

Soft and Hard Trends of Prevention

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ABSTRACT

Insecurity is a major plague, the eradication of which has been set as a goal. It is produced by cycles of conflict drivers including injustice, inequality, poverty, environmental degradation, water shortage, poor health, unemployment, social exclusion and other human rights problems; and, therefore, should be prevented holistically. Despite general agreement that proactive is preferable to reactive, success is poor. This article argues that renewed trends of prevention in both soft and hard security fields are discernible as sovereignty yields to interdependence with accompanying calls for earlier and more global warning and action. Traditionally, the policies of international actors have oscillated between and periodically combined two approaches: one, repressive containment and, two, develop mentalism combined with humanitarianism. The fundamental question is whether the oscillation between hard and soft prevention has contributed to the loss of faith in international security institutions, and if so, what could be done to reach beyond institutional equivocation.

Introduction

The millennium started with post-Cold War trends with new prominent actors. Among them, the EU, despite internal controversy and in the face of US demands, has sought increased global security visibility – emphasizing prevention, soft over hard containment and foregrounding threats, such as, state failure and organized crime alongside the more traditional terrorism, weapons of mass destruction (WMDs) and regional conflicts. (European Council) What is ‘war’ in legal terms has become increasingly blurred and difficult to define when significant parts of it take place in the cyberspace.

The complexity of conflict leads to complex doctrinal responses. In the early new millennium, the responsibility to protect (R2P) was identified as an ‘emerging doctrine’. In post-cold war spirit, it marked a turn away from the debate on the right to intervene toward the duty of states and the international organizations to *protect people* – rather than to collectively *defend states*. Multilateral invasive protective action would be permitted much earlier than unilateral defensive action. In an effort to reverse the problematic logic of the long-debated humanitarian

intervention doctrine, the High Level Panel on Threats, Challenges and Change noted that ‘there is a growing recognition that the issue is not “the right to intervene” of any state but the “responsibility to protect of every state when it comes to people suffering from avoidable catastrophe.”’(ICISS 2004) Invoked e.g. in the post Arab Spring operation in Libya, R2P has become a responsibility to act when the population is suffering seriously due to unwillingness, inability or failure of the state to act. There are, however, many questions: Who defines the proper cases if the Security Council is paralyzed, who is to be protected from whom in a situation of complex emergency; how far-reaching actions are justified; who assumes the authority to protect and what it entail? (Orford 2011; Korhonen & Creutz & Gras 2006, 5; Korhonen & Selkälä 2016, 849) As an apex of liberal internationalism, the R2P-debate fosters the disillusionment with the postwar international security through liberal institutions; as commentators say, liberal internationalism had ‘three main effects: incentives for a separate peace among liberal states (...) aggression against nonliberals, and complaisance in vital matters of security and economic cooperation.’(Joyce 2016 citing M Doyle, 474) R2P manifests the potentials and limitations of all these three.

The Libya intervention (2011) seems to suggest that the R2P – like the disputed humanitarian intervention doctrine – remains largely in the hard security domain despite all the talk about the duty to protect humans and their rights, which, in theory, would warrant proactive measures in cases of violations other than severe physical aggression. Already in the 1990s the UN (e.g. the Office for the Coordination of Humanitarian Affairs and the UN High Commissioner for Refugees) elaborated on the definition of ‘a complex emergency’ that drives and coincides with messy contemporary crises, conflicts and threat scenarios, as follows:

‘Complex emergency is a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/ or the ongoing United Nations country program (...) Such “complex emergencies” are typically characterized by: extensive violence and loss of life; massive displacements of people; widespread damage to societies and economies; the need for large-scale, multi-faceted humanitarian assistance.’ (Office for the Co-ordination of Humanitarian Affairs 1999)

The High Commissioner’s office said: ‘(A) crisis which threatens international peace and security almost always (...) endangers civilian populations, and therefore calls for humanitarian action. Such a crisis may spark massive population movements, may be complicated by on-going armed conflict, may involve risks to public health in the form of epidemics, and may be caused or exacerbated by natural disaster. The range of effects of such a crisis defies description.’ (UNHCR 1995)

Despite such holistic views, much controversy, complaisance or, at least, an oscillatory movement rears over whether to protect or to prevent – and with soft or hard measures. Ceadel notes that ‘(...) human rights are now in conflict with peace as an ideal, because – especially since the end of Cold war – they are encouraging the replacement of war-prevention as the primary political goal with a modern form of crusading’; (Ceadel 2015, 189) in contrast, others keep emphasizing the role of rights as the foundation of peace, as codified in the many UN documents, including the Charter, the Universal Declaration and the 1966 Covenants. (See e.g. Ssenyonjo 2009, 13)

In the past decade, ‘slow violence’ in addition to such older concepts as systemic or structural violence was identified as a major threat producing effects just as deadly as direct kinetic violence. (Nixon 2011, 1-12) The starting moment of a conflict became blurred. Given the complexity and overlap of modes of conflict, should all protective action be called complex prevention of conflict cycles? If so, the question is whether the existing institutions are trusted in their ability to handle the needed complex prevention and lose authority while the public rekindles unilateralist security and arms racing?

This article discusses oscillation of soft and hard trends of conflict prevention. In part I, we discuss the soft trends highlighting conceptual and policy innovations and their problems – including slow violence, collapsing distinctions, hybridity, overlap and coordination failure. Part II asks whether recent hard trends of prevention divide the UN Charter conflict prevention doctrine into multilateral ‘far’ prevention and unilateral ‘near’ prevention. Conclusions reflect on the present and future of the prevention doctrines.

Results and Discussion

I. Soft trends of prevention

After the Cold War the significance, scope and depth of the European Union (EU) increased greatly. Its powers grew. Despite the difficulty for France, UK and Germany to agree on common security and defense policies, the deepening integration together with industrial interests drove alignments of foreign, security and defense fields. The EU pursued its own vision different from, yet complementary to the existing ones of the UN, the NATO and the US. The old angst of EU-US relations increased by the prospected Brexit repositioned security in the core of the EU. (Johnston 2016) The 2003 European Security Strategy with its subsequent updates and refittings with the NATO confirmed that

‘(C)onflict prevention and threat prevention lie at the root of the EU’s preferred security strategy—the EU therefore ultimately seeks to address the root causes of conflict and instability by strengthening governance and human rights, and by assisting economic development through such means as trade and foreign assistance. Analysts assert that these approaches play to one of the EU’s main strengths: a considerable repertoire of civilian, “soft power” tools.’ (Mix 2013, 5)

The stereotype of the EU as the ‘dove’ and the US as the ‘hawk’ was confirmed although it completely ignores the role that military exports play for the political economies of Germany, France and the United Kingdom (Ruby 2014, 178) or what the hardline (‘the Fortress Europe’) security strategies demonstrate. (The Charter of Lampedusa) The EU’s security vision promulgates governance, human rights, economic development through trade and assistance as its prioritized prevention strategies. In the 2016 Warsaw summit, the NATO and the EU foregrounded the European capabilities of soft and hybrid threat prevention. (NATO 2016, 72-3, 121-6) Although the importance of developmentalism and civilian governance including crisis management were highlighted, they were also criticized as the cheap option in comparison to kinetic fighting ‘expected’ of the US globally. Although the development funding of three percent of GDP seems too much for most states, hard security action is even more costly; e.g. the Kosovo/Yugoslavia aerial bombing (1999) arguably cost more per day than one year of international administration. (For opposite takes on the matter, largely agreeing on the costliness, see e.g.: Lambeth 2001, Chapter 8; Chomsky 2001) Moreover,

preventative measures would arguably have reduced the price even more significantly. (Ruby 2014, 179)

The US pushes its European NATO allies to contribute much more to hard security capability globally – and the Europeans oscillate between resistance and acquiescence – between the pacifist utopia and the apology for defending Fortress Europe. The EU fends off hawkish security preferences by referring to the changed nature of threats, conflicts and wars. Developmentalism resurfaces regularly as an integrated part of the maintenance of peace and security. Today, it dominates discussions on governance failures or ‘failed’ states, new wars, hybrid conflicts and complex emergencies. International organizations recognize that conflict cycles can be eradicated only through addressing, as holistically as possible, the complex emergencies wherein the ‘root causes’ lie. European populist forces also sometimes support ‘developmentalism’ even if indirectly while they seek means to stop refugees as close to their home countries and as far away from EU borders as possible. A hard stance on stopping the irregular migration may often produce a strange alliance with humanitarian developmentalist policies. As Balibar cautions, “who stands where, and for what, is extremely unclear, and therefore open for antithetic ‘clarifications’.” (Balibar 2016, 166)

The complexity is, however, not only in the circumstances but the conflicts have also become more confusing. While war is outlawed, warring takes covert modes and blends into all sorts of violence and repression. Hybrid war tactics, cyber attacks, using of proxies, unmarked uniforms, mercenaries, outsourced security actions, economic repression and extortion are used to destabilize states. They have increased for decades. (Korhonen 2015, 456) Thus, security policies have come to recognize the blended, hybrid nature of war; it is just as important to combat slow as explosive violence, and, therefore, preventive action pertaining to root causes, systemic failures and problematic structures is equally if not more important and cheaper than ex post facto traditional force. The dilemma lies in whether one seeks to repressively prevent e.g. refugee movements or whether one is ready to engage in preventing complex emergencies, hybrid conflicts and their root causes that may be slow, systemic and structural.

Coordination Challenges in Soft Prevention Action

The organizations engaging in soft prevention produce an exponential variation of policies while governance fragments and specializes. The organizations come to co-ordination problems, even to turf wars rather than ‘optimal duplication’. (See e.g.: Humphries 2013) For instance in Afghanistan in 2001, the diverging mandates bred rivalry and obfuscation not only in the eyes of locals but also of the international community. These problems were also experienced in Iraq. (See generally: Klappers 2015, 262) The popular support suffers from the perceived lack of

coordination resulting in contestation of the legitimacy and efficacy of multilateral preventative security.

Therefore, the UN Millennium Declaration called for greater policy coherence and better co-operation between the UN, its agencies, the Bretton Woods institutions and the WTO to prevent crises because conflict drivers come in complex bundles. (U.N. General Assembly 2000, United Nations Millennium Declaration, para 30) International organizations conceived the ‘cluster approach’ and ‘joint needs assessment missions’ to avoid overlap on the ground (see above) and to complement the role of UN Department of Humanitarian Affairs which already coordinates the ‘response to natural disasters and other emergencies that are beyond the mandate or capacity of any single UN agency’. It works with the Department of Political Affairs and the Department of Peacekeeping Operations. (U.N. General Assembly 1991, Strengthening of the coordination of humanitarian emergency assistance of the United Nations) Thus, the actors on the coordination side multiply too. Inside the UN the departments to be coordinated now count over 20. They cooperate externally with other international governmental organizations, non-governmental and government offices. The UNHCR lists some 30 NGOs (UNHCR 1995, 2.2 to 2.6) among those with which it most often liaises yet the emergency situations may attract hundreds more in addition to the international governmental organizations: the OSCE, the AU, the World Bank, the NATO, the EU, the ASEAN and beyond. Lack of coordination, overlap, consistency and strategic cooperations are therefore keys to avoid the squandering of scarce resources, crisis shopping and organizational turf wars all of which undermine the very success and legitimacy of the holistic preventative action that they are mobilized to provide. (Kennedy 2016, passim) Furthermore, because of the multiplying supranational layering, the institutional action lacks transparency.

Soft Prevention since Anti-Terrorism and Unilateralism

Alongside R2P, the terrorist action against the West since 9/11 fueled hard-line attitudes and new geopolitics of threat and fear. (Sparke 2007, passim) Hard security was reinforced. Yet, to step beyond classic humanitarian intervention to invasive pre-emptive was contested. (Bernitz & Chinkin & Crawford et al. 2003) The oscillation from multilateralism/united-nationism toward unilateralism/united-statesianism faces criticism against neo-crusading, neo-imperialism, unipolarism and endangering the international rule of law. (See e.g.: Vagts 2001, 843; or Orford 1999, 679)

In 2001, the US, however, claimed that the mere capacity or potential of a state to engage in harmful conduct – via WMDs or hosting terrorists – is enough to legitimize preventative intervention, i.e. preemptive strikes. Its European allies and coalition partners took both the WMDs and terrorists as strategic priorities. (See: European External Action Service 2016) Derogatory categorizations – ‘rogue states, axis of evil, failed

states' – entered mainstream liberal Western discourse that previously avoided stigmatization and paid at least lip service to the non-interference and equality principles of the UN. Proving Anghie's point, a Lorimerian worldview of states divided into spheres of humanity -- which deserve only relative degrees of equality, sovereignty and recognition from the core states in the Global North -- re-emerged. (See: Lorimer 1883, passim) Taking the mere capacity to engage in harmful conduct as the single criterion of threat departed from the traditional view that evaluated both military capacity and expressed intention before defining a threat. (Powel 2016) The single-criterion formula also implies that states' commitments and expressions are not to be trusted. It does not only depart from the policy but also the legal doctrine providing for the bindingness of official statements when properly given and so intended. (See: Franck 1975, 618)

There has been a marked change from interventions justified on humanitarian considerations for the target state's domestic populations to interventions primarily based on external security concerns. (Chesterman 2004, 252; Korhonen & Creutz & Gras 2006, 7) Many proactive or preventative interventions target territories or states that have long been on the Security Council agenda e.g. East Timor, Afghanistan, Somalia, Iraq. During the post Cold War years, the international organizations failed to prevent the exacerbation of the conflict cycles in these regions. The novelty of the post-9/11 climate was that the US became ready to bypass the Security Council. The actions by Turkey, Russia and France indicate that this 'novelty' may become the standard even for the second-tier powers (MacFarquhar 2015) marking the erosion of multilateralism.

Interventions appear as means for powerful states to exert global influence.(cf. Korhonen & Creutz & Gras 2006, 8) Even though the actors multiply, the maintenance and restoration of peace and security through interventions is increasingly criticized for 'crisis shopping' (Korhonen & Creutz & Gras 2006, 36). The goals is often to change the unfriendly or unfit ('failed') regimes asserting that they pose an international threat. (U.N. Security Council, Resolution 1973, 2011) The (geo) political discourses of threat and fear (for an in depth analysis, see e.g.: Sparke 2007, passim; see also: Mamlyuk 2015) gain popularity changing the mainstream politics of formerly neutral states, at least, to up military spending.

The Bush doctrines of 'war on terror' and the 'axis of evil' aimed at large scale regime changes by force. Alongside Afghanistan, Pakistan became part of the operations and a site of regime control to the point of being forced to fight its own population: It 'had no real choice but to assure (...) unstinted support in the War of Terror (...) However, when the Pakistan army was forced to act against tribal militias within its own borders (...), under US directives, it found itself fighting an unpopular war against a segment of its own population.' (Shah 2014, 8) While the leading powers re-embrace unilateralism and others find themselves acting against their own populations, the support for

multilateral security decreases. The new normal of invasive external meddling and complex emergencies stay with many of the targets of international interventions, such as Afghanistan, Iraq, Libya. 'Life under drones' is a peculiar new condition for human life in societies such as Pakistan, Afghanistan and Yemen; it cuts deeply into the patterns of life and delegitimizes international intervention. (Parsa 2017, 200-207)

The Management Ideology of Soft Security

Since the late 1990s, the World Bank recognized the prevention of conflict cycles as an integral part of its mission through establishing the Conflict Prevention and Reconstruction Unit (1997) and the Unit for the Low-Income Countries under Stress (LICUS 2002). The Post Conflict Fund emerged as the financial instrument to support countries 'in transition from conflict to sustainable peace and economic growth'(The World Bank Group) thus confirming the interdependency view between developmentalism and peace. In post-conflict Afghanistan, funding was pledged by many, yet came in as specific pledges, earmarked, in increments and with uncertain continuation. The Bank that was managing the post-conflict development was criticized for belated transfers and foregrounding issues on the donors' agendas rather than those based on independent expertise, let alone target states' wishes or needs. (See e.g.: Ruby 2014, 178-179; Heathcote & Otto 2014, 1)

Even though the liberal peace theory – with emphasis on fundamental rights, electoral democracy, constitutionalization, liberal economics, free trade, restructuring of development states' economies – provided the value basis for international soft security operations, before Afghanistan and Iraq, modern interventions had not been equally ambitious and intrusive. It is questioned whether the liberal peace-building package – as operationalized by the Bank (See: Rittich 2002, passim) -- fits anywhere since it is deeply ideological and by no means universally vetted. The post-conflict recipe of early local elections does not help while 'armed with the powers of international financial and trade institutions to enforce a neo-liberal agenda (we risk) to reduce the meaning of democracy to electing representatives who, irrespective of their ideological affiliations, are compelled to pursue the same social and economic policies' as the institutions.(Chimni 2006; cf. Korhonen & Creutz & Gras 2006, 38) In such circumstances, soft prevention through its liberal development policies does no longer appear as the more legitimate humanitarian alternative to hard, repressive security. (See: Anghie 2006) The populist agenda of fending for one's self-interest with an ever more robust military capacity gains ground.

In the case of Afghanistan, already in December of the invasion year (2001), the international Bonn conference established a roadmap to peace for Afghanistan and founded the International Security Assistance Force (ISAF) – initially under the UN but transferred to the NATO. Despite contrary intentions, the military security concept dominates over the civilian soft elements. (See, e.g.: Heathcote & Otto 2014) NATO forces engaged in

infrastructure building as ‘reconstruction teams’ blurring the lines between combat and non-combat functions, buttressing conflict hybridity and endangering the humanitarian legal protections. The criticism against the ‘muscular humanitarianism’ of international peace operations highlighted the adverse consequences; (see: Orford 1999, 679, 701-703; Heathcote & Otto 2014, 1-7) e.g. that traditional hierarchies, warlordism and trade in contraband (Their 2006, 552-557) consolidated and taxed the ‘waning support in the west’. (Heathcote & Otto 2014, 1) Thus, the international security policy claims, their feasibility and desirability on the ground lost trust. Despite the UN, the Bank and the NATO’s hard, soft and hybrid security efforts, e.g. Afghanistan remains among the world’s poorest and the main producers and routers of opium. Several drivers for complex emergency continue to exist. (Parsa 2017, 200-207)

Liberal developmentalism and market ideology cannot shake the critique that they carry legacies of historical bias and foundational violence wherever they go. Afghanistan manifests distributive injustice and disparity; as Rittich explains for general purposes the ‘elements of (...) market ideology and rationality function to both aggravate and legitimate distributive disparities. (...) (T)he possibility of systematic benefit or disadvantage to particular groups, regions or classes emerges as an ongoing feature of neoliberal development, rather than a contingent or transient effect to be endured in the name of future prosperity.’ (Rittich 1998; Rittich 2002, *passim*) It seems that the liberal developmentalist policies as a means of prevention do not offer a plausible alternative to the repressive security measures even though stereotypically contrasted to them.

As a consequence of the oscillation between unsatisfactory hard and soft prevention, the conflict cycles of Afghanistan, Pakistan and Iraq have all but eradicated. It seems that the in-built, structural and systemic biases keep disappointing the goals regardless of the size of the well-meaning pledges (e.g. to women and girls), the achievement of the regime change, the integration of the economy to the global free trade, the troops sent or drones deployed. Drawing from Lorimer, Anghie, Spivak and Kennedy, conflict cycles, such as Afghanistan, seem to represent eternal struggle (Kennedy 2016) between the Northern centers of civilization/order and the Southern spheres of relative sovereignty, (Lorimer 1883, *passim*) victimization, subalternization (Spivak 1988, 271) despite R2P or any of the new millenium security innovations. (See Koskenniemi discussing the changed place of foundational violence of the law in relation to war and distributional injustice, Koskenniemi 2002, 162; also: Rittich 2002; and Anghie 2006) And, furthermore, while liberal internationalist goals of economic prosperity and liberal peace are constantly disappointed, one oscillates away from pacifist preferences, developmentalism and soft security back to embracing a civilized lawfare. (Kennedy 2016, Introduction) As Ceadel puts it, there is increased acceptance of “the legitimacy of military force when used in both a defensive and progressive

manner” (Ceadel 2015, 190) – if not legal, it may be regarded as legitimate or morally justified when the softer side is found structurally flawed and deeply biased. (Koskenniemi 2002, 162)

II. Hard Trends of Prevention

In step with ever-increasing globalization and new, or, shifting trends of international insecurity, interdependence features as a key element of national, regional and international security. Inescapably a rise of multilateralism at the expense of unilateralism, particularly in the realm of hard security, followed. (See generally, e.g.: Ruggie 1992) After two World Wars, a trend to prevent escalating or protracted armed conflict cycles was expressed in the Preamble of the 1945 Charter of the United Nations ‘to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.’ Apart from the UN Charter, this trend of hard prevention or limitation of warfare is discernible in, *inter alia*: 1948 Charter of the Organization of American States; 1949 Geneva Conventions and their Additional Protocols; 1949 The North Atlantic Treaty; and with regard to the European Union, eg. the Common Security and Defence Policy (CSDP), which was incorporated into the EU Treaties in 1999, as well as the even closer internal and external EU security and defence cooperation discussed during the Bratislava Summit in September 2016 and featuring in the Bratislava Roadmap (Bratislava Roadmap 2016). This trend of hard prevention was fused with an emerging notion of a *jus contra bellum* and the R2P. (See, e.g.: Millennium Report of the Secretary-General 2000; Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty 2011; Report of the High-level Panel on Threats, Challenges and Change 2004; In Larger Freedom, Report of the Secretary-General 2005) Today, the UN operates by this hard trend of interdependence and prevention of armed conflict cycles by ensuring that ‘armed force shall not be used, save in the common interest.’ (UN Charter, Preamble)

Further marking the rise of multilateralism and interdependence, hard prevention was evidently severed from the right of unilateral (individual or collective) self-defense by the UN Charter and reserved for multilateral force exercised primarily by the Security Council of the United Nations within its collected security framework. (UN Charter, Art 24 and Chapter VII) The principal post-Charter hard security measure was the prohibition on the threat or use of force in international relations fused with a duty to settle international disputes by peaceful means, with certain exceptions exclusively and explicitly outlined in the UN Charter. (UN Charter, Art 2, para 3-4) However, reliance on the multilateral collective security system to prevent insecurity proved a hollow assurance from the very beginning; and the inadequacy of even the post-Cold War UN Security Council to effectively maintain or restore international peace and security prompted a renewed rise

of unilateralist or isolationist threat constellations potentially inciting new or renewed trends of international insecurity.

The concept of threat is essential to the concept of hard prevention. Elementarily, if the harm is occurring or has occurred there is nothing to prevent, only to halt or end. It follows that, from the perspective of hard security, prevention concerns future harm, as distinguished from past or present harm. Indeed, threat of force is expressly separated from use of force in Article 2(4) of the UN Charter; and Article 39 of the UN Charter expressly separates threats to the peace from breaches of the peace and acts of aggression. A similar separation of threats of an armed attack from armed attacks within the context of Article 51 of the UN Charter has been contemplated (see: Friman 2017) The concept of threat seems to have a natural or 'geological' link to the concept of fear. Understood as 'geostrategic discourses', in the context of post-9/11 American war-making the contrast between geopolitics and geoeconomics has 'been mapped onto the couplet of fear and hope.' (Sparke 2007, 339-340) It follows that – in American foreign policy discourse – geopolitics and geoeconomics are envisioned in different ways:

'Simply put, the imaginative geographies of geoeconomics differ from those of geopolitics because they enable the imagination of an expanding economic flatness rather than the sorts of political partitions and unevenness represented by visions of iron curtains, evil empires and clashing civilization blocs.' (Sparke 2007, 340)

However, when the fear of an 'evil other' is deliberately geopolitically scripted as 'gripping grounds' for preventative hard security, (Sparke 2007, 341) feelings of insecurity become irreparably warped by this strategic manipulation and the root of the problem is uncovered; 'fear' is associated with a (subjective) sense or feeling, whereas 'threat' with an (objective) legal occurrence or set of factual circumstances. This may potentially be reflected for instance in the 2002 National Security Strategy of the United States of America where the United States explicitly states that it 'has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.' (2002 National Security Strategy of the United States of America, 15) Naturally, a 'threat' is equally projected from a subjective sense of insecurity but unless corroborated by verifiable facts, this sense of insecurity is groundless in so far as it does not legally warrant any hard prevention. Then, in order for a sense of fear or insecurity to qualify as an unlawful threat that calls for either 'near' or 'far' hard prevention, legal conditions must be fulfilled.

Yet, a schism may potentially be emerging in the hard trend of prevention instituted and governed by the UN Charter, potentially dividing it into two different strands: Multilateral 'far' prevention

with the aim of repelling threats to international peace and security; and unilateral (individual or collective) 'near' prevention with the aim of repelling threats of an armed attack.

Briefly contemplating unilateral 'near' prevention, even if the threat constitutes an unlawful threat of force, it does not necessarily or automatically authorize unilateral (individual or collective) 'near' prevention. It would seem to be reasonably uncontroversial that, if lawful at all, only the gravest form of threat may activate unilateral 'near' hard prevention in order to repel the threat. (see, e.g.: Friman 2017, Chapter 3) Then, the difference between threats of an armed attack and unlawful yet lesser threats of force would primarily be one of scale and effect. (See, e.g.: Military and Paramilitary Activities in and Against Nicaragua (1986), para 195) Hence, with the potential sole exception of a grave and urgent 'threat of an armed attack', all unlawful yet lesser threats of force would seem to fall within the ambit of multilateral 'far' hard prevention.

Concerning multilateral 'far' prevention, threats to the peace under Article 39 of the UN Charter seem conceptually wider than threats of force under Article 2(4) of the UN Charter. (See, e.g.: Roscini 2007, 231; Randelzhofer 2002, 790) Thus, multilateral 'far' hard prevention would seem to have a wider ambit of operation, whereas unilateral 'near' hard prevention should be narrowly construed. The collective security system operating under Chapter VII of the UN Charter would indeed seem to allow very 'far' multilateral prevention; in contrast, 'near' unilateral prevention must be very near indeed. This reflects back on multilateralism and interdependence as waxing – or waning – international trends of hard security in the new millennium, oscillating with emerging or shifting trends of soft security. In any case, the two trends suffer from similar schisms and dilemmas, and seem to leak into each other although often contrasted as doves versus hawks. The question is what is the policy value of seeking to keep the two separate, e.g., in the Transatlantic distribution of security roles.

Conclusion

The softer trends increasingly merge with harder trends of both near and far conflict prevention. (See, e.g.: Orakhelashvili 2011, 14-15) Whilst it must be conceded that prevention will always face challenges to its legitimacy and will often be prone to abuse, both hard and soft trends of prevention are nevertheless instrumental to the communal aspiration to eradicate, limit or regulate warfare and armed conflict cycles. Particularly in the light of emerging trends of insecurity, it is hard to imagine an international force regime absent growing mechanisms of prevention. After all, the identification and prevention of grave and urgent sources of insecurity are decisive for effective crisis or post-conflict management, and therefore essential to the proper functioning and the legitimacy of the governance of the international community. After the failure of pacifist utopias, one moves to hard prevention and repression and, if these do not work, back toward soft prevention through more developmentalism and more

humanitarianism. Both incomplete and wrought with internal controversies, their recombinations emerge and are tested against empirical reality and, presently, populist rhetorics. The international institutions as providers of both soft and hard security must urgently find a way to reverse the trend against institutionalism or we must all prepare to come to terms with increased fragmentation of security into unilateralist preferences - accompanied by the increased domination of hard 'muscular' over soft 'slow' security, with even lesser chance to coordinate and rationalise the use of scarce resources.

Reconciling preventative security with international law is 'increasingly difficult, given the rise in norms that seem to constrain executive action.' (Tzagourias & White 2013, 181) It is increasingly accepted that preventative security and its constraining norms need not pull in opposite directions. If faced with a sufficiently grave – or even existential – threat, the international community has legal but limited preventative security action options the ambit of which seems to be widening. (Tzagourias & White 2013, 181-192) Many share the view of Tzagourias and White, who, state that:

'When CS institutions act beyond (the) traditional paradigm and use coercive powers, these must normally comply with international laws, but it must be recognized that there are circumstances when these laws, in giving rise to directly conflicting obligations, can be temporarily suspended in order to preserve peace.' (Tzagourias & White 2013, 192)

The new position emanating from general technological advances and the consequent hybrid security threats have fused with geopolitical power shifts by which regional blocs disintegrated and reconfigured, interdependence faced distrust and fears that were projected on policy-making. Trends of isolationism resurface globally. As seen in recent and current crises, unprevented or mismanaged conflicts have significant spill-over effects as refugee influxes, health emergencies, transnational criminality, human hardship, stalling trade and investment, augmenting environmental degradation; all leading to disquieting trends of distrust, radicalism and isolationism; and exacerbating the structural, systemic, epistemic and foundational violence that keeps feeding the roots of the conflicts, disparities and despairs.

Thus, preventing the above is not possible for any individual state alone. The fragmentation, complication and lack of coordination must be met with efforts to re-enforce or regain institutional legitimacy in countering them. These must be based on a clear and transparent understanding of what hybridization of threats entails and how security needs to be reformed as a whole -- from countering slow to kinetic violence, from preventing soft to hard threats. In the beginning, Balibar's demand for ever new clarifications was quoted; the same demand applies to the effort to navigate the quicksands of workable, holistic security: '(T)he more ruthless the political constraints appear to be, the more

uncompromising the theoretical work of inquiry and discussion should remain.' (Balibar 2016, 166)

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