Can the UN Still Mediate?

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The 1990s marked the heyday of UN involvement and success in the peaceful settlement of international disputes. Not only did the UN have more peace-keepers in the field than ever before, but it also played a major role in helping to negotiate and implement many of settlements that ended some of the world’s bloodiest and protracted civil conflicts (Akashi, 1995-96; Skelsbaek, 1991). By the time the decade ended, the Secretary-General had fielded more than twenty special/personal representatives or envoys into conflict zones, most of whom were involved in some form of international mediation or ongoing negotiation activity (Vance and Hamburg, 1999). Today, the world looks rather different. There are fewer UN peace-keepers in the field and, although the Secretary General continues to field a large number of his Special Representatives in zones of conflict, they have not been terribly successful in bringing about a negotiated end to those conflicts. Why is this so? In what sense, has the world of international negotiation and mediation changed? And what can we say about the actual track record of UN-led (or assisted) mediation efforts in ending violent, international disputes? In addressing these two questions, this paper explores the recent history of UN involvement in the mediation and settlement of international disputes and the special role that it can and will continue to play in the future.
The Changing International Context

The end of 1980s and beginning of the 1990s in one sense marked the height of conflict and violence in the world after the Second World War. As Monty Marshall and Ted Robert Gurr have both noted, international conflict reached its peak during this period measured by both the number of international conflicts and the number of fatalities or war-related deaths in those conflicts (Gurr, 2002; Marshall, 2002). Both sets of numbers witnessed a decline towards the end of the decade, and the world is, in some ways, a less violent place than it was a decade ago. The decline in the number of conflict zones therefore has in a real sense reduced the demand for international (including UN) peacemakers and peace-keepers. Even so, there remain a relatively large number of conflicts that have persisted or endured into the 21st century. In the Middle East, for example, tensions remain high between Israel and her neighbors and violence continues unabated between Israelis and Palestinians. In the trans-Caususes, there are a festering disputes in Georgia, Tajikistan, and Nagorno-Karabakh and even within Russia’s borders, violent, secessionist, struggles, as in the case of Chechnya, have proven remarkably resilient to military efforts to quash them. In South Asia, the bloody conflict in Kashmir has led to an escalation of tensions between India and Pakistan, both nuclear powers.

Throughout much of the Asia-Pacific region, old antagonisms such as the conflict between China and Taiwan and North and South Korea persist even as new ones erupt in countries like Indonesia, as a result of deteriorating economic conditions, growing religious fundamentalism, and/or indigenous secessionist movements. The African continent, for many years the world’s poorest and most conflict prone region, shows few
signs of moving to better health. On the one hand, one can point to the end of violent conflict in countries like Angola, Namibia, Mozambique, and Sierra Leone, in part, because of healthy doses of international intervention. On the other hand, conflict continues in countries like Sudan, Western Sahara, the Congo, and throughout much of the central Africa, and for the most part, far-removed from international attention and concern.

The UN has a large number of peacemakers in those regions where conflicts persist. But aside from a small number of conflicts (discussed below) where it appears to have made some headway in promoting a negotiated resolution, its track record, at first blush, compares unfavorably with its record in the late 1980s and early 1990s when it played a key role in mediating an end to some of the world’s most violent conflicts. What are the negotiation challenges that the UN confronts in these trying to mediate or intervene with the peaceful “good offices” in today’s conflict zones? What mediating assets does the UN bring to the table? And what lessons can be drawn from previous UN involvement in the negotiation of international disputes about the conditions that are conducive to successful UN mediation?

**UN-led Mediation in the 1980s and 1990s**

In a provocative article entitled, “Why the UN Fails,” published in *Foreign Affairs* in 1994, Saadia Touval argued that the UN had a poor track record in trying to resolve conflicts. Examining the record of UN intervention in Afghanistan, Angola, Haiti, Somalia, and the former Yugoslavia, Touval offered a number of reasons why the UN
record was so poor and why, in his words, “UN mediation...[had] extended or aggravated many of those disputes” (Touval, 1994: 45). Key among them were the following: 1.) the UN lacks real leverage; 2.) the UN is insufficiently flexible and dynamic to pursue a coherent and effective negotiating strategy; 3.) the UN is the mediator of “last resort” and has to deal with the most intractable disputes (which are usually less amenable to a negotiated solution); and 4.) the UN lacks a sufficient “aura of legitimacy” because of its inability to pursue coherent policies, which, in turn, undermine its mediation abilities and capacity.

Touval’s assessment, coming as it did in the middle of the 1990s, was heavily influenced by the failure of the Vance-Owen mediation mission in Bosnia. It was also to some extent skewed by his selection of cases. By the end of the decade, however, the UN could point to some mediation successes, although the record of intervention was still a mixed one (Amley, 1998; Hampson, 1996). Touval may have also overstated his argument about the UN’s structural deficiencies in mediation. As the record shows, the UN does have important sources of leverage in mediation and can pursue flexible and dynamic negotiating strategies under the right set of circumstances and conditions (Biermann and Vadset, 1998; Eliasson, 1996; Marsteller and Mason, 1985).

Although a detailed assessment of the UN’s mediated interventions in the 1980s and 1990s is well outside the scope of this paper, and there is an obvious temptation to focus on the UN’s negotiation failures, we can point to a number of cases where the UN did succeed through its mediated interventions in promoting a peaceful settlement of major conflicts. The conditions underlying these successful cases are also instructive about the potential strengths that the UN can bring to a negotiation process.
**Iran-Iraq War.** The UN played a significant role in mediating an end to the Iran-Iraq war and assisting with the implementation of Resolution 598 in 1998, which provided for a cease-fire and the deployment of an unarmed, UN military observer force (UNIIMOG) (Hume, 1994). As soon as the war broke out in 1980, the UN moved quickly to try to broker a negotiated end to hostilities. The UN Secretary General, Kurt Waldheim, provided good offices to the parties and Security Council adopted Resolution 479, which called for an immediate end to the conflict and a negotiated resolution. In spite of repeated efforts to get the parties to enter into negotiations, the UN’s Special Representative had difficulty gaining traction. And it was only when the parties reached a point of exhaustion in the conflict following Iraq’s brutal missile and chemical weapons attacks on Iran in the late 1980s that a cease-fire agreement was concluded.

A clear source of the UN’s difficulties in negotiating with the parties in the earlier phases of the conflict was that it was seen to be biased. Iran was unhappy about the fact the UN Security Council failed in its early resolutions to declare Iraq the aggressor in the conflict. Security Council resolutions also failed to call for a return of territory and a restoration of borders. One of the consequences of the US Embassy hostage crisis in Iran was that the United States viewed Iran as a pariah in international affairs and had little sympathy for Ayatollah Ruholla Khomeini’s regime. Washington’s efforts to curry favor with Iraqi president Saddam Hussein and its jockeying for influence in the Middle East with Moscow also compromised the Security Council’s neutrality and the efforts by the UN mediator to broker a cease-fire. One of the reasons why Iran agreed to accept Resolution 598 was that it contained a key provision to establish a board that would
assess which party was the aggressor in the conflict—a provision that was introduced by the Federal Republic of Germany to strike a more balanced note in the Council’s deliberations.

El Salvador. The resolution of the Salvadoran conflict stands out as one of the clearest examples of successful UN mediation in the 1990s. The Special Representative of the Secretary-General, Alvaro de Soto, played a key role in leading the parties to a negotiated settlement (de Soto, 1999; Munck and Kumar, 1995). Although a military stalemate in the conflict helped propel the parties to the negotiating table, the parties’ fundamentally conflicting political objectives meant that a political settlement was not preordained. The government’s main goal was to end the war, whereas the FMLN’s goal was to change Salvadoran society, initially by demobilizing the armed forces. Because there was no straight or easy quid pro quo, it took an outside mediator to help the parties reach a negotiated settlement.

The United Nations was the mediator of choice in El Salvador because it was able to “neutralize” outside parties and build on the new US and Soviet interests in defusing regional conflicts. Through the United Nations, the two superpowers had an indirect seat at the table, and therefore were able to lend their support to the negotiations. As a mediator, the UNSR helped overcome some of the key barriers in the negotiation by being a sources of proposals, reframing the meaning of concessions, creating a sense of urgency, imposing deadlines, and offering side-payments, assurances, and the threat of sanctions if progress was not forthcoming. In undertaking these tasks, it enjoyed the support of the “four friends”—Spain, Venezuela, Colombia, and Mexico—who lent their encouragement and political support when negotiations appeared to be floundering.
Cambodia. The Paris Peace Accords of 1991, which brought an end to the long-standing conflict in Cambodia, were also successfully negotiated under UN auspices. However, it is important to acknowledge that a number of other third parties played a key role in the prelude to reaching a negotiated settlement. Initially, negotiations were directed by ASEAN, which overcame several obstacles and succeeded in bringing the interested parties together for discussion. ASEAN’s initial mediation efforts were followed by those of Indonesia, Australia, France, and subsequently the five permanent members of the Security Council. France worked with Indonesia to convene the first Paris conference on Cambodia. Those talks failed. Then the United States led eight months of negotiations among the Permanent Five, which culminated in August 1990 in agreement on a framework that provided for the second (and successful) Paris conference in October 1991 (Solomon, 1999: Solomon, 2000). The negotiated agreements were subsequently implemented by the United Nations though UNAMIC and UNTAC, which performed a wide range of roles and functions, including fact finding, mediation, verification, monitoring, humanitarian assistance, refugee relocation, and assistance, electoral preparation, electoral supervision and monitoring, civil administration, rehabilitation, engineering and infrastructure reconstruction, cantonment, disarmament, and demobilization.

Mozambique. Although the Mozambican peace accords were negotiated between the Marxist-led government party, FRELIMO, and the opposition, guerrilla movement, RENAMO, with the assistance of Sant’Egidio, a Catholic lay organization, and the direct support of the Italian government, implementation of the General Peace Agreement, which was signed in 1992, was undertaken by the United Nations (Bartoli,
1999). The Special Representative of the Secretary-General, Aldo Ajello, who was responsible for overseeing the implementation of the agreement, played a critical role in mediating between the parties when the peace process threatened to go off the rails as a result of the impending decision by one of the parties not to honor its negotiated commitments (Ajello, 1999). In the run-up to the UN supervised elections in Mozambique, the leader of RENAMO, Afonso Dhlakama, announced that he was pulling out because he feared that the elections were rigged by the government. The fate of the entire peace process hung in the balance. When Dhlakama indicated that “the international community [would] understand his decision,” to pull the plug on the peace process, Ajello intervened, and was able to bring enough external pressure on Dhlakama to reverse his decision and participate in the elections in exchange for written guarantees that every complaint pressed by RENAMO would be investigated by the UN’s Supervision and Monitoring Commission.

**Guatemala.** A UN mediator, Jean Arnault, also helped secure a settlement in 1996 to the long-standing civil war in Guatemala—a conflict which cost some 150,000 lives and 50,000 “disappeared” persons. The settlement was negotiated between the government of Guatemala, led by the National Advancement Party (PAN) and the Guatemalan National Revolutionary Unity (URNG) guerrillas. The mediator played a critical role in establishing sufficient levels of trust between the parties so as to allow direct, face-to-face negotiations to take place and helped thrash out the key details of a political settlement. These contacts were also crucial in allowing cantonment and demobilization of forces to take place once the settlement was signed. The UN mediator’s task was aided by six Friends of the peace process-Norway, the United States,
Mexico, Venezuela, Spain, and Colombia. In some ways, the peace process in Guatemala marked an important innovation in peacemaking through its involvement of civil society actors in the peace process. The peace accords also set in motion some ambitious targets for democratization and the promotion of greater levels of equity in Guatemalan society, which were only partially met during their implementation. As Stanley and Holiday report: “Negotiations under UN ‘moderation’ proved more fruitful than earlier talks, in part because the Guatemalan parties were better prepared to make progress, in part because the UN focused more international attention on the process, and in part because UN moderator Jean Arnault gained the confidence of the two sides. The UN’s strategy during the talks, particularly the last phase, was to help the government translate its proposals into terms acceptable to the UNRG” (Holiday and Stanley, 2003: 429).

**Tajikistan.** The United Nations helped to facilitate negotiations between the Tajikistan government and Islamic rebel groups in a war that displaced one sixth of the country’s total population of 6 million. The December 1996 peace agreement, which was signed between the Tajik President Imamali Rakhmonov and the Islamic leader Siad Abdullo Nuri saw a reduction in the level of armed violence. In 1997, the two sides agreed to the terms of a final peace involving a power-sharing arrangement in the Commission for National Reconciliation, prisoner exchanges, amnesty laws, and the integration of armed forces of both sides into a new military structure. Although the implementation of the settlement has been marred by continued outbreaks of violence and resurgent Islamic fundamentalism, a variety of non-governmental organizations have
been hard at work promoting intercommunal reconciliation (Saunders, 1996; Saunders, 1999).

_ Lessons from UN Peacemaking_

Some clear lessons spring from these more successful episodes of UN mediation and peacemaking in the final decade and a half of the 20th century.

The first lesson is that no matter who is the mediator, the parties to the dispute have to be ready to consider seriously the negotiated option as a way out of the conflict. In other words, conflicts must be “ripe for resolution” before a durable peace settlement can be negotiated and implemented. Although the concept of ripeness is somewhat problematic, and difficult to operationalize without, at the same time, being tautological, it is nonetheless widely recognized as a critical element to understanding why warring parties may be interested in reaching a negotiated settlement (Zartman, 1989; Zartman, 2001). Of the various factors that may make resolution more attractive, thereby enhancing the prospects for successful third party intervention, Zartman suggests that the prime condition is if neither side in a conflict feels it can win a conflict and the parties perceive the costs and prospects of continuing war to be more burdensome than the costs and prospects of settlement. The prospects for a negotiated settlement to a dispute are thus greater when war weariness has set in among the parties and a conflict has reached a plateau or hurting stalemate in which unilateral (military) solutions are no longer believed to be viable or achievable. One of the reasons why Iran and Iraq were prepared to consider a negotiated cease-fire as the first step to ending the war was that neither side
was able to win the war after almost eight years of fighting—in other words, the conflict had reached a “hurting stalemate.” The same is true in El Salvador and Guatemala. Close observers of these two conflicts have also noted that a military stalemate characterized conditions on the ground after many years of protracted violence in which neither government nor guerrilla opposition forces were able to secure a decisive victory over their opponents. As different Cambodian factions lost their principal external sources of support in a civil war that had exacted an enormous price on the Cambodian people, there was clearly enough “ripeness” to pursue negotiations and reach a political settlement. War weariness among the parties also created strong incentives for negotiations in Mozambique.

A second lesson is that successful UN mediation requires the clear and unambiguous support of the Security Council and Council mandates that do not compromise the mission of the UN mediator (Boutros-Ghali, 1996; Parsons, 1994). If Security Council members—especially the Permanent Five—are divided or are seen by the parties to a dispute as trying to manipulate or divert the Council’s agenda (and mandates) to serve their own, narrow, partisan interests, it will be difficult for those on the ground to gain the necessary levels of trust and traction to move a set of negotiations forward. Quite clearly, one of the main obstacles to successful UN mediation in the early years of the Iran-Iraq conflict was the fact that the UN Security Council was not true to its own principles by failing to a.) condone Iraqi aggression; and b.) call for a restoration of the territorial status quo ante in its various resolutions. This made it difficult for the UN mediator to gain the trust of the parties and secure Iranian commitment to and involvement in negotiations. Similarly, early UN efforts to become involved in the peace
process in Central America in the early 1980s were stymied by US opposition in the Security Council, which made it difficult for the Secretary-General’s Special Representative initially to take a proactive role in the peace process (de Soto, 1999; Hampson, 1996).

The third lesson is that it is a mistake to think that the UN’s only mediation assets are neutrality and impartiality and that the UN is not a “mediator with muscle.” In those situations were some kinds of coercive intervention is desirable, as in the case of Mozambique or Tajikistan, UN mediators can bring the full weight and pressure of Security Council members to bear on the parties. However, such pressure will can only be exerted if there are clear lines of authority between the mediator, the Secretary General, and the Security Council and the Council itself if prepared to deploy force or carry through on threats and offers made by the mediator. A mediator's leverage will obviously be undermined if parties feel that the mediator is an independent actor who has little capacity to make good on his or her promises or threats.

A fourth lesson is that a shared sense of strategy or policy coherence among Security Council members is crucial to successful mediation. Coordination in a mediation involves the careful crafting of a coherent political strategy, building support and finding resources for that coherent strategy, and diminishing the possibility that other third parties-and interested outsiders-will undermine the peace process by pursuing their own agendas. For example, the Cambodian peace process in the later 1980s and early 1990s was related to the “entente”-based foundations of the negotiations leading up to the Paris peace accords. China, Russia, Vietnam, and the United States were keen to reduce their regional rivalries, exit from military commitments that were increasingly costly, and
bring about a withdrawal of Vietnamese troops from Cambodia. The success of the peace process and the political settlement in Cambodia were intimately related to the shared policies of entente and a systemic realignment of US-Soviet and Soviet-Chinese relations with the end of the Cold War, all of which made cooperation and support for the United Nations' peace plan and Permanent Five-led negotiations possible (Solomon, 1999; Solomon, 2000).

A fifth lesson is that “relationships matter” in successful and that sometimes the UN has the right personnel to do the job. For example, to understand why the United Nations ended up being the "mediator of choice" in El Salvador, one has to look beyond its perceived "neutrality" by the various parties to the conflict, beyond the fact that the United Nations, in effect, represented “great-power” interests through the Security Council, thus ensuring that these powers would not be “spoilers” in the peace process, to the fact that the secretary-general himself at that time, Javier Perez de Cuellar, and his special representative came from the region and were willing to give the negotiations the priority, backing, and degree of political commitment they required (de Soto, 1999). With a different cast of personalities the United Nations may not have been able to play such an effective role. Recall that concerns about Perez de Cuellar's impending departure from his post helped propel the negotiations to closure.

A sixth lesson is that mediated interventions generate their own psychological and political momentum—success breeds success whereas failure breeds failure. The UN’s obvious success in mediation in El Salvador also paved the way for its subsequent involvement (and success) in helping to negotiate an end to the civil war in Guatemala. UN mediators clearly had both the trust and confidence of the parties. In both sets of
conflicts, its reputation as the “mediator of choice” in the Central American region was clearly well deserved.

**Mediating Conflicts in the 21st Century**

As alluded to above, the UN’s more recent track record in mediation to some extent compares unfavorably with its record a decade earlier. Part of the reason is statistical. There are fewer conflicts to mediate, and we are not even at the half way mark in first decade of the 21st century so comparisons are inappropriate. In other words, it is still too early to tell. However, there are a number of other reasons why the UN may experience difficulties being a successful mediator in this decade. The first is that many of the today’s conflicts are tougher nuts to crack, i.e., they are deeply entrenched or intractable and therefore immune to any kind of peaceful third party intervention. The second is that in many—though obviously not all—of these conflicts there are formidable barriers to intervention by *any* third party, including the UN. The third reason is that the UN, in spite of its considerable (and formidable) mediation assets is not always the mediator of choice. This is because non-governmental organizations or small states, which have different political assets, are the preferred third party for mediating (or facilitating negotiations) in certain kinds of conflict. In others, the parties continue to look to great powers for the same reasons identified by Touval almost a decade ago.

**The Intractability Problem.** Many of today’s conflicts are intractable. In spite of the fact that some of them have been the subject of prolonged and sustained international efforts to end them, including diplomacy, mediation, military intervention,
peacekeeping, and/or humanitarian and development assistance, they have proven to be extraordinarily resilient to any kind of settlement or resolution (Richmond, 1999; Rothchild, 1997). Their resistance to a settlement may appear to derive from a single cause or principal ingredient, but closer examination usually points to multiple causes and many contributing factors. No matter the conditions that feed the fight, intractable conflicts share a common characteristic: they defy settlement because leaders believe their objectives are fundamentally irreconcilable and they have more interest in the ongoing war than in any known alternative state of being.

For the UN or any other third party, mediating an intractable conflict is an exercise in frustration. Violence is a more or less permanent feature of these conflicts even though the actual level of violence may be intermittent, sporadic, or even seasonal (dry seasons, for example, are good for launching conventional military offensives against insurgents). Such conflicts may be stalemated because they have not reached that plateau—what William Zartman calls a mutually hurting stalemate—where the costs of a political settlement are appreciably lower (and recognized to be so) than the military and political costs of continued fighting (Zartman, 1985). They therefore elude the moment of ripeness, i.e., the moment when all of the parties are seriously interested in exploring their political options and finally commit themselves to resolving their differences through negotiation rather than force of arms.

The Israeli-Palestinian conflict is a classic example of an active intractable conflict: it has persisted for almost five decades, violence is episodic but recurrent, and the conflict has refused to yield to the persistent efforts of various third parties, including small countries like Norway and a superpower like the United States, to mediate a
peaceful settlement to the conflict. Most importantly, though, the conflict falls into the intractable category because none of the parties to the conflict is prepared to renounce completely the use of force and violence to achieve its political objectives (Kriesberg, 1992).

Another example of an intractable conflict is the war in the Sudan. Some two million people have died in the conflict which has gone on for some 19 years between the Sudanese government dominated by Arabic-speaking Muslims and the SPLA and other rebel groups in the south who have been fighting for greater autonomy for Christian and animist groups. The United States government has hosted talks between the two sides in the Kenyan capital, Nairobi. Although the two sides have not been able to resolve their differences, they have agreed to extend their truce until the end of March 2003, with talks resuming in early January. The key points of contention are the details about sharing power and wealth between north and south Sudan after a broad agreement was made in July 2001.

Conflicts in Kashmir, Afghanistan, Democratic Republic of Congo, and Colombia also fall into the active intractable category because the parties to these disputes have not completely renounced violence.

**High (or Insurmountable) Barriers to Entry.** Third parties, including the UN, which seek a peaceful resolution to a dispute, may not be able to gain entry when faced with “denial” by a relatively powerful state, as illustrated by the Indo-Pakistani conflict over Jammu-Kashmir. The division of Kashmir into Indian and Pakistan-held sectors has witnessed repeated outbreaks of violent armed conflict between the two countries, the most serious of which occurred in 1965 and again in 1971 following India’s intervention
in East Pakistan and the subsequent creation of the independent state of Bangladesh. The only instance of outside mediation in the conflict took place in 1966 when the Soviet Union tried unsuccessfully to broker a settlement between the two countries for largely self-interested reasons. Since that ill-fated attempt, India has actively resisted any kind of external mediated intervention, fearing that any sort of third party intervention would lend legitimacy to Pakistani claims to Kashmir.

Key actors in a conflict may also perceive a higher interest—as well as lower risk—in managing the conflict themselves than in attempts to resolve it. That is, they may prefer to freeze or suppress the conflict in order to contain its spread, deter an adversary or rogue power, and limit the potential regional damage of continued conflict. For many years, the United States has stationed its troops in South Korea because deterrence is seen as the best conflict management strategy for the Korean peninsula. The point is that third parties, especially powerful ones, have strategic options and wide-ranging interests. A mediated settlement that entails engagement and negotiation with the enemy of a regional ally involves real risks – not least in terms of relations with the affected ally and other allies who could see a precedent in the attempt. Some third parties have such strong geopolitical or strategic interests in a region where an intractable conflict exists that it becomes “impacted” in their interests and off limits for mediation until their interests shift. Korea may be such a case. Others, historically, might include Cuba’s role in Southern Africa until the late 1980s, and the roles that Vietnam and China played in Cambodia until the early 1990s. Today, this analysis would apply to Russia’s role in the Caucasus conflicts. On the other hand, experience suggests that a dogmatic adherence to deterrence and tit-for-tat power balancing or damage limiting strategies may blind the
third party to opportunities for successful mediation efforts; such opportunities can emerge from changing circumstances, crises, leadership changes, and other factors.

**Proliferation of Other Mediators.** During the Cold War period, the superpower conflict tended to prevent third party mediation in different regional conflict zones, e.g., the Middle East, Africa, and Asia. Now, new actors including governments, nongovernmental organizations, and regional organizations are involved (Crocker, Hampson, Aall, 1999). Different actors have different mediation strengths and weaknesses. As Jeffrey Rubin (1992) has suggested, there are different kinds of resources and influences that mediators can bring to the negotiating table and these are related to different bases or sources of power, including reward power, coercive power, expertise, legitimacy, and informational power (i.e., working on the content of messages and serving as a go-between or message carrier). Whereas non-governmental organizations and private individual mediators are low in reward and coercive power capabilities, they may be strong in expert and referent power capabilities (Kelman, 1996; Kelman, 1997). Regional organizations may have special strengths such as being closer to the problem and consequently having a better understanding of the sources, dynamics, and special points of intervention in a conflict. NGOs may lack leverage in a conflict as their relationship to power holders is more removed than either regional organizations or the United Nations, but they may have other assets, i.e., special relationships with governments and intergovernmental players on the basis of which they can borrow leverage.

In Mozambique, Sant’Egidio became part of the political landscape and was able to play an important role by offering critical, negotiating space to the parties, which
allowed the parties to conceive and accept alternatives to their otherwise hardened positions. More recently, in Sri Lanka— one of the world’s more intractable conflicts— the parties turned to Norway to serve as facilitator in negotiating a cease-fire and the broad outlines of political settlement. One of the reasons why Norway was an acceptable mediator to the Sinhalese-dominated government and to the northern Tamil “Tiger” insurgency movement was because it was one of the country’s major development assistance donors and had a strong reputation for competence and impartiality. The peace talks, brokered by the Norwegian Government, have been taking place in Nakhon Pathom in Thailand. Although the talks were originally expected to focus mostly on humanitarian issues such as de-mining and refugees, the parties have gone further and agreed to the establishment of three committees to examine rehabilitation needs in war-hit areas; to push military de-escalation; and to look at political questions at the heart of the 19-year civil war.

As a consequence of the proliferation of actual and would-be mediators on the international stage, the UN finds itself operating on a more crowded playing field where are other mediators are competing for the attention and concern of the parties. This does not necessarily mean that the UN is relegated to the sidelines, but it does mean that it has to choose its negotiating targets of opportunity with care.

**Recent UN Mediation Initiatives**

It is difficult to draw any hard-and-fast generalizations about when and where the UN has an effective mediation role to play in today’s conflicts. In some cases, it is quite clear
that the UN is essentially “grandfathered” as the mediator of choice as direct
consequence of its previous (and typically ongoing) mediated interventions in a particular
conflict. In other instances, the UN has emerged as a mediator during the peacebuilding
phase of peace operations because the UN is responsible for implementing a settlement
that has been negotiated by other third parties. Some of the most obvious grandfathered
cases of UN mediation include the following:

**Cyprus.** Cyprus provides a classic example of an intractable conflict that, at
least until recently, appears to have been frozen. In spite of almost 40 years of ongoing
mediation, the UN (along with various other third parties like the United States and
NATO) has been unable bring about a negotiated settlement. Although the absence of a
hurting stalemate is one possible impediment to resolution, the UN’s problems in
reaching a negotiated settlement historically have been compounded by the “hands off”
attitude by the United States and other permanent members of the Security Council
towards the self-determination and territorial claims of the parties. The Security Council
mandate, which established UNFICYP in 1964, advised the peacekeeping force “to use
its best efforts to prevent a recurrence of fighting, as necessary, to contribute to the
maintenance and restoration of law and order and a return to normal conditions.”
Following Turkey’s invasion of the island in 1974, the mandate was changed to include
humanitarian functions because of the humanitarian crisis that was precipitated by the
island’s partition. The “restoration of law and order” was never defined in spite of the
fact that political circumstances changed dramatically.

Although the mandate gave the UN the necessary flexibility to deal with the
situation, the lack of political direction have hampered its ability to effect a change in the
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political environment in which it has operated at least until relatively recently when the situation began to change (Birgisson, 1993; Hampson, 1999: 27-52). Turkey’s desire to gain admission to the European Union, coupled with the Greece’s own desire to see Cyprus enter into the Union, has been simultaneously a complicating element in the UN-led negotiations, but also a real source of leverage. The United States own interest in supporting Turkey’s entry into the European Union in order to promote political and regional stability has also renewed its own interest and involvement in reaching a political settlement to the dispute over Cyprus.

**Western Sahara.** The Western Sahara is another “grandfathered” case of UN mediation and involvement in peacekeeping. UN engagement in the conflict dates to Spain’s withdrawal from the Western Sahara in 1976 and the conflict between Morocco and the independence movement led by the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio del Oro (Frente POLISARIO) over the territory (Fakirani, 2002). The UN and the OAU brokered a set of “settlement proposals” that were accepted in 1988 by the Moroccan government, which had taken control of the territory, and the Frente POLISARIO, which was supported by Algeria. Under the provisions of the agreement, the United Nations would sponsor a referendum on Western Saharan independence to be managed by the United Nations Mission for the Referendum in Western Sahara (MINURSO). The referendum was to have taken place in 1992 following a negotiated cease-fire, but never did. Although both sides have indicated their commitment to the implementing the settlement proposals, they have not been able to agree on the modalities of and timetable for a referendum. In spite of repeated efforts by the Secretary-General through his personal representatives to mediate a resolution to the outstanding issues that
stand in the way of an agreement between the parties, divisions remain over a number of key issues, including the repatriation of refugees and the appeals process associated with voter eligibility in the referendum. What is also arguably another piece of the problem is the unwillingness of France and the United States to pressure Morocco because of the strategic importance they place on the stability of King Hassan II’s regime.

In other—what clearly may be the more typical—cases, the UN finds itself driven into a mediation role as a result of responsibilities it has picked up for peace-building (or mopping up operations) as in the case of Afghanistan or East Timor (where it also helped to mediate East Timor’s independence from Indonesia). Mediation among previously warring parties has become part and parcel of peace-building challenge (Griffin and Jones, 2000; Suhrke, 2001). This is not necessarily a new trend. Those responsible for managing peacekeeping and peace-building operations often find themselves cast as the role of mediator among previously warring parties who now are having to carry out their "battles" on a political rather than a military playing field (Hampson, 1996). The terms of a peace settlement, which often set strict limits on the mandate and timetables of those third parties responsible for assisting with the implementation of the settlement in question, create their own set of constraints not all of which are conducive to peacebuilding and laying foundations that will make the settlement last. Military, humanitarian, and development objectives are frequently at odds, as are the institutions and the officials responsible for pursuing them. As Aldo Ajello observes, the implementation phase of a settlement changes the balance of forces between government and opposition, tending to favor the ruling party that is running the country and controlling the administrative and political machinery and resources of the state (Ajello,
This creates strong incentives for the opposition to defect from the peace process. In this strained environment it is all too easy for those responsible for implementation to lose sight of the "big picture" and their broader political objectives. There is obviously no substitute for carefully mediated and planned peace agreements that are not just driven by deadlines and a sense of urgency for the quick fix, but by a clear strategic vision of the elements necessary to ensure that the settlement remains durable. This requires a careful handover to successor institutions responsible for implementing the settlement in question, but also some degree of involvement by those responsible for implementation in the details of the negotiations itself before a settlement is reached as well as afterwards, when the settlement is being implemented.

Afghanistan. The UN’s most recent role in Afghanistan follows the US-led military intervention to overthrow the Taliban regime and rout the terrorist group, Al-Qaeda, following the events of September 11, 2001. For many years, prior to the consolidation of Taliban rule in the country, the UN was involved in trying to mediate a political settlement among the country’s different warring factions. And throughout the 1980s and 1990s, the UN provided various forms of humanitarian assistance to refugees inside Afghanistan and along the border between Afghanistan and Pakistan. At the Bonn Conference which was convened in November 2001, following the collapse of the Taliban regime, the United Nations Special Mission for Afghanistan (UNSMOA) played a key role in mediating among Afghanistan’s different factions to establish an Interim Authority that would be replaced after six months by a Transitional Authority selected by the loya jirga, a body representing different Afghani communities and groups. Under the agreement, popular elections would eventually be held for a new government. One of
the main difficulties at the Bonn meeting was the issue of adequate representation of the Afghani people especially in the Interim Authority. The Secretary-General’s Special Representative, Lakhdar Brahimi, played a critical role in getting the different factions to reach an agreement, which saw Hamid Karzai sworn in as Chairman of the Interim Administration.

**East Timor.** The UN’s involvement in East Timor dates to the UN General Assembly Resolution of 1960, when East Timor was added to the UN’s list of Non-Self Governing Territories (Beauvais, 2001; Chopra, 2000; Cotton, 2001). When Portugal, which administered the territory, finally sought to establish a provisional government in 1974, a civil war broke out between those wanted outright independence and those who wanted to unit the territory with Indonesia. Indonesia subsequently intervened and forcibly annexed East Timor in 1976. From 1982 onwards, the United Nations conducted negotiations between Indonesia and Portugal to resolve the status of East Timor. A set of agreements were finally concluded in 1999 under which the United Nations would consult with the people of East Timor to accept or reject a “special autonomy status” for the territory within Indonesia. There was more violence, much of which was instigated by Indonesian security forces, which opposed East Timorese independence. In September 1999, a multinational force led by Australia was deployed to East Timor to quell the violence and help the United Nations Mission in East Timor (UNAMET) restore civil authority and facilitate humanitarian assistance. Voters finally went to the polls in August 2001 to elect a Constituent Assembly tasked with the responsibility of writing and adopting a new constitution for the country and helping a new East Timorese government run the territory before it received its independence on May 20, 2002. In the
post-independence period, the United Nations has continued to maintain its presence with a successor mission known as the United Nations Mission of Support in East Timor. It is responsible for helping maintain security in country and providing core administrative assistance to the new government (Thakur, 2001).

**Mediation Back-Up in Other Conflict Zones.** In Sri Lanka, Burundi, the Congo, and other zones of conflict, the United Nations is not necessarily always at the center of mediation efforts. However, it is not necessarily a spectator either. In Burundi, for example, the United Nations Office in that country has supported key initiatives aimed at promoting peace in that country. The United Nations was extremely support of the efforts of former South African President Nelson Mandela who was designated by the African heads of state to serve as a facilitator in the conflict. That support extended to allowing Mr. Mandela to address the members of the Security Council in order to raise the profile of the conflict. The Secretary-General’s own Special Representative, Jean Arnault, was tasked to head the United Nations Office in Burundi and to worked with the parties to build a consensus around peace talks.

The civil war in Congo provides another example of an intractable conflict where the United Nations has been unable to make significant headway in bringing about a negotiated resolution. The complexity and deeply entrenched nature of Congo’s civil war, and the large number of actors and interests involved, have made the conflict a particularly difficult one to resolve.

The origins of the war can be traced to the period following Rwanda’s genocide in 1994, when Laurent Kabila rose to power in Congo (formerly Zaire), overthrowing Mobutu Sese Seko in 1997. In 1998, Rwanda and Uganda, supported by Congolese
rebels, attempted to overthrow President Kabila, while Angola, Zimbabwe, Namibia, Sudan, and Chad sent troops to defend him. The situation in the Congo soon deteriorated into chaos, characterized by widespread looting, disease, and famine that has claimed the lives of millions over the course of four years. Fighting over the Congo’s vast mineral resources is one of the main factors that perpetuate the conflict.

Since 1999, a series of pacts, cease-fires, and peace agreements have been reached, and foreign troops have agreed to withdraw, but promises have been broken on all sides and violence has continued. Although the UN has not always been at the center of negotiations among the warring parties (South Africa, for instance, has played a major role), it has supported peace talks and has been active in terms of sending delegations to help mediate the ongoing dispute. More recently, the UN has been increasing the numbers of peacekeepers sent to the region in an effort to advance the fragile peace process. Despite the signing of a recent UN / South Africa brokered peace deal intended to lead the Congo government, opposition parties, and rebel factions towards a transitional government and eventually democratic elections, internal fighting persists among rebel groups and promises continue to be broken.

**Conclusion**

In the 21st century, the UN is still an important mediator of international disputes. But it also finds itself playing a more crowded stage as there are other mediators—regional organizations, non-governmental organizations, and an assorted of great powers, middle powers, and small powers—who are more than willing to parachute into conflict zones
with offers of good offices and other kinds of intermediary assistance. Whereas the UN’s principal strengths are its ability to focus international pressure and attention on a problem—though not always with unqualified, positive results—this is not necessarily what the parties want. Sometimes they prefer to work with small powers or non-governmental organizations because this allows them to take the conflict out of the political spotlight as in the case of Norway’s intermediary role in the Oslo peace process or currently in Sri Lanka. It is also arguably the case that today’s conflicts are more intractable (or durable) and therefore less amenable to the mediated interventions of any third party, including the United Nations. The UN may find itself the mediator of choice because of its previous involvement in these protracted conflict cases, e.g., Cyprus. It may also find itself playing the role of mediator of last resort because others have tried and failed, e.g., Burundi. In these situations, its intermediary efforts may be compromised by poorly timed hand-offs and/or sloppy trade-craft by those who intervened before. In other cases, like Afghanistan, the UN may be driven into an intermediary role as a result of the US war against terrorism and the “hit and run” tactics of United States, which has left the UN to pick up the pieces after the withdrawal of US forces. In these cases, mediation merges with the tasks of peace-building and efforts to bring political, social, and economic order to societies that have been torn apart by repeated interventions by outsiders.

Getting the parties back to the negotiating table and resurrecting old formulas (or devising new ones) are formidable challenges and ones that the UN may be ill-equipped to handle. In spite of these hurdles, it is still too early to write off the UN as a mediator given its past track record of success and its obvious staying power in difficult situations.
And it is also true that when a negotiated settlement is reached, there will continue to be demands of effective mediation during the settlement’s implementation—the so-called peace-building phase of peacemaking. More often the not, the UN will be cast in this role because of it will be given the responsibility for implementing a settlement.

References


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