease in working-age population, increase in national debt). Moreover, UN primary and secondary prevention interventions, led by the human rights and development pillars, are far less expensive than tertiary prevention (i.e. conflict prevention) interventions such as peacekeeping. That means the net savings for the international community (in our case, the UN) should be particularly high. But how high?

To estimate this figure, URG (not on this occasion with Professor Mueller) combined relevant data from the two cost-benefit analyses (the one presented in 'Pathways for Peace' and the one presented in this policy report) to complete the following calculation (using the same basic formula):

FIGURE 12.

Net economic benefits of human rights-integrated prevention strategies: savings to the international community

Calculations by Hannes Mueller based on method similar to Mueller (2017)

Prevented damage (the costs of conflict avoided) + saved costs of unnecessary future interventions by the international community (peacekeeping, humanitarian action) – costs of human rights-integrated preventative strategies (i.e. primary and secondary prevention) = net savings.

While this approach is not scientific (because it uses two different datasets compiled for somewhat different purposes), the results are remarkable. A UN prevention strategy that emphasises primary and secondary prevention, with the central and integrated involvement of the human rights and development pillars, would result in net annual savings (for both the State concerned and the international community – specifically the UN) of **US$8.5 billion** in a pessimistic scenario; over **US$35 billion** in a neutral scenario, and almost **US$71 billion** in an optimistic scenario (see figure 13).

Importantly, these net benefits are larger than those identified in the cost-benefit analysis presented in 'Pathways for Peace.' That is because human rights and development interventions (primary and secondary prevention) are cheaper and - because they happen 'upstream' - more cost-effective than 'downstream' interventions by the UN security pillar (i.e. tertiary prevention).

FIGURE 13.

The business case for preventing wars: net savings from human rights-integrated prevention strategies (in millions US$) [244]

	OPTIMISTIC	NEUTRAL	PESSIMISTIC
PREVENTED DAMAGE	68.736	34.251	9.377
SAVED COSTS	2.249	1.602	860
ADDITIONAL COST	-235	-507	-1.651
NET SAVINGS PER YEAR	70.751	35.346	8.586

Source: URG estimates based on: figures published in Mueller, Hannes. (2017). Op.Cit. and United Nations; World Bank. (2018). Op.Cit.; and on calculations by Hannes Mueller based on method similar to Mueller (2017).

V.

PLACING HUMAN RIGHTS AT THE HEART OF PREVENTION: A FIVE-POINT PLAN TO OPERATIONALISE THE COUNCIL'S PREVENTION MANDATE

Following on from the analysis presented in this policy report, it is clearly vital – for the improved functioning of the Human Rights Council and, by extension, for the prospects of finally transforming the UN's longstanding prevention ambitions from rhetoric to reality – to operationalise the Council's prevention mandate (as provided by paragraph 5f of GA resolution 60/251).

For that to happen, the report of the group of three eminent experts, due to be presented in March 2020, will need to first encourage and feed into a change in mindsets at the Council; then, on the basis of that change, to set out a clear, simple and practicable framework of proposals for the operationalisation of the 5f mandate – for subsequent implementation by States.

Regarding the change in mindset, States must be encouraged to abandon their traditional 'wait and see' or reactive approach to crises, and move to one that emphasises primary and secondary prevention (see figure 14). For that to happen, two crucial and inter-related steps will need to be taken.

First, it will be necessary to change the political-economic calculations that have traditionally seen sponsoring States (usually Western States) bring situations to the Council's attention only once they have become characterised by gross and systematic violations. Linked with this point, it will be necessary to convince the concerned State (and its allies), as well as relevant regional and sub-regional organisations, that it is in their interests to engage with the Council to prevent further violations, and that engagement under the Council's paragraph 5f mandate does not equate to punishment or public shaming.

Second, it will be necessary to build trust between States. For that to happen, States must be brought to a common understanding of what prevention means – and doesn't mean – for the Human Rights Council. In particular, as shown in figure 14, all States (as well as NGOs) must understand and agree that the Council's mandate under paragraph 5f of GA resolution 60/251 relates to pre-crisis and early-crisis situations, not to situations already marked by gross and systematic violations or by war. In other words, the Council's 5f mandate requires it (at the level of primary prevention) to work with all States (not only at-risk or fragile States) to build national resilience; and (at the level of secondary prevention) to constructively engage with those States marked by worrying patterns of human rights violations - to avoid such situations 'tipping' into serious crises or violent conflicts. The 5f mandate does not cover situations already marked by gross and systematic violations (by then it is already too late for the Council to talk about 'prevention') – such situations should continue to be addressed under item 4 of the Council's agenda. And nor does it cover conflict prevention or the prevention of atrocity crimes via humanitarian interventions (R2P) – matters that fall squarely and uniquely within the mandate and powers of the Security Council.

Bringing about such a change in mindset – from reaction to prevention – among States, UN experts and civil society, is a central goal of this policy report, including the economic analysis set out in the previous chapter. Put simply, the Council's mandate and the powers entrusted to it by the GA mean that it is, in principle, perfectly placed to play a critical role in preventing future crises and, ultimately, in preventing violent conflict and atrocity crimes. It is the Human Rights Council - not the Security Council or ECOSOC - that has the relevant mandate and powers to help States build national resilience (primary prevention); it is OHCHR that has the mandate and the expertise to rapidly review human rights field data and thereby spot patterns of violations that may point to emerging instability (secondary prevention); and it is the Human Rights Council that has the mandate and (in principle) the skill-set to engage with the concerned State and region, through cooperation and dialogue, to avert a deepening or widening of a crisis (secondary prevention). If one looks at its mandate and prerogatives, the Human Rights Council is, in short, the UN's Prevention Council. If it were to play this role to the full, it would bring untold benefits for its own effectiveness and impact, and for the effectiveness of the UN's overall prevention agenda. It would also allow the international community to re-orientate its financial or budgetary investments from firefighting to preventing conflagrations in the first place, with enormous positive consequences in terms of human lives, human dignity and human rights.

A FIVE-POINT PLAN FOR PRIMARY AND SECONDARY PREVENTION BY THE COUNCIL

To contribute to and benefit from any change in mindset, the group of three experts should propose – and member States of the Council should implement – five key steps to practically operationalise the Council's 5f mandate.
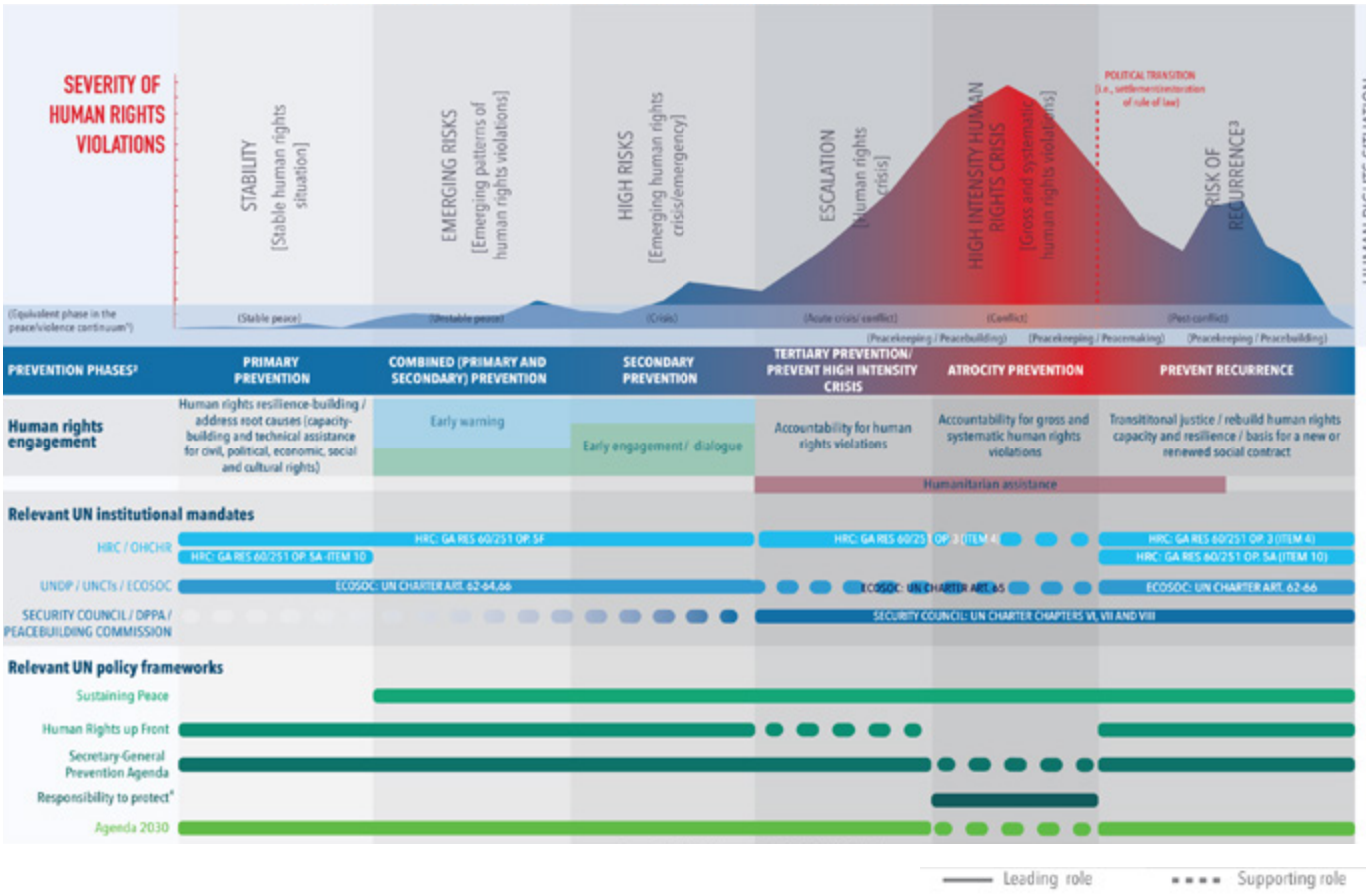
PRIMARY PREVENTION

Preventing violations from occurring in the first place means, in essence, working with all States, through cooperation and dialogue, to build national human rights capacity and resilience. As noted above, it is clear that the Council is – in principle – perfectly placed to play a central role in this area, both in its own regard but also in conjunction with the 2030 Agenda and the on-going reform of the UN's development system.

The key to fulfilling the Council's primary prevention role will be to better follow-up on and support the national implementation of

FIGURE 14.

The role of the UN in the prevention of human rights crises and violent conflicts

1. Terminology based on: Foster, F., and Hendrick, D. 2018. Integrating Human Rights and Sustaining Peace. New York: Quaker United Nations Office - QUNO.
2. Primary Prevention consists of identifying 'the typical root causes of serious human rights violations (e.g. absence of rule of law and good governance, restricted civil society space, the marginalisation of minority groups, a weak or cowed free press, low levels of education or awareness about human rights, politicised judiciaries, etc.) and to make targeted interventions to build domestic capacity and resilience across those areas'. Secondary prevention, refers to 'respond[ing] promptly to human rights emergencies' and crises. These concepts have been taken from: Universal Rights Group. 2017. Glion Human Rights Dialogue 2017, How to operationalize the Council's 'prevention' mandate: the effective implementation of paragraph 5f of GA Res. 60/251. Geneva: Universal Rights Group. The term 'Tertiary Prevention', refers to preventing the escalation and worsening of already existing crises.
3. Most States face a period of 're-surging' violence during post-conflict. For further information see: United Nations; World Bank. 2018. Pathways for Peace : Inclusive Approaches to Preventing Violent Conflict. Washington, DC: World Bank. © World Bank. https://openknowledge.worldbank.org/handle/10986/28337 License: CC BY 3.0 IGO.
4. This graphic shows only the third pillar of the responsibility to protect: 'If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.' Global Centre of the Responsibility to Protect. 2019. About R2P. Available at: http://www.globalr2p.org/about_r2p

States' international human rights obligations and commitments. In addition to a greater focus on the global human rights 'implementation agenda' (i.e. how to promote the domestic implementation, by States, of the recommendations they receive from the Treaty Bodies, UPR and Special Procedures, and to link those efforts to complementary national strategies to implement the 2030 Agenda), this will require fresh thinking about how to create a 'safe space' for cooperation and dialogue under item 10 of the Council's agenda (on technical assistance and capacity-building).

Within such a space, States should be encouraged to voluntarily provide information on progress with the implementation of UN human rights recommendations, identify implementation- or resilience-gaps, and then request (and have a chance of receiving) technical assistance and capacity-building support (from UN agencies and programmes, and bilateral donors) to help address those vulnerabilities. In line with GA resolution 60/251, this process must take place at the request of, and in cooperation with, the country concerned. With this in mind, it is proposed that States:

1. Establish a new **'voluntary annual platform for human rights dialogue, capacity-building and resilience,'** under item 10 of the Council's agenda.

SECONDARY PREVENTION

Regarding early warning and early engagement, the group of eminent experts should propose – and Council members put in place - new processes and mechanisms premised on identifying and responding promptly to emerging patterns of violations, on encouraging cooperation and dialogue with the concerned State as well as regional (and sub-regional) organisation(s), and on securing and building trust to prevent a worsening of the situation. Existing Council mechanisms and processes such as the UPR, Special Procedures, Special Sessions, and COIs simply cannot fulfil this crucial secondary prevention function.

In particular, the following four steps will be crucial if the UN human rights pillar is to effectively fulfil its secondary prevention mandate:

2. OHCHR must urgently strengthen its capacity to receive, manage and rapidly analyse early warning data from across the UN system (including Resident Coordinators, Country Teams, Human Rights Advisors, and Special Procedures), as well as from national actors including NHRIs, human rights defenders and NGOs. This would mean building a powerful **early warning unit** (a kind of 'UN situations room') staffed by senior human rights analysts. This new early warning

function would have a single, simple, yet vital responsibility: namely, the early identification of emerging patterns of human rights violations that may signal a coming crisis.

3. Where such patterns are identified, the High Commissioner must have a **clear and explicit mandate** to bring those situations to the urgent attention of Council members via **confidential briefings**. Such briefings might also include reports from other relevant actors including regional or sub-regional organisations, UN Resident Coordinators, NHRIs, and human rights defenders. Council members would then need to decide whether or not the situation merits their attention, and whether they could usefully contribute to preventing a widening or deepening of the crisis. In making those determinations, they might be guided by objective criteria (i.e. the 'Irish Principles.') Moreover, in addition to bringing confidential information on emerging crises to the attention of the Council, the High Commissioner would also be in a position to feed that information into relevant internal UN processes such as the regional monthly reviews (RMRs).

4. Where States conclude that they could help, the Council should convene **'confidential dialogues for cooperation and prevention'** with the concerned country as well as with relevant regional and/or sub-regional organisations. This space would be designed to allow members to engage in a meaningful dialogue with the State (and region) concerned, to understand the situation, to remind the State of its international obligations and commitments, to provide counsel (where appropriate), and to use preventative diplomacy to secure a shift in the situation's trajectory. 'Confidential dialogues with the State and region concerned would also allow the Council to determine if and how it should take further steps, in line with its 5f mandate, to prevent further violations and/or the escalation of the crisis (see point 5 below).

5. With the consent of the concerned State, and in dialogue with relevant regional and/or sub-regional organisations, the Council may decide to create and dispatch a '**good offices mission**' to the country (e.g. made up, for example, of members of the Council Bureau, the High Commissioner, or eminent persons from the region), to engage all relevant national stakeholders (the government, the police, the army, opposition parties, NHRIs, national and local NGOs, journalists), facilitate national dialogue, build trust, and leverage preventative diplomacy (directly with key domestic actors). Such missions would not necessarily have to conclude with a formal written (public) report to the Council or a press release (which tend to undermine trust and preclude further cooperation).

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein (centre) on a visit to the Democratic Republic of Congo, July 2016.

Two final considerations relating to the above five-point plan.

The first is that steps to operationalise the Council's mandate under paragraph 5f of GA resolution 60/251 should not - must not - be understood as replacing Council action (usually under item 4 of its agenda) to implement paragraph 3 of GA resolution 60/251 (i.e. address situations of serious violations to secure accountability, remedy and redress). If primary and secondary prevention actions by the Council fail to halt the deepening or widening of a human rights crisis, especially in cases where the concerned State has refused to cooperate with the UN in a meaningful way, then Council action under item 4 remains an option. Indeed, it could be argued that if the Council has tried to reach out to a given State (under its prevention mandate) and the concerned State has rejected that overture, then it would actually strengthen the case for bringing that situation onto the Council's agenda under item 4, and would also increase the likelihood of other member States voting in favour of any subsequent resolution.

Second, although paragraph 4b of Council resolution 38/18 does, in line with the arguments presented in this policy report, call on the group of three experts to 'give due consideration,' when compiling their report, 'to how the Human Rights Council can work effectively with all pillars of the UN system on the prevention of human rights

violations, with a view to strengthening system-wide coherence and contributing to sustaining peace and the implementation of the Sustainable Development Goals;' this does not mean that the group needs to present proposals to 'connect' the Council with the Security Council in cases where gross and systematic human rights violations may have been committed. This would be both unnecessary and unwise. Unnecessary because the Council can already make assertions about the commission of gross and system violations, and can already call upon (in vague terms) or otherwise encourage the Security Council to take action accordingly (as it did in the case of Libya, and has repeatedly tried to do in the case of Syria, for example). And unwise because any effort to do so, or otherwise associate the Council's 5f mandate with the notion of humanitarian intervention by the Security Council, would fatally undermine efforts to operationalise that mandate in a meaningful way (i.e. in a manner that all States might, in principle, accept). Likewise, when they come to consider any draft resolution responding to the eminent expert's report, members of the Council would also be well-advised to focus on strengthening the Council's own operation in the context of primary and secondary prevention, rather than straying into debates on the body's relationship with other parts of the UN – debates that are peripheral to the main objectives of the initiative, yet retain the potential to derail it.

ENDNOTES

1   Calculations by Hannes Mueller based on method similar to the one described in: Mueller, Hannes. (2017). How Much Is Prevention Worth? Background Paper for Pathways to Peace. World Bank. Washington, DC. Available at: https://openknowledge.worldbank.org/handle/10986/29380 License: CC BY-NC-ND 3.0 IGO.

2   United Nations, Secretary-General Kofi Annan. (1999). Report of the Secretary-General on the work of the Organization. UN Symbol A/54/1.

3   Ibid

4   Prevention. (2019). In Oxford Online Dictionary. Available at: https://en.oxforddictionaries.com

5   Wallensteen, Peter and Möller, Frida. (2003). Conflict Prevention: Methodology for Knowing the Unknown. Uppsala Peace Research Papers No. 7. Department of Peace and Conflict Research, Uppsala University. Sweden. Available at: https://www.pcr.uu.se/digitalAssets/667/c_667482-l_1-k_prevention___knowing_the_unknown.pdf

6   It is often pointed out that 'conflict' in and by itself is not necessarily negative - only when violence becomes the chosen approach to resolving it does it become so. However, reference to thirty years' worth of UN reports on prevention show that, in this policy sphere at least, when the term 'conflict' is used, it invariably refers to violent conflict (i.e. war).

7   United Nations, General Assembly. 12 October 2017. Report of the Special Rapporteur on the promotion of truth,
justice, reparation and guarantees of non-recurrence, Pablo de Greif. Available at https://undocs.org/A/72/523

8   Ibid.

9   United Nations, Office of the High Commissioner for Human Rights. (2016). The Role of Prevention in the Promotion and Protection of Human Rights. UN Symbol: A/HRC/30/20, paras. 9-10.

10   World Health Organisation. (s.d.) EPHO5: Disease prevention, including early detection of illness. Available at: http://www.euro.who.int/en/health-topics/Health-systems/public-health-services/policy/the-10-essential-public-health-operations/epho5-disease-prevention,-including-early-detection-of-illness2

11   United Nations. (24 October 1945). Charter of the United Nations, 1 UNTS XVI, available at: https://www.un.org/en/charter-united-nations/

12   United Nations, General Assembly. (11 December 1946). Resolution 95(1). Affirmation of the Principles of International Law
recognized by the Charter of the Nürnberg Tribunal General Assembly. Available at: www.worldlii.org/int/other/UNGA/1946/66.pdf

13   Crimes against humanity were not initially included. As William A. Schabas explains, 'Crimes against humanity were also recognised in a treaty, the Charter of the International Military Tribunal, but one that was necessary of limited scope and whose effective application concluded when the judgment

of the first Nuremberg trial was issued. The only other obligations with regard to crimes against humanity at the time existed by virtue of customary international law.' Read: Schabas, William A. (1948). Introductory note to the Convention on the Prevention and Punishment of the Crime of Genocide. United Nations. Paris. Available at: http://legal.un.org/avl/ha/cppcg/cppcg.html

14   United Nations. (9 December 1948). Convention on the Prevention and Punishment of the Crime of Genocide. Available at:
https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

15   United Nations. (10 December 1984). Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx

16   United Nations. (18 December 2002). Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx

17   Ibid.

18   Ibid.

19   World Health Organisation. (s.d.) Op.Cit.

20   Ibid.

21   Ibid.

22   Ibid.

23   Ibid.

24   United Nations, Office for Distaster Risk Reduction. (2004). Living with Risk: A Global Review of Disaster Reduction Initiatives, United Nations International Strategy for Disaster Reduction. Geneva. Available at: https://www.unisdr.org/we/inform/publications/657

25   United Nations Office for Distaster Risk Reduction. (2005). Hyogo Framework for Action (HFA). Building the resilience of nations and communities to disasters. Available at: https://www.unisdr.org/we/coordinate/hfa

26   United Nations Office for Distaster Risk Reduction. (2015). Sendai Framework for Disaster Risk Reduction 2015-2030. Available at: https://www.wcdrr.org/preparatory/prepcom3

27   United Nations, Security Council. (31 January 1992). Report of the 3046th meeting of the Security Council. Available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20S%2023500.pdf

28   Ibid.

29   Ibid.

30   United Nations, Secretary General Boutros-Ghali, Boutros. (1992). An agenda for peace: Preventive diplomacy, peacemaking, and peace-keeping:

report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 January 1992. United Nations. New York. Available at: https://www.un.org/ruleoflaw/blog/document/an-agenda-for-peace-preventive-diplomacy-peacemaking-and-peace-keeping-report-of-the-secretary-general/

31   Ibid. Para. 11.

32   Ibid.

33   United Nations, Secretary-General Kofi Annan. (9 September 1999). Op.Cit.

34   Ibid.

35   Ibid.

36   Ibid.

37   Ibid.

38   Ibid.

39   Ibid.

40   Ibid.

41   Ibid.

42   Ibid.

43   Ibid.

44   Ibid.

45   Ibid.

46   Ibid.

47   Ibid.

48   Ibid.

49   Ibid.

50   Ibid.

51   United Nations, Secretary General Kofi Annan. (2000). We the Peoples - The Role of the United Nations in the 21st Century". Available at: https://www.un.org/en/events/pastevents/we_the_peoples.shtml

52   Ibid.

53   Ibid.

54   Ibid.

55   Ibid.

56   United Nations, General Assembly, Security Council. (21 August 2000). Identical letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council. UN symbol: A/55/305–S/2000/809

57   Ibid.

58   Ibid.

59   United Nations, Security Council. (20 July 2000). Statement by the President of the Security Council. UN Symbol: S/PRST/2000/25

60   United Nations Secretary-General Kofi Annan. (7 June 2001). Prevention of armed conflict, report by the Secretary-General. UN symbol: A/55/985–S/2001/574

61   Ibid.

62   Ibid.

63   Ibid.

64   Ibid.

65   United Nations, Secretary-General Kofi Annan. (21 March 2005). In larger freedom: towards development, security and human rights for all. UN Symbol A/59/2005. Available at: https://www.refworld.org/docid/4a54bbfa0.html

66   Ibid.

67   Ibid.

68   Ibid.

69   Ibid.

70   Ibid.

71   Ibid.

72   Ibid.

73   United Nations, General Assembly. (18 September 2000). United Nations Millennium Declaration, Resolution Adopted by the General Assembly, A/RES/55/2. Available at: https://www.refworld.org/docid/3b00f4ea3.html

74   Ibid.

75   Ibid.

76   Ibid.

77   Ibid.

78   Ibid.

79   Ibid.

80   International Commission on Intervention and State Sovereignty. (2001). The Responsibility to Protect. Available at: http://responsibilitytoprotect.org/ICISS%20Report.pdf

81   Ibid.

82   United Nations, General Assembly. (16 September 2005). Resolution 60/1, 2005 World Summit Outcome. UN Symbol A/RES/60/1. Available at:
https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

83   United Nations, Secretary-General Ban Ki-Moon. (12 January 2009). Implementing the responsibility to protect: report of the Secretary-General. UN symbol: A/63/677, available at: https://www.refworld.org/docid/4989924d2.html

84   United Nations, Human Rights Council. (25 February 2011). Resolution S 15/1 Situation of human rights in the Libyan Arab Jamahiriya. UN Symbol: A/HRC/RES/S-15/1

85   Ibid.

86   Ibid.

87   United Nations, Security Council. (26 February 2011). Resolution 1970 (2011), Imposes an arms embargo, a travel ban and an assets freeze in connection with the situation in the Libyan Arab Jamahiriya. UN symbol: S/RES/1970 (2011)

88   Ibid.

89   United Nations Security Council. (17 March 2011). Resolution 1973 (2011) on the situation in the Libyan Arab Jamahiriya. UN Symbol: S/RES/1973(2011).

90   Ibid.

91   Ibid.

92   Ibid.

93   United Nations, General Assembly. (16 September 2005). Op.Cit.

94   United Nations, Secretary General Kofi Annan. (2000). Op.Cit.

95   Ibid.

96   United Nations. (2015). Human Rights up Front: An Overview. Available at: https://interagencystandingcommittee.org/ system/files/overview_of_human_rights_up_front_july_2015.pdf.

97   United Nations. 14 November 2012. Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf

98   Damplo, Danica and Saad, Rogrigo. (October 2019). Policy or aspiration: Shedding light on the current status of the UN's Human Rights Up Front initiative. Universal Rights Group. New York. Available at: https://www.universal-rights.org/nyc/urg-policy-reports/policy-or-aspiration-shedding-light-on-the-current-status-of-the-uns-human-rights-up-front-initiative/

99   Guterres, António. (4 April 2016). Challenges and Opportunities for the United Nations, "We the peoples". Available at: https://www.antonioguterres.gov.pt/vision-statement/

100   Ibid.

101   Ibid.

102   Ibid.

103   Ibid.

104   Ibid.

105   Ibid.

106   Ibid.

107   Guterres, António. (10 January 2017). Remarks to the Security Council Open Debate on "Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace". Available at: https://www.un.org/sg/en/content/sg/speeches/2017-01-10/secretary-generals-remarks-maintenance-international-peace-and

108   Ibid.

109   Ibid.

110   Ibid.

111   United Nations, Secretary-General António Guterres. (2018). The vision of the Secretary-General on prevention. Available at: https://www.un.int/sites/www.un.int/files/Permanent%20Missions/delegate/attachment_the_vision_of_the_sg_on_prevention.pdf

112   Ibid.

113   Ibid.

114   Ibid.

115   Ibid.

116   Ibid.

117   Ibid.

118   Ibid.

119   United Nations, Secretary-General António Guterres. (30 May 2019). Peacebuilding and sustaining peace: Report of the Secretary-General. UN Symbol: A/73/890–S/2019/448.

120   https://reform.un.org/content/peace-and-security-reform

121   Friberg, Erik. (2017). Op. Cit.

122   United Nations, Independent Panel on Peace Operations. (16 June 2015). UN high-level report on the Independent Panel on Peace Operations: Uniting out strengths for peace, politics, partnerships and people. Available at: https://issuu.com/uniccanberra/docs/un_high-level_report_of_the_indepen

123   Ibid.

124   United Nations, General Assembly. (12 May 2016). Resolution 70/262, Review of the United Nations peacebuilding architecture. UN Symbol: A/RES/70/262; and United Nations, Security Council. (27 April 2016). Resolution 2282 (2016), Review of the United Nations peacebuilding architecture. UN Symbol: S/RES/2282(2016).

125   Ibid.

126   Ibid.

127   Ibid.

128   Ibid.

129   United Nations, Secretary-General António Guterres. (18 January 2018). Peacebuilding and sustaining peace, report of the Secretary-General. UN Symbol A/72/707- S/2018/43.

130   Ibid.

131   Ibid.

132   Ibid.

133   Ibid.

134   Ibid.

135   Ibid.

136   United Nations, Secretary-General António Guterres. (30 May 2019). Peacebuilding and sustaining peace, report of the Secretary-General. UN Symbol A/73/890–S/2019/448 https://reliefweb.int/sites/reliefweb.int/files/resources/S_2019_448_E.pdf

137   Ibid.

138   Ibid.

139   Ibid.

140   Ibid.

141   Ibid.

142   Ibid.

143   Ibid.

144   United Nations, Human Rights Council. (18 June 2007). Resolution 5/1 Institution-building of the United Nations Human Rights Council. Un Symbol: A/HRC/RES/5/1.

145   United Nations, General Assembly. (3 April 2006). Resolution 60/251, Human Rights Council. UN Symbol: A/RES/60/251

146   Ibid.

147   Ibid. Read: Chapter V 'Agenda and Framework for the Programme of Work,' section A. 'Principles.'

148   Universal Rights Group. (2018). Human Rights Council strengthening conference, 1 December 2017. Universal Rights Group. Geneva. Available at: https://www.universal-rights.org/urg-policy-reports/human-rights-council-strengthening-conference/

149   Cross-regional Regional Statement delivered by the Maldives on behalf Austria, Botswana, Chile, Costa Rica, Côte d´Ivoire, France, Honduras, Maldives, Mauritius, Norway, Palestine, Peru, Slovenia, Somalia, Switzerland, Ukraine, the United Kingdom and Uruguay. Joint Statement of 2 July 2012. Available at: https://www.universal-rights.org/wp-content/uploads/2016/12/Maldives-Cross-Regional-Statement-1.pdf

150   Joint Statement delivered by Austria, Belgium, Botswana, Canada, Chile, Croatia, Czech Republic, Denmark, Iceland, Ireland, Finland, France, Ghana, Hungary, Liechtenstein, Lithuania, Mexico, Netherlands, New Zealand, Norway, Republic of Korea, Romania, Rwanda, Slovakia, Slovenia, Spain, St Kitts and Nevis, Sweden, Switzerland, Ukraine, United Kingdom and Uruguay. Concluding statement of 1 July 2016. Available at: https://www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrightsviolations-jointconcludingstatement/

151   Universal Rights Group. (2016). Glion Human Rights Dialogue III – Human rights implemenetation, compliance and prevention. Geneva. Available at: https://www.universal-rights.org/urg-policy-reports/glion-human-rights-dialogue-2016/

152   Ibid.

153   Ibid.

154   Ibid.

155   Ibid.

156   Universal Rights Group. (2017). Glion Human Rights Dialogue IV - Operationalising the Council's prevention mandate. Geneva. Available at: https://www.universal-rights.org/urg-policy-reports/operationalizing-councils-prevention-mandate-glion-iv/

157   Ibid.

158   Ibid.

159   United Nations, General Assembly. (3 April 2006). Op.Cit.

160   Universal Rights Group. (2017). Op.Cit.

161   Ibid.

162   Ibid.

163   Ibid.

164   Limon, Marc; Bebe, Olivia and Mosselmans, Isabella (25 January 2017). Eliminating 'selectivity' at the Council as a contribution to effective prevention: the practical application of the 'Irish Principles'. Universal Rights Group. Geneva. Available at: https://www.universal-rights.org/blog/eliminating-selectivity-council-contribution-effective-prevention/

165   Guterres, António. (18 April 2017). Remarks at Security Council meeting on the subject of 'Maintenance of International Peace and Security: Human Rights and the Prevention of Armed Conflict. Available at: https://www.un.org/sg/en/content/sg/speeches/2017-04-18/secretary-generals-prevention-armed-conflict-remarks

166   Universal Rights Group. (2017). Op.Cit.

167   Ibid.

168   Joint Statement on Council's 'prevention' mandate delivered by Norway on behalf of Switzerland, USA, Canada, Germany, Finland, Portugal, Australia, New Zealand, Lichtenstein, Cyprus, Italy, Luxembourg, Netherlands, Denmark, Ireland, United Kingdom, Spain, Austria, Sweden, Hungary, Malta, Bulgaria, Croatia, Belgium, Iceland, Czech Republic, Slovakia, Slovenia, Albania, Georgia, Estonia, Lithuania, Latvia, Romania, Montenegro, Poland, Serbia, Guatemala, Colombia, Haiti, Paraguay, Panama, Costa Rica, Chile, Uruguay, Sierra Leone, Ghana, Togo, Benin, Burkina Faso, Thailand, Andorra, Fiji, Japan, Mexico, France, Ukraine, Israel, Zambia, Rep of Korea, Honduras, Greece, Bosnia & Herzegovina, Timor-Leste, Mozambique, Cote d'Ivoire, Rwanda, Indonesia. Joint statement delivered on 12 September 2017. https://www.norway.no/en/missions/wto-un/nig/statements/hr/hrc/hrc36/joint-statement-on-councils-prevention-mandate/

169   Ibid.

170   Ibid.

171   Ibid.

172   Guterres, António. (26 February 2018). Remarks to Human Rights Council. Available at: https://www.un.org/sg/en/content/sg/speeches/2018-02-26/remarks-human-rights-council

173   Ibid.

174   Ibid.

175   Joint Statement on Council's 'prevention' mandate delivered by

Sierra Leone On behalf of Afghanistan, Albania, Argentina, Australia, Austria, Bahamas, Belgium, Benin, , Bosnia-Herzegovina (with Norway), Bulgaria, Burkina Faso, Canada, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, FYR of Macedonia, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Niger, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, State of Palestine, Sweden, Switzerland, Togo, Tunisia, United Kingdom, United States of America, Uruguay, Zambia. Joint statement delivered on 22 March 2018. Available at: https://www.norway.no/en/missions/wto-un/nig/statements/hr/hrc/37thsession/item-10/joint-statement-on-councils-prevention-mandate/

176   Ibid.

177   Ibid.

178   Ibid.

179   See: United Nations, Human Rights Council. Resolutions 14/05 of 2010, 18/13 of 2011, 24/16 of 2013, 33/6 of 2016 and 42/6 of 2019.

180   United Nations, Human Rights Council. Resolutions. (3 October 2019). Resolution 42/6, The role of prevention in the promotion and protection of human rights. UN Symbol: A/HRC/RES/42/6.

181   Ibid.

182   United Nations, Human Rights Council. (4 July 2018). Resolution 38/18, The contribution of the Human Rights Council to the prevention of human rights violations. UN Symbol: A/HRC/38/L.19/Rev.1.

183   United Nations, General Assembly. (7 January 1994). Resolution 48/141. High Commissioner for the promotion and protection of all human rights. UN Symbol: A/RES/48/141.

184   United Nations, Human Rights Council. (4 July 2018). Op.Cit.

185   Ibid.

186   Ibid.

187   Ibid.

188   Ibid.

189   Ibid.

190   Burundi, China, Cuba, Egypt, Kyrgyzstan, Saudi Arabia, South Africa, United Arab Emirates, Venezuela voted against.

191   United Nations, Human Rights Council. (4 July 2018). Op.Cit.

192   United Nations. Economic and Social Council, Commission on Human Rights. 28 December 1999. Report of the United Nations High Commissioner for Human Rights Mary Robinson. UN symbol: E/CN.4/2000/12, para 50. para 82

193   Ramcharan, Bertrand. (2010). Preventive human rights strategies. Routledge. London.

194   Friberg, Erik. (2017). Op. Cit.

195   Bachelet, Michelle. (10 September 2018). Opening Statement by UN High Commissioner for Human Rights Michelle Bachelet delivered during the 39th session of the Human Rights Council. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E

196   Ibid.

197   Ibid.

198   Bachelet, Michelle. (26 September 2018). Statement by UN High Commissioner for Human Rights, The UDHR: A prevention tool to achieve peace and sustainable development (High level side event). Available at: https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23640&LangID=E

199   Ibid.

200   Ibid.

201   Bachelet, Michelle. (15 October 2018.) Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programmed of Action". Available at: https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23724&LangID=E

202   Ibid.

203   Bachelet, Michelle. (15 October 2019). Statement by the UN High Commissioner for Human Rights Michelle Bachelet at the Third Committee of the UN General Assembly in New York. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25149&LangID=E

204   Ibid.

205   Ibid.

206   Bachelet, Michelle. 6 May 2019. Cameroon: Clear 'window of opportunity' to solve crises rooted in violence. Available at: https://news.un.org/en/story/2019/05/1037991

207   United Nations, Secretary General Kofi Annan. (1999). Op.Cit.

208   Ibid.

209   Ibid.

210   Crawford, N.C. (2016) "US Budgetary Costs of War through 2016". Costs of War Working Paper. Watson Institute for International Studies, Borwn University, Providence R.I., Referenced by: United Nations; World Bank. (2018). Pathways for Peace : Inclusive Approaches to Preventing Violent Conflict. Washington, DC: World Bank. © World Bank. https://openknowledge.worldbank.org/handle/10986/28337 License: CC BY 3.0 IGO."

211   United Nations; World Bank. (2018). Op.Cit.

212   Ibid. pg. 24

213   Hobsbawn, Eric. (23 February 2002). War and Peace. The Guardian. London. Available at: https://www.theguardian.com/education/2002/feb/23/artsandhumanities.highereducation

214   Project Ploughshares. (2002). Armed Conflicts Report. Sierra Leone (1991-first combat deaths). Available at: https://www.justice.gov/sites/default/files/eoir/legacy/2014/02/25/Sierra_Leone.pdf

215   Caritas. (2010.) Six million death in Congo's war. Available at: https://www.caritas.org/2010/02/six-million-dead-in-congos-war/

216   Roberts, Adam. (June-July 2010). Lives and statistics: Are 90% of war victims civilians? (non-printable version. Available at: https://weblearn.ox.ac.uk/access/content/user/1044/Survival_Jun-Jul_2010_-_AR_on_lives___statistics_-_non-printable.pdf

217   Mazzucelli, Colette. (6 August 2019). Issues Surrounding Mass Migration. Available at: https://storymaps.arcgis.com/stories/2f0f9d5c42ba42cfa032b18f7ec25e3b

218   Institute for Economics and Peace. (2016). The economic value of peace. Available at: http://economicsandpeace.org/wp-content/uploads/2016/12/The-Economic-Value-of-Peace-2016-WEB.pdf

219   United Nations; World Bank. (2018). Op.Cit.

220   Mueller, Hannes and Tobias, Julia. (2016). The cost of violence: Estimating the economic impact of conflict. IGC Growth Brief Series 007. London: International Growth Centre. Available at: https://www.theigc.org/wp-content/uploads/2016/12/IGCJ5023_Economic_Cost_of_Conflict_Brief_2211_v7_WEB.pdf

221   United Nations; World Bank. (2018). Op.Cit.

222   United Nations Office for the Coordination of Humanitarian Affairs. (21 June 2017). Humanitarian Appeal 2017 climbs to $23.5 billion as record 141 million people need assistance. Available at: https://www.unocha.org/story/humanitarian-appeal-2017-climbs-235-billion-record-141-million-people-need-assistance

223   United Nations; World Bank. (2018). Op.Cit. pg. 35

224   Ibid.

225   Ibid.

226   Ibid.

227   Institute for Economics and Peace. (2016). Op.Cit.

228   United Nations; World Bank. (2018). Op.Cit.

229   UNICEF. (2015). The impact of Five Years of War on Syria's Children and Their Childhoods. New York: UNICEF. referenced in United Nations; World Bank. (2018). Op.Cit.

230   List of strategies taken from the preventative strategies mentioned in the Secretaries-General's and OHCHR's reports referenced in Part I of this report. For each of the identified strategies, the average yearly values for 2018 are based on the expenditure values reported in: United Nations Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its 37th, 38th and 39th; United Nations Revised estimates relating to Peacekeeping, 2019 reports; Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council, 2019 report; OHCHR 2017 audited financial statements; UNDP Transparency Portal; and audited financial statements of a sample of 12 NHRIs.

231   It is important to note a basic weakness in this simply analytical methodology. Namely, that some item 10 resolutions are heavily focused on responding to (usually by condemning, calling for reports on, or pressing for accountability for) serious human rights situations (including in the context of violent conflicts), while some item 2 and item 4 texts (e.g. 2017 and 2018 resolutions on Burundi) aim (usually in combination to reacting to/condemning violations) to build human rights capacity – though in a post-conflict setting.

232   Values include budgetary and extrabudgetary requirements for all Council resolutions adopted between 2006-2018, as reported in the 'United Nations Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council' reports for each of the Council's sessions. Available at: https://digitallibrary.un.org/

233   The figures show the total expenditure by OHCHR in the period 2013-2017, based on the values reported in the OHCHR's financial statements from 2013-2017 for programmes explicitly referring to technical assistance and capacity building, or to human rights monitoring activities and support to peace missions. Reports available at: https://www.ohchr.org/EN/PublicationsResources/Pages/pastReportsAppealsPlans.aspx

234   United Nations; World Bank. (2018). Op.Cit.

235   Ibid. Pg. 3-4.

236   Ibid.

237   Ibid.

238   Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, Daniel Arnon, Attilio Pisanò, and Gray Barrett. (2019). The Political Terror Scale 1976-2018. Date Retrieved, from the Political Terror Scale website: http://www.politicalterrorscale.org.

239   'These indicators almost certainly underestimate the costs of gross and systematic violations. Most academic analyses of the economic impacts of human conflict focus on violent conflict. Clearly, the impact of war on GDP is both direct and significant – because of the destruction of infrastructure, loss of working force, increases in foreign debt, etc. While GDP is a useful indicator of the impacts of serious human rights violations, the link is both less direct and less significant. Unfortunately, there are few academic studies proposing methodologies to assess that capture the full economic impact of human rights violations, including gross and systematic violations that have not yet 'tipped' into war, or that do not result in war.

240   United Nations Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council; United Nations Revised estimates relating to Peacekeeping; Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council; OHCHR's audited financial statements and UNDP's Transparency Portal.

241   The three scenarios are based on assumptions regarding lost gross domestic product (GDP) growth attributable to violence, the costs of prevention, and the effectiveness of prevention. In the optimistic scenario the damage from human rights violations is assumed to be one standard deviation higher than the main estimate (-3.69%) and the effectiveness of interventions is assumed to be high (75% success rate) and to cost only 50 million USD per year. In the neutral scenario the damage from human rights violations is assumed to be as estimated (-3.01%) and the effectiveness of interventions is assumed to be intermediate (50% success rate) at a cost of 100 million USD per year. In the pessimistic scenario the damage from human rights violations is assumed to be one standard deviation lower than the main estimate (-2.32%) and the effectiveness of interventions is assumed to be low (25% success rate) and cost 300 million USD per year. All numbers are yearly averages calculated as discounted values from a 15-year period with a 3% discount rate.

242   Prevented damage is the prevented economic damage and deaths, saved costs are the saved costs from late intervention costs that become unnecessary with prevention and additional costs are the additional costs needed for prevention efforts. The table shows the business case under different assumptions regarding effectiveness and the growth damage caused by widespread human rights violations and the cost of human rights-based prevention.

243   Mueller, Hannes. (2017). Op.Cit. and United Nations; World Bank. (2018). Op.Cit.

244   These are URG calculations. The 'prevented damage' figures have been taken from Mueller, Hannes. (2017). Op.Cit. and United Nations; World Bank. (2018). Op.Cit.; 'saved costs' and 'additional costs' have been taken from the calculations made by Hannes Mueller for this report, based on method similar to Mueller (2017). The analysis shown in this graphic is URG's sole responsibility, and neither Hannes Mueller nor the United Nations or the World Bank participated in its production.

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