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## Introduction

### *Dispelling the Fog of Peacemaking*

In early 2010, in a lecture at the American University of Beirut, veteran mediator Lakhdar Brahimi confided in an audience of students and aspiring diplomats that the quintessential question in the realm of peacemaking is simply “what are we [mediators] actually doing?”<sup>1</sup> Brahimi’s question touches on what practitioners and academics often refer to, in one way or another, as the *fog of peacemaking*, the absence of a consensus or general understanding of the function and objective of mediation and the role mediators play.<sup>2</sup> Around two years after that lecture, Brahimi took on the post of mediator in Syria, representing the joint efforts of the United Nations (UN) and Arab League (League of Arab States (LAS)) to broker peace in the war-torn country. Meanwhile, in jails and detention centers across Syria, captives, prison guards, and activists reporting abuses refer to a green water pipe used to beat and torture prisoners, detainees, and the forcibly abducted as “Lakhdar Brahimi.”<sup>3</sup> According to the testimony of Kamal Sheikho, a Syrian journalist detained by the Assad regime, those abused by the device named it after the mediator “in mockery of the UN that has failed them.”<sup>4</sup> More gruesomely, other documented testimonies have revealed that prison guards and security agents taunted victims being tortured with the device by naming it after the mediator assigned to protect them.<sup>5</sup> While the

<sup>1</sup> (Brahimi 2016), 28.

<sup>2</sup> See, for example (Bercovitch and Gartner 2008b); (Crocker, Hampson, and Aall 1999a); and (Guéhenno 2015).

<sup>3</sup> Interview with Senior Official at the Office of the High Commissioner for Human Rights (OHCHR), Geneva, Switzerland, January 2017. Interview with Human Rights Officer at OHCHR, Geneva, Switzerland, January 2017. Interview with OHCHR Official, Geneva, Switzerland, January 2017. See also (Al-Saadi 2014).

<sup>4</sup> (Sheikho 2017).

<sup>5</sup> “One used a green pipe; in Arabic, al-akhdar refers to a green object, so security agents all over Syria taunted detainees by calling this weapon Lakhdar Brahimi, who was then the U.N. special envoy for Syria” (Taub 2016).

origins of the name vary, the association between instruments of torture and UN mediators is a stark and telling contradiction that underscores the real-life implications of not clarifying this fog of peacemaking.<sup>6</sup>

Since its onset in 2011, the conflict in Syria has frequently been described as one of the most catastrophic conflicts of our time and a dark stain on the United Nations' current peacemaking abilities.<sup>7</sup> Although international attention on the conflict in Syria has subsided, concerns over how to successfully mediate a transformative peace process cannot be ignored. From 2012 to 2018, at the height of the UN's command over the peacemaking process, the UN selected three notable diplomats – Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura – to broker such a deal.<sup>8</sup> Accordingly, this book aims to analyze how the individuality of the mediator along with the context in which they operated shaped and affected their respective mediation process in Syria. The changing of the identity of the UN mediator in the conflict in Syria allows for a study of the agency of the mediator and the significance of the individual mediator in the decision-making of the UN mediation process.<sup>9</sup> In brief, it explores the surprisingly opaque matter of the actual input of each mediator to the peacemaking process. At the heart of this book is a simple, yet still unaddressed question – what do UN mediators actually do in conflicts like the one in Syria?

<sup>6</sup> Another torture device is named after Staffan de Mistura. See the testimonial of a survivor of torture, given a fake name, “Khaled”:

“Breakfast is two hours of Lakhdar Brahimi (former UN envoy to Syria), but lunch must be for you to enjoy a hearty meal of de Mistura” (Staffan de Mistura, current UN envoy to Syria). Khaled explained: “The names of these UN envoys designate the types of pipes that IS members use to whip detainees. The first type (Lakhdar Brahimi) is a green hosepipe with a diameter of 1.5 cm (.59 inches) – Lakhdar is also the Arabic word for green. The de Mistura is the more painful second type, a cable used in street lighting.” (DW 2016)

<sup>7</sup> (Al Hussein 2017).

<sup>8</sup> Kofi Annan and Lakhdar Brahimi represented both the UN and the Arab League; Staffan de Mistura represented only the UN. The selection of both Annan and Brahimi, however, came from the UN, both of whom were welcomed by the LAS. Following de Mistura's resignation, a fourth UN mediator, Geir Pedersen, was appointed in October 2018. There was insufficient time between his appointment and this book's submission to properly analyze his efforts.

<sup>9</sup> Annan held the post from February 2012 till August 2012. He was succeeded by Brahimi, who mediated from September 2012 until May 2014; Staffan de Mistura was appointed in July 2014 and resigned in October 2018.

In turn, its ultimate objective is to unpack the decision-making process of UN mediating operations and explain the impact the particular envoy has on the process of mediation. To do so, this book will not treat the UN mediator as a unitary rational actor but instead, using the tools of foreign policy analysis, apply a first-level analysis for each envoy. Specifically, the methodology will incorporate process tracing and semi-structured interviews with UN mediators, relevant mediation personnel, and other parties involved in the mediation process.<sup>10</sup> While two of the mediators, Lakhdar Brahimi and Staffan de Mistura, as well as Kofi Annan's deputy in Syria, Jean-Marie Guéhenno, agreed to speak on record, most UN personnel interviewed raised concerns that they could be adversely affected if they were identified, or were more comfortable sharing information anonymously. In respect of these requests, these interviews are kept anonymous and the generic title "UN Official" is categorically used to describe UN personnel who expressed such concern; similar generic titles are used to protect the anonymity of interviewees outside the scope of the UN.<sup>11</sup> To add to the credibility of the material gathered from interviews, on record or by attribution, various sources of data (such as media, official UN documents, analysis in the literature of the social and political factors shaping the conflict, official statements by foreign leaders and involved stakeholders) are used, when possible, to corroborate the information disclosed by the interviewees.

While this book focuses on the mediation process in Syria, its applications also resonate elsewhere. For academic interest outside Syria, it does so by critically engaging with the UN's internal structure and its influence on the international organization's approach to mediation. Outside the framework of the UN, it also contributes to the theoretical study of the role decision-makers have in conflict settings and within institutions in general. For invested practitioners, this scholarly work also provides much-needed explanations on the dynamics that drove key decisions throughout the mediation process in Syria and can offer new ways to examine what it is UN mediators do or choose not to in their respective roles. Most importantly, as Syria remains one of the worst unresolved conflicts of our time, this book

<sup>10</sup> (Collier 2011).

<sup>11</sup> Keeping interviews mostly anonymous allows for an open exchange of information and appears to be a shared motif in research on the UN's mediation efforts. See for example (Hill 2015) and (Convergen 2015).

clarifies what these three mediators entrusted to mediate for peace have actually done. The first step towards that goal is finally providing an answer to Brahimi's lingering question and start demystifying the world of mediation.

### 1.1 Research Focus

The UN often finds itself as the leading broker of peace in high-profile and complex intrastate conflicts like that occurring in Syria. As Bercovitch and Gartner observe, “[i]n the post-Cold War era’s outbreaks of low-level violence, civil wars, and ethnic conflicts, the United Nations is often seen as the only actor capable of resolving conflict independently.”<sup>12</sup> Arguably, this is primarily due to its international stature, leverage, and perceived impartiality, or even at times because it is considered the only actor able and willing to carry out the role.<sup>13</sup> Peace, however, is by no means a definite outcome. Peace itself is loosely defined with little consensus over the appropriate indicators to measure it.<sup>14</sup> Moreover, this external intervention, the peace process, often becomes part of the conflict cycle. The conflict manager, peacemaker, or mediator is thus part of the equation of both conflict and peace.

Who are these actors and how should they be analyzed? Are they individuals with distinct approaches to mediation and subjective cost-benefit schemes or are they unitary rational actors whose interests and behavior are equivalent to the institution, organization, or state they represent? Specifically, is the individuality of the mediator selected to represent and manage the UN’s peacemaking process a significant variable? To begin to answer these interrelated questions, one needs to first explore the environment in which they operate. To explain, certain conditions accentuate the individuality of an actor more than the institution they might represent. Generally, in instances of extreme volatility, conflict, bureaucratic clashes, or a loosely defined role with

<sup>12</sup> (Bercovitch and Gartner 2008b), 335.

<sup>13</sup> Bercovitch and Gartner “anticipate that international organizations play a more effective role in the more intense, difficult and less amenable conflicts; those ‘orphaned conflicts’ not wanted by states or regional organizations” (Bercovitch and Gartner 2008b), 336.

<sup>14</sup> (Bercovitch and Houston 1996), 19; see also (Crocker, Hampson, and Aall 1999a); and (Lederach 1997).

large discretionary powers, as well as a lack of access to full information, individual decision-makers have been argued to have a greater influence in shaping the political behavior of their respective organization.<sup>15</sup> The decisions they make, therefore, matter. This means that to explain the decisions that feed into political outcomes, there is a need to explore in detail the intricate dynamics of their decision-making process. One fruitful methodological tool used to study the belief systems of decision-makers, particularly their philosophical and political beliefs, is identified as “operational code,” an approach that this book will demonstrate to be relevant for the study of mediators.<sup>16</sup>

Conflict mediators operate in similar conditions as outlined above, where a focus on the individual decision-maker is necessary for explaining their political behavior. Unfortunately, scholarship on mediation is primarily fixated on “impersonal forces,” eliding an analysis of the individuality of these influential decision-makers. In doing so, there is an unfortunate and often implicit framing of mediators as unitary rational actors rather than as individuals. In this sense, the UN itself is understood as the mediator as opposed to the individual mediator representing the UN, for example Brahimi or Annan; this is an erroneous assumption and it hinders the ability of such approaches to accurately assess the mediation process.

This book ultimately aims to clarify the significance of decision-makers, specifically UN mediators, in the peace processes they manage. In doing so, it will be able to better clarify their input in such a complex and critical political process. Drawing on tools developed in foreign policy analysis and political psychology, this book will demystify the “expertise” of mediators by applying a first-level analysis to explain how their strategic perceptions concerning four key mediation variables – identified in detail in the methodology section – shaped their decision-making. The three mediators in Syria representing the UN – Lakhdar Brahimi, Kofi Annan, and Staffan de Mistura – have been selected, based on positional and reputational criteria, to be the case studies of this book.<sup>17</sup> A focus on Syria offers an arena where all three

<sup>15</sup> Three instructive texts are (Byman and Pollack 2001); (Jervis 2013); and (Hudson and Vore 1995), 218.

<sup>16</sup> (George 1969).

<sup>17</sup> Tansy outlines two approaches to identify and select elite subjects. The first approach is based on positional criteria – the post or occupation the elite holds. The second is centered on reputational criteria. While each approach has its

selected mediators served in the same capacity during the conflict in the country. More importantly, insofar as Syria has been identified regularly by the international organization as a critical threat to international peace and security, a focus on Syria offers seminal insight into the UN's peacemaking response to such a momentous conflict.<sup>18</sup>

This book introduces a method that tailors first-level analysis to the study of mediators. Since the crux of first-level analysis methods is designed to particularly deal with foreign policy, these methods cannot be applied in unaltered form to the study of UN mediators. To overcome this methodological challenge, this research draws on the existing literature on mediation. In particular, empirical research on mediation demonstrates four variables – (1) identity of the mediator, (2) context, (3) parties, and (4) the process of mediation – to be particularly relevant to mediation outcomes. Bercovitch and Houston, the principal scholars behind this approach, termed the contingency model, find that “the interaction among these elements determines the nature, quality and effectiveness of any form of mediation.”<sup>19</sup> Yet as explored in the upcoming section on critical perspectives on the study of mediation, the contingency model fails to incorporate the perceptions of the actual mediator into these elements. Instead, it holds that the contextual variables themselves determine the mediation outcomes.

In order to fill this gap, a two-pronged methodology is advanced, combining first-level analysis with process tracing. The first facet of the methodology uses process tracing to identify the key mediation initiatives and thus the main outcomes of the efforts under each mediator. Following this method, a first-level analysis is applied to examine the mediator's input on shaping each of these outcomes. The second aspect of the methodology continues with the first-level analysis to examine how the mediator's perceptions of each of these four categories,

respective advantages, Tansey makes clear that a combination of the two is optimal (Tansey 2007), 765. In that respect, Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura fit both positional and reputational criteria. Positionally, all three occupied similar mediating posts in Syria. In terms of reputation, all three mediators, especially Kofi Annan and Lakhdar Brahimi, have not only had long careers within the UN but have also often been cited as instrumental in the shaping of contemporary UN approaches to conflict management, peacemaking, and mediation. While de Mistura's diplomatic prestige is less than that of either Annan or Brahimi, he worked for more than forty years in the UN, heading UN missions in countries such as Afghanistan, Iraq, and Lebanon.

<sup>18</sup> (Al Hussein 2017). <sup>19</sup> (Bercovitch and Houston 1996), 7.

identified throughout this book as the mediator's strategic perceptions, affected their behavior. The four elements identified in the contingency model as pertinent to the study of mediation are used to avoid any selection bias regarding which categories of perceptions are being studied. To explain, it defines how the mediator perceived each of these four elements and in turn how these perceptions impacted their decision-making. In sum, the first component of the method delineates the actual mediation outcomes by evaluating the extent to which the mediator's decision-making shaped the mediation efforts. The second then clarifies the dynamics behind the decision-making of the mediator.

## 1.2 Does Mediation Matter?

International mediation in conflicts like the one in Syria is fundamentally a process of external intervention. More often than not, the majority of civilians of countries devastated by war – as opposed to external actors and the armed parties participating in it – have little say in the selection of the mediator, the policies and strategies pursued by the mediator, or the institutional designs crafted throughout the process of mediation. However, questions concerning the expectations different stakeholders have of the mediator cannot be ignored, especially given that the process of mediation affects the lives of people who did not select the third party. While mediators might be approved or rejected by the warring parties involved, these third-party decision-makers are not chosen, let alone elected, by affected populations. This is an important distinction because it highlights the undemocratic and exogenous nature of this form of intervention. When a peace process is initiated, there are significant demands and expectations held by populations who are affected by the conflict. As former U.S. mediator Chester Crocker notes regarding the position mediators occupy: “If a job is worth doing, it is worth doing well. That means that someone must be placed in charge, held accountable, given the requisite mandate and resources, and steadily supported, or else replaced.”<sup>20</sup>

Here one might suggest: does mediation matter? And if not, why would mediators matter either? In fact, the majority of scholarship on peacemaking seems to focus on assessing mediation's efficacy. On one side are scholars who argue that mediation cannot bring an end to civil

<sup>20</sup> (Crocker, Hampson, and Aall 1996), 190.

wars.<sup>21</sup> On the other are those who argue that it is the most effective form of third-party intervention in a civil war. And, in between these two camps are those who claim that certain contexts are “ripe” for mediating interventions while others are not.<sup>22</sup> Ignored in all three positions is a serious and thorough analysis of the roles, expectations, and margin of maneuver of the mediator, as a decision-maker, in this process.<sup>23</sup>

The underlying argument behind most criticism of third-party intervention in civil wars is that such wars are best resolved through military victory as opposed to a negotiated settlement. For instance, Edward N. Luttwak in his article, “Give War a Chance,” argues that peace can only come to fruition when “war is truly over.”<sup>24</sup> Similarly, in a more empirical study, Roy Licklider contends that “[t]he data suggest that most civil wars are ended by military victory but that negotiated settlements are a regular phenomenon. Of the 57 civil wars which have ended, one quarter (14) ended by negotiation, while the remaining 43 ended in military victory.”<sup>25</sup> However, as Virginia Fortna notes in her extensive literature review on the matter, the empirical debates over the efficacy of peacemaking and alleged intractability of internal conflicts are unsettled and ongoing, arguing that the contents of peace agreements affect the durability of peace.<sup>26</sup>

<sup>21</sup> See, for example, (Luttwak 1999) and (Licklider 1995).

<sup>22</sup> For the classic text on ripeness refer to (Zartman 2000).

<sup>23</sup> One notable exception is the US Institute for Peace’s attempt to bring together scholars of mediation and practitioners to better understand what makes for good peacemaking. Nevertheless, this effort insists on painting the expertise of the mediator as an art rather than a science. As the editors contend,

“[t]he art of mediation encompasses a multitude of valid approaches to peacemaking. Success in this medium depends on understanding the forces and the factors at work in any given conflict, and designing a response accordingly. If this is the case, the ad hoc nature of mediation raises the question of whether any of the cases are replicable, either in whole or in part. This question – sharpened by the practitioner’s insistence on the special qualities of each situation and the academic’s search for generalizable principles – is central to this volume, and the answer from this group of practitioners seemed to be that lessons can be transferred from one experience to another, but only with great care; in other words, it depends” (Crocker, Hampson, and Aall 1999a), 61.

<sup>24</sup> (Luttwak 1999), 38. <sup>25</sup> (Licklider 1995), 684.

<sup>26</sup> (Fortna 2003a), 102. Moreover, her own data analysis suggests that:

The international community has adapted the tool of peacekeeping for use in internal conflicts. Contrary to the standard characterization of this endeavor as much less successful than traditional peacekeeping between sovereign states, the



While the vigor and persistence of scholarly debates over the efficacy of different forms of third-party interventions in civil war demonstrate the absence of consensus on the matter, for now it is important to recognize that while much criticism is directed towards the dangers of interventions that prolong cycles of violence they attempt to resolve, few, if any, of the serious scholarship makes the claim that mediation and peace processes have no effect and do not warrant further study.<sup>27</sup> Therefore, while it is important to incorporate studies that examine how third-party interventions affect – for better or worse – the conflicts in which they intervene, one must make clear that these processes are not insignificant. If mediation matters, there is a need to understand the influences that shape the contours of this dynamic political behavior. Who and what determine the policies pursued in mediation efforts: the system of international relations, institutional characteristics, or individual decision-makers? The literature focusing on levels of analysis helps shed light on this seminal question.

### 1.3 Levels of Analysis

Clearly, there are conditions and situations where one level of analysis, the individual decision-maker, institutional characteristics, or the system of international relations, has greater explanatory value than another.<sup>28</sup> Drawing on Charles Hermann<sup>29</sup> and Ole Holsti,<sup>30</sup> Hudson and Vore observe that “[u]nder certain conditions – high stress, high uncertainty, dominant position in foreign policy decision making – the personal characteristics of the individual leader can become central in understanding foreign policy choice.”<sup>31</sup> Relatedly, Byman and Pollack lay out similar conditions that accentuate the relevance of pursuing a first-level analysis of individuals. Specifically, they note that

record of peacekeeping in civil wars is at least as good as that for interstate wars. In short, peacekeeping is no less effective at maintaining peace between belligerents within states than between belligerents who are both states. It is at least as effective inside as out. (Fortna 2003a), 112.

For more on Fortna’s analysis on the contents of peace agreements and their relationship to the durability of peace, consult (Fortna 2003b).

<sup>27</sup> See also Sergio Vieira de Mello’s response to Luttwak’s argument (De Mello 2000).

<sup>28</sup> For more on the literature of levels of analysis, consult: (Singer 1961, 1968); (Waltz 2001); (Byman and Pollack 2001); and (Hudson and Vore 1995).

<sup>29</sup> (Hermann 1972). <sup>30</sup> (Holsti 1989). <sup>31</sup> (Hudson and Vore 1995), 218.

“[i]ndividual personalities take on added significance when power is concentrated in the hands of a leader, when institutions are in conflict, or in times of great change. Individuals also shape many of the drivers identified by other theorists, such as the balance of power, domestic opinion, and bureaucratic politics. These paradigms suffer when individuals are ignored.”<sup>32</sup>

The logic behind their criteria is quite clear. First, in environments where leaders wield significant decision-making power, they are more able to directly influence – if not determine – the main conceptual and organizational aspects of policymaking, such as the agenda, framing, process, and final policy formation. Evidently, the less power is concentrated in a position, the less capable any one decision-maker is able to influence or determine the outcome of a policy. Second, institutional, systemic, and domestic forces, when strong, all inhibit the power of the individual decision-maker. However, when such forces interact with one another, they often lead to a conflict, resulting in vague pressures on the policymaker. Decision-makers can exploit the conflicting environment between these different pressures in order to pursue their own interests. Third, in more fluid contexts and dynamic environments, the role of the individual becomes more pronounced. Decision-making centered on individuals is faster than that following a rigid bureaucracy. As Byman and Pollack point out, “[t]here was a good reason why the Roman Republic transferred the powers of the Senate to a dictator in times of crisis: A single person can react quickly to rapidly unfolding events, seizing opportunities and fending off calamities.”<sup>33</sup>

There thus seems to be general consensus among practitioners and scholars that mediation fits the above conditions, insofar as conflict is a chaotic, stressful, and dynamic process, thereby making a sound case to pursue a focus on the individual decision-maker as the subject of study and explanatory category.

While these contextual variables likely accentuate the decision-making powers of mediators, perhaps it could still be argued that the mediators being studied are not acting on their own behalf but rather on behalf of the UN. In this sense, focusing on the individual representing the UN might not be as significant as the organization itself. Framing it somewhat differently, Jervis highlights three key conditions used to legitimize the argument that leaders, or decision-makers, do

<sup>32</sup> (Byman and Pollack 2001), 109.      <sup>33</sup> *Ibid.*, 142.

not matter. First, leaders elected to a post all share the same critical values or belief systems. Second, once leaders take office, they are socialized and their interests are substituted with those of the institutional environment. Third, the freedom of action of leaders is limited by their external environment.<sup>34</sup>

The UN's flexible peacemaking decision-making structure and its reliance on personalities to oversee key mediation efforts do not appear to match Jervis's criteria. As detailed in a more expansive review of the UN's professional services, there is a tension between institutional efforts to professionalize mediation and the institution's own sidelining of its professionalized mediation services.<sup>35</sup> Structurally, the UN does not provide its professionalized mediation services and departments with decision-making powers.<sup>36</sup> It largely appoints those outside the professional corps to top mediating roles, preferring former foreign dignitaries or notable personalities over UN civil servants trained by its professionalized mediation track. Moreover, it limits the role of its professionalized sectors such as the Mediation Support Unit (MSU) to an advisory capacity.<sup>37</sup> To be clear, even when mediators do come from within the wide umbrella of the UN civil service, they do not necessarily come through the UN's professionalized mediation track; rather, there is apparent diversity in their professional experiences and

<sup>34</sup> (Jervis 2013), 155–56. <sup>35</sup> (Nassar 2019).

<sup>36</sup> In response to concerns about the shortcomings of the UN's attempts to professionalize its mediation efforts, advocates of continuing such approaches insist on the need of developing a mediator database, increasing the selection of women in this field, and creating more opportunities for mid-level staff to develop more necessary peacemaking skills as well as providing more career opportunities to go with them. Most notably, see (Ki-moon 2009), 6–7.

<sup>37</sup> The majority of mediators selected by the United Nations come from outside its training programs with estimates of around 70 percent of mediators coming from diplomatic backgrounds. In response to such a striking figure, mediation scholar Elodie Convergne argues that the disproportionate selection of foreign ministers and diplomats runs counter to the institutional efforts to maintain that mediation is distinct from diplomacy and a specialized field that requires an expertise unique to mediation (Convergne 2015), 184–94. The findings of the *Report of the Secretary-General on Enhancing Mediation and Its Support Activities* and its assessment of the existing training programs also weaken any attempts to suggest that these diplomats are taught or trained to develop a uniform approach to mediation. The Secretary-General's report proposes that a key step forward towards professionalizing the field of mediation in the UN is by opening more opportunities for UN staff to be equipped to fill such roles (Ki-moon 2009), 19.

respective positions within the organization. In the case of Syria, for example, Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura display variance in their professional backgrounds inside and outside the United Nations.

Kofi Annan was the seventh Secretary-General of the United Nations, serving from 1996 until 2006, commanding significant prestige and diplomatic weight as a global “statesman.” Lakhdar Brahimi, former foreign minister of Algeria (and in his earlier diplomatic career representative of National Liberation Front), chaired the Panel on United Nations Peace Operations that produced the blueprint for the UN’s peace operations, more commonly referred to as the *Brahimi Report*, and built a distinguished career as one of the most prolific international mediators.<sup>38</sup> De Mistura, meanwhile, had a less senior role in the Italian foreign service, and a more longstanding humanitarian background in the UN.

Not only do mediators largely come with varied backgrounds and experiences, there are no clear socialization pressures to bureaucratize their decision-making. Rather, they are structurally empowered to consult, process, and act on information issued by advisory units and professionalized services at their discretion.<sup>39</sup> As we will come to document in the experiences of Annan, Brahimi, and de Mistura’s mediation in Syria, mediators are also likely to vary in how they assess the information provided by these specified services and in their strategic perceptions related to the mediation process, further weakening the unitary rational actor framings of mediators as socialized units.

A general snapshot of the different actors within the UN’s peace-making apparatus suggests the absence of a linear decision-making structure where decisions are funneled down.<sup>40</sup> On the one hand, the

<sup>38</sup> (A/55/305-S/2000/809 2000).

<sup>39</sup> Drawing on his experience mediating in Afghanistan in 1997, Lakhdar Brahimi shed light on the limitations “expert” opinions have on influencing the decision-making of the mediator on the field (Brahimi 2016), 24–25. Underscoring the limited influence specialized services or training have on the performance of mediators on the field, the Report of the Secretary-General on Enhancing Mediation and its Support Activities, in its assessment of the UN’s professionalized peacemaking efforts, concludes that: “Too often in the past, mediators have been dispatched without the full benefit of specialized training and background information, giving United Nations efforts an ad hoc quality too dependent on trial and error” (Ki-moon 2009), 18.

<sup>40</sup> For a more detailed analysis of the UN’s institutional decision-making structure, consult (Nassar 2019).

UN Security Council (UNSC) holds the sole power to determine if and when coercive measures can be enforced in peacemaking settings. In this sense, it is fair to understand it to be the “muscle” of the UN. In peacemaking settings, as readers will discover in Chapters 2–4, it is the use or threat of use of these military, economic, diplomatic, and judicial tools that add credibility to the international organization and bolster its leverage and ability to incentivize, pressure, or coerce warring parties in mediation settings. Accordingly, the credibility of a mediator and the UN is largely tied to the UNSC. Still, the UNSC does not dictate to the UN Secretary-General (UNSG) or the mediator how to mediate. On the issue of outlined mandates in certain political missions, it is worth noting that the means by which a mandate is implemented is determined by the mediator. Even in well-defined mandates, the mediators themselves usually manage the day-to-day operations.<sup>41</sup>

Similarly, while the UNSG, the organization’s highest officer, can technically take a very hands-on approach in overseeing a mediation process, in practice, mediators are generally given a green light to act independently.<sup>42</sup> Even in instances in which mediators are instructed by their superiors to follow or abandon certain policies, they have significant leeway in interpreting any such instructions and more importantly in shaping their own mediation strategies, as we shall come to detail in Staffan de Mistura’s experience in Syria. The apparent absence of a coherent and unified approach to mediation makes it difficult, in theory or in practice, to argue that the policies pursued by the UN in mediation settings are determined by an objective cost-benefit analysis or following traditional unitary rational actor theory. Quite simply, the decisions made by mediators cannot be reduced to

<sup>41</sup> Recounting his time as Special Representative of the Secretary-General (SRSG) in Libya, Tarek Mitri noted that he communicated regularly with the head of the Department of Political and Peacebuilding Affairs (DPPA), Jefferey Feltman, especially over critical decisions concerning his mandate. While former SRSG Mitri recognized the frequency of his communication with Feltman, he also specified that given the urgent context of conflict, he was able to take critical decisions before consulting Feltman. Phone interview with Tarek Mitri, former Special Representative of the Secretary-General for Libya, March 29, 2017.

<sup>42</sup> UNSGs can also stand up to the UNSC and press its members to take a more robust and engaged peacemaking role in a conflict. Lakhdar Brahimi explicitly made this point when alluding to the experience of then UNSG Kofi Annan’s role in pushing the Council to pursue a more implementable rather than politically expedient resolution in Congo (Brahimi 2016), 32–33.

either dictates imposed by the Security Council or the hierarchies within the UN system, nor can they be mischaracterized as part and parcel of a generic institutional approach to mediation. Rather, mediators appear to have significant room for maneuver in determining how they decide to mediate, and their subjective decision-making calculus is necessary in explaining their mediation behavior.

Ultimately, this book aims to explore the agency of the individual in this role in light of the volatile nature of conflict, the large discretionary powers these actors have within the UN's institutional system, and how these environmental and institutional factors are conducive to individual decision-making.<sup>43</sup> After all, if mediators are merely vehicles to represent the institutions they work for, why is there variance in the policies, reputations, strategies, and approaches to mediation pursued by mediators representing the same institution?

An approach that can explain the differences and similarities in the UN mediation processes in Syria among the three mediators – Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura – is therefore required. By focusing on these mediators and how they behave in their respective contexts, this book presents the needed explanations. More precisely, by studying the strategic perceptions of each mediator, this study presents the reader with a map that outlines how these decision-makers navigate the volatile environments they find themselves in, enhancing scholars' ability to explain the decisions they make, the outcomes of those decisions, and their implications. To be clear, any such "map" is focused on explaining how a mediator's perceptions of the identity of the mediator, the context, the parties, and the process of mediation influenced their decision-making process. Insofar as the structure of mediating and peacemaking operations along with the nature of conflict places significant power on the individual decision-maker, mediators, their decisions, and their expertise are essential in understanding and explaining the phenomenon of peacemaking.

While the volatile nature of conflict, the vaguely defined role of the mediator, and the high concentration of power in decision-makers make them appropriate subjects for a first-level analysis, skeptics might suggest that UN mediators wield significantly less absolute power than

<sup>43</sup> See, for example, the differences between Brahimi and Annan described by Traub. Traub's study also reveals the large discretionary powers of these mediators (Traub 2006).

US presidents or Roman emperors. Such a critique, however, misses the point. The underlying logic behind first-level analysis is that decision-makers, given the aforementioned characteristics of certain decision-making environments, impact policy significantly; they are thus essential to explaining political phenomena. Indeed, some scholars focus on the study of “great leaders” such as presidents and prime ministers, while others study foreign ministers and national elites.<sup>44</sup> The purpose is to demonstrate how individuals, because of their positions, have enough power to influence and dictate the policies of their organization, institution, or even country. In this context, UN mediators do wield considerable power in influencing and potentially determining the decisions made during the UN mediation process. Importantly, this first-level analysis will only be applied to UN mediators and no other stakeholders such as members of the UNSC or regional and local actors, as their decision-making dynamics do not necessarily meet the same criteria.

## 1.4 Critical Perspectives on the Study of Mediation and Mediators

### 1.4.1 *What Is Mediation?*

Like most political and social behavior, the outcomes of mediation vary. Some conflicts end after a mediated settlement, while others intensify or verge on intractability. The question of discrepancies in the outcomes of mediation processes has generated significant academic discussion, giving rise to an entire genre on the study of mediation. Bercovitch and Gartner, in 2008, argued that the means by which scholars explain variance in mediation is influenced by how they understand and define mediation.<sup>45</sup> While there is no consensus on a singular definition of mediation in the field, Bercovitch and Gartner (and Bercovitch throughout his career) observe three predominant approaches to the study of mediation and the explanation for variance: prescriptive, normative, and descriptive. The work of Bercovitch merits close examination since it serves as an example of a

<sup>44</sup> Significant studies using operational code analysis include but are not limited to: (Walker 1977); (Walker, Schafer, and Young 1998); and (Schafer and Crichlow 2000).

<sup>45</sup> (Bercovitch and Gartner 2008a).

more thorough empirical approach to analyzing mediation that minimizes the significance of the individual decision-maker.

In their study, Bercovitch and Gartner categorize prescriptive approaches to mediation as those focusing on behavioral norms, regardless of contexts and environmental constraints, to explain variance in mediation behavior and outcomes. Early on, they caution against the temptation to rely only on idiosyncratic traits (like personalities or other distinctive characteristics) to explain variance.<sup>46</sup> Subsequently, the authors consider prescriptive approaches to be dated as they focus simply on how actors should act as opposed to explaining or predicting how, indeed, they do.

Meanwhile, the normative approach considers actors in conflict and mediation as both purely rational and with complete access to information. Bercovitch and Gartner challenge the underlying logic of this approach, noting that “[a]ctors in conflict do not behave like intelligent and sensitive parties, they do not have much information (indeed the conflict may be over lack of information), and it is hard to see how this approach, extensive though its contributions are, can be as congruent with reality as we would wish it to be.”<sup>47</sup>

Considering the limitations in both approaches, Bercovitch and Gartner advance the rationale for the descriptive approach to which they subscribe. The descriptive or empirical approach focuses on “how and why actors behave the way they do without, in any way, trying to modify, idealize or moralize such behaviour.”<sup>48</sup> Underlying in this commentary is the divergent ways in which mediation is being depicted or perceived. Behavioral approaches, according to these proponents of the empirical approach, “moralize” the behavior of involved actors whereas normative approaches assume an ideal case of rational actors. The empirical approach, on the other hand, views mediation as

a problem-solving approach that is shaped and affected by the interaction of different dimensions. It is affected by the range of possible or available mediation strategies, by who the mediators are (e.g. personal and

<sup>46</sup> See, for instance, “The usual temptation is to fall back on idiosyncratic factors and explain observed variance with reference to personalities, unique circumstances, personal and perceptual factors and other exceptional conditions. The central argument of this book is that such efforts paint an incomplete picture of the conflict management process, and we do, in truth, have to explore variance in a much more systematic manner.” *Ibid*, 1.

<sup>47</sup> *Ibid*, 2. <sup>48</sup> *Ibid*.



organizational attributes), by context, setting and nature of a dispute (e.g. intrastate or interstate, intractable or short term), and of course, the nature of the environment in which the dispute takes place (e.g. a structured, well-regulated environment, or an unstructured environment).<sup>49</sup>

There are several contradictions in this framing of mediation. First, the authors' main criticism of the normative approach is that it is based on two erroneous assumptions – that actors are rational and that they have full access to information. Indeed, they argue that evidence from conflict zones suggests otherwise; actors in conflict and mediation processes do not have full access to information and do not, in fact, behave like rational actors. Despite this critique, the authors later contend that mediation is primarily a rational problem-solving process. This contradiction directly affects their proposed methodology to study mediation as it does not incorporate a means to assess the reasoning of these mediators and its impact on decision-making. Instead, they maintain an approach similar to other “rational-actor” theorists who frame decision-makers as unitary rational actors rather than as individuals. In doing so, the model they uphold assumes that a mediator's decisions are predicated simply on an objective rational cost–benefit analysis.

Certain theoretical approaches, like strategic theory, suggest that even though decision-makers are influenced by perceptions, they frame their perceptions within a subjective cost–benefit analysis.<sup>50</sup> In other words, decision-makers have a subjective rationality. While their interpretations of costs and benefits are influenced by perceptions rather than an “objective” assessment, decision-making is still a cost–benefit process. This logic and interpretation of rationality, however, is not found in the “descriptive approach” to mediation. For instance, Bercovitch and Gartner are interested in understanding the behavior of mediators and how factors such as environment affect behavior. However, their methodology does not consider how the decision-makers' perceptions of their environment affect behavior.

Taking the understanding of rationality espoused by the authors, what is “rational” about mediation decision-making when the authors note clearly that their access to information is rarely (if ever) complete

<sup>49</sup> Ibid, 6.

<sup>50</sup> For guiding texts, refer to (Yarger 2006); (Smith and Stone 2011); and (Smith and Jones 2001).

and actors are not purely rational? While cost–benefit analysis might be a factor in the decision-making process, so too are perceptions, misperceptions, biases, and other cognitive dynamics. In such a form, the descriptive approach to mediation does not incorporate these dynamics or allow them to be studied.<sup>51</sup> Moreover, it elides completely the specific “identity” of the mediator, and instead, depicts the mediator as a unitary rational actor. In other words, the UN is considered the mediator as opposed to the actual conflict managers such as Brahimi, Annan, and de Mistura. This is a serious blind spot and it persists in similar descriptive approaches to mediation.<sup>52</sup> This book helps fill this gap by contributing to the study of the subjective decision-making process of mediators.

As noted in the earlier discussion on levels of analysis, given the greater ability for decision-makers to influence and possibly determine policy, methods that simply focus on “the structural constraints” or third level of analysis become limited in explaining the phenomena in conditions found in civil wars and mediation.<sup>53</sup> The descriptive approach echoes the “cult of inevitability” lamented by Byman and Pollack, which implies that events are contextually (pre)determined to occur and undermines the significance of decisions and the leaders who make them. Given that the model advanced by these proponents of the descriptive approach understands the “identity” of the mediator to be a large category like “the UN” rather than Brahimi or Annan, it cannot

<sup>51</sup> In another article the authors wrote, the opportunity to incorporate the perceptions of mediators in their methodology is missed. They elaborate on their understanding of the mediation process, incorporating the identity of the mediator but treat the category as a unit as opposed to an actual individual. There is also a slight inconsistency where, haphazardly, mediators are suddenly referred to as individuals and not just (as they were previously) “representatives of their respective units.” The interchange of mediators as units and then as individuals, though somewhat confusing, points to an inclination in the literature to develop a methodology that can account for the significance of the decision-maker as well as their contextual surroundings to explain the mediation process. Another missed opportunity to apply a first-level analysis can be found when Bercovitch and Gartner allude to the significance that a mediator’s past efforts and identity (though they do not make the link) can have on their future work (Bercovitch and Gartner 2008a), 20–29.

<sup>52</sup> Mediators are largely presented as all possessing the same general operational, administrative, or personal skills with a minimal variance among them. For more on this, see (Young 1967).

<sup>53</sup> For a more expansive overview, consult (Nassar 2019).

evaluate the significance of the individual selected among those in the same category.

The fixation on impersonal forces leaves virtually no room for an understanding of individuals' decision-making and analysis of how their perceptions shape behavior. This omission inadvertently upholds the same "rational-actor" framework that assumes that the individual has full access to information and acts based on an objective rational cost-benefit analysis. To avoid confusion, the mediator is referred to throughout this book as a decision-maker. Even though mediators do not decide when to end a war, they make decisions with respect to the actual mediation process.

While the work of empirical scholars to systemically examine critical factors in the mediation process suffers from multiple limitations enumerated above, there are valuable lessons to be drawn from the "contingency model" that they introduce. According to the main architects of the model, the contingency approach "forces us to recognize, as surely we must, that a mediation system comprises (a) parties, (b) a mediator, (c) a process of mediation, and (d) the context of mediation. The interaction among these elements determines the nature, quality and effectiveness of any form of mediation."<sup>54</sup> While all the criteria listed in the contingency model are fundamental to understanding mediation and explaining variance, this framework needs to be expanded to incorporate the mediator's perceptions of these different factors.<sup>55</sup>

It would be unfair to bracket the entire field of mediation studies as failing to consider the individuality of mediators. Even if not dedicated

<sup>54</sup> (Bercovitch and Houston 1996), 7.

<sup>55</sup> When personal attributes and idiosyncrasies of the mediator are mentioned, they are general and omit any significant discussion on the reasoning behind the mediator's decision-making. In 2000, Bercovitch, alongside Gerald Schneider, refined the contingency model and elaborated on the identity of the mediator. Even though Bercovitch and Schneider's article aims to study the identity of the mediator, like the previous works of Bercovitch, it essentially treats the mediator as a unit rather than an individual (Bercovitch and Schneider 2000). For instance, despite the advances in political psychology and foreign policy analysis, Bercovitch and Houston (1996) as well as Bercovitch and Schneider (2000) draw on Wehr's assessment in 1979 of the suggested personal characteristics of mediators. Consult (Bercovitch and Houston 1996), 25 and 148. See also (Bercovitch and Schneider 2000). For Wehr's cited assessment, see (Wehr 1979). A pattern of relying on generic characteristics by the authors and the scholars they reference becomes rather visible. For example, in 1985, Bercovitch also alludes to Wehr's generic listing of qualities of mediators (Bercovitch 1985). Not only are these lists simplistic and too general, they are

to first-level analysis of mediators, case studies of mediation efforts in specific conflicts have analyzed the behavior of individual mediators and not just the organizations they represent. Yet, these works are usually first-hand accounts written by mediators or compiled by their advisors.<sup>56</sup> Though they are important primary sources, they are innately biased and do not necessarily delve into the analytical and theoretical components surrounding the agency of mediators or offer robust methodologies. Meanwhile, more prescriptive studies tend to focus on evaluating the performance of mediators rather than assessing their margin for maneuver and overall agency.<sup>57</sup>

### 1.5 A New Method in the Study of Mediators

The extant literature on mediation is largely constrained by two key obstacles – the absence of a consensus on the outcomes of mediation (and how to measure them) and the paradoxical treatment of mediators as unitary, rational actors and yet critical individuals in the mediation process. These two gaps have generated a general *fog of peacemaking*, resulting in much confusion over how to accurately assess mediation and the behavior of mediators.

To circumvent these pitfalls, this study proposes a two-pronged approach to the study of mediators. First, unlike more systemic analyses of mediation, this study is focused on the decision-making behind the mediation efforts. Accordingly, the actual decisions made during the mediation efforts serve as the outcomes of the study. The key initiatives pursued and critical decisions made during the period each mediator served are the outputs that will be assessed. In order to have an accurate portrayal of these decisions, process tracing is used to identify and confirm the most significant decisions to be studied. For instance, Geneva I and Geneva II, the two main UN peace conferences on Syria, stand out as critical initiatives that took place when Annan and Brahimi, respectively, were mediators. Our method is also facilitated by the relative short number of such initiatives pursued by each

also being used unaltered, in 1985, 1996, and 2000, to explain the rationale behind selecting actors in conflicts that are highly political and complex.

<sup>56</sup> (De Soto 1999); (Hume 1994); and (Hill 2015).

<sup>57</sup> (Mancini and Vericat 2016). For the individual case studies on Libya, Syria, and Yemen, refer to (Bartu 2014); (Hinnebusch and Zartman 2016); and (Zyck 2014).

mediator. Process tracing also allows for a critical discussion on the variables responsible for these outputs. To explain, this aspect of the methodology opens the door for analysis that seeks to clarify the extent of influence the decision-maker had on determining the decision, as opposed to contextual variables from the external environment or within the hierarchy of the United Nations.

If indeed the decision-maker, as this book argues, is considered to have significant room for maneuver and agency in determining these critical decisions, the following section of the methodology seeks to unpack their framework of mediation. In this sense, it focuses on explaining how the mediator's interpretation of their environment in the conflict as well as within the UN affected each output identified by the first aspect of the method. A similar first-level analysis has been demonstrated to be particularly effective and accurate in the study of decision-making in foreign policy contexts.<sup>58</sup> Essentially, such approaches tend to identify particular perceptions of decision-makers and then connect them with a particular output. But a key challenge to applying such a method emerges – which perceptions should be examined?

In response to the challenge of selecting the most relevant perceptions, first-level methods such as the operational code focus on how leaders respond to key questions pertinent to foreign policy. Operational code analysis tends to draw on questions determined by the analyst. Applying such a method rooted in the study of foreign policy would prove difficult to the study of mediators, as mediation in itself is quite distinct from foreign policy. To avoid such a mechanical application of first-level analysis, the second aspect of the method tailors itself to the specific examination of the key beliefs of mediators. Accordingly, rather than using the key questions outlined in the operational code, it focuses on the perceptions of the decision-maker regarding the critical aspects of mediation. To avoid the rather selective bias inherent in the operational code in which the analyst singlehandedly determines which beliefs they will examine, this method draws on empirical research to identify key elements of mediation. The original application of the contingency model in particular stands as an interesting base as it offers four elements empirically demonstrated to be

<sup>58</sup> For more on the literature of levels of analysis, consult (Singer 1961, 1968); (Waltz 2001); (Byman and Pollack 2001); and (Hudson and Vore 1995). For recent applications of first-level analysis, see (Horowitz and Fuhrmann 2018); (Yarhi-Milo, Kertzner, and Renshon 2018); and (Hall and Yarhi-Milo 2012).

significant in mediation – the identity of the mediator, the parties, the context of mediation, and the process of mediation.<sup>59</sup>

What should be stressed here is that Bercovitch et al. have developed their own distinct indicators to measure each category. The incorporation of the contingency model, however, is not to apply such indicators on the experiences of the UN's mediation in Syria or replicate any systemic model. Rather, the categories themselves serve as the guide by which to apply a first-level analysis on each mediator.<sup>60</sup> Each chapter will therefore explore how the individual mediator evaluated each category within the contingency model, allowing for an assessment of the extent to which the mediator's strategic perceptions impacted the mediation initiatives pursued by the UN during that time.

As empirical models such as the contingency model continue to grow and adapt with further research, the methodology advanced by this study is also open to enhancing its accuracy and precision.<sup>61</sup> As it calls for more use of first-level analysis to explain the behavior of mediators, it expects greater findings on how to best organize and determine which perceptions to focus on and how to best assess their influence in determining key decisions.<sup>62</sup>

### *1.5.1 Narrowing the Scope of Research: A Focus on UN Mediators*

The scope of this work is narrowed to mediators who represent the UN (although often also representing regional organizations in joint

<sup>59</sup> The actual contingency model and its later applications will not be of relevance to this study. Rather, the quantitative research on the significance of each category helps buttress the reasoning behind focusing on the decision-maker's perceptions regarding each element.

<sup>60</sup> The model of Bercovitch et al. has been used in other work on Syria, albeit focused on evaluating the mediation outcomes and not the mediator's respective agency (Akpınar 2016).

<sup>61</sup> One limitation of this method is the exclusion of other categories of perceptions that should be studied, such as general attitudes regarding risk or more specific perceptions regarding the use of force.

<sup>62</sup> For scholarship interested in generalizing knowledge, this approach provides an opportunity to connect a particular perception with a specific outcome. This draws attention to a potential challenge – the degree of confidence of such a model in determining the causation of a perception on a decision. In response, interviews with the mediators and with stakeholders that engaged them are drawn on to assess the mediator's perceptions on each element and how they feed into their decisions.

missions such as the UN–Arab League mediation effort in Syria).<sup>63</sup> There are several reasons for this focus. First is the evident interest in controlling for other variables such as the nature of the institution. By fixing on one specific institution, the UN, this research can better explore how the identity of the mediator representing the UN affects policy outcomes.<sup>64</sup> Second, these mediators are usually depicted as professional or expert conflict managers. In turn, this book aims to explore the contours that determine their expertise. Third, as uncovered in each case study, these professional conflict managers represent institutions with transnational goals and explicit responsibilities to foster robust and sustainable conflict management systems in the countries where they intervene.<sup>65</sup> It is important, however, to remember that these institutions are not immune from interference of global or regional politics.<sup>66</sup>

While limiting the scope of this research by focusing on UN mediators removes “national interests” driving the policies of mediators (who would represent individual states), it does not exclude the politics of the Security Council. The tools and resources that position the UN as a global peacemaking institution – its diplomatic leverage, international resources, and unique coercive tools – are largely dependent on consensus in the UNSC. While the interests of the member states of the UN, particularly the permanent members of the UNSC, are significant, the ultimate goal of mediation remains the building of peace in the countries in which they involve themselves. Accordingly, UN mediators are positioned in between a responsibility to the UN’s

<sup>63</sup> Mediating units can be grouped into several categories including individuals, international or regional organizations (including NGOs), and states. These categories differ in their capacities and interests and are dominant in the literature, as observed by (Bercovitch and Schneider 2000).

<sup>64</sup> Princen points to how such a fixed study would control for variables: “A study of UN or United States or Middle East intervention might have allowed for better control of one or more variables” (Princen 1992), 15.

<sup>65</sup> For an analysis on the complexities of the interests of the UN, refer to (Zartman and Touval 1996).

<sup>66</sup> As former UN mediator Margaret Anstee was recorded as stating in a panel on mediation: “[T]he UN Security Council is encouraged or permitted by its dominant members – the P-5 – to come up with unworkable compromises based on member states’ conflicting interests. This presents real problems for mediators who are acting on behalf of the United Nations, especially in those cases when they need to summon unambiguous support in order to oblige parties to comply with agreements they have already signed” (Crocker, Hampson, and Aall 1999a), 55.

transnational objectives and the need to secure robust backing by the UNSC. Adding further complexity to this particular position of UN mediators is the impact of political, economic, or security developments in the larger realm of international relations between UNSC members or the conflict's main stakeholders. While UN mediators may lead peacemaking efforts in a conflict, they still do so in the interconnected arena of international relations. As will be detailed in the next chapter, divisions among the UNSC members over the implementation of UN Resolution 1973 in Libya spilled over into Syria, intensifying the polarization of the Council. The strained relations between the United States and Russia that followed Russia's annexation of Crimea in early 2014 marks another example of how events outside the borders of a conflict can affect dynamics within the UNSC at a global level.

The heightened uncertainty of such an environment adds to the significance of first-level analysis, given the likely variance in how decision-makers respond to critical developments like mistrust between UNSC members or openings for dialogue and compromise. And while robust backing from the UNSC strengthens the leverage of a UN mediator, their credibility is also impacted by their adherence to core transnational objectives.

This sets a bar by which to evaluate the performance of the UN as well as the interests of the individual representing their mediation efforts. To explain, if a UN mediator has interests outside or even contrary to building peace, or if the interests of building peace are constrained by the politics of external dynamics, there is space to argue that the goals enshrined in the charter of the UN are not being met. One cannot hold the same to be true for mediators representing a state, since no such charter exists, and national interests primarily influence the foreign policy of nations, not the well-being of communities in zones of conflict.

All these factors, coupled with the observation made by empirical studies that the UN has the highest frequency of mediation efforts among international organizations, make the case that UN mediator roles require specific attention.<sup>67</sup> Not only is there empirical evidence that suggests that they operate in conflicts where mediation matters

<sup>67</sup> (Bercovitch and Schneider 2000).



most, but also their institution exemplifies what mediation should aspire to be.<sup>68</sup>

## 1.6 The Case of Syria

This study is grounded in the specific case of the UN's mediation efforts in Syria. While a historical survey of the origins of the conflict and the context in which the UN mediation occurred is offered in Chapter 2, there is a need to first introduce the reader to certain aspects of the conflict in Syria that might invite concerns on its applicability outside the singular experience of Syria. Three main characteristics stand out: its polarizing origins, the divisive regional context, and the combination of heightened divisions in the UNSC and opposing involvement of the global powers in the conflict.

From its origins, the violence in Syria has been a divisive issue, as have the politics of naming it. As detailed in Chapter 2, activists, civil society members, and popular movements opposing the government largely described the start of the conflict as a revolution or uprising.<sup>69</sup> Accordingly, describing violence as a product of civil war was resisted as it suggested that responsibility for the violence was equally shared and thus deflated the disproportional and authoritarian character of the violence committed by state authorities.<sup>70</sup> It also, as Nadim Shehadi wrote in 2011, put a burden on recipients of that violence to coalesce into one "opposition" and prove their legitimacy rather than focus on the violence caused by the regime to challenge the legitimacy of the government: "We do not do justice to the Syrian people when we use the term 'opposition' to describe those who are in revolt against the Assad regime . . . Using the terminology of a regime in power and an 'opposition' against it ultimately legitimises the regime itself and puts the onus on that opposition to prove its own legitimacy."<sup>71</sup> Altogether, this framing largely contested the legitimacy of "the government" through the Responsibility to Protect framework.

<sup>68</sup> (Bercovitch and Gartner 2008b).

<sup>69</sup> (Yassin-Kassab and Al-Shami 2016) and (Al-Haj Saleh 2014).

<sup>70</sup> Interview with Syrian Activist, London, United Kingdom, October 2016.

Interview with Nadim Shehadi, Beirut, Lebanon, August 9, 2017. Phone

interview with Syrian Opposition Diplomat, January 2018.

<sup>71</sup> (Shehadi 2011).

While the Syrian government resisted the Responsibility to Protect framework, often citing such narratives as a part of foreign conspiracies to topple the government, it also avoided referring to the violence as a civil war. Instead, it preferred to frame the violence as a counter-terrorist narrative.<sup>72</sup> This framing endured the early days of the conflict as best evidenced by the Syrian Foreign Minister Walid Moallem's speech in Montreux in 2014 that ushered in the Geneva II talks, as it largely focused on terrorism and foreign interventions.<sup>73</sup>

These divisions were shared by the respective regional and international backers of the Syrian parties, leading to a paralysis in the UNSC over how to label the violence in Syria and determine the kind of intervention to address it. At the heart of this division, as readers will discover in the following chapters, was the issue of the legitimacy of the government in Syria, especially its president Bashar al-Assad. Simply put, the legitimacy of Assad specifically and the regime more generally were root causes of the conflict.

While the evolving dynamics of each stakeholder's position(s) are fleshed out in the following chapters, it is important to indicate early on the intensity of the divisions and the apparent absence of domestic, regional, or international consensus on how to address them. As Chapter 2 will elaborate, this sensitivity generated debate on the feasibility of mediation over other forms of international interventions. This does not suggest, however, that the conflict in Syria is distinctly atypical in this regard. As Rubin and Jones note, this is a dynamic that finds itself contributing to the contentiousness of most UN mediation efforts in internal conflicts:

Short of Chapter VII intervention, mediating an internal conflict constitutes the most politically problematic type of UN conflict prevention. The process treats both governments and opposition groups as parties to a conflict, rather than granting the government a monopoly on legitimate representation. It defines the problem as international rather than domestic and labels certain events as acts of war rather than crimes.<sup>74</sup>

Our purpose now is not to weigh in on the validity of the positions or to take away from the sensitivity of the divisions; it is to recognize this key characteristic of the conflict and put it in the context of broader

<sup>72</sup> For a more thorough discussion on the regime's initial framing and the strategy behind its violence see (Phillips 2016), 53–58.

<sup>73</sup> (United Nations Web TV 2014). <sup>74</sup> (Rubin and Jones 2007), 396.

studies on mediation. While this characteristic likely affected the mediation efforts, its incidence does not make the Syrian case inapplicable to other mediation experiences.<sup>75</sup>

The conflict in Syria also emerged within a broader context of popular uprisings and violent crackdowns across the region. Tunisia, Libya, Bahrain, Egypt, and Yemen, among others, also witnessed large protests, igniting tensions between popular demands for reform or revolution and violent crackdowns by the respective state authorities. Given the respective differences between the distinct political systems in each country, the different popular protests and uprisings resulted in varied outcomes. For example, Hosni Mubarak resigned in February 2011, Muammar Gaddafi was forcibly removed and killed in October 2011, and Hamad bin Isa Al Khalifa maintained his political hold on power in Bahrain. This variance fostered an environment of uncertainty over what would happen in Syria.

The heightened uncertainty came against the backdrop of competing regional agendas in Syria, notably those of Saudi Arabia, Qatar, Iran, and Turkey. Christopher Phillips delves into the consequences these competing regional interventions in Syria as well as the opposing interests of the United States and Russia had on galvanizing the conflict.<sup>76</sup> The conflict in Libya and the historic use of Chapter VII in UN Resolution 1973 was arguably the regional development that had the most visible direct impact on the conflict in Syria. UN Resolution 1973 led to an armed intervention under the condition to protect civilians from Gaddafi and ended in the ousting and killing of the former Libyan leader. On one level, as explained in Chapter 2, this likely influenced the regime's strategy on how to avoid such an outcome.<sup>77</sup> On a more global level, it appeared to foster significant mistrust between the UNSC members, especially the NATO members and Russia and China. This links to the third noted characteristic – the conflict in Syria saw not only extreme division inside the UNSC on

<sup>75</sup> “Individual civil wars have their own idiosyncratic causes, such as the appearance of a charismatic rebel leader coincident with government abuses of power; however, long-term changes in the global incidence of civil war are unlikely to be determined by any overall pattern in such idiosyncratic events” (Collier et al. 2003), 117.

<sup>76</sup> (Phillips 2016).

<sup>77</sup> (Yassin-Kassab and Al-Shami 2016), 99. See also (Phillips 2016), 57.

Syria, but its key members, especially the United States and Russia, were also involved in the conflict itself.

Among the UN mediation community, there is a prevailing logic that peacemaking efforts will be more successful in cases where there is enough interest by the permanent members of the UNSC to invest political capital in resolving a crisis but not so much that those interests will eclipse the focus on a unified and coordinated approach to resolving the respective conflict. Case in point, in his address in September 1999 to the General Assembly, then Secretary-General Kofi Annan emphasized:

The choice, as I said during the Kosovo conflict, must not be between Council unity and inaction in the face of genocide – as in the case of Rwanda, on the one hand; and Council division, and regional action, as in the case of Kosovo, on the other. In both cases, the Member States of the United Nations should have been able to find common ground in upholding the principles of the Charter, and acting in defence of our common humanity. As important as the Council's enforcement power is its deterrent power. Unless it is able to assert itself collectively where the cause is just and where the means are available, its credibility in the eyes of the world may well suffer.<sup>78</sup>

Annan's statement was made in 1999; since then, there have been no serious reforms in the organization to address these structural deficiencies. More than a decade later (in 2011), Simon J. A. Mason and Damiano Angelo Sguaitamatti similarly contended:

Thus, it appears that the secretary general's mediation efforts in conflicts of high geopolitical interest can be successful only if the Security Council backs those efforts with a coherent strategy. Without such a consensus, the secretary general will find it difficult to intervene. The secretary general can act more flexibly when conflicts are below the radar screen of geopolitics.<sup>79</sup>

Underlying in the comments above, as well as the greater logic they echo, is a shared emphasis on finding the right kinds of conflict for the UN, as if conflicts should be cherry-picked by the international organization tasked with the responsibility of maintaining international peace and security. Conspicuously, such reasoning does little to explain how the UN mediates in cases where there are competing interests or limited political will within the UNSC. This is particularly

<sup>78</sup> (Annan 1999). <sup>79</sup> (Mason and Sguaitamatti 2011), 19.

worrisome since it is the UN that often leads the mediation and peacemaking efforts of high-profile conflicts, the ones on “the radar screen of geopolitics.”<sup>80</sup> Moreover, such conflicts are often marked by high intensities of violence, humanitarian suffering, and other factors that fit into the international organization’s understanding of threats to international peace and security.

In summary, the incidence of the three characteristics of the conflict in Syria as well as others such as sectarianism, the high proliferation of armed groups, and the influx of armed transnational groups and criminal organizations all likely affected the mediation efforts. Existing research suggests that such indicators often make a setting “less ripe” for mediation.<sup>81</sup> Indeed, these are important variables in any discussion of the successes and failures of mediation, addressed by more empirical scholars of mediation.<sup>82</sup> However, our study does not primarily aim to bring about clear-cut answers as to why the UN has failed to bring peace in Syria under either of the three mediators. Rather, it is focused on unraveling how the key mediation policies materialized and explaining the particular input of the mediator in the decision-making process. This does not ignore an analysis of the environment the mediators operated in. On the contrary, each chapter clarifies how such contextual factors, among others, were framed, perceived, and addressed by the individual mediators and in turn how that shaped their mediation efforts.

It is important to also emphasize that the incidence of these characteristics does not render a study on Syria too niche. This book does not attempt to downgrade the international gravity or high intensity of the conflict in Syria. Rather, it aims to shed light on what mediators do when they take on such high-profile conflicts or to use the UN’s own coinage – threats to international peace and security.<sup>83</sup> After all, these

<sup>80</sup> Bercovitch and Gartner “anticipate that international organizations play a more effective role in the more intense, difficult and less amenable conflicts; those ‘orphaned conflicts’ not wanted by states or regional organizations” (Bercovitch and Gartner 2008b), 336.

<sup>81</sup> For more on ripeness, refer to (Zartman 2000, 2008). For more discussion on the kinds of variables likely to affect mediation outcomes, consult: (Bercovitch 1986); (Bercovitch and Houston 1996, 2000); and (Mitchell 2014).

<sup>82</sup> (Bercovitch and Houston 1996), 19; (Crocker, Hampson, and Aall 1999a); and (Lederach 1997).

<sup>83</sup> Article 1, chapter 1 of the UN charter specifically outlines its purpose: “To maintain international peace and security, and to that end: to take effective

are the kinds of conflicts in which the UN is perceived to be most equipped and able to intervene. Indeed, the UN has emphasized its perceived unique ability to respond to such conflicts to differentiate itself from competing actors looking to enter the field of mediation.<sup>84</sup> And while the UN is losing its global monopoly on mediation, it remains “by far the single most active mediator. The organization was involved in more than half of all armed conflicts and accounts for one sixth of the total amount of mediation done.”<sup>85</sup>

It is also a mantle the UN does not shy away from, highlighting how the weight of this responsibility makes it the “indispensable organization.”<sup>86</sup> This is typified in the organization’s existential defense that despite its shortcomings, the United Nations remains the primary organization capable of resolving international disputes and other global crises.<sup>87</sup>

While it is important to indicate early on how certain characteristics of the conflict in Syria might distinguish it from more low-profile conflicts, it is equally important to dispel any potential concern that the conflict in Syria might be unfit or unrepresentative for a single-case study. While the conflict in Syria may not be representative of all

collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace” (United Nations 1945a).

<sup>84</sup> (Lanz and Gasser 2013); (Crocker, Hampson, and Aall 1999a); and (A/66/811 2012).

<sup>85</sup> (Mason and Sguaitamatti 2011), 18.

<sup>86</sup> “The UN is definitely the indispensable organization. I do not think the world can do without it” (Brahimi 2016), 34.

<sup>87</sup> In his last press conference as Secretary-General, Kofi Annan presented this argument to emphasize the necessity of the United Nations:

“We [the UN] do accept honest and fair criticism, but I think what I should say is that those who, instead of working to strengthen the UN, would want to destroy it or weaken it, they should ask themselves: if the UN is no longer here, how do we deal with some of the issues which cross borders? Who is going to speak out and stand up for the poor, the weak and the voiceless? Whom are we going to turn to when you have the “Lebanons”? We saw it last summer. The UN was the only organization that could have stepped in and do what we did. Who is going to coordinate the next tsunami? Or the Kashmir earthquake? Who is going to send in the troops to protect the weak and the helpless? And who is going to feed the internally displaced in Darfur and other regions?” (Annan 2006).

internal conflicts, it typifies the high-profile conflicts the UN uses to defend its existential argument that it is the indispensable organization.

### 1.6.1 *Syria: An Arena for Comparison*

All three mediators selected have been mediators in Syria. From February 23 until August 31, 2012, Kofi Annan held the position of UN–Arab League Joint Envoy to Syria. He was succeeded by Lakhdar Brahimi who held the post from September 2012 until May 2014. After his resignation, the role of mediator was taken by Staffan de Mistura who was appointed in July 2014 and resigned in October 2018. Between them, de Mistura is the only mediator who solely represented the UN. This distinction is insignificant, as readers will discover in Chapters 2 and 3 because the partnership of the two organizations was more of a formality. The UN was undoubtedly leading the mediation efforts. While the Secretary-General of the LAS approved the nominations, it was Ban Ki-moon who nominated the mediators.<sup>88</sup>

Examining the case of Syria provides a context where certain structural or contextual variables concerning the conflict, such as the history of the country, the regional actors involved, and the dynamics of the Security Council are relatively constant. This allows for a focus on the mediators' respective approaches, what informed them, and how these varied. This should not be confused with a conclusion that the conflict has not evolved or changed since its outbreak.<sup>89</sup> Indeed, each mediator entered at a different stage of the conflict. Focusing on the same conflict does not control for how certain variables – such as the number of warring parties, tensions between the stakeholders, or the dynamics within the UNSC – varied at the different time periods of the conflict. Additionally, as Brahimi succeeded Annan and de Mistura succeeded Brahimi, the actions of the predecessors could have, directly or indirectly, possibly altered the mediation context and fostered some form of path dependency. Accordingly, the changing contexts of conflict and the interpretations of that context by each mediator will be incorporated in the analysis; indeed, the contingency model clearly

<sup>88</sup> See Brahimi's comments on the matter: "UN Secretary-General Ban Ki-moon contacted me, and it was he that presented my name to Arab League Secretary-General Nabil Elaraby, not vice versa" (Charbel 2014b).

<sup>89</sup> For more on the "phasing of the Syrian conflict," see (Lister 2016).

marks the context of mediation as a key element. It is important to maintain that mediators are still the “cases” studied; the context in Syria allows for a concentrated juxtaposition of the mediators’ different approaches to mediation within the same conflict.

Central to the selection of Syria is the UN’s heightened role and responsibility in responding to such a conflict. While this book does not make the argument that Syria is representative of all intrastate conflicts or internationalized intrastate conflicts, or that any conflicts are, for that matter, it also resists attempts to categorize it as a particularly atypical conflict. The intensity of violence and political weight of the conflict in Syria categorize it – within the UN’s own understanding – as a threat to international peace and security. Insofar as a key aspect of the UN’s *raison d’être* is preserving international peace and security, the international organization’s peacemaking response to such a conflict cannot be ignored. There is little room for suggestions intent on dissuading a comprehensive study on the dynamics behind the UN’s peacemaking approach in one of the largest and most destructive conflicts of its time. Arguably, as was the case with Rwanda and Srebrenica, the international organization’s response to the conflict in Syria will loom large over its credibility, shaping how it is perceived and perceives itself in the future.

## 1.7 Broader Contributions

What distinguishes this research from other attempts to explain the phenomenon of peacemaking is its focus on the individuality of mediators. In short, it addresses *the fog of peacemaking* and offers a clear analysis on the actual input each mediator had in Syria. In doing so, this work also makes the case for greater use of first-level analysis to the study of mediators as well as other relevant decision-makers in peacemaking and conflict settings. To buttress any such future research, this book advances a robust methodology, drawn from both qualitative research in foreign policy and empirical studies on mediation.

It also provides new theoretical insights into the input of mediators in peace processes. For instance, the decisions made by Lakhdar Brahimi during his role as mediator in Syria will best be explained by focusing on him rather than just the structural forces that constrained his decision-making. Indeed, the other levels of analysis are significant; however, the interpretations and perceptions of the mediator, his/her



environment, and the political context cannot be ignored or sidelined. Additionally, by understanding how key strategic perceptions inform their decision-making, researchers will better understand and can better explain the impact of these perceptions – the identity of the mediator, the context, the parties, and the process of mediation – on the phenomenon of peacemaking. While personal characteristics like prestige or the idiosyncratic backgrounds of each mediator add to the significance of a first-level analysis, this is not a comparative biographical study on the three mediators. It is important to emphasize that our study is grounded in these four categories of perceptions. This serves as a limited but pragmatic first step that welcomes further research on what other categories of perceptions are helpful in explaining the decision-making of mediators.

By applying a robust and clear methodology, this book provides a comprehensive understanding of mediators and the positions of power they occupy as well as the dynamics that drive their decision-making. In doing so, it contributes to knowledge regarding the decision-making processes of these actors, the foundations of their expertise, and a clearer indication of their limitations and the challenges they face, thereby clarifying the responsibilities of their particular roles. With an unveiling of the mystique surrounding the mediator and a comprehensive understanding of their realm of possibilities and limitations, could we then better define the responsibilities Lakhdar Brahimi owed the Syrian people he described as “our first masters?”<sup>90</sup> In short, in providing a method that connects the decision-making of each mediator with the actual mediation outcomes, each case study clarifies the responsibility each mediator had over the mediation efforts.

In this sense, this is not a book on why the conflict in Syria has endured. Accordingly, it will not seek to provide answers as to whether the mediators were singularly responsible for not securing a sustainable peace in Syria. This does not mean, however, that this study casts aside the criticisms, controversies, or endorsements directed towards these intervening actors. Few, if any, observers of the UN’s mediation efforts in Syria would consider its intervention successful. Unfortunately, there has been little clarity on what the mediators at the helm of these efforts have actually done or could actually do in their positions. In response, there has been either misdirected frustration pointed at the mediators or

<sup>90</sup> (Brahimi and Ki-moon 2012).

not enough attention given to the responsibilities they had as decision-makers. At the heart of this study is an attempt to fill this gap and thus respond to the question Lakhdar Brahimi quipped was central to the understanding of mediation – “what are we actually doing?”<sup>91</sup> Indeed, its greatest contribution is that it finally offers an answer to that question in three ways. First, it offers a detailed account of what Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura did as mediators in Syria, clarifying the agency of each mediator and their personal imprint on the mediation process. Second, it unpacks how the mediators’ key strategic perceptions influenced their decision-making, offering a framework that helps better explain the behavior of each mediator. Third, it offers a method for future research to dispel the cloud of peacemaking: a method that pinpoints the concrete input of mediators on the mediation processes they oversee and helps chart the strategic underpinnings of their decision-making.

The UN’s institutional efforts to “professionalize mediation” by developing lessons learned, good practices, and guidelines for what makes for good mediation point to an implicit recognition of the responsibility of its mediators. Bringing agency firmly back into the study of mediation makes possible and necessary that this responsibility be explicit. Mediators must own their personal responsibility as decision-makers and be assessed and accountable for what they do in their positions of power.

<sup>91</sup> (Brahimi 2016).