

Strengthening Preventive Diplomacy and Mediation: Istanbul Retreat of the UN Security Council

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Cover Photo: UN Secretary-General Ban Ki-moon, President Abdullah Gül of Turkey, and Under-Secretary-General for Political Affairs Lynn Pascoe at the Security Council's annual high-level summit, September 23, 2010. ©Anadolu Agency.

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Adam Lupel, *Editor and Senior Fellow*
Marie O'Reilly, *Publications Officer*

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ABOUT THE *RAPPORTEURS*

ARTHUR BOUTELLIS is a Research Fellow at IPI.

CHRISTOPH MIKULASCHEK was a Senior Policy Analyst at IPI at the time of the retreat. He is currently a Ph.D. student at Princeton University's Department of Politics.

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Introduction

In early July 2011, the Ministry of Foreign Affairs of the Republic of Turkey hosted an informal retreat for members of the United Nations Security Council in Istanbul. The retreat gathered ambassadorial-level representatives of the Security Council together with several member states that were not members of the council at the time, senior officials of the United Nations Secretariat, and independent experts to discuss ways to strengthen preventive diplomacy and mediation. In an informal setting and under the Chatham House rule of nonattribution, the discussion sought to build on and enrich the ongoing debate on how best to realize the full potential of preventive diplomacy and mediation as cost-effective options for dealing with crises. The exchange of views benefited from insights gained at the first Istanbul Retreat for members of the Security Council in June 2010.¹ It drew, as well, on lessons learned from recent and ongoing crises and conflicts that have taxed the council's capacities for maintaining international peace and security.

The retreat was organized with the assistance of the International Peace Institute (IPI). Arthur Boutellis and Christoph Mikulaschek of IPI served as *rapporteurs*. Dr. Edward C. Luck, initially as IPI's Senior Vice President for Research and Programs and then as an independent adviser to the Permanent Mission of the Republic of Turkey to the United Nations, oversaw the substantive preparations for the retreat, as well as the drafting of this report, as he had for the 2010 retreat.

The 2011 retreat opened with an in-depth exchange of views with Mr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey, right before he flew out to visit Egypt and Libya, amid the turmoil of the Arab Spring. The minister presented Turkey's foreign policy vision of diplomacy and mediation as ultimate instruments for peace. He described the United Nations Security Council as the backbone of mediation and preventive-diplomacy initiatives to which the international community should refer to, adding that regional organizations like the African Union and the Arab League also have an important role to play.

He cautioned, however, that the Security Council should avoid creating tensions between values of non-intervention and of protection of civilians, and that the timing and substance of council resolutions are important. The minister shared his thoughts on mediation efforts that Turkey and he himself had personally been involved with in the Balkans, the Caucasus, and the Middle East, and he answered questions from council members on the Arab Spring, including Tunisia and Egypt, as well as the ongoing developments in Libya and Syria. The minister also outlined the fundamental parameters of a mediation process as being (1) confidence building among parties, (2) sustaining a value-based process, (3) laying out a clear vision for the future, and (4) providing the necessary diplomatic instruments. He concluded his remarks by saying that Turkey would welcome the presence of more UN offices.

Six roundtable discussion sessions followed, focusing on (1) taking stock of the United Nations Security Council's experience, (2) United Nations tools and capacities, (3) non-United Nations actors, (4) lessons on mediation: coherence and synergies, (5) building preventive capacities, and (6) wrap-up and next steps. This report provides a synthesis of each of these discussion sessions.

According to the 1992 report of the Secretary-General, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*,

The most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict—or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes. Preventive diplomacy may be performed by the Secretary-General personally or through senior staff or specialized agencies and programmes, by the Security Council or the General Assembly, and by regional organizations in cooperation with the United Nations. Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarized zones.²

1 For the first Istanbul Retreat, see "Maintaining International Peace and Security: A Summit Meeting of the UN Security Council," New York: International Peace Institute, June 2011.

2 United Nations Secretary-General, *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-Keeping*, UN Doc. A/47/277–S/24111, June 17, 1992, para. 23.

Article 33 of the United Nations Charter lists mediation as one of the peaceful means by which parties to a dispute, the continuance of which is likely to endanger the maintenance of peace and security, shall seek to resolve their differences.³ Under Articles 36 and 37, the Security Council may, at any stage of such a dispute, recommend appropriate procedures or methods of adjustment, including mediation. It may call on the Secretary-General to employ his good offices for such a purpose. According to Article 52, member states should “make every effort to achieve pacific settlement of local disputes” through regional arrangements or agencies “before referring them to the Security Council,” while the council “shall encourage” such regional efforts and may refer such matters to them. Regional arrangements and agencies, on the other hand, are to keep the council “fully informed” at all times of their efforts in this regard, according to Article 54.

Taking Stock

Though the Security Council has undoubtedly been paying more attention to matters of preventive diplomacy and mediation in recent years, views are mixed about how effective and energetic it has been in utilizing these and other tools of pacific settlement under Chapter VI of the Charter. On the one hand, there was a surge of interest in prevention in the early 1990s with the end of the Cold War. The council’s role in encouraging or undertaking preventive measures has certainly grown since then, as preventive diplomacy has become a more prominent feature of its identity and sense of purpose. It can play a critical role in bringing attention to situations of concern before they reach a point of no return. On the other hand, the council’s record at prevention has been mixed. According to some observers, the council has not always given preventive measures time to succeed and has been too ready to resort to more coercive measures under Chapter VII. A better balance should be sought, according to that viewpoint, in the employment of the different types of tools available to the council. A fuller and keener understanding is needed of how the tools of Chapters VI, VII, and VIII interact with and affect

each other.

Does the Security Council need more effective tools for preventive diplomacy and mediation, or does it need to wield the tools currently at its disposal more frequently and effectively? Perhaps more effort is needed on both counts. Among the council’s options under Chapter VI, some feel that it could make better use of inquiries and missions, fact finding, *démarches*, the good offices of the Secretary-General, and consultations with regional and subregional bodies. An overreliance on sanctions, peacekeeping, and peacebuilding could leave the council in a largely reactive posture, unable to tap into the full potential of prevention and the peaceful settlement of conflicts. According to this perspective, preventive diplomacy holds the best promise of averting potentially devastating conflicts. At a time of fiscal austerity and growing peacekeeping costs, moreover, early preventive action may be seen as cost-effective as well.

A number of useful lessons can be drawn from the recent experience of the Security Council in undertaking or authorizing preventive diplomacy and mediation under Chapters VI and VIII of the Charter. Members of the Security Council should try to avoid taking sides in interstate disputes before the council. Efforts should be made to address situations before they reach the council’s formal agenda. In its resolutions, the council should try to avoid overly vague or ambiguous language that could be misinterpreted by parties or mediators. In some situations, a more strategic and longer-term approach would be helpful. On the positive side of the ledger, the council has shown that fact finding can be a helpful element of a mediation process; that its own missions, such as to Somalia, can bring fresh perspectives to bear on intransigent conflicts; and that innovative formats, such as the council’s informal interactive dialogue on Sri Lanka, can help to open channels of communication and to encourage fresh thinking on difficult issues. The council is a dynamic body, whose growing transparency and interactivity contrast favorably to the more closed and insular nature of its deliberative processes at the time of the Rwandan genocide in 1994.

The successful mediation effort to stem the

³ *Charter of the United Nations* (1945). The other means mentioned in Article 33 are negotiation, enquiry, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of the parties’ choice.

violence following the December 2007 elections in Kenya was led by Kofi Annan on behalf of the African Union, backed by expertise and staff support from the Centre for Humanitarian Dialogue and the United Nations Department of Political Affairs (DPA). Among the factors contributing to its success was the sustained effort by a single lead mediator over forty-one days, the common purpose of neighboring countries and external powers to avoid another bloodbath like the Rwandan genocide, the engagement of Kenyan civil society behind the effort, and the consistent support from members of the Security Council with some leverage over the parties to the dispute. African leadership of the process may well have added to its acceptability and legitimacy, while consistent messaging from the United Nations and the larger international community prevented forum shopping and strengthened the mediator's hand in dealing with the parties.

Several of these factors were also at work in the successful effort to secure a peaceful referendum on the future of South Sudan in 2011. Here again, the United Nations and the African Union (AU) largely worked in unison to move the process forward, with the AU's Thabo Mbeki and the UN's Haile Menkerios playing leading roles. The Intergovernmental Authority on Development (IGAD) countries generally supported the process, while the so-called troika countries—Norway, the United Kingdom, and the United States—helped to ensure broad external support for a peaceful outcome. However, it could be asked whether the international community's preoccupation with achieving a successful referendum—as critical as that goal was—diverted attention from the continuing security challenges in Abyei, South Kordofan, and Blue Nile, and along the new international border between Sudan and South Sudan. Violations of the Comprehensive Peace Agreement (CPA) have continued despite the successful mediation of the referendum and the subsequent independence of South Sudan. Mediation, in that case, was only part of the larger preventive-diplomacy agenda in Sudan.

The post-election crisis in Côte d'Ivoire in 2010-2011 demonstrated both the benefits of and challenges to collaboration between the Security

Council and regional and subregional arrangements in the realm of preventive diplomacy. Writing in *Foreign Policy*, former South African President Thabo Mbeki criticized the United Nations for allegedly taking sides and becoming a party to the conflict rather than remaining an impartial mediator between the Ivoirian parties to the dispute. He contended that the African Union should have been given more time to find a peaceful solution.⁴ Others have questioned his assessment and conclusions. Since Security Council Resolution 1765 (2007) had mandated the UN to certify the results of the elections, some believe that the Security Council had no choice but to act as decisively as possible in response to the refusal of the apparent loser to accept the results of the election.

The situation in Côte d'Ivoire following the disputed election demonstrated how difficult it can be to maintain the full support and confidence of key partners as an operation takes on more of an enforcement character. Consultations with troop-contributing countries may be most needed during such transitions, when time is short. At different points in the crisis, the Economic Community of West African States (ECOWAS) and the African Union seemed to be leaning in different directions in terms of the best way to resolve the crisis and end the stalemate. Interests and political considerations may affect the attitudes and approaches of regional and subregional bodies, of course, as well as global ones.

The Libyan crisis of 2011 may well prove to be a watershed event for the Security Council. Resolutions 1970 (2011) and 1973 (2011) were the first instances of the council invoking the responsibility to protect in conjunction with the employment of enforcement measures under Chapter VII. Some see the council's role as a landmark in efforts to protect populations, as it acted in a timely and decisive manner to save thousands of lives. Others would have favored a more graduated approach; for example, warning of possible referrals to the International Criminal Court before taking that step. While attracting both strong praise and bitter criticism, the NATO air campaign to enforce the provisions of Resolution 1973 (2011) illustrated two long-standing dilemmas for the council: (1) how to

4 Thabo Mbeki, "What the World Got Wrong in Côte D'Ivoire," *Foreign Policy*, April 29, 2011.

protect populations effectively and proportionately from the air and (2) how to exercise oversight of enforcement measures when the United Nations lacks military capacity. More broadly, the crisis underlined—once again—how important and complex relations between the council and regional and subregional arrangements can be. On the one hand, the Arab League and the Gulf Cooperation Council pressed consistently for strong council action against the regime of Muammar Qaddafi for its attacks on the civilian population. On the other hand, there appeared to be deep divisions within the African Union, whose proposed road map was accepted by authorities in Tripoli but not by the National Transitional Council in Benghazi.

In several respects, the council's response to the subsequent crisis in Syria took a different course, despite similarities in the nature of the violence launched by the regime against those protesting its abuses and calling for far-reaching reforms. Some of the same regional groups that pushed for bold action in Libya called for caution in Syria. The council, in turn, has been much more measured and circumspect in its response. It did not issue its first presidential statement on the matter until August 3, 2011, a month after the Istanbul Retreat.⁵ Two months later, on October 4th, a draft resolution condemning the Syrian crackdown attracted two vetoes and four abstentions. In the view of some members, principle has been trumped by interests in the council's deliberations on Syria. Some of the members opposing the draft resolution, on the other hand, attributed their stance in part to concerns about the risks inherent in going down the same enforcement path as in Libya. The split among council members, which has been less about the protection principles involved and more about how to implement them, was quite visible in the candid discussions in Istanbul. Clearly more dialogue and reflection on these questions are needed if these differences of view are to be bridged.

United Nations Tools and Capacities

While it is widely believed that the ideal time to resolve disputes is at an early stage, before they

result in violent conflict, it is rare for the Security Council to undertake preventive diplomacy at such an early point. Governments often worry that council involvement could internationalize a sensitive situation, bringing extraneous political considerations into play and lessening the capacity of local parties to control the pace and direction of settlement efforts. National sovereignty could be abridged and domestic opposition groups emboldened. As a collegial body, it may be difficult for the council to act as a responsive and impartial mediator. Some of its members may have a stake in the outcome or relationships with parties to the dispute. Council members, moreover, may be reluctant to add an item to the council's agenda or to hold a formal meeting, as such steps could raise expectations of further action and make it more difficult for the members to discuss the situation in a more interactive and informal manner.

The council has therefore developed innovative formats in recent years to provide space for less structured conversation and for engaging with parties without placing the dispute on its agenda. As noted above, council missions to places of concern can permit informal dialogue with a range of governmental and civil society actors, as well as with armed groups in some cases. "Arias formula" gatherings and "informal informals" offer ways for council members to hear and query a range of political and expert perspectives.

In March and April 2009, the council held two informal interactive dialogues with the permanent representative of Sri Lanka on the protection of civilians during the final stages of the conflict with the Liberation Tigers of Tamil Eelam (LTTE). These closed sessions provided an opportunity for members of the council to express their concerns.

In June 2010, the council was briefed twice by the Department of Political Affairs on the violence and forced displacements in Kyrgyzstan, the first briefing was followed by a press statement by the president of the council. These informal sessions were held under the agenda item on the work of the United Nations Centre for Preventive Diplomacy for Central Asia, since the situation in Kyrgyzstan was not on the council's agenda.

At times, the work of the sanctions committees

⁵ United Nations, *Statement by the President of the Security Council*, UN Doc. S/PRST/2011/16, August 3, 2011.

established by the council can serve purposes beyond simply implementing the provisions of the resolutions that created them. They can help reduce tensions, as was the case with the 1718 Committee, dealing with the Democratic People's Republic of Korea, following the sinking of a naval vessel of the Republic of Korea in March 2010.

Over the last few years, the briefings of the council by Secretariat officials have become more frequent, varied, and candid. The high commissioner for human rights, the high commissioner for refugees, and the emergency relief coordinator are appearing more often, along with the heads of the Departments of Political Affairs, Peacekeeping, and Field Support, and various special advisers, representatives, and envoys of the Secretary-General. Sources of early warning have multiplied, both from United Nations and civil society sources. A key innovation over the past twelve months has been the monthly *tour d'horizon* briefings by the Under-Secretary-General for political affairs, which range beyond the council's agenda items and cover threats to international peace and security from intrastate as well as interstate conflict. The council has also supported mediation efforts by the Secretary-General on situations, such as Yemen, that are not on its agenda.

Occasionally, the Security Council itself can serve as a mediator or facilitator. In February 2011, for instance, the council was briefed by the Under-Secretary-General for political affairs and the foreign minister of Indonesia in his role as chair of the Association of Southeast Asian Nations (ASEAN) on the tense situation on the border between Cambodia and Thailand. It also heard from the ministers of foreign affairs of the two countries. The resulting press statement by the president of the council helped to facilitate a peaceful settlement by defusing tensions and reinforcing the ongoing mediation effort by ASEAN. More typically, however, the council acts to authorize or support the mediation efforts of the Secretary-General and his representatives or to endorse processes that are not led by the United Nations. The latter function, as discussed above, reflects the pattern of global-regional arrangements for peaceful settlement envisioned in Chapter VIII of the Charter.

One of the Security Council's distinct strengths is its capacity for employing or authorizing the whole

range of tools available under Chapters VI, VII, and VIII of the Charter. This flexibility is a considerable asset, but it also imposes responsibilities on the council to understand the relationships among these tools, to develop a strategic approach to their use, and to take into account how its involvement is likely to be perceived by the parties to a dispute, given the range of pacific and coercive measures at its disposal. Any engagement of the council in mediation or preventive diplomacy will carry added political implications because of its unique legal authority and political legitimacy. In different situations, this could be an asset or a liability. The council has chosen to play a low-key role at times, but more often it has found high-visibility engagement to be its most effective way to assist conflict-prevention efforts. The latter have involved issuing press statements and presidential statements, passing resolutions, authorizing formal inquiries or fact-finding missions, and calling on the Secretary-General or regional organizations to use their good offices. The council can also take further steps to influence the cost-benefit calculations of parties to a conflict, such as threatening to refer cases to the International Criminal Court or to impose targeted sanctions. Over the years, there have been numerous cases in which the council's initial involvement was under Chapter VI, but later it found it necessary to take Chapter VII measures as well. Parties often are quite aware of this history and potential.

By offering credible and tailored incentives and disincentives to the parties, the Security Council can endow mediators with greater leverage and give a keener sense of urgency to stalled negotiations. Targeted sanctions, such as curbs on the trading of certain commodities, asset freezes, travel bans, and arms embargoes, may help to keep a peace process on track when their threat or use are carefully coordinated with the mediator. Investigative mandates may help to build public trust, facilitate reconciliation and healing, and ease tensions when questions of fact are in dispute, as is often the case. For instance, the Secretary-General's decision to establish an International Commission of Inquiry to investigate the killings in Conakry on September 28, 2009, has been credited as the turning point in the mediation effort in Guinea. The establishment of a political or peacekeeping mission by the United Nations or by a regional organization may provide

the mediator with additional leverage in terms of material incentives and political support. These could take the form of peace dividends and economic assistance, steps to monitor the implementation of agreements, and measures to bolster security-sector reform and foster the rule of law, among other supplementary steps to reinforce a peace process. As discussed at the 2010 Istanbul Retreat and reflected in the Statement by the President of the Security Council of September 23, 2010,⁶ these considerations argue for an interlinked and strategic approach to preventive diplomacy, peacekeeping, and peacebuilding.

Security Council actions, especially coercive ones, may affect the political space available to the Secretary-General and to other mediators. In that regard, the council should try to be consistent in applying standards and to act as an honest broker whenever possible. One of the questions that should be addressed in this context is whether spoilers should be excluded from negotiation processes. Some believe, for example, that the Lord's Resistance Army (LRA) has acted in a way that makes it ineligible to participate in peace processes. The Security Council's designation of some actors as terrorist organizations has had much the same effect. So the council is currently reviewing the broad criteria adopted in the early years of this century. This has led to the recognition of a distinction between al-Qaida and the Taliban in Afghanistan. Some would encourage the council to continue this review process with a view to allowing some nonstate armed groups with limited political goals to make the transition into the political mainstream.

At the same time, it should be recognized that the council is a political, not a technical, body. The Charter provisions on its mandate, authority, composition, and procedures underline this distinction. Nevertheless, council members need to bear in mind that its success in maintaining international peace and security will be determined, in part, by how effectively it supports and nurtures mediation and conflict-prevention efforts by other United Nations and non-UN actors. Other UN organs have made significant thematic and operational contributions to the development

of mediation and preventive diplomacy in recent years. Under Article 11(1) of the Charter, the General Assembly is to "consider general principles of co-operation in the maintenance of international peace and security." In its normative capacity, for instance, the assembly recently adopted its first resolution on strengthening the role of mediation in the peaceful settlement of disputes and in conflict prevention and resolution.⁷ The Group of Friends of Mediation, which actively promoted this resolution, can now play a significant role in its implementation. Though it needs strengthening, the Peacebuilding Commission can help ensure coherence and synchronization among actors, as well as ease the Security Council's burden. The council, however, retains the ultimate responsibility to make peace sustainable.

The human rights tools and architecture of the United Nations can provide significant assistance to preventive-diplomacy and mediation efforts. By monitoring human rights violations on a continuing basis, by establishing investigative commissions, by reporting findings to governments and UN bodies, and by drawing attention to situations of particular concern, the Human Rights Council and the Office of the High Commissioner for Human Rights engage directly in preventive diplomacy. As members of the Security Council have increasingly recognized the correlation between severe human rights violations and risks to international peace and security, the high commissioner has briefed the council more frequently.

Non-United Nations Actors

Over the past two decades, the number and variety of mediators has proliferated. States, regional and subregional arrangements, prominent individuals, and independent organizations have offered their services on either a case-by-case or generic basis. Some independent nongovernmental organizations, such as the Centre for Humanitarian Dialogue (HD) and ACCORD, have developed specialized expertise in supporting peace processes. The latter has focused on backstopping the preventive diplomacy of the African Union, the regional economic communities, and African governments.

6 United Nations, *Statement by the President of the Security Council*, UN Doc. S/PRST/2010/18, September 23, 2010.

7 UN General Assembly Resolution 65/283 (July 28, 2011), UN Doc. A/RES/65/283.

The former has a more global mandate. It worked alongside the United Nations in providing essential support for the extended mediation effort led by Kofi Annan to end the post-election violence in Kenya.

Such professional mediation support groups may face fewer constraints in interacting with nonstate armed groups than would intergovernmental organizations, and their initial efforts to open dialogue may prepare the ground for more formal negotiations involving governments and intergovernmental bodies. Each group or individual brings a distinct combination of skills, experience, and orientations to the table. It is thus not unusual to have multiple mediators working simultaneously on different aspects of the same situation. In the kinds of complex crises that populate the council's agenda these days, a differentiated division of labor is often required to address their multiple dimensions.

The tendency to recruit prominent personalities, often former heads of state, to lead mediation efforts has worked well in some situations and much less well in others. Sometimes they bring too much baggage from the past, as well as proving to be high maintenance. Personality and temperament matter, as do their relationships with the parties to the dispute. The lead mediator should have a deep knowledge of the country, the parties, and the history of the conflict, as well as a feel for the culture. In addition, the parties must have confidence in the lead mediator, trusting that he or she will be impartial and even-handed. Because President Bongo of Gabon possessed these qualities, he was able to mediate successfully in the Central African Republic. Questions of ownership of the process did arise, however, as the parties and the larger international community at times seemed to assume that Gabon would carry the costs of the effort on its own. So the selection of the lead mediator is a critical matter, and one subject more to art than science.

In such a crowded environment, the United Nations should review its place and its comparative advantages in each case. More may not be better, so both the Security Council and the Secretary-General should weigh when and whether the world body should seek the role of lead actor. Before deploying a special representative or envoy, a sober cost-benefit analysis should be undertaken. Such an

assessment should distinguish between low- and high-profile cases, taking into account the likely implications of the conflict for the maintenance of international peace and security. Whether or not the United Nations takes the role of lead mediator, it often needs to act as coordinator and facilitator—roles that can take on added meaning in a world of many potential mediators. Making such judgments entails having a balanced, sober, and strategic understanding of what is at stake and of the interests and capacities of each of the players—parties, external actors, and would-be mediators alike. This, in turn, puts a premium on the often-stretched analytical capacities of the United Nations.

The relatively successful efforts at conflict prevention in the Central African Republic involved a layered set of responsibilities among subregional, regional, and global organizations, a prominent personality (President Bongo), professional mediation support groups (particularly HD), civil society, religious groups, and neighboring countries. In Liberia, women's organizations helped to create a mass peace movement that created the conditions for a successful mediation. Preventive diplomacy can be a bottom-up as well as a top-down process. In many places, grassroots movements led by women's groups and other civil society actors have helped fill the gap between the narrow interests of elites and those of the larger populations that need to be on board if a peace settlement is to be both just and sustainable. Groups of friends, such as the Contadora Group in Central America, can help to ensure a shared understanding of the nature of the dispute and a common sense of purpose within the international community, lessening the risk of external spoilers. Competition between regional and subregional groups, as was the case in Madagascar, can undermine even a well-prepared mediation effort. In Libya, the African Union sought to play a leading role, but was undercut by persistent differences in perspective among its members and by the perception on the part of leaders in Benghazi that its approach was one-sided. Its attempt to employ a group of heads of state to act as intermediaries proved unwieldy, and its roadmap gained little traction, especially after Security Council Resolution 1973 (2011).

As noted at the outset, the UN Charter looks first

to the parties to resolve their differences peacefully and then to regional arrangements for mediation and peaceful settlement before referring the dispute or conflict to the Security Council. This suggests the advantage of viewing mediation as a set of concentric circles from the parties to regional or subregional bodies to the United Nations, with its Secretary-General and Security Council. The relationship among these levels should be complementary, with the question of who should take the lead on various elements of the peace process to be determined on the basis of comparative advantage. As noted earlier, the United Nations is unique in its universal membership and the Security Council in its enforcement powers. Regional and subregional bodies have the advantages and disadvantages of proximity. Sometimes they may be better placed to take the lead role in mediation and preventive diplomacy, given their more intimate knowledge of the situation. Their pre-eminence for such a role, however, should not be automatically assumed. Their membership may be divided on how to approach the situation, some of them may have ties to one party or another, or there may be serious capacity gaps that would limit their effectiveness.

Neither regional and subregional arrangements nor the United Nations always have the material resources and political capital to sustain an extended mediation effort. Burden-sharing alone may require a higher degree of global-regional cooperation than either level may contemplate at the outset. Leverage and expertise may be in short supply, underlining the advantages of a working-level partnership. Cooperation thus may come more quickly and naturally in the field and between secretariats than at a political level. For instance, even when relations between the Security Council and the AU's Peace and Security Council are strained, desk-to-desk dialogue, joint training, and exchanges of assessments tend to continue productively, just as do working relationships in the field. Nevertheless, preventive diplomacy could be enhanced through a reinforcement of patterns of cooperation and synchronized effort between the United Nations and its regional, subregional, and civil society partners.

Lessons on Mediation: Coherence and Synergies

To some observers, the simplest way to ensure a coherent approach to mediation and preventive diplomacy is to designate a single lead mediator or mediation team. If more than one international organization is involved in the effort, then nominating a single joint envoy for the two or more groups could achieve the same result. With multiple mediation tracks, there is a risk that the right hand will not know what the left is doing, and actions might be taken or messages delivered that could undermine what others had achieved. Forum shopping on the part of the parties might be encouraged, as they try to play one mediator off against another. On the other hand, as noted above, today's multilayered peace processes may well demand a broader set of players with a range of skill sets. It might not be wise to put all of one's eggs in one basket given the mixed records of lead mediators in the past. To place all of one's trust in a single mediator places a heavy burden, as well, on the selection process. If the United Nations is to be the lead organization in all or most cases, then what would become of the place for regional or subregional actors? The provisions of Chapter VIII would seem to imply that regional arrangements should take the lead initially in mediation efforts, some of which can be quite extended.

In any case, it seems to be inevitable that multiparty mediation will continue to be more the rule than the exception. That, of course, will place a substantial burden on determining how best to achieve coherence and productive synergies in multiparty mediation processes. Sometimes, as in Kyrgyzstan, it can be helpful for the United Nations to act behind the scenes in a supportive role that encourages and enables regional, national, and civil society groups to take greater ownership and more initiative within an agreed international framework. Even today, the United Nations, the European Union, and the Organization for Security and Co-operation in Europe (OSCE) are speaking with one voice there. The Security Council can help by identifying areas for complementary efforts by

the various international actors, as has been practiced in the Balkans. It can also help to monitor progress, as mediators sometimes have an interest in extending the life of the process. The council can also help to persuade neighboring countries and external powers to play more constructive roles or at least to avoid acting in a way that could undermine aspects of the peace process. Both the president of the council and the Secretary-General can use their prominent bully pulpits to reinforce and amplify core messages to the parties, importantly including cautions against taking certain actions that could be damaging to the prospects for reconciliation or a sustainable peace. Where the United Nations has a substantial political, peacekeeping, or peacebuilding presence on the ground, it can act as a skilled plumber in ensuring that conditions for implementation are as solid as possible, even if it is not the sole architect of the larger peace structure.

Peace processes can have their downsides as well. Sometimes the most intransigent items are set aside, to be addressed at some unspecified point in the future. They can then become the focus of further tensions. The fate of national minorities are too often ignored or underplayed in peace efforts focused more on conflict prevention than atrocity prevention, such as in Rwanda in 1993-1994. Questions of justice and human rights may seem to be inconvenient in the near term, yet often they prove to be central over the longer term. Mediation processes may prove to be self-perpetuating, coming to be seen as goals in themselves. The umbrella offered by peace processes, moreover, may hide dark clouds, as in Georgia pre-2008. Over time, supporting the umbrella can become burdensome. If it leads to false expectations, it can become part of the problem. It is essential, therefore, that special representatives and special envoys tell the members of the Security Council what they need to hear, not just what they want to hear, as the Brahimi report advised in 2000.⁸

Building Preventive Capacities

In recent years, there have been substantial efforts on several levels—within the United Nations

Secretariat, regional and subregional arrangements, and civil society groups—to boost international capacity for conducting and supporting preventive diplomacy and mediation. One of the more significant innovations has been the establishment of a Mediation Support Unit (MSU) within the United Nations' Department of Political Affairs. It manages a roster of mediators and a Standby Team of mediation experts. Experienced senior mediators nevertheless remain in short supply. Training opportunities for mediators and mediation experts have also improved.

There have been significant enhancements in the organization's capacity to support political and mediation missions from within the theater of conflict as well. The United Nations Office for West Africa, the first such regional political presence, was established in 2002. It has been followed more recently by similar offices in Central Asia and Central Africa. In a low-profile manner, these regional offices can maintain contact with the key actors, help avoid relapses of conflict, and facilitate a more coherent international response. They can be particularly helpful where the world body does not have a substantial presence on the ground, as in Kyrgyzstan.

These are welcome developments. They should be accompanied, however, by efforts to improve the cost-effectiveness of the world body's preventive-diplomacy and mediation initiatives and to avoid their bureaucratization. For instance, an economic analysis of when and where the United Nations deploys mediators might conclude that senior statesmen, based far from the theater of conflict, should be reserved for the most urgent high-profile cases, while simmering local disputes could be addressed by United Nations officials already working in the area. Much of the organization's work on mediation and preventive diplomacy is conducted through special political missions. Unlike its peace operations, the United Nations' special political missions are funded through the regular budget. Theoretically, this distinction could hinder the growth of their capacities over time. However, many observers, pointing to the enhancements noted above, do not believe that resource shortages have significantly hampered their ability to operate effectively.

⁸ United Nations, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305-S/2000/809, August 21, 2000.

Not only has the number of special advisers, envoys, and representatives of the Secretary-General grown impressively, but the portion of them with thematic or regional mandates instead of country-specific ones has increased markedly. This trend should offer fresh cross-cutting insights that can enrich the organization's ongoing efforts at mediation and conflict prevention. But the diversity of players and perspectives also puts a premium on coordination, especially of messaging. The Security Council's task of maintaining international peace and security may be affected, at times, by who is conveying what messages to which parties at which junctures in a crisis. Consistency in messaging is as essential as it is sometimes hard to attain.

As the Secretariat and members of the Security Council have gained a deeper understanding of the requirements for achieving a sustainable peace and for preventing further rounds of conflict, they have put greater emphasis on security-sector reform, the establishment of the rule of law, and national reconciliation. In many cases, these elements need to be taken into account in the process and content of preventive diplomacy. If these matters are not addressed early in the process, domestic fissures and obstacles to a sustainable peace may grow. These factors have encouraged the Security Council to assign increasingly detailed and ambitious mandates to both political missions and peace operations. At times, the result has been a substantial gap between mandates and capacities, and between expectations and results. Strong and consistent political support by the council and its members, however, can help to overcome such capacity gaps, which could become disabling without the council's sustained support. As noted above, regional and subregional arrangements and civil society partners, such as the Centre for Humanitarian Dialogue and ACCORD, can also help to fill gaps in the kinds of specific expertise and capacities needed for these purposes.

Wrap-Up and Next Steps

The Security Council occupies a unique place in the history and practice of international organization. Its role in the conduct of mediation and preventive diplomacy should reflect its special status and powers. As the only principal organ that can call on all of the diverse tools of Chapters VI, VII, and VIII

of the Charter, the council faces a distinct set of challenges and opportunities. One is finding the proper equilibrium or balance in its employment of these measures. Some observers, for instance, contend that the council has not made sufficient use of the measures of pacific settlement available to it under Chapter VI, and has been too ready to invoke its enforcement powers under Chapter VII. Yet others point out that it is the provisions of Chapter VII that are unparalleled in human history, while there are many actors willing and capable of engaging in mediation and preventive diplomacy. They assert that the council's experience and areas of comparative advantage lie more in the realm of messaging, setting mandates, and authorizing mediation than in directly conducting it. If others are to do the mediating, however, then questions arise about how to exercise effective oversight without squeezing the political space available for mediation.

The abundance of policy choices offers the council flexibility even as it poses the challenge of coherence. In some cases, such as the South Sudan referendum earlier this year, a united council has been able to employ diverse tools in a coherent and strategic manner. The difficulty of developing and sustaining a broad-based and integrated approach to specific conflict situations in a political organ such as the council, however, should not be underestimated. It demands more attention to how the measures in each Chapter—VI, VII, and VIII—relate to each other. For instance, some members of the council may be reluctant to place a situation on the agenda or to engage in preventive diplomacy lest such a step might lead to pressures for further measures down the road. As discussed above, one answer has been to develop various mechanisms for informal briefings and interactive dialogue. With the accumulation of experience in utilizing these formats, it may be possible to begin an assessment of when they have proven most or least productive.

Coherence may be hardest to achieve when the United Nations and its regional, subregional, and civil society partners are simultaneously engaged in trying to bring the same conflict to an end. Chapter VIII, especially Articles 52(2) and 54, describes a process that is both top-down and bottom-up. Neither direction seems to be working consistently well at the moment. So the council might want to consider some informal lessons-learned discussion

with its regional partners concerning their comparative experiences in and perceptions of recent situations, such as Côte d'Ivoire, Libya, Sudan, and Syria. Historically, where have these relationships worked more or less well, and why? Is capacity building needed on the linkages between global and regional or subregional bodies, as well as at each level?

The very breadth of the council's attention span may also raise questions about priorities, messaging, and coherence. Over the past decade, for instance, the council has come to play a leading role in the articulation of normative principles and thematic concerns in the peace and security realm in addition to its daily efforts to resolve specific conflict situations. It has made seminal contributions to thinking and policymaking about the human dimensions of security across a range of human-protection challenges, from children and armed conflict, sexual violence, and civilian protection to the responsibility to protect. It has brought issues of security-sector reform, governance, peacebuilding, and the rule of law to the forefront of strategies for securing the peace as well as for ending armed conflict. In this way, the Security Council has helped to shape the way policymakers in capitals, as well as at the United Nations, approach and evaluate contemporary security challenges. These have been proactive agendas, putting the council in a better position to prevent conflict, not just react to it. It has incorporated these broader dimensions of security into its statements, resolutions, and mandates, including those concerning mediation and preventive diplomacy. The integration of its thematic and operational concerns, however, is not complete. Nor do all members of the council appear to view these questions, including how to balance these two sides of the council's work, in quite the same way.

As might be expected in a time of global change, the vocabulary to describe the council's evolving approach to the maintenance of peace and security is also unsettled. It is widely agreed, for example, that the Security Council should adopt a culture of prevention. It is less clear, however, what that would mean in practice. It is said, for instance, that prevention should involve early engagement, not just early warning. This is sound advice, but the council is not well structured or placed to meet directly with women's groups, youth, media, and

other elements of civil society, nor with other key stakeholders, as part of an early-prevention strategy, except when it undertakes a mission to the country in question. Upstream prevention can also raise sovereignty concerns, especially when pursued by the council itself. So the members of the council may want to consider ways of making its missions serve conflict-prevention goals more directly; for instance, by conducting more of the fact finding or investigations contemplated under Article 34 of the Charter and by engaging more fully with civil society stakeholders.

The first rule of mediation and preventive diplomacy is surely to do no harm. To that end, as noted above, the council should avoid taking sides in the conflicts it addresses. The council, however, is not an apolitical body. It cannot be impartial when it comes to the purposes and principles of the Charter or to its primary responsibility for the maintenance of international peace and security. Mediation is not value-free. It is bound, to some degree, to involve efforts to manipulate the parties' political choices. If preventive diplomacy is to succeed, it must be intensely political, if only to comprehend and address the motivations of the parties. If the members of the council are completely disinterested, they will not have the will to sustain a preventive engagement or bring to bear a persuasive set of incentives and disincentives. With deeper and more sustainable interests at stake, one or more parties will simply outlast them. So there are limits to being disinterested and impartial, terms that to some extent have to be reinterpreted and reframed with each situation. Mediation and preventive diplomacy are practiced case by case, taking into account the distinctive features and history of each situation.

It is true that the United Nations spends far more resources—human, material, and financial—on peacekeeping and enforcement than it does on mediation and preventive diplomacy. More resources for these purposes are undoubtedly needed at the global, regional, subregional, national, and civil society levels. Yet it should also be recognized that the absolute level of expenditures by the United Nations on prevention has grown substantially in recent years. At a time of financial strain for most member states, it would be unwise to expect these upward trends to be sustained over the next few years. The first task will

be to use existing resources more efficiently and effectively in the expectation that strong performance will be rewarded with increased investments over time. In the meantime, the most critical resource, and at times the rarest, will remain political will.

The good news is that the appreciation of the value of mediation and preventive diplomacy is growing around the United Nations system and, most importantly, among the member states. This has been reflected in General Assembly Resolution 65/283 of July 28, 2011, in the Secretary-General's report on *Preventive Diplomacy: Delivering Results*, in the convening of high-level dialogues in the General Assembly and Security Council, and in the presidential statement of September 22, 2011.⁹ The president of the General Assembly also identified mediation as the main topic for the high-level General Debate in September 2011, and one of his four key focus areas for the whole session. With the continuing encouragement of the Group of Friends of Mediation, there is reason to expect this momentum to be sustained in the months and years ahead.

At the same time, the limits of mediation and preventive diplomacy should also be acknowledged. These tools do not operate in a vacuum. Their effectiveness will be conditioned by larger geopolitical developments, by political dynamics within the Security Council, by the attitudes and policies of neighboring states, by the actions of civil and uncivil society, by how others wield incentives and disincentives, and, of course, by the calculations of the parties themselves. Most of these factors are beyond the control of the practitioners

of mediation and preventive diplomacy. Current and reliable information and sound analysis are therefore essential ingredients of successful mediation. This conclusion places a premium on the two-way flow of information and analysis between the council and practitioners, facilitated and enriched by the Secretariat, particularly the Department of Political Affairs. It also underscores the need for tempered expectations and the value of one of the less common resources: world-class analytical abilities.

At the end of the day, the following questions need to be asked: how is the United Nations doing in the fields of mediation and preventive diplomacy? Can the Security Council do more to ensure their success? Where has the council done relatively well in that regard, and where not? Why? The answers to these queries would require a degree of certainty and sophistication in assessment that does not yet exist. Results are very difficult to measure and cause-and-effect relationships are hard to establish. While scholars and think tanks try to sort out these questions, the members of the Security Council, with the help of the Secretariat, could well take a hard look at how it is doing in supporting mediation and practicing preventive diplomacy. A good first step would be for the council to conduct a "continuous process of reflection and adaptation of its practices in preventive diplomacy," as called for by its presidential statement of September 23, 2010.¹⁰ This report on the results of the July 2011 Security Council Retreat in Istanbul is envisioned as a contribution to this ongoing process of reflection and adaptation.

9 UN General Assembly Resolution 65/283 (July 28, 2011), UN Doc. A/RES/65/283; United Nations Secretary-General, *Preventive Diplomacy: Delivering Results*, UN Doc. S/2011/552, August 26, 2011; United Nations, *Statement by the President of the Security Council*, UN Doc. S/PRST/2011/18, September 22, 2011.

10 United Nations, *Statement by the President of the Security Council*, UN Doc. S/PRST/2010/18, September 23, 2010.

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777 United Nations Plaza, New York, NY 10017-3521, USA

TEL +1-212-687-4300 FAX +1-212-983-8246

Freyung 3, 1010 Vienna, Austria

TEL +43-1-533-8881 FAX +43-1-533-8881-11

www.ipinst.org