

Power Dynamics and Spoiler Management:
Mediation and the Creation of Durable Peace in Armed Conflicts

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Abstract

The creation of durable peace following armed conflicts has been widely researched from a variety of perspectives. There is much less research, however, concerning when and why mediation can produce durable peace because most mediation research focuses on achieving a short-term success as indicated by the creation of a new peace agreement. This is an exploratory study which examines several factors considered to be important for the creation of durable peace. This study finds that the two most important factors are the power dynamics between the parties and the management of spoilers. Moreover, this study finds that these two factors are interlinked inasmuch that changes to the parties' levels of power can facilitate the emergence of spoilers. These findings are based on the systematic examination of mediation in four cases of armed conflict by utilizing a modified contingency model of mediation which is tested against the mediations conducted in the 1973 Egyptian-Israeli war, the Bosnian war, the third Angolan war, and the first Chechen war.

This study argues that a well-designed agreement can shift the power dynamics between the parties so that their struggle for power will not take violent forms, and it can help prevent the emergence of new spoilers because it does not favor one party more than the other. Well-designed agreements can be created even when the balance of power between the parties is unequal, and efforts to further weaken the already weaker party should be avoided because it can contribute to the emergence of spoilers from within the disputing parties.

An original model for durable peace which accounts for these new findings is then developed. This model argues that to create durable peace mediators must produce good agreements that are balanced and channel the struggle for power into nonviolent mechanisms and processes, and manage the spoilers who threaten the peace.

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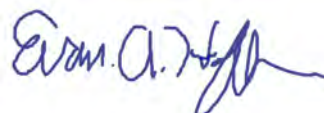
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List of Abbreviations

ARBiH	Army of the Republic of Bosnia and Herzegovina
CBMs	Confidence-Building Measures
COW	Correlates of War
DALYs	Disability Affected Life Years
EU	European Union
FAA	Forças Armadas Angolanas
HV	Croatian Army
HVO	Croatian Defence Council
ICRC	International Committee of the Red Cross
INCORE	International Conflict Research Institute
IFOR	Implementation Force
JNA	Yugoslav People's Army
MFO	Multinational Force and Observers
MPLA	Popular Movement for the Liberation of Angola
NATO	North Atlantic Treaty Organization
NLPM	Neutral Low Power Mediation
OSCE	Organization for Security and Cooperation in Europe
PLO	Palestine Liberation Organization
PM	Prime Minister
SALT	Strategic Arms Limitation Talks
UCDP/PRIO	Uppsala Conflict Data Program/International Peace Research Institute, Oslo
UN	United Nations
UNAVEM (I, II, and III)	United Nations Angola Verification Mission
UNITA	National Union for the Total Independence of Angola
UNPROFOR	United Nations Protection Force
USA	United States of America
US	United States
USSR	Union of Soviet Socialist Republics
VJ	Army of Yugoslavia
WHO	World Health Organization

Author's Declaration

I declare that this dissertation is my own unaided work. It is being submitted for the degree of Doctor of Philosophy at the University of Canterbury. It has not been submitted for any other degree or examination in any other University.

A handwritten signature in blue ink, appearing to read "Evan A. Hoffman", with a stylized flourish at the end.

Evan A. Hoffman

Christchurch, January 2009

Chapter 1

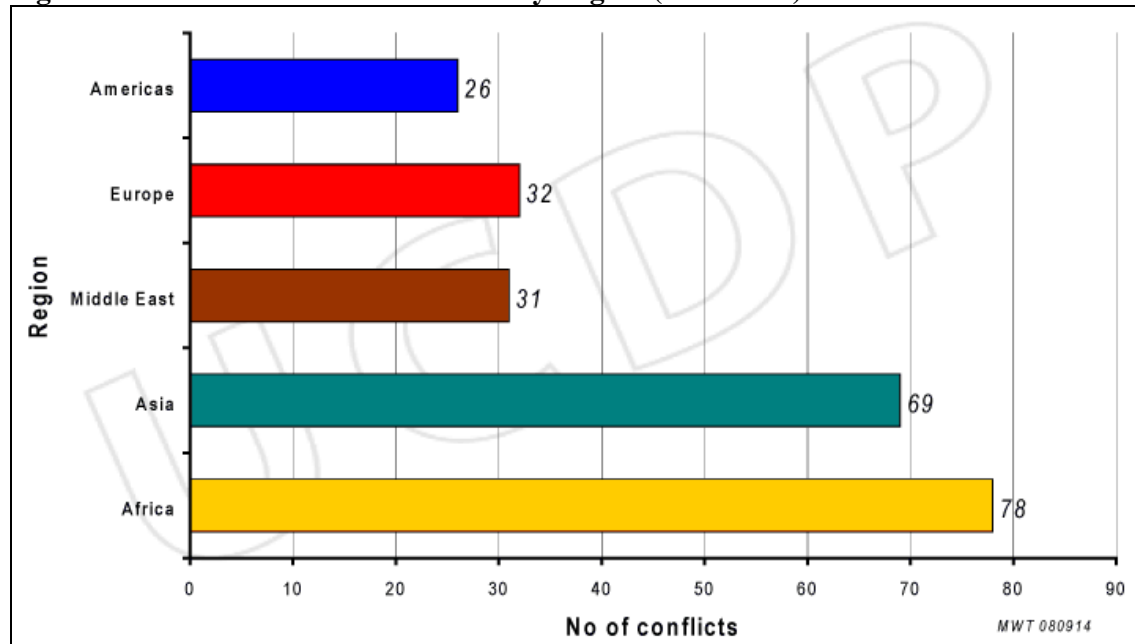
Introduction

1.1 Introduction

In 2007 there were 34 armed conflicts, which can be understood as a contested incompatibility between two parties that results in at least 25 battle-related deaths per year, occurring in 25 locations throughout the world; this was one more armed conflict than what was reported the year before (Harbom, Melander, and Wallensteen, 2008: 697).¹

As illustrated below in Figure 1.1, the majority of armed conflicts since 1949 have occurred in Africa. When we consider only the armed conflicts that occurred in 2007, however, the majority of these armed conflicts took place within Asia (14) and then next within Africa (12).²

Figure 1.1 Number of Armed Conflicts by Region (1949-2007)



Source: Uppsala Conflict Data Program (2008).

¹ This definition of armed conflict is based on the [UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2007](#). For a more detailed discussion of this definition see section 1.3 The terms ‘armed conflict’ and ‘violent conflict’ are used interchangeably throughout this study.

² This information is derived from the data presented in Appendix 1 of Harbom, Melander, and Wallensteen (2008).

Most of these armed conflicts are considered to be ‘minor’ because they had 999 or less battle-related deaths per year; when a thousand or more battle-related deaths are reached in a year then these minor armed conflicts can be considered to be wars.³ In 2007 there were a total of four wars occurring globally, which was one less than the year before and the lowest number recorded since 1957 when there were three (Harbom, Melander, and Wallensteen, 2008: 698). Interestingly, 2007 was also the fourth consecutive year in which there were no wars or minor armed conflicts fought between states (Harbom, Melander, and Wallensteen, 2008: 698).⁴

While the number of battle-related deaths is what distinguishes a minor armed conflict from a war, aside from these direct battle-related deaths are a number of other costs associated with wars. In general, ‘a typical civil war inflicts an immense amount of damage: death, disease, and poverty’ (Collier, 2007: 210).⁵ In other words, civil wars can be viewed as ‘development in reverse’ (Collier et al., 2003). More specifically, civil wars create negative impacts at multiple levels: within the country, regionally, and globally (Collier et al., 2003: 48-9). By reviewing some of these impacts, we begin to get a sense of the immense costs associated with war.

Civil wars create numerous negative impacts within the country. Licklider (2001: 697-8) describes the features of a typical post-war country as follows:

...economically the infrastructure has been destroyed; the currency has been undermined; commerce is at a standstill; agriculture has been devastated; unemployment is high, which means there are no jobs for former soldiers; foreign investment has been frightened off; and there is no basis for exports. The country’s society has been undercut by the mutual dislike between warring groups, which is not any weaker than before the war; the wide distribution of weapons within the population; the people’s habit of nonobedience to government and authority generally; the undermining of traditional sources of authority; the need to demobilize and disarm at least two armies quickly; and the prevalence of young soldiers with no skills other than killing. The old political process has been discredited (you do not want to re-create the political system that resulted in civil war), there is no single legitimate government, there is a low tolerance for legitimate opposition, there is

³ This definition of war is based on the UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2007. For a more detailed discussion of this definition see section 1.3

⁴ As a result of these trends there has been a decreased focus on these inter-state wars, and a greater focus on intra-state (or civil) wars. Sambanis (2004: 814), on the other hand, states that the empirical literature on civil wars has seen a ‘tremendous growth’ because of the compilation of quantitative data sets.

⁵ Throughout this study the terms ‘civil war’ and ‘intrastate war’ are used interchangeably.

often little democratic tradition, and the police and judicial systems are seen (usually correct) as part of the problem rather than as part of the solution because they have legitimacy for much of the population.

Closer examination of Licklider's (2001) list reveals that these problems span three sectors: economic, societal, and political.⁶ Some recent research has begun to quantify some of these economic, societal, and political costs. For example, it has been found that, 'by the end of the typical war, the economy is about 15 percent poorer than it would have otherwise been, and mortality is much higher, mainly due to disease triggered by movement of refugees and the collapse of public health systems, rather than to combat deaths' (Collier, 2007: 210-11). Furthermore, the costs of war in terms of its effect on human health is also persistent for some time after the war has ended and these costs may actually last longer than the economic effects (Collier and Hoeffler, 2004: 6). For example, life expectancies data indicate that health problems continue to cut people's life short even after the war has ended (Collier and Hoeffler, 2007: 731). That is, the average life expectancy is about three years shorter five years after the war than five years before the war (Collier and Hoeffler, 2007: 730).⁷

Another way to quantify the costs of war on human health is to express this cost through measures of Disability Adjusted Life Years (DALYs), which the World Health Organization (WHO) defines as, 'the sum of years of potential life lost due to premature mortality and the years of productive life lost due to disability' (WHO, 2008). Collier and Hoeffler (2004: 6) estimate that the typical civil war incurs around half a million DALYS a year during the war. By arbitrarily assigning a value of \$1,000 per DALY the health costs of the typical civil war are calculated as being around \$5 billion (Collier and Hoeffler, 2004: 6).

The political costs of war can also be quantified. By utilizing the Polity IV measure of democracy Collier and Hoeffler (2007: 731) find that, '...on average civil war leads to a deterioration rather than an improvement in political institutions.' These same researchers find that measures of human rights five years before and after a civil war reveal that human rights are decreased after civil wars and that there are more human rights violations after the civil war (Collier and Hoeffler, 2007: 731). In sum, civil war creates numerous negative impacts across multiple sectors within the country that has experienced the war.

⁶ A fourth sector would consider the environmental costs of war.

⁷ The average life expectancy five years prior to the war is approximately 58 whereas after the war it is 55 (Collier and Hoeffler, 2007: 730).

The costs of civil war, however, are not only confined to the country that has experienced the war. Collier (2007: 210) notes that both economic decline and disease spread across borders. Furthermore, Collier (2007: 210) states that, 'because the typical country has about three neighbors, all of whom are affected, the total cost [of a civil war] to neighbors is about as large as the cost to the country itself.' Taking all of these costs together, Collier and his colleagues have estimated that the typical civil war costs about \$60 billion (Collier, 2007: 211).⁸ Civil wars thus create numerous regional impacts, the costs of which become borne by the neighboring countries.

Civil wars also create negative impacts globally. Collier et al. (2003: 41-42) argue that civil war is linked to the three global problems of hard drugs, AIDS, and international terrorism. In the first case, territory that is outside the control of an internationally-recognized government is a prime location for the cultivation of drugs (Collier et al., 2003: 41).⁹ With regards to the spread of AIDS, there are multiple linkages between civil war and the spread of AIDS within a nation and a region (Collier et al., 2003: 41). One of these major linkages between war and the spread of AIDS is found in the fact that HIV-infected soldiers sometimes use rape as a weapon of war (Collier et al., 2003: 28). Lastly, Collier et al. (2003: 42) argue that civil war provides territory that serves as a safe haven for terrorists. Hence, there is a link between civil war and tackling the problem of international terrorism. In sum, it is clear that the costs of civil war are not confined to the country. Besides the damages created across various sectors within the country are a number of other negative impacts at regional and global levels.

By evaluating the total costs of civil war against the benefits as per a 'cost-benefit framework' it quickly becomes evident that civil wars are not socially productive, rather they produce adverse legacy effects (Collier and Hoeffler, 2007: 725). Because of this fact, Collier and Hoeffler (2007: 725) argue that civil war should not be viewed as an unavoidably costly but valuable investment, rather it is, '...an avoidable calamity with highly persistent adverse effects.'

Given the devastating impacts and high costs associated with wars versus the benefits they produce, the importance of ending wars becomes self-evident. Over the last eighteen years

⁸ In another estimate of the costs of civil war Collier and Hoeffler (2007: 726) place it around \$50 billion.

⁹ To reinforce this claim, Collier et al. (2003: 41) state that currently 95 percent of the world's opium is produced in civil war countries.

some of the world's most difficult and challenging wars, such as the ones occurring in Mozambique, Cambodia, and Guatemala were brought to an end through a negotiated agreement (Crocker, Hampson, and Aall, 2004: 3).¹⁰ Other wars, however, have not been ended by the production of a negotiated agreement. Despite repeated attempts, peace has not been achieved in places such as Uganda and Sri Lanka. As recently as January of 2008, for example, the six year old ceasefire agreement in Sri Lanka broke down and hostilities resumed.

More precisely, if we examine the record for 2007 it reveals that peace agreements were signed in five armed conflicts: Uganda, the Central African Republic, Ivory, Chad, and Israel (Harbom, Melander, and Wallensteen, 2008: 698). Three of these five armed conflicts, however, were recorded as being active in 2007 (Uganda, Chad, and Israel). This suggests that only two of the five peace agreements were successful in ending the armed conflicts. Yet, in other cases where a war initially appeared to be resolved by a peace agreement, it would recur at a later date. The case of Sudan is a particularly interesting example of this: the war there ended in 1972 and then re-emerged eleven years later. In other words, we might conclude that there is a poor record in the success of ending armed conflicts through a negotiated peace agreement.¹¹

Because the costs of a single war are immense, and these costs outweigh the benefits, there are obvious reasons for ending wars. When we also consider the recurring nature of some wars, such as the one in Sudan which was mentioned earlier, then there are a lot of other compelling reasons to end these wars permanently so that they do not recur later. To this effect, Collier (2007: 202) notes that, 'history matters because if a country has recently had a civil war, its risk of further war is much higher. Immediately after the end of hostilities there is a 40 percent chance of further [violent] conflict.'¹² Mason et al. (2005: 19) also found that the more civil wars a nation has had, the more likely peace is to fail and that, '...each additional civil war increases the odds of peace failure by 50 to 64 percent.' Moreover, these subsequent wars are often more costly and severe (Senese and Quackenbush, 2003).

¹⁰ The terms 'negotiated agreement', 'negotiated settlement', 'mediated agreement', 'peace agreement', and 'peace treaty' are used interchangeably in this study.

¹¹ This topic is discussed in much greater detail later in this chapter.

¹² Collier (2007: 202) also notes that this risk falls around one percentage point for each year of peace.

This naturally leads to the question of why do some wars recur while others do not? There are a number of possible explanations. These explanations could include, for instance, the deployment of peacekeepers after the war, increased post-war peacebuilding efforts, or the holding of free and fair elections.¹³ These and several other factors such as post-war economic development, democratization, and third-party support have been found to play a role in contributing to the permanent resolution of wars.¹⁴

While these various factors may have played roles of varied importance in contributing to the permanent resolution of the wars in the places mentioned earlier, this study is only concerned with identifying and analyzing the factors related to mediation which are important for the permanent resolution of war. This chapter therefore begins by broadly discussing the challenges of reaching a permanent resolution of a war. The subsequent sections focus more narrowly on the challenge of defining mediation success, this study's research problem, the aim of this research, the research methodology, the limitations of this research, and lastly, the structure of this study.

1.2 Exploring the Problem

Some of the cases provided in the last section of this chapter were examples of wars which were ended by a peace agreement. Yet as described below, these wars could have concluded with rather different outcomes.

A war can progress in one of two ways: it can either be terminated or it can not.¹⁵ In the case of wars which are terminated there are, in turn, three ways in which this outcome is reached: 1) the parties end the war of their own accord, 2) one side achieves a victory, or 3) some type of outside (third-party) assistance is utilized to end the war.¹⁶

¹³ The use of peacekeepers to control levels of post-war violence has been found to be vital for creating durable peace. For example, Mason et al. (2005: 18) found that the presence of peacekeepers can reduce the risk of peace failing by 70-80 percent.

¹⁴ For example, Brown (2003) argues that sustainable peace and development is directly based on a foundation of broad democratization. In support of this position, Mason et al. (2005) also found that peace is more likely to last in nations that achieve high levels of democratization and, as such, international support of post-war democratization can reduce the risk of a relapse into civil war and enhance the prospects of a durable peace.

¹⁵ Although not necessarily referring only to wars as they are defined in this study, some seemingly continual violent conflicts - including wars - that are not easily resolved are sometimes deemed as being 'intractable conflicts' (Crocker, Hampson, and Aall, 2004). These same researchers have also identified different types of intractable conflicts based on the reasons why they have become intractable.

¹⁶ Licklider (2001: 698) states that, 'conventionally, civil wars were expected to end by a military victory for one side or the other, on the model of the American Civil War or the French and Russian Revolutions.' More

There are a wide range of third party interventions which can be utilized to end wars. Bercovitch and DeRouen (2004: 152-3) draw on the work of Fisher and Keashly in identifying the following five different types of third party interventions:

1. Conciliation: a trusted third party provides an informal communication link between the warring parties with the purposes of identifying the issues, reducing tensions, and encouraging the parties to shift their negotiating positions.
2. Arbitration and Adjudication: a legitimate and authoritative third party renders a binding judgment to the parties.
3. Consultation or Problem Solving: involves a third party facilitating analysis of the conflict and the development of alternatives through communication and diagnosis based on an analysis and understanding of conflict processes.
4. Peacekeeping: involves the provision of military personnel by a third party (or parties) to supervise and monitor a cease-fire, to undertake humanitarian activities, or attempt to prevent open hostilities between the parties.
5. Mediation: involves the intervention of a third party that attempts to facilitate a negotiated settlement of the substantive issues in the conflict.¹⁷

Our interest here is with mediation and it can be more precisely defined as a, ‘... process of conflict management, related to, but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law’ (Bercovitch, 2006: 290).¹⁸

Several notable items are implied from the above definition of mediation. This definition emphasizes that the main goal of mediation is to manage conflict via negotiation. Mediation, therefore, is primarily a form of ‘assisted negotiation’ (Bercovitch, 2006: 290). However, mediation is flexible and can be structured in very diverse ways (Bercovitch, 2006: 290). That is, mediation follows no set process or structure (Bercovitch, 2006: 290). While the

recently, however, Licklider (2001: 698) observes that the warring parties seem more willing to work out negotiated settlements involving compromises.

¹⁷ Bercovitch and DeRouen (2004: 153) also note that mediation is often a favored form of peaceful third-party intervention.

¹⁸ This study will adopt this definition of mediation.

above definition is broad and general enough to account for the flexible and diverse nature of mediation, it also suggests that any mediation situation has some commonalities. For example, the above definition of mediation, ‘...forces us to recognize that any mediation situation is comprised of: (a) parties in conflict, (b) a mediator, (c) a process of mediation, and (d) the context of mediation’ (Bercovitch, 2006: 290-1).

In sum, a war can be terminated in one of three ways, one of which involves third-party assistance. Mediation, in turn, is one type of third-party intervention which is utilized to end wars. When mediation is employed for this purpose, however, how is it possible to gauge success? This question is addressed in the next section.

1.3 Defining Mediation Success

The problem of defining success is pertinent to all third-party interventions and this problem has been handled in a variety of ways. For example, one view contends that there are degrees of success for third-party interventions. Mitchell (1989: 32) argues that there are degrees of success and he states that:

Some such [peace] processes never manage to get the parties into dialogue, let alone to agree to a cessation of fighting. Others reach dialogue but fail to find any possible agreement. Still others--the Anglo-Irish Treaty of 1921 comes to mind--achieve agreement, only to see it repudiated. Still others rapidly break down at the implementation stage and the process ends in recrimination and accusations of bad faith.

In other words, success can be viewed as being incremental. However, Hampson (1996) remarks that there are problems with defining success incrementally as Mitchell has done. That is, Hampson asks whether success should be based on minimalist terms, such as the maintenance of a ceasefire, or should more comprehensive terms also be included? Hampson admits that there is no easy answer to this problem.

The problem of defining mediation success is discussed in this section. First, three ways that the problem has previously been approached will be discussed. Then, the differences between a short-term and long-term definition of mediation success are outlined. Based on the limitations associated with short-term definitions of mediation success, it is argued that long-

term measures should be employed in order to achieve certain specific research objectives. Next, the question of how to measure long-term success in mediation is addressed. It is proposed here that outcomes of durable peace would indicate a long-term mediation success. Finally, this section concludes with a discussion of how to measure durable peace.

Like the problem of defining success of third-party interventions, as described earlier, defining mediation success is also problematic.¹⁹ For example, it has been stated that, ‘the relationship between international mediation and successful conflict outcomes (by successful outcomes we mean producing either a ceasefire, a partial settlement or a full settlement) is frequently mentioned, rarely defined and widely misunderstood’ (Bercovitch, Anagnoson, and Wille, 1991: 8). However, Kleiboer (1996) argues that there are least three ways that the problem has been approached:

1. some researchers avoid defining success and failure.
2. some researchers create their own criteria of success.
3. some researchers equate mediation success with mediation effectiveness.

Kleiboer (1996) notes that each of these three ways of defining mediation success is problematic for different reasons. For example, Kleiboer (1996) states that avoiding the problem of defining success creates obvious limitations for comparative studies. When researchers create their own criteria of mediation success, Kleiboer (1996) observes that they either define success in very simplified terms or in very broad terms. Kleiboer (1996) argues that simplified terms do not suit the complexities of international mediation, whereas broad definitions leave too much room for different assessments of the success of the mediation process. Lastly, Kleiboer (1996) argues that using mediation effectiveness as a measure of mediation success is also problematic. For example, she states that this ‘goals-based approach’ to defining success has to struggle with the questions of whose goals will be used, which goals are crucial, how to quantify symbolic or vague goals, and how to account for changing goals.

¹⁹ Bercovitch (2006: 289) asserts that addressing the problem of recognizing and measuring mediation success is currently one of the central issues in the field.

In sum, Kleiboer (1996: 362) concludes that, ‘success and failure are construed rather than discovered by the analyst: they are a matter of idiosyncratic values, interpretations, and labeling, like many other concepts in the social sciences. This is not problematic as long as embraced definitions and operationalizations of mediation results are embedded in a systematic normative and analytic perspective put forward by the analyst.’

In other words, Kleiboer argues that researchers who ‘qualify’ their terms can overcome the problems that are created when defining mediation success and there is evidence that some researchers do this. For example, Bercovitch and DeRouen’s study (2004: 161) on successful mediation in internationalized ethnic conflicts set the dependent variable as the outcome of conflict management processes. Success in their study was defined as reaching a cease-fire, a partial agreement, or a full settlement. Failure of the conflict management process was indicated by no noticeable difference in behaviour of the parties to the dispute and the parties maintaining dysfunctional relations (e.g. mediation made no difference to the conflict).

Bercovitch and DeRouen (2004: 161), however, qualify their definition of success by stating, ‘this is a strict behavioral criterion for success and failure based on the work of Ernst Haas. It does not take into account the durability of the outcome, the motives behind the parties’ agreement, or any positive perceptual effects mediation may have produced.’ Because these researchers qualified and noted the limitations of their definition of success, other researchers can understand the analytical context in which the findings are based and can judge the validity of their findings within this context.²⁰

Yet, as Bercovitch and DeRouen (2004) note, their definition of success does not account for the durability of the agreement – in other words, this is a short-term definition of mediation success. The differences and limitations between short-term and long-term definitions of mediation success are explored below.

²⁰ For this reason, in the remainder of this study the meaning of ‘success’ is explicitly stated if it is considered to be relevant to understanding the findings of other research. For example, in most cases when this study refers to other research on ‘successful mediation’ it is in relation to short-term mediation outcomes unless otherwise specified.

Short-term versus Long-term Mediation Success

Mediation success can be defined both in the short-term and the long-term. While short-term definitions of success can be useful for some purposes, such as research on how mediation can produce peace agreements, it has some limitations associated with it. As will be discussed below, short-term measures of mediation success run the risk of measuring an ‘illusory success’. Long-term measures of mediation success, on the other hand, overcome the problem of measuring an illusory success.

Short-term definitions of success have been used for research on third-party interventions. For example, Regan (1996: 343) argues that, ‘... success [of third-party interventions] must be conceived of in terms of either stopping the fighting or resolving the underlying dispute.’²¹ Regan (1996: 343), therefore, defines successful third-party interventions in the following manner:

Success in this analysis will be operationalized as the cessation of military hostilities for a period lasting at least 6 months. Although stopping the fighting for this relatively short time would rarely even approach a resolution of the underlying issues at stake, 6 months without conflict can (a) give policy makers cause to claim success with their policy and (b) give a sufficient break in the fighting to initiate meaningful dialogue in an effort to resolve the underlying causes of the conflict. This narrow definition also makes for a particularly stringent test of the factors that predict successful interventions.

While Regan defines two specific criteria that can be used to measure the success of third-party interventions, these criteria are problematic because they may only measure an ‘illusory success’ (Sisk, 2001: 7). That is, even after a peace agreement is reached, horrific tragedy can still follow. Sisk (2001: 7) argues that Rwanda is an example of this and he states that, ‘the August 1993 Arusha Accords for Rwanda were meant to end a bloody civil war; instead, the agreements collapsed in the 100-day genocide that left 800,000 dead and many more deeply scarred survivors.’²²

²¹ Likewise, Zartman and Touval (1996: 459) state that, ‘mediators often pursue the double goal of stopping a war and settling the issues in dispute.’

²² The problem of illusory success also makes the task of defining successful peace agreements difficult. Hampson (1996) notes that for some researchers, success is defined as getting agreements that last for generations. However, Hampson observes that because the possibility of failure is always around the next corner, you can never conclude definitively that a peace agreement has succeeded.

More specifically in regards to mediation success, Zubek et al. (1992: 547) assert that the success of mediation can be measured both in the short and long-term:

Short-term success is concerned with immediate outcomes that are observable at the time of the mediation. These outcomes include whether the disputing parties reach agreement, the quality of the agreement in terms of whether it speaks to the most important goals raised in the hearing, and the parties' feelings of satisfaction immediately following the mediation. Long-term success is concerned with delayed outcomes that are observable after an interval of time has passed since the hearing, for example, whether the parties complied with the agreement, and whether there was an improvement in their relationship and an absence of further problems several months following the mediation.

Many studies on mediation also take a short-term view of success (e.g. mediation is often judged as being successful if an agreement is reached), however, the problem of 'illusory success', as discussed above, still applies. That is, mediation might produce a new agreement and could be considered successful; however, this short-term definition of success would still consider the mediation to be successful even if war recurs immediately after the peace agreement is signed. This reveals the limitations of defining mediation success in the short-term.

There is at least one recent study on successful mediation which recognizes this problem and takes a longer perspective of success (see Bercovitch and Gartner, 2006). Bercovitch and Gartner (2006) recognize that reaching an agreement is one matter and making it endure long enough for durable peace to ensue is another. As such, they examine the conditions which lead to the creation of short-lived agreements. Bercovitch and Gartner's (2006) study is thus important for a number of reasons, including the fact that it challenges the notion that mediation success should only be measured in the short-term.

The durability of peace agreements (e.g. whether they are short or long-lived) then becomes one possible measure of long-term mediation success. Are there other ways, however, to measure long-term mediation success? This question will be addressed in the next section.

Measuring Long-term Mediation Success

The question of how to measure long-term success of mediation still needs to be addressed here, and to do this it is first necessary to explore the different ways that mediation can fail to be successful in the short-term.

Sometimes mediation can successfully end a war and in other cases it can not. Unfortunately, there are numerous examples of mediation which fails to end a war. For example, in the Balkan war there were at least 91 mediated settlements produced and almost half of these settlements broke down within a week or less (Bercovitch and Gartner, 2006: 833). These examples from the Balkan war illustrate one way in which mediation can fail to end a war, namely the agreement breaks down.²³ However, mediation success can also be thwarted in several other ways. For example, mediation can fail to bring the parties together to enter into dialogue and the war continues. In other cases, the parties meet for dialogue but cannot reach an agreement. In yet other cases, an agreement is reached, but the violence continues and the war could never have been considered to end. Lastly, in some cases an agreement can be reached and implemented, for all intents and purposes the war can be considered terminated, yet minor violence still occurs thus creating a situation of ‘no war, no peace’ (Mac Ginty, 2006). In conclusion, there are numerous ways in which mediation can fail to end a war (e.g. fails to achieve short-term success).

When mediation does successfully end a war (e.g. it is successful in the short-term) then there are only two long-term outcomes stemming from this which are possible: 1) the war is permanently ended (e.g. mediation is successful in the long-term), or 2) the war restarts after some period of time (e.g. mediation is unsuccessful in the long-term).²⁴ These are the two long-term outcomes of mediation which are the focus of this study.

It now possible to consider different types of peace which are associated with these different mediation outcomes. When a war is ended it marks the beginning of a state of ‘not-war’

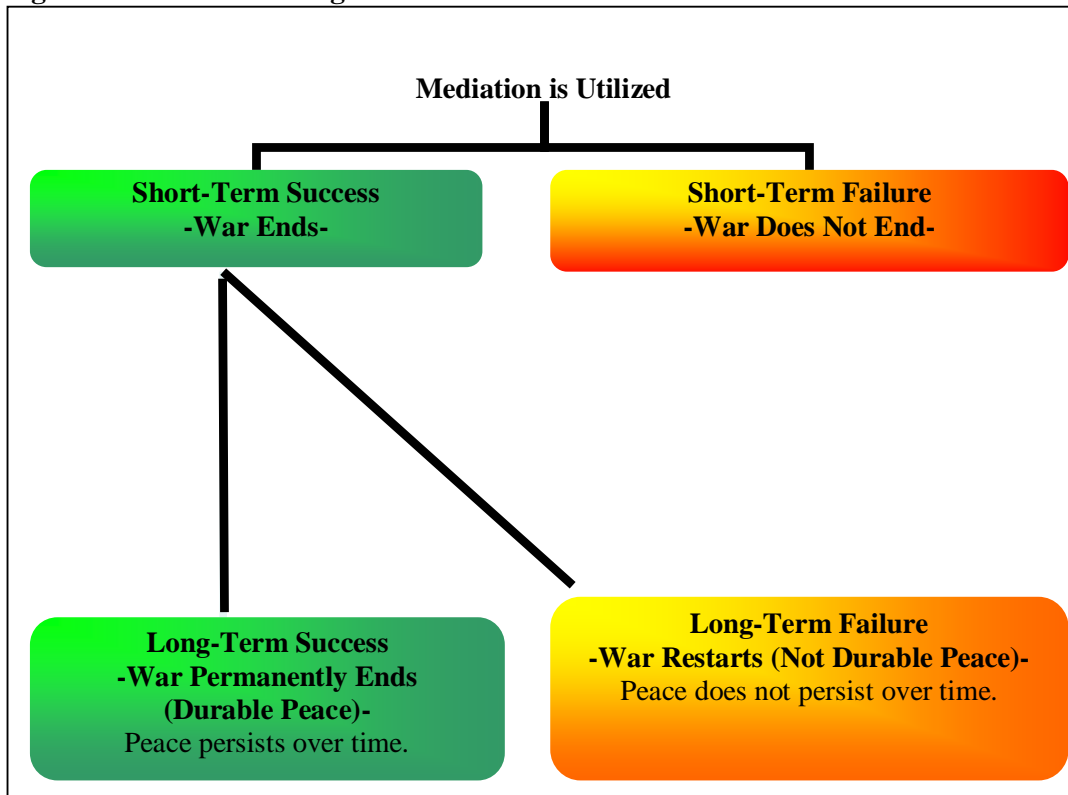
²³ In contrast, the full implementation of all of the provisions of a peace agreement has been linked to durable peace because it serves to provide costly signals between the parties that each is prepared to commit to peace (Hoddie and Hartzell, 2003).

²⁴ Some research suggests that this is a very likely outcome as it has been found that approximately half of negotiated settlements will breakdown (Walter, 1999). This finding, however, is not to be confused with a recent controversial finding that approximately fifty percent of countries which have had a civil war will slide back into a civil war within five years. For more info on the origin, subsequent revision, and confusion regarding this finding see Suhrke and Samset (2007).

which could be considered a state of peace (Boulding, 1978: 6).²⁵ Thus when a war is permanently ended, there is a state of *durable peace*. Therefore, this study will define durable peace as the maintenance of peace over time.

These different long-term and short-term mediation outcomes can be illustrated as follows:

Figure 1.2 Short and Long-term Success in Mediation

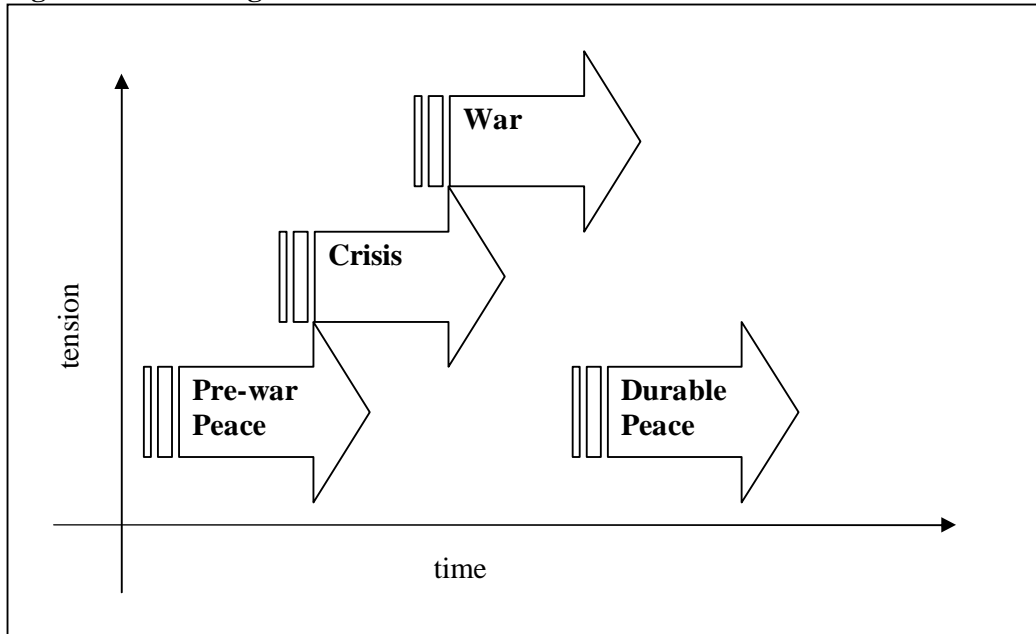


This conceptualization of durable peace places it clearly at a stage after the conclusion of war. However, to further develop this concept of durable peace, it is also necessary to understand what precedes the outbreak of war. Boulding (1978) argues that the transition from peace to war is always marked by increasing tensions. Others (Lund, 1996) have also argued that rising tensions during a stage of peace can eventually escalate into a stage of

²⁵ The author recognizes that this is an extremely simplified definition of peace and that the distinction between a state of peace and war can be far more complicated and blurred. However, this study has to adopt this simple definition of peace in order to allow the operationalization of durable peace as a variable. In support of this approach, however, are some other studies on durable peace which also consider peace to be merely the absence of war (See Fortna, 2004).

'crisis'. This progression of escalating tensions from pre-war peace to crisis to war and, finally, back to down to a state of durable peace can be illustrated as follows:

Figure 1.3 The Progression of Peace to War



Source: adapted from Boulding (1978) and Lund (1996).

In sum, mediation can fail to end war, however when it does successfully end a war, durable peace is one of two possible long-term outcomes, the other being that the war restarts. Durable peace is therefore a distinct post-war stage that occurs after the progression from pre-war peace to war.

Measuring Durable Peace

This study will consider mediation to be successful if it resulted in durable peace. Therefore, the **dependent variable in this study** is durable peace, which is defined simply as the maintenance of peace through time. However, the question arises how long peace has to persist before it can be considered to be durable?

This study will consider that durable peace has occurred if there was no return to war within five years after the signing of the agreement.²⁶ A five year time frame is employed because, ‘there are rare instances in which civil wars resumed after five years of peace’ (Hartzell, Hoddie, and Rothchild, 2001: 187).²⁷

A definition of war, then, becomes important for defining and measuring durable peace. The definition of war employed in this study is based on the UCDP/PRIO Armed Conflict Dataset Codebook (Version 4-2007). Accordingly, an armed conflict is defined in the codebook as, ‘a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths’ (UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2007, 2007: 3).

The codebook also makes a distinction between four types of armed conflicts as follows:

1. *Extrasystemic armed conflict* occurs between a state and a non-state group outside its own territory. These conflicts are by definition territorial, since the government side is fighting to retain control of a territory outside the state system.
2. *Interstate armed conflict* occurs between two or more states.
3. *Internal armed conflict* occurs between the government of a state and one or more internal opposition group(s) without intervention from other states.
4. *Internationalized internal armed conflict* occurs between the government of a state and one or more internal opposition group(s) with intervention from other states (secondary parties) on one or both sides. (UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2007, 2007: 9)

The codebook also defines two levels of intensity of armed conflicts as follows:

1. Minor: between 25 and 999 battle-related deaths in a given year.
2. War: at least 1,000 battle-related deaths in a given year. (UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2007, 2007: 9)

²⁶ Judging the success or failure of durable peace based on the resumption of the war during a pre-defined timeframe is common, yet problematic (Fortna, 2004: 43). Fortna (2004: 43) observes that a five year timeframe treats peace that falls apart in six years just as successful as peace that lasts 20 years or more. The author recognizes this limitation of the study.

²⁷ In other words, this study recognizes that there is a critical period immediately after the agreement is signed and lasting for up to five years, in which durable peace will likely fail. If peace can persist throughout this critical period, on the other hand, then it is more likely that it will be long-lasting.

Therefore, any of the four types of armed conflicts mentioned above can be considered to be a war if there at least 1,000 battle-related deaths in a given year. This definition of war serves the objectives of this study because it allows for a measure of failed and successful durable peace, as described below.

Using this definition of war, the end point of the war (and thus the start point of durable peace) can be obtained from the UCDP/PRIO Armed Conflict Dataset (Version 4-2007).²⁸ The outbreak of a new war with the same actors would indicate that mediation failed to build durable peace.²⁹ This information is also derived from the UCDP/PRIO Armed Conflict Dataset (Version 4-2007).³⁰

In conclusion, mediation success can be measured both in the short-term and the long-term. Short-term definitions of mediation success are useful for some purposes, but run the risk of measuring an illusory success. For this reason, long-term measures of mediation success are important. One long-term measure of mediation success would consider whether durable peace resulted from the mediation. When peace persists for five or more years, then it can be considered to be durable peace.

1.4 Focusing the Problem and Aim of the Research

Mediation is a common form of intervention and one study reports that 46 percent of crises in the post-cold war era were mediated (Beardsley et al., 2006: 59). These same researchers found that when crises are mediated, they are more than five times more likely to result in an agreement to abate the crisis (Beardsley et al., 2006: 77). The authors of this study conclude from these findings that mediation is a very important tool for defusing crises. In other words, mediation is very effective at preventing a crisis from escalating into a war.

While mediation has been found to be important in the context of managing international crises and preventing their possible escalation into war, mediation is also important in the

²⁸ This version of the dataset is described in an article by Harbom and Wallensteen (2007).

²⁹ Note, given this operationalization of durable peace it is possible that one war can be permanently terminated to result in a state of durable peace but an entirely different war with one or more different actors can be occurring simultaneously or emerge at a later date.

³⁰ Fortna (2004: 48) utilizes a similar measure of durable peace in cases of interstate wars using the Correlates of War (COW) Version 3 dataset.

management of international conflict. For example, the recently updated 'International Conflict Management 2000' dataset includes 309 conflicts that occurred between 1945-2000 and contains 3,377 incidences of conflict management (Bercovitch and Gartner, 2006: 825). These 3,377 incidences of conflict management resulted in 1,423 conflict settlements (Bercovitch and Gartner, 2006: 825). Forty-one percent of these settlements were reached by the parties themselves, but the majority (55%) were reached through mediation (Bercovitch and Gartner, 2006: 826).

Similar statistics concerning negotiated settlements have been found for cases of civil wars. For example, Hartzell (1999: 12) identified 96 intrastate conflicts which emerged during the period of 1945-1997 and of these 96 intrastate conflicts, 46 ended in military victory by one side, 38 ended through negotiated settlement, and the remainder were ongoing. In other words, almost as many civil wars are ended by a negotiated settlement as by victory.

In another study, Walter (1999: 127) identified 41 civil wars which occurred between 1990-1940 and 17 of these wars had formal negotiations. In 8 of the seventeen cases (47 percent) the parties reached and implemented a peace agreement and in the remaining 9 cases (53 percent) the parties returned to war.

These statistics on mediation trends illustrate the difficulty with reaching any agreement, let alone one that stands the test of time, and would suggest that achieving a durable peace from mediation is a rare event. For example, based on the information from the 'International Conflict Management 2000' dataset, there are on average 11 conflict management events per conflict and only approximately two of these events will result in a conflict settlement. Thus, from the numerous efforts to manage a conflict, only a small fraction will likely result in a conflict settlement.³¹ However, if these settlements are related to ending intrastate conflicts, then approximately half of these settlements can be expected to fail (Walter, 1999). Thus, from the 1,423 conflict settlements it could perhaps be expected that only 712 will be fully implemented and the remainder will collapse. Clearly, these mediation trends illustrate the great difficulty in reaching agreements that will be fully implemented to create a durable peace.

³¹ In other words, we can conclude from this data that the majority of mediations fail to achieve short-term success. One study estimates that 50-60% of mediations will fail to reach any type of agreement (e.g. ceasefire, partial settlement, or full settlement) (Charting the Roads to Peace: Facts, Figures and Trends in Conflict Resolution, 2007: 11).

The observation made here that mediation is not likely to result in an outcome of durable peace is echoed by other researchers. For example, Crocker, Hampson, and Aall (2001: xxi) state that, ‘over the past decade, we have learned a great deal about the complications of reaching a negotiated agreement and of creating from that negotiated settlement a sustainable peace. We have learned about the fragility of agreements, the difficulties in coordinating an international response, the challenges of implementation, the influence of spoilers, the unpredictable results that elections can produce, and the strong resistance to reconciliation.’

Likewise, there is much research concerning the agreements which result from mediation and the durability of peace (Hampson, 1996; Licklider, 2001; Hartzell, 1999; Walter, 1999).

While the literature on peace agreements and the durability of peace is impressive, there is far less research which focuses on specific aspects of mediation such as the process, the parties, the context, or the mediator and the durability of peace. Because mediation is a common intervention in inter and intra-state wars, a key phase of the peace process, and it does not consistently create durable peace, further research is required.

This raises the question:

Why does mediation at times produce durable peace, yet at times there is a return to war?

Some research has answered the related question of whether victories by one side or the other are more likely to result in durable peace (and the resulting implication that mediation is an inherently weaker method of creating durable peace) and it has been found that mediated agreements are not any less likely to succeed in bringing about durable peace (Mason et al., 2005).³² Moreover, because there are cases where mediation does produce durable peace and other others where it does not, it would suggest that some aspects of the mediation differed to account for the different results. Therefore, these aspects of mediation which may contribute to durable peace need to be identified and systematically analyzed to determine when and how mediation can produce durable peace.

³² More specifically, Mason et al. (2005: 20) state that, ‘...while durability of the peace does not vary with the outcome of the previous civil war (whether it ended in government victory, a rebel victory, or a negotiated settlement), this finding in itself is of substantive significance to the policy community because it contradicts the conventional wisdom that negotiated settlements produce a more fragile peace than decisive victories. Our model indicated that the peace produced by negotiated settlements is no more fragile than the peace following military victories.’

Therefore, the **aim of this study** is to examine when and how international mediation can produce durable peace and when and why it fails to do so, in order to find potential ways of increasing the probability of outcomes of durable peace.

Because there are few studies on how mediation can produce durable peace this study takes a heuristic approach to identify a causal explanation for when and why mediation can produce durable peace.

In conclusion, mediation is an important tool for ending wars via negotiated settlements. However, many negotiated settlements break down, the war resumes, and there is no durable peace. For this reason, new research on when and why mediation produces durable peace is required.

1.5 Research Methodology

This study is concerned with examining mediation which produces durable peace after inter or intrastate wars and to achieve this aim it adopts a ‘case study approach’ based on the work of Alexander George. According to George and Bennett (2005: 18), the case study approach can be defined as, ‘...both within-case analysis of single case and comparisons of a small number of cases...’ George and Bennett (2005: 18) choose to include both within-case and comparison between cases as part of the case study approach because, ‘...there is a growing consensus that the strongest means of drawing inferences from case studies is the use of a combination of within-case analysis and cross-case comparisons within a single study or research program...’

However, George and Bennett (2006) are adamant that within-case or comparative analysis be conducted in a structured and focused manner. They state:

The method and logic of structured, focused comparison is simple and straightforward. The method is “structured” in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, thereby making systematic comparison and culmination of the findings of the cases possible. The method is “focused” in that it deals only with certain aspects of the historical cases examined. (George and Bennett, 2006: 67)

In contrast to the case study approach, which is classified as being qualitative, are a number of approaches which are considered to be quantitative. Qualitative approaches (also known as ‘small-n’ studies) rely on the use of a small number of cases (George and Bennett, 2006: 17). Quantitative approaches (also known as ‘Large-N’ methods), on the other hand, rely on a large number of cases for undertaking statistical analysis (George and Bennett, 2006: 17).

Both quantitative and qualitative approaches have been used for the study of international mediation. For example, in 1996 Kleiboer (360) observed that students and practitioners in the field had applied both quantitative and qualitative approaches to the question of discovering which factors makes mediation successful, thus reversing an earlier trend in which, ‘...scholars of mediation did not think that [mediation] was susceptible to a systematic analysis’ (Bercovitch, 2002: 4). These earlier studies on mediation were, ‘...characterized by a startling lack of information,’ (Bercovitch, 2002: 4) and these scholars, ‘neither believed that patterns of behavior could be discerned, or that any generalizations about mediation should be made’ (Bercovitch, 2002: 4). Bercovitch (2002: 4-5) therefore reminds us that in the past scholars did not think that mediation was susceptible to systematic study and he asserts that in the present, ‘mediation can and should be studied systematically.’ It is anticipated that this study will contribute to this emerging tradition of systematically studying international mediation.

Of the two approaches discussed above, the case study approach has been chosen because it has several distinct strengths over statistical methods; this makes it valuable for testing hypotheses and especially useful for theory development (George and Bennett, 2006: 19). Moreover, according to George and Bennett (2006: 19), case study approaches allow a researcher to achieve high levels of conceptual validity (in other words to identify and measure the indicators that best represent the theoretical concepts the researcher intends to measure) and this is especially important in the social sciences because variables such as ‘democracy’ or ‘power’ are extremely difficult to measure. Another strength of case study approaches is that they can be used to examine the operation of causal mechanisms in individual cases in detail (George and Bennett, 2006: 21). George and Bennett (2006: 21) elaborate that: ‘within a single case, we can look at a large number of intervening variables and inductively observe any unexpected aspects of the operation of a particular causal

mechanism or help identify what conditions present in a case activate the causal mechanism.’ Moreover, a final advantage of the case study approach lies in the ability to accommodate complex causal relations such as equifinality or complex interaction effects (George and Bennett, 2006: 22).³³ In conclusion, this study utilizes a structured and focused case study approach, using both within-case analysis and comparison between cases.

1.6 Structure of the Study

This study is structured as follows. The current chapter (One) discusses in broad terms the problem of terminating war via mediation to produce outcomes of durable peace. Then, the research question of this study and the need to undertake new research on this question is discussed. Next, the aim and methodology of this research is presented. Lastly, the structure of this study is provided.

Chapter two presents a literature review which discusses some factors that affect short-term mediation success and the durability of peace agreements.

The third chapter presents an explanatory theory concerning when and why international mediation results in durable peace and provides an original analytical framework to test these claims. The theory presented in chapter three draws from the material on short-term mediation success and the durability of agreements that is presented in the preceding chapter. The second part of chapter three presents the set of general questions that are systematically applied to each of the four case studies.

Chapters four, five, six, and seven apply the analytical framework to four case studies; two where durable peace lasted and two where peace failed.

In chapter eight a summary of the findings from all four cases is presented in order to make cross-case comparisons. These new findings are then used to revise the model for durable peace. The revised model for durable peace is presented in the second part of this chapter.

³³ Equifinality means that there are many alternative causal paths to the same outcome (George and Bennett, 2006: 10).

The study concludes with a discussion of the implications which arise from the findings, by making several policy recommendations, by outlining the limitations of the research, by discussing the contribution to the field that this study makes, and by making suggestions for further research.

Chapter 2

Literature Review

2.1 Introduction

Mediation is more than simply sitting around a table to casually discuss a problem. Rather, it is a highly-complex and dynamic process. Every mediation process, however, shares some common features: there are parties to the conflict, one or more mediators, a process of mediation, and the context in which the mediation occurs (Bercovitch, 2006: 290-1).

Moreover, a number of factors can be listed for each of these features of mediation. For example, if we only consider the mediator, then we could list factors such as their resources, background, training, emotional disposition, knowledge, or level of experience that might influence their ability to be successful. Which of these factors, however, are important for achieving success?

Because mediation is one of the most significant methods of managing conflicts (Bercovitch, 2002: 4), much effort has been placed on determining which factors are important for mediation success.³⁴ There is, consequently, a wealth of literature on mediation success. This chapter examines some of the literature on successful mediation, and it structures this material according to the contingency model for mediation, which is described in the next section of this chapter.³⁵

Recalling the distinction made in the last chapter between short-term mediation success as defined by the creation of a new peace agreement and long-term mediation success as indicated by a durable peace agreement (and a resulting durable peace), however, this chapter treats research on the durability of peace agreements as a related but distinct body of research. This chapter is therefore broadly divided into two sections. The first section

³⁴ Kleiboer (1996: 376) states that the sheer number of variables for explaining mediation success is 'overwhelming'. To better cope with the number of variables, Kleiboer argues that they should be weighted differently so that the most important ones are identified.

³⁵ In fact, some analysts have put forth the idea that mediation research and practice has surpassed theory building (Wall and Lynn, 1993: 182).

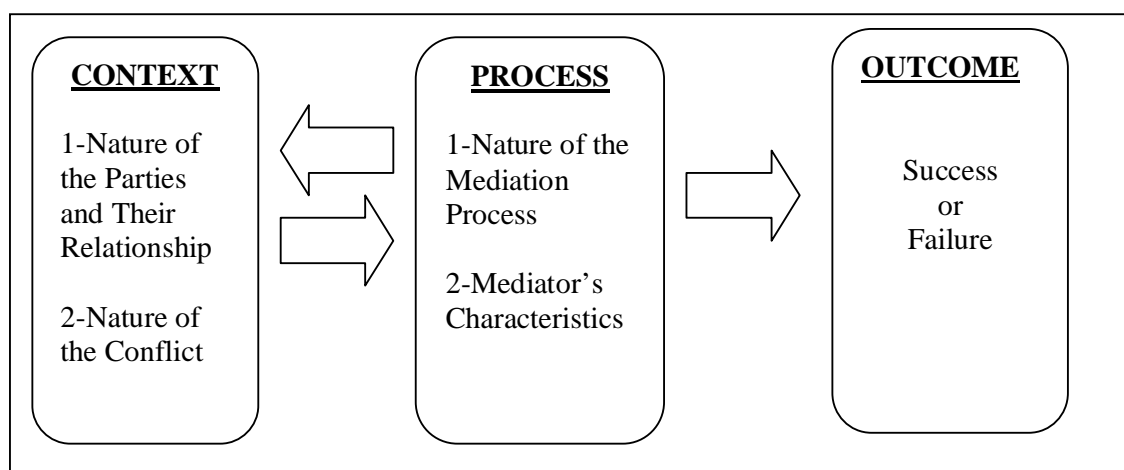
discusses the literature on short-term mediation success, and the second section focuses on the literature about the durability of peace agreements.

2.2 Previous Research on Mediation Success

As noted in the methodology section (see section 1.5), the systematic study of mediation using both quantitative and qualitative research designs is possible. The contingency model is one framework which has been devised for this purpose.

The contingency model was originally designed by Bercovitch, Anagnoson, and Wille (1991) for the purpose of systematically studying mediation. One of its basic tenets is that the outcome of mediation, whether successful or not, is contingent upon a number of contextual and process variables (Bercovitch, Anagnoson, and Wille, 1991: 9). That is, a number of variables related to the nature of the parties and their conflict can be clustered as context variables, whereas other variables related to the mediator and their strategies can be clustered as process variables. This method of organizing these variables can be depicted as per the diagram below.

Figure 2.1 A General Contingency Model of Mediation



Source: adapted from Bercovitch, Anagnoson, and Wille (1991).

The next section of this chapter discusses some previous research on successful mediation and is structured according to the nature of the parties and their relationship, the nature of the conflict, the nature of the mediation process, and the mediator's characteristics.

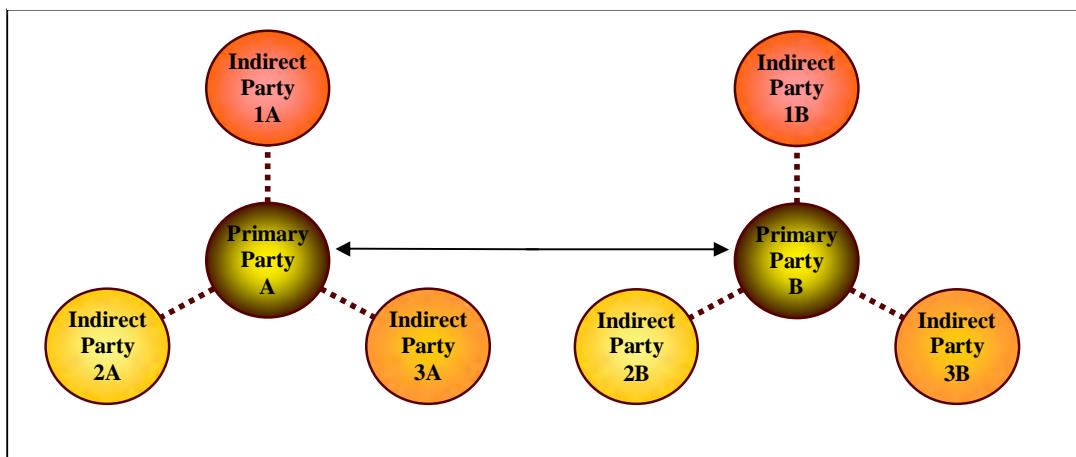
2.2.1 Nature of the Parties and Their Relationship

Two variables that reflect the nature of the parties are the previous relationship and the power difference between them. Both of these variables are discussed below.

PREVIOUS RELATIONSHIP BETWEEN THE PARTIES

One variable which reflects the nature of the parties is their previous relationship. A conflict has at least two or more parties who are in an adversarial relationship. The 'primary parties' are those who are directly engaged in the adversarial relationship and their decisions or behaviour can be influenced by other 'indirect parties' to the conflict (Hampson, Crocker, and Aall, 2004: 97). These relationships are depicted below in Figure 2.2.

Figure 2.2 Depiction of the Relationship Between the Primary and Indirect Parties to a Conflict



The primary parties may or may not have had a previous relationship that may or may not have been conflicting. One way to categorize the previous relationship between the parties is to distinguish whether it was friendly, antagonistic (without experiencing conflict),

conflictual (experienced low intensity conflicts in the past), had one dispute in the past, or had more than one dispute in the past (Bercovitch, Anagnoson, and Wille, 1991: 12).

One view holds that when the parties had a previous friendly relationship, then the chances of a successful mediation are more likely and this finding has been confirmed for mediation of international disputes (Bercovitch, Anagnoson, and Wille, 1991: 12). More precisely, these researchers found that mediation between previously friendly parties is almost twice as likely to be successful compared to mediation between parties with any of the other types of previous relationships. Furthermore, these same researchers found that parties which have had more than one dispute in the past receive the most mediation attempts but have the lowest chance of mediation success. Therefore, these researchers concluded from this finding that a previously conflictual relationship may exacerbate a current conflict and hinder efforts to settle it.³⁶

POWER DIFFERENCES

A second variable which reflects the characteristics of the parties is the difference of power between them. Crocker, Hampson, and Aall (2004: 101) remark that mediation does not take place in a vacuum, but in a wider context, and understanding the context involves assessing the balance of power between the parties.

There are several forms of power. For example, there is, ‘...military power, external diplomatic and political support, the financial wherewithal to sustain a struggle, international legitimacy or isolation, “soft-power” resources (e.g. domestic legitimacy and cohesion, and legitimacy in the eyes of the international community), or skilled manpower and able leadership...’ (Crocker, Hampson, and Aall, 2004: 101).

Moreover, a distinction can be made between the *forms* of power and the *sources* of power. The sources of a party’s power can be either internal or external, and the external sources of power can determine a party’s behaviour, interests, and interactions (Bercovitch and Houston, 2000: 179). Moreover, according to Bercovitch and Houston (2000: 179) because external sources of power are based on the party’s position and relationship in the international

³⁶ A large body of research is dedicated to the study of these ‘enduring rivalries’. More specifically, this literature addresses the questions of how these types of rivalries emerge in the first place, are sustained over long periods of time, and then become highly resistant to resolution (see Greig, 2001).

system, 'the ability of a party to defend and negotiate its interests in a conflict is conditional on the way it can maneuver to obtain additional forms of aid and assistance to enhance its position in the conflict management situation.'

Different forms of power are often distributed asymmetrically between the parties (Crocker, Hampson, and Aall, 2004: 101) and there are two views on the role of power asymmetries and the success of mediation. The first view holds that, 'in cases of clear power disparity the stronger adversary may not be prepared to countenance any concessions or compromises which are essential to mediation success' (Bercovitch, Anagnoson, and Wille, 1991: 10). Whereas, the second view contends that, '...the presence of a fairly unambiguous advantage by one of the parties makes the path of settlement clearer by indicating which side will be expected to make the greater concessions' (Bercovitch, Anagnoson, and Wille, 1991: 11).

However, one study has found that when the distribution of power between the parties is equal, mediation is more likely to be successful (Bercovitch, Anagnoson, and Wille, 1991). Therefore, one role of the mediator is to address these differences to create a level and fair playing field for mediation (Bercovitch and Houston, 2000: 178).

2.2.2 Nature of the Conflict

A second set of variables used for research on mediation success relate to the nature of the conflict. Each conflict can have unique characteristics that distinguish it from others. The characteristics (or the environmental parameters) of the conflict are, '...the conditions that reflect the nature of the disagreement, the parties' perceptions of it, and the level and type of conflict behavior' (Bercovitch and Houston, 2000: 177). Two aspects that are fundamental for understanding the characteristics of the conflict include the conflict intensity and the issues (Bercovitch and Houston, 2000: 177). Both of these factors have been examined in order to determine their role in affecting mediation success, and some research on these factors is presented below.

CONFLICT ISSUES

One variable which reflects a characteristic of the conflict is the conflict issues. Bercovitch, Anagnoson, and Wille (1991: 14) state that the, 'issues in a conflict refer to the underlying causes of a dispute. They may not always be clear. There may also be more than one issue involved, and parties themselves may not agree on what constitutes a disputed issue.'

Crocker, Hampson, and Aall (2004: 99) also state that the issues form the shape or structure of the conflict, and that, 'the issues tell us not only what drives the conflict but also what needs to be settled for the conflict to cease. '

To this effect, Crocker, Hampson, and Aall (2004: 99-100) state that issues are a reflection of the parties' underlying interests and therefore they often become the basis for the discussions of any possible settlement. Crocker, Hampson, and Aall (2004: 100) assert that creating a new peace agreement involves identifying and working with overlapping interests. However, these same authors warn that conflicts may become intractable in cases where the interests are mutually-exclusive.

Therefore, 'the starting place, for the mediator, is to develop with the parties *an agreed-upon definition of what the conflict is about, what needs to be settled, and what will appear on the endgame negotiating agenda*. This requires achieving explicit or tacit agreement on which issues belong in the settlement (and, by implication, which do not)' (italics in original) (Crocker, Hampson, and Aall, 2004: 155). This implies that there may be more conflict issues than what can and should be addressed by mediation.

Some researchers assert that mediation should limit the number of issues which it addresses. For example, Crocker, Hampson, and Aall (2004: 155) stress that not all of the issues in the dispute should appear on the negotiating agenda, otherwise the process may stall. Likewise, the same authors remark that an agreement which includes provisions on every issue may place too much burden on the parties and the settlement itself, thereby making its failure imminent. Therefore, it can be concluded that there are several reasons to limit the number of conflict issues that mediation will address.

How then does a mediator decide which issues to address and which to leave off the table? Crocker, Hampson, and Aall (2004: 155) assert that the negotiating agenda must, '...cover

those issues that are politically essential to the sides and are logically essential to the viability of the settlement...’

Different Types of Issues and Successful Mediation

Some research has examined whether different types of issues are associated with different mediation outcomes since, ‘it would seem logical that the issues at the heart of the dispute will be quite influential in determining the outcome of mediation’ (Bercovitch and Langley, 1993: 676).

There are various ways to distinguish different types of issues and one way is to distinguish whether the conflict is either inter or intra-state (Bercovitch and Houston, 2000: 177). Bercovitch and Houston (2000) argue that the issues are subjective and emotional in intrastate conflicts and this makes mediation success more difficult. They note that in these cases, the parties are not in a position to think creatively about solutions to the conflict and therefore the mediator may have to build confidence and trust in order to bring them together and identify the others’ interests.

Similarly, Bercovitch and Langley (1993: 686) found a very strong correlation between tangible issues (as opposed to intangible issues) and low complexity in international disputes. That is, the international disputes involving tangible issues which were included in their study also often had a low complexity (as indicated by the number of disputed issues) and were therefore more likely to result in successful mediation. As such, they suggest that mediators should focus on the tangible issues in order in order to enhance the likelihood of reaching an agreement (Bercovitch and Langley, 1993: 689).³⁷

However, conflicts can also be distinguished by the major type of issue that is at stake and one study distinguished between five types of issues as follows: sovereignty, ideology, security, independence, and any other issue (Bercovitch, Anagnoson, and Wille, 1991: 14).

³⁷ The authors also suggest that mediators should reduce the complexity of the dispute by repackaging and reducing the number of issues.

These same researchers found that disputes over territory or security issues were more likely to result in successful mediation than those over issues of ideology or independence.³⁸

INTENSITY OF THE CONFLICT

Intensity is a second characteristic of a conflict which can influence mediation success. For example, Bercovitch and Houston (2000: 177) state that, ‘the intensity of a conflict is recognized as a fundamental determinant of how amenable a conflict will be to mediation and how effective a given strategy may be.’

Bercovitch, Anagnoson, and Wille (1991: 13) state that there are two contradictory views in the literature on how conflict intensity relates to mediation success. The first view holds that high-intensity conflicts are more likely to result in successful mediation because the parties may wish to cut their losses by negotiating a new agreement or, in contrast, a second view contends that high-intensity conflicts result in polarized positions, thus reducing the chances for successful mediation.

Crocker, Hampson, and Aall (2002: 238) provide a second hypothesis concerning why high-intensity conflicts may be more likely lead to mediation success by linking three different levels of violence to the number of possible entry points that the mediator has into the conflict, the barriers to making this entry, and the mediator’s opportunity for exercising procedural control.³⁹ The relationship between these factors is illustrated below in Figure 2.3.

Figure 2.3 Entry Points in the Conflict Cycle

Level of Violence	Number of Potential Entry Points	Barriers to Entry	Opportunity to Exercise Procedural control
Low	Many	Low-Moderate	Low
Medium	Moderate and Declining	Moderate-High	Low
High	Few	High	Moderate-High

³⁸ Additionally, one study reports that between 1946 and 2005 most conflicts were fought over issues of territory; however most peace settlements have been reached in conflicts over issues of who should control the government (*Human Security Brief 2006*, 2006: 18).

³⁹ Crocker, Hampson, and Aall (2002: 238) note that procedural control refers to the mediator’s ability to have leverage over the negotiating process.

Source: adapted from Crocker, Hampson, and Aall (2002: 239).

Based on the above table Crocker, Hampson, and Aall (2002: 238) state the following:

In sum, the notion of a conflict cycle suggests that while the level of violence is low (a condition that may occur at the beginning and end of a conflict cycle) there are greater opportunities for a variety of mediators to engage both the parties and the larger society in a wide range of activities, investing on a long-term basis for peace. These conditions, however, present fewer opportunities for real movement towards settlement on disputed issues. As one approaches higher levels of violence, the opportunities for mediators to engage the parties may diminish but the likelihood of mediation success, i.e. helping the parties to negotiate an agreement increases.

In other words, as violence levels increase there are fewer chances for mediator to enter into the conflict and the parties may block the entry of new mediators into the conflict, but if the mediator can gain entry into a conflict when it is at a high-intensity, then the parties may easily accept a new agreement because the alternatives to mediation, such as maintaining the status quo of continuing to wage the conflict, have become less attractive to the parties and the mediator entering the conflict at this point would therefore be viewed by the parties as having more leverage because they offer a new ‘way out’ of the conflict (as exemplified by their ability to exercise procedural control).

Which of these two competing perspectives on conflict intensity and mediation success is correct then?

One way to gauge the intensity of a conflict uses the number of fatalities, and low intensity disputes have been found to be more likely to result in successful mediation outcomes (Bercovitch, Anagnoson, and Wille, 1991: 17). Likewise, Fretter (2002: 103) reports that of the 615 total UN mediation attempts made during the period of 1945-95, 451 of them occurred after 10,000 or more fatalities had been reached (73%) and that the number of fatalities has a negative impact on the success rate of UN mediation (Fretter, 2002: 121). More specifically, Fretter (2002: 121) reports that one of, ‘the most significant findings in these results [from her study] are seen in the success rate of mediation attempts during conflicts where a high rate of fatalities has occurred...’

In sum, there are two main propositions regarding the intensity of the conflict and how it influences mediation success. One view holds that high-intensity conflicts will be more likely to contribute to mediation success, whereas the other holds that mediation will be more successful if the conflict is of a low intensity. Current research tends to support the notion that achieving mediation success will likely be more difficult in high-intensity conflicts.

2.2.3 Nature of the Mediation Process

Mediation is a complicated social process. For example, Bercovitch and DeRouen (2004: 166) state that, ‘mediation is a dynamic and reciprocal form of social interaction. It is affected by numerous factors and conditions.’ A third set of factors which have been used for research on successful mediation relate to the mediation process. Two factors related to the mediation process and successful mediation outcomes are presented below. These two factors are the number of previous mediation attempts and the timing of mediation.

NUMBER OF PREVIOUS MEDIATION ATTEMPTS

One factor related to the mediation process is the number of previous mediation attempts. A conflict may experience one or more mediation attempts by the same or different mediators (Bercovitch and DeRouen, 2004). Previous mediation attempts can provide important information for subsequent attempts. For example, Bercovitch and DeRouen (2004: 159) state that, ‘the feedback from previous events includes information gathered, experience, and learning and understanding gained by the mediator and the parties. These factors can be examined empirically by looking at the number of previous mediation attempts, their duration, the outcome and durability of mediation events, mediators’ experiences, and history of mediation in a specific dispute.’

Moreover, Bercovitch and Houston (2000: 172) argue that the factors from previous mediation attempts, ‘may directly affect the expectations of both the parties and the mediators of how a current mediation should be carried out or how effective it will be.’ Therefore, the number of mediation attempts may influence the outcome of a current mediation process. Bercovitch and DeRouen (2004) found evidence that suggests multiple mediation attempts by

the same mediator may decrease the likelihood of a successful mediation outcome in cases of internationalized ethnic conflicts.

TIMING OF MEDIATION

A second factor related to the mediation process and successful mediation concerns the timing of the mediation. More specifically, this research examines whether mediation will be successful if it is initiated at certain points in the 'lifecycle' of a conflict.

Crocker, Hampson, and Aall (2004: 102) state that, 'in an ideal world, the best moment for third-party intervention is at the preventive stage, before a conflict becomes violent.' However, Zartman and Touval (1996: 452) argue that because mediators are motivated by self-interest, they will intervene only when they believe a conflict threatens their interests or it presents an opportunity to advance their interests, and this usually occurs after a conflict escalates. In other words, their view is that early mediation is not very likely to occur.

Even if early intervention is not possible, however, then there are other points which are attractive for the initiation of mediation, including shortly after violence has broken out, in the immediate wake of a dramatic event, after the parties have reached a stage of reciprocal exhaustion, or when a new third-party has been introduced to the conflict (Crocker, Hampson, and Aall, 2004: 102).

Bercovitch and DeRouen (2004: 154) also recognize the importance of mediation timing when they state, 'to be effective, mediation must take place at a propitious moment in the life cycle of a conflict. But how exactly can this moment be recognized?'

Bercovitch and DeRouen (2004: 161) note that there are two views on when mediation should begin in order to occur during the most propitious moment:

One view states that mediation is more likely to be effective if it is attempted early on in a conflict, and certainly well before the parties experience increasing costs and their positions become entrenched. Another view contends that mediation is more likely to be

successful if it is attempted later on in the conflict, once the parties have gone through some “hurting behavior” and are then prepared to revise their motivations and expectations.

There is some research in favour of early mediation.⁴⁰ For example, Bercovitch and DeRouen (2004) found that mediators who initiate mediation early in the lifecycle of a conflict have a better chance of producing a successful outcome in cases of internationalized ethnic conflicts. In another study, Fretter (2002: 119) found that the majority of UN mediation attempts (65%) were made after 36 months of hostilities had already occurred. Fretter (2002: 119) concludes that, ‘frequently, UN mediation is employed far too late...[to be consistently successful],’ because by this far into the conflict the hostilities have increased antagonism and mistrust between the parties to the extent that they disregard dialogue as a means to achieving their objectives. Crocker, Hampson, and Aall (2004: 102) also argue in favour of early mediation because the parties’ positions may still be flexible since they have not yet established vested interests in their wartime pursuits. Moreover, these same researchers argue that initiating mediation during a state of grinding exhaustion, which would likely occur much later in the conflict, is not necessarily going to lead to successful mediation outcomes because leading research suggests that a mutually hurting stalemate and the prospect that things will get worse is the moment when the parties will be ready to negotiate (Crocker, Hampson, and Aall, 2004: 103).⁴¹ In other words, the conflict is ‘ripe for resolution’ if these conditions are present. In conclusion, there is mounting evidence that initiating mediation early is the ideal because the parties have not become deeply entrenched in their positions.

2.2.4 Mediator’s Characteristics

Mediators can come from a variety of backgrounds, use a range of approaches, and have different interests in the outcome of the conflict. These and other variables related to the mediator’s characteristics are discussed below.

⁴⁰ The timing of mediation can be assessed by counting the number of months after a conflict first emerges until mediation is first initiated (Bercovitch and Houston, 2000: 188).

⁴¹ Zartman and Touval (2001: 434) state that, ‘a mutually hurting stalemate begins when one side realizes that it is unable to achieve its aims, resolve the problem, or win the conflict by itself; the stalemate is completed when the other side reaches a similar conclusion.’

MEDIATOR'S ALIGNMENT AND IMPARTIALITY

One characteristic of a mediator used in the study of successful mediation concerns the mediator's alignment and impartiality. There are many different types of mediators. One of the most basic ways to distinguish between different types of mediators is to determine whether they are third-party or not. That is, one of the conflicting parties can also be the mediator. However, if the mediator is not one of the conflicting parties then they are considered to be a third-party mediator.

Third-party mediators can vary according to their alignment. It is sometimes stated that mediators should maintain a neutral alignment and not side with one of the parties – in other words, that they should be impartial. However, Bercovitch and Houston (2000: 181) observe that, 'there is some disagreement in the literature about the essence and importance of mediator impartiality or neutrality in international conflict.' Moreover, another researcher states that there is a growing body of literature which argues against the need for mediator impartiality (Smith, 1994: 445). In sum, there is no consensus in the literature on the role of mediator alignment and impartiality in creating successful mediation; even though there may be more research in favour of the view that a mediator does not need to remain impartial.

MEDIATION STRATEGY

A second characteristic of the mediator concerns their mediation strategy. Bercovitch and DeRouen (2004: 160) state that, '...a mediation strategy is a goal or a means to the overall objective of managing a conflict constructively and effectively.' More specifically, 'mediation strategies are designed to change, impact, or modify aspects of a conflict and the interactions of the parties involved' (Bercovitch and Houston, 2000: 174). Some of the literature on mediation strategies and successful mediation is reviewed in the following section of this chapter.

There are three main types of mediation strategies: directive, procedural, and communication-facilitative. Bercovitch and Houston (2000: 175) summarize the differences between the three types of mediation strategies as follows:

1-Communication-facilitation strategies describe mediator behavior at the low end of the intervention spectrum. The mediator typically adopts a fairly passive role, channeling

information to the parties, facilitating cooperation, but exhibit little control over the more formal process or substance of mediation.

2-Procedural strategies enable a mediator to exert more formal control over the mediation process with respect to the environment of mediation. The mediator may determine the structural aspects of meeting and control constituency influences, media publicity, the distribution of information, and the situation powers of the parties' resources and communication processes.

3-Directive strategies are the most powerful form of intervention. The mediator affects the content and substance of the bargaining process by providing incentives for the parties to negotiate or by issuing ultimatums. Directive strategies deal directly with and aim to change the way issues are framed and the behavior associated with them.

In more specific terms, however, what might a mediator using a directive strategy do differently from one who is using procedural strategy? In order to answer this question, it is necessary to associate specific tactics with each of the three different types of strategies.

By drawing upon the work of Bercovitch (1997) and others, Beardsley et al. (2006: 66) develop the following table that links mediation strategies to their tactics:

Figure 2.4 Mediation Strategies and Corresponding Tactics

Mediation Strategy	Tactics
Facilitation	Make contact with parties
	Gain the trust and confidence of the parties
	Arrange for interaction between the parties
	Identify underlying issues and interests
	Clarify the situation
	Supply missing information
	Transmit messages between parties
	Fact finding
Formulation (or Procedural)	Control the pace and formality of the meetings
	Control the physical environment
	Ensure the privacy of the mediation
	Highlight common interests
	Control timing
	Help devise a framework for an acceptable outcome
	Help parties save face
	Keep the process focused on the issues
	Makes substantive suggestions and proposals
	Suggest concessions parties could make
Manipulation (or Directive)	Keep parties at the table
	Change parties' expectations
	Take responsibility for concessions
	Make parties aware of the costs of nonagreement
	Supply and filter information
	Help negotiators to undo a commitment
	Reward concessions made by the parties
	Press the parties to show flexibility
	Promise resources
	Threaten withdrawal of resources
	Offer to verify compliance with the agreement
	Add incentives
	Threaten punishments
Threaten to withdraw mediation	

Source: adapted from Beardsley et al. (2006: 66).

By associating specific tactics with each of the three main mediation strategies as per the above figure, the major differences between the three strategies become much more evident.⁴²

Of the three mediation strategies, directive mediation strategies have been associated with successful mediation outcomes. For example, one study states that, 'clearly, the more

⁴² Having specific tactics associated with each of the three different mediation strategies is also especially helpful for judging which type of strategy a mediator is employing. For example, a mediator who threatens punishments and promises resources is clearly using a directive mediation strategy because these tactics are unique to this strategy.

effective strategies in international mediation are the more active strategies. Mediators employing directive or substantive strategies are successful, on average, 41% of the time. Mediation strategies that can prod the adversaries, and strategies that allow mediators to introduce new issues, suggest new ways of seeing the dispute or alter the motivational structure of the parties, are more positively associated with successful outcomes than any other type of intervention' (Bercovitch, Anagnoson, and Wille, 1991: 16).

Likewise, another study found that, 'directive strategies, which enable mediators to balance negotiating powers and suggest alternative approaches to issues, are important when dealing with parties that pursue rigid bargaining positions or are associated with bloc or regional alliances that affect their interests and sources of power' (Bercovitch and Houston, 2000: 189). In conclusion, there is consensus that directive mediation strategies are associated with successful mediation outcomes.

MEDIATOR'S EXPERIENCE

A third characteristic of the mediator is their experience. Bercovitch and Houston (2000: 184) assert that, 'a mediator's experience and record may provide information about his or her ability to manage a given conflict,' and it would logically follow that a mediator who is highly-experienced would be more likely to achieve mediation success because they can draw upon this previous experience. Likewise, Bercovitch and DeRouen (2004: 159) state that:

An important dimension in mediation success is mediator experience. The conflict management experience of mediators has been suggested as an important factor in influencing the style and effectiveness of their mediation. Carnevale and Pegnetter and Kochan and Jick found that more experienced mediators obtained more settlements; and Pearson, Thoennes, and Vanderkooi found that more experienced mediators achieved higher quality settlements. This outcome could perhaps be attributed to the degree of trust, credibility, and legitimacy parties place in the ability of the mediator to fulfill their role, as well as the rapport built between the mediator and the parties over successive mediation efforts, enabling the mediator to manage the process effectively.

By utilizing an original dataset, Bercovitch and DeRouen (2004: 162) found that experienced mediators are more likely to produce successful mediation outcomes in cases of internationalized ethnic conflicts (Bercovitch and DeRouen, 2004: 162).⁴³

Moreover, this same study found that a highly-experienced mediator using directive mediation strategies should greatly increase the chances of success. By setting all of the variables to their mean levels, a baseline scenario can be generated in which the probability of success is 38 percent (or about a one in three chance that mediation would be successful) (Bercovitch and DeRouen, 2004: 163). By changing the mediation strategy variable to the use of a directive mediation strategy, however, the success rate increases to 45 percent and by changing the mediator's experience level to 'highly-experienced' the success rate increases by over 50 percent from the baseline (Bercovitch and DeRouen, 2004: 165). This study therefore clearly illustrates the importance of a mediator's experience level in affecting the outcome of mediation. In sum, this research presents a powerful argument that the mediator's experience does affect the likelihood of achieving mediation success, and that an experienced mediator employing a directive mediation strategy should greatly improve the odds of success.

A number of factors thought to be important for determining whether mediation will be successful or not have been identified in previous studies. These numerous factors can be grouped together as per the contingency model of mediation, and this section presented some of the research findings on these factors.

2.3 Previous Research on the Durability of Peace Agreements

This second section of the chapter discusses the literature on the durability of peace agreements. Some factors related to the nature of the parties and their relationship, the nature of the conflict, and the nature of the mediation process will be discussed here as they relate to the durability of peace agreements.

⁴³ Mediator experience was assessed along a range from 'no experience' to 'more than nine previous efforts' (Bercovitch and DeRouen, 2004: 162).

2.3.1 Nature of the Parties and Their Relationship

The previous relationship between the parties and the power difference between them are two variables that have been used in studies on the durability of peace agreements. Both of these variables are discussed below.

PREVIOUS RELATIONSHIP BETWEEN THE PARTIES

It was noted earlier in this chapter that a previously conflictual relationship between the parties may exacerbate a current conflict and hinder efforts to reach a new peace agreement, but would this type of previous relationship also mean that a peace agreement is more likely to fail?⁴⁴

One study on durable peace in interstate wars found that the more the combatants' history before the war was marked with serious disputes (e.g. the previous relationship was 'unfriendly'), the more quickly the war between them resumed (Fortna, 2004: 94).⁴⁵ Fortna's research has revealed that, 'peace has been remarkably stable among states with a lower than average record of conflict' (2004: 94). Her research found that the average rate of conflict is just under one dispute per year and only two cases which had fewer prewar disputes than the average had fighting resume (Fortna, 2004: 94). On the other hand, in four-fifths of the cases that had a higher than average number of previous disputes, peace eventually broke down (Fortna, 2004: 94). Fortna summarizes these trends as follows, 'states are not inexorably doomed by their history to repeat conflict incessantly, but both the quantitative and qualitative evidence [contained in her study] indicates that conflict does breed conflict, making it much more difficult to achieve lasting peace' (2004: 98). In other words, if the parties had a previous relationship that was not friendly then it reduces the chances of reaching a new peace agreement and the likelihood that the agreement will hold, but it is still possible that lasting peace can eventually be reached even in these cases.

⁴⁴ One researcher notes that almost all research on the parties in civil wars considers only two parties: the government and the rebels (see Nilsson, 2006). Nilsson (2006) asserts that these studies fail to consider the complexities created when the rebel side involves several groups. In order to address this shortcoming, her study considers the durability of peace when multiple rebel groups are present and she found that with an increasing number of parties, peace is less likely to endure (Nilsson, 2006).

⁴⁵ This effect was found to be large and statistically significant on tests run on post-1945 cases of interstate wars, but becomes less pronounced if data going back to 1816 is considered (Fortna, 2004: 94).

POWER DIFFERENCES

A second variable which reflects the characteristics of the parties is the difference of power between them, and it was noted earlier in this chapter that if the balance of power between the parties is equal then mediation is more likely to be successful in creating a new peace agreement. Does this assertion remain valid, however, when we consider whether the agreement will hold?

One study on the durability of peace agreements in interstate wars found that, ‘surprisingly, whether there is balance of power between the belligerents at the time of cease-fire has no meaningful effect on the durability of peace’ (Fortna, 2004: 105). More precisely, ‘in some of the quantitative tests, more balanced power relations appear more stable, but this finding is not robust, nor is it statistically significant’ (Fortna, 2004: 105). In sum, Fortna (2004) concludes that the power difference at the time of signing the agreement tells us little about the chances for durable peace in cases of interstate wars.

However, this same study found that large shifts of power *after an agreement is signed* is strongly associated with the failure of durable peace (Fortna, 2004: 106). What is not clear is whether there is a causal relationship between large power shifts and the failure of peace. In other words, the question that still needs to be addressed is does peace fail because of a shift of power or does a shift of power cause peace to fail (Fortna, 2004: 109).⁴⁶

In another study that examined the power differences between the parties in civil wars and the prospects for durable peace, it was found that peace is more fragile if the rebel group is strong rather than weak (as indicated by their military strength) relative to the government (Nilsson, 2006). More precisely, ‘when a signatory rebel group is strong rather than weak in relation to the government, the risk that peace fails is increased with 124 percent’ (Nilsson, 2006: 89).

⁴⁶ Clearly, this is an important question for further research.

2.3.2 Nature of the Conflict

Earlier in this chapter it was noted that each and every conflict has a unique set of characteristics that distinguish it from others. One of these characteristics is the conflict issues. Some previous research on the conflict issues and the durability of peace agreements will be discussed in this section of the chapter.

CONFLICT ISSUES

As noted earlier in this chapter, the conflict issues give shape or structure to the conflict because they refer to the underlying causes of the conflict. The conflict issues therefore suggest what needs to be settled in order for the conflict to cease. It was also noted earlier in this chapter that the conflict issues do play a role in affecting mediation success. What role do conflict issues have on the durability of the agreement, however?

Different Types of Issues and the Durability of the Agreement

Are conflicts over certain types of issues more likely to lead to a durable agreement than conflicts over other types of issues? Hartzell, Hoddie, and Rothchild (2001: 89) state that perhaps one of the most debated characteristics of conflicts presumed to affect the prospects for durable peace is the issues at stake in the conflict. Hartzell, Hoddie, and Rothchild (2001: 189) elaborate:

Some analysts suggest that the stakes in identity conflicts (that is, those involving ethnic, religious, racial, and linguistic interests) are higher and less divisible than the stakes in politico-economic conflicts (that is, those involving socioeconomic and ideological interests). Because the security concerns associated with identity conflicts are assumed to be more intense than those of politico-economic wars, the probability of a settlement proving stable should be greater for the latter type of conflict.

Hartzell, Hoddie, and Rothchild (2001: 198) find that the issues at stake in the conflict do not have an affect on the durability of the agreement. More precisely, they state that, ‘...there is little reason to believe that peace settlements should prove more durable following one type of conflict than another’ (Hartzell, Hoddie, and Rothchild (2001: 199).

Intractable Issues and Successful Mediation

It was noted earlier in this chapter that from all of the possible disputed issues, those that are politically essential to the sides or logically essential should be included in the agreement. Sometimes, however, the issues that are politically essential to the sides or logically essential to the agreement are intractable. These intractable issues may be important in determining the durability of the agreement. Hampson (1996: 221-2) notes that even the intractable issues need to be addressed when he states that, 'intractable issues that are left out of the agreement for subsequent negotiation can quickly come back to haunt those elements of the peace process on which there is widespread agreement.'

One of the other reasons that intractable issues need to be addressed is because they often represent the underlying grievances which fuel the conflict. For example, Sisk (2001: 11) states that, 'with so many conflicts today fought under ethnic or religious banner, the underlying grievances over which the war is fought may well be a significant barrier to peace.'

The Need for Resolving the Issues and the Durability of Peace Agreements

While the importance of *addressing* the intractable issues in a conflict is well-recognized, it is debatable whether the issues in a conflict need to be fully *resolved* for mediation to be successful.

Walter (1999: 127-8) examined why some civil war negotiations succeed in ending violent conflict and she notes that, 'to date, most scholars and policymakers have assumed that civil war negotiations fail because the combatants have no interest in working together, they do not want to compromise their goals and principles, or they cannot resolve underlying conflicts of interest. But a close examination of the failed negotiations reveals that in a majority of these cases combatants were able to resolve their underlying differences and agree on a compromise settlement.'

Because agreements that have failed *did* include a resolution of the underlying differences, Walter argues that there is another explanation for failure:

I argue that resolving the underlying issues over which a civil war has been fought is not enough to convince the combatants to accept and implement a peace settlement. To end a civil war through a negotiated settlement, the combatants must clear a much higher hurdle: designing credible guarantees on the terms of the agreement—a task made difficult without outside assistance. The biggest challenge facing civil war opponents at the negotiating table therefore is not how to resolve issues such as land reform, majority rule, or any of the underlying grievances that started the war. These are difficult issues, but they are not the most difficult. The greatest challenge is to design a treaty that convinces the combatants to shed their partisan armies and surrender conquered territory even though such steps will increase their vulnerability and limit their ability to enforce the treaty's other terms. (Walter, 1999: 129)

Therefore, to summarize Walter (1999), resolving the underlying issues is not enough to create durable peace – durable peace requires making guarantees to the parties that each side is progressing with their commitments to implement the agreement. Walter (1999: 137) lists several ways that third parties can provide guarantees to the parties and this includes verifying compliance with the terms of demobilization, warning of surprise attack, guaranteeing that soldiers will be protected as they demobilize, and becoming involved if one or both sides resume the war.

While Walter (1999) argues that solving the underlying issues is *not sufficient* for creating durable peace, others argue that it is *not necessary*. For example, Hartzell, Hoddie, and Rothchild (2001: 203) present the following results from their research on durable peace:

Yet another promising implication of this research is that it does appear possible to create a more durable peace without explicitly solving the issues at stake in a conflict. Designing new institutional arrangements for the management of conflict may contribute significantly to stabilizing the peace. This is encouraging because designing solutions to the issues that initially gave rise to a conflict may be difficult indeed. This is particularly likely to be the case where the conflict itself gives rise to new issues and concerns. It is for this reason that we think it worthwhile to focus on the security concerns of civil war adversaries; no matter what a civil war may initially have been about, once antagonists have set about killing one another they are likely to be concerned about their future security. Although challenging, devising institutional means to enhance the security of former opponents may prove a more productive means of stabilizing the peace than attempting to identify and address the often complex origins of disputes.

This finding is important for mediators who are unable or unwilling to address all of the issues in a conflict because it implies that these issues can be overlooked, provided that new institutional arrangements for conflict management are created.

Political Settlement

Recalling the statement made earlier that the issues which are politically essential should be included in the agreement, some research has addressed the question of whether agreements that include the political issues lead to a more durable peace. To this effect, it was found that, ‘not surprisingly, political agreement on the issues over which the [interstate] war was fought leads to very durable peace’ (Fortna, 2003: 363). In fact, Fortna’s data set does not contain any cases in which both sides agreed explicitly to a political settlement and war later resumes (Fortna, 2003: 363). Fortna (2003: 364) concludes from these findings that, ‘not surprisingly, settling the underlying political issues is the best way to ensure peace.’ Even when the underlying issues remain disputed, however, the other mechanisms examined in her study such as demilitarized zones, peacekeeping, and external guarantees can be used to maintain peace (Fortna, 2003: 364-5).

INTENSITY OF THE CONFLICT

Hartzell, Hoddie, and Rothchild (2001: 190) note that, ‘scholars interested in civil war outcomes have also given considerable attention to conflict intensity.’ In their own research on durable peace agreements they find that, ‘it appears that states that have experienced civil wars with a relatively higher number of battle deaths in each month of war, as reflected in our intensity variable, have a greater risk of their negotiated settlement failing than states that have emerged from less intense domestic wars. A one-unit increase in this variable, measured as an additional one thousand battle deaths per month (using a natural log transformation), leads to a 140 percent increased hazard of a return to civil war’ (Hartzell, Hoddie, and Rothchild, 2001: 198).

Hartzell, Hoddie, and Rothchild (2001: 198) hypothesize that the importance of the intensity variable on the outcome is attributable to the parties’ security concerns. To this effect they state that, ‘the higher the casualty rate, and the greater the sunk costs, the more concerned groups will be about their safety; as a result, they will have more difficulty committing to a stable peace’ (Hartzell, Hoddie, and Rothchild, 2001: 198).

Fortna’s research also examined the intensity of the conflict and its affect on durable peace in cases of interstate wars. Her research found that, ‘the human cost of the previous war has a

clear effect on the duration of peace. The longer and more deadly the war, the more stable the peace' (Fortna, 2004: 90).⁴⁷ In sum Fortna (2004: 92) concludes that, 'overall the evidence refutes the hypothesis that more costly wars reflect intractable conflicts that will be harder to resolve. Rather, longer and more costly wars give greater incentives to cooperate and maintain peace.'

2.3.3 Nature of the Mediation Process

Three factors related to the nature of the mediation process which have been used for research on the durability of peace agreements are the timing of mediation, the terms of the settlement, and whether the mediator is available for renegotiation after the initial agreement has been signed. Some previous research which examines each of these factors is discussed below.

TIMING OF MEDIATION

Earlier in this chapter it was noted that the timing of the mediation affects mediation success. More precisely, there is mounting evidence that undertaking an early mediation will make mediation success more likely. Does undertaking an early mediation also mean that the agreement is more likely to hold?

Hartzell, Hoddie, and Rothchild (2001: 203) stress the importance of early interventions when they state that, 'our results indicate that settlements are least likely to endure when they follow intensely violent conflicts. In this instance, the message for third parties appears to be that early intervention into a conflict that serves to reduce the casualty rate may contribute to a more durable peace.' In sum, we can conclude that early mediation is more likely to be successful and that the agreement will hold to create a durable peace.

⁴⁷ Fortna's study found that this is a relatively recent phenomenon. She states that, 'in the nineteenth century, peace was generally less stable after more deadly wars, but in the twentieth century the reverse was true' (Fortna, 2004: 90).

AGREEMENT DESIGN AND THE TERMS OF THE SETTLEMENT

Another factor to consider concerns the terms of the settlement. Are all settlements equally good? If not, what distinguishes a good settlement from a bad one? Is a good settlement more likely to endure?

Hampson (1996) claims that some settlements are indeed better crafted than others. Good agreements, Hampson (1996: 217-8) argues, have three features:

1. they are crafted by the parties⁴⁸
2. they contain power-sharing provisions for winners and losers in the aftermath of elections
3. they have provisions for third-party mediation and renegotiation during the implementation phase.

Hampson (1996: 219) remarks that badly designed agreements are sure prescriptions for failure but that does not mean that the converse is true. More precisely, Hampson (1996: 219) states that, 'a well-negotiated, well-crafted agreement is no guarantee of success because, as experience shows, there are always ambiguities, differences of interpretation about key provisions, and important, unresolved issues (or new ones) that can scuttle the peace process after an agreement has been signed.' Hampson, therefore, places a lot of emphasis on the design of the agreement. Good agreements, he argues have a better chance of enduring, but their success is not guaranteed.

Other more recent studies also reconfirm that the design of the peace agreement is directly related to the durability of peace. For example, Fortna's (2004: 172) study of agreements in interstate wars found that 'strong' agreements (e.g. those that are formal and detailed, have large peacekeeping missions, arms control provisions, confidence building measures, and a variety of other mechanisms incorporated into the agreement) clearly make peace last longer. For example, among the group of cases that Fortna (2004: 153) classifies as being harder or most difficult, those that had a 'moderately strong' agreement have a peace that lasts from

⁴⁸ Nilsson (2008, 2006) has conducted research which tests the claim that all-inclusive peace agreements (e.g. those which include all of the parties) are more likely to lead to durable peace than those agreements which leave out one or more rebel groups. Interestingly, it was found that more inclusive deals do not increase the likelihood that peace will prevail. Moreover, Nilsson (2008) found that other actors outside the deal are more likely to engage in post-agreement violence than the signatories to the agreement.

74-402 months (an average of 224.5 months, n=3), whereas peace only lasted from 0.7-76 months in cases with a 'very weak' agreement (or an average of 26.6 months, n=4).

BEING AVAILABLE FOR RENEGOTIATION

A third and final factor related to the nature of the mediation process is whether the mediator remains available for renegotiation after the agreement is signed and whether further mediation during this phase improves the prospects that the agreement will be durable.

Hampson makes a strong argument in favour of renegotiation. To this effect, Hampson (1996: 227) states that the demand for mediators does not end once a deal is reached, because negotiations between the parties typically do not end. More specifically, 'the terms of a settlement are constantly being negotiated during its implementation, and new problems can emerge that have the potential, if left unresolved, to jeopardize the peace process' (Hampson, 1996: 181). As such, 'there is a need for ongoing dispute resolution between the parties throughout the duration of the peace process and implementation of the settlement' (Hampson, 1996: 181). Hampson (1996: 181) notes that if the parties are unable to resolve these problems on their own, they may need third-party mediators for assistance.⁴⁹

Hampson (1996: 229), therefore, states that, 'viewed this way, the negotiation and implementation phases of the peace process are overlapping, intertwined, and mutually interdependent. Furthermore, the need for continuing third-party mediation during all phases of the peace process, including implementation, is obvious.'

On the other hand, some recent research has found that ongoing third-party mediation after a ceasefire agreement has been reached in an interstate war is associated with a higher risk of the war recurring (see Fortna, 2004: 195). Fortna (2004: 195) states, however, that, 'it is possible that ongoing third-party mediation and the rapid breakdown of peace are associated because these cease-fires were considered quite temporary even at the time, and outsiders were hoping to make them permanent.'

⁴⁹ See Cousens (2008) for a more extensive discussion of mediation during the implementation phase.

Much research has been devoted to the question of how to improve the durability of peace agreements. Some of the factors used in this research are the same as the factors used in research on successful mediation. A number of those same factors were reviewed here with a view to identifying similarities and differences between these two distinct bodies of research. A summary comparison of this literature is provided in the next and final section of this chapter.

2.4 Key Themes from the Literature and Conclusion

This chapter reviewed some previous research on successful mediation and the durability of peace agreements. Three key themes which emerged from this literature review are presented below. The three key themes are as follows: 1) there is a convergence within the literature on mediation success, 2) there is less of a convergence within the literature on the durability of peace agreements, and 3) there has been little or no effort to link these two bodies of research.

The first theme that emerged from this literature review is that much of the research on mediation success seems to be converging. That is, consensus on a number of research questions seems to have been reached, and we can now say with some certainty what is required to create short-term mediation success.

There is consensus in the literature on how most factors affect short-term mediation success. For example, mediation is more likely to be successful when the parties had previously friendly relationships, the balance of power between them at the time of the mediation is equal, the conflict is of low intensity, the mediation was initiated early, directive mediation strategies are utilized, and highly experienced mediators are leading the process. In contrast, only one factor has been identified which may reduce the chances of mediation success: that is, multiple mediation attempts by the same mediator may decrease the likelihood of successful outcomes. On the other hand, there is ongoing debate over the question of mediator neutrality and impartiality and its affect on mediation success. A summary of all these factors and their affect on mediation success is presented in Figure 2.5

The second theme which emerged from this literature review is that there is far less convergence within the literature on the durability of peace agreements. This could, of course, be due to the fact that research on both interstate as well as intrastate wars was reviewed here. Even within only the research that focuses on intrastate wars, however, there is some disagreement.

A number of major discrepancies exist within the literature on the durability of peace agreements. For example, one study finds that power differences between the parties has no affect on the durability of the peace agreement. Whereas another study found that if the power between the rebels and government is equal, peace is more likely to fail. Clearly there is a need for more work on this topic. Another major discrepancy within this body of research concerns the conflict issues. Some argue that there is a need to include the intractable issues in the agreement in order to improve the prospects that the agreement will be durable, whereas others have found that the majority of agreements which settled all of the issues still failed. On the other hand, some other research has found that agreements which solve the political issues have been strongly linked to durable peace in cases of interstate wars.

There are also some clear areas of agreement within this body of literature. For example, at least two separate studies have found that if the previous relationship between the parties was not friendly then the agreement is more likely to fail. Another area of agreement concerns the design of the peace agreement. There seems to be consensus in the literature that some agreements are better than others, and the better the agreement the more likely it is to hold. A summary of these factors is presented below in Figure 2.5

Figure 2.5 Factors Which Affect Short-Term Mediation Success and the Durability of Peace Agreements

Factor or Variable	Variance	Affect on Mediation Success	Affect on Agreement Durability
Previous Relationship Between the Parties	not friendly	decreases the chances of mediation success	agreement is more likely to fail
	fewer previous disputes		agreement is less likely to fail
Power Differences Between the Parties	equal at the time of mediation	increases the chances of mediation success	no affect on agreement durability
	shifts after the agreement is signed		agreement is more likely to fail
	rebels are strong rather than weak relative to government		agreement is more likely to fail
Conflict Intensity	low	increases the chances of mediation success	
	high		greater risk of agreement failing (intrastate wars)
	high		agreement is less likely to fail (interstate wars)
Mediation Timing	early	increases the chances of mediation success	agreement is less likely to fail
Mediation Strategy	directive	increases the chances of mediation success	
Mediator's Experience	high	increases the chances of mediation success	
Number of Mediation Attempts by the Same Mediator	lots	decreases the chances of mediation success	
Need to Include the Intractable Issues in the Settlement	yes		agreement is less likely to fail
Need to Settle all of the Issues	no		many failed agreements resolved the issues + not necessary for durable peace
Need to Settle the Political Issues	yes		leads to a very durable peace
Types of Issues	territory or security issues	increases the chances of mediation success	
	identity conflicts vs. socio-economic		has no affect
Mediator Impartiality	impartial versus not impartial	Still being debated	
Agreement Design and Terms of the Settlement	good or strong agreement		agreement is less likely to fail
Renegotiation	mediator is available for renegotiation		agreement is less likely to fail
	ongoing mediation occurred after the agreement was signed		agreement is more likely to fail (interstate wars)

The third and final theme emerging from the literature review concerns the divergence between the literature on mediation success and the durability of peace agreements. As the above table clearly shows, some of the factors that have been used for research on mediation success have not yet been applied to research on the durability of peace agreements. Moreover, few studies equate successful mediation with the production of a durable peace agreement. That is, important linkages between these bodies of research have not yet been made.

In sum, there is a wealth of research on achieving short-term mediation success. There is also a considerable amount of research devoted to the durability of peace agreements. Both of these bodies of research, however, are treated separately. Because there is a need for new research which considers long-term mediation success, such as the creation of durable peace, new connections between these bodies of literature should be considered. The research reviewed here will therefore be used in the next chapter to develop a new model of mediation for durable peace.

Chapter 3

When and How Mediation Produces Durable Peace: A Theoretical Framework

3.1 Introduction

The purpose of this study is to examine when and how international mediation can produce durable peace, and when and why it fails to do so. To achieve this aim, the contingency model introduced in Chapter 2 is modified to account for an outcome of durable peace.

The first section of this chapter presents a new preliminary model of mediation for durable peace. The second section of this chapter presents the analytical framework which will be employed to test the model.

3.2 A Preliminary Model of Mediation for Durable Peace

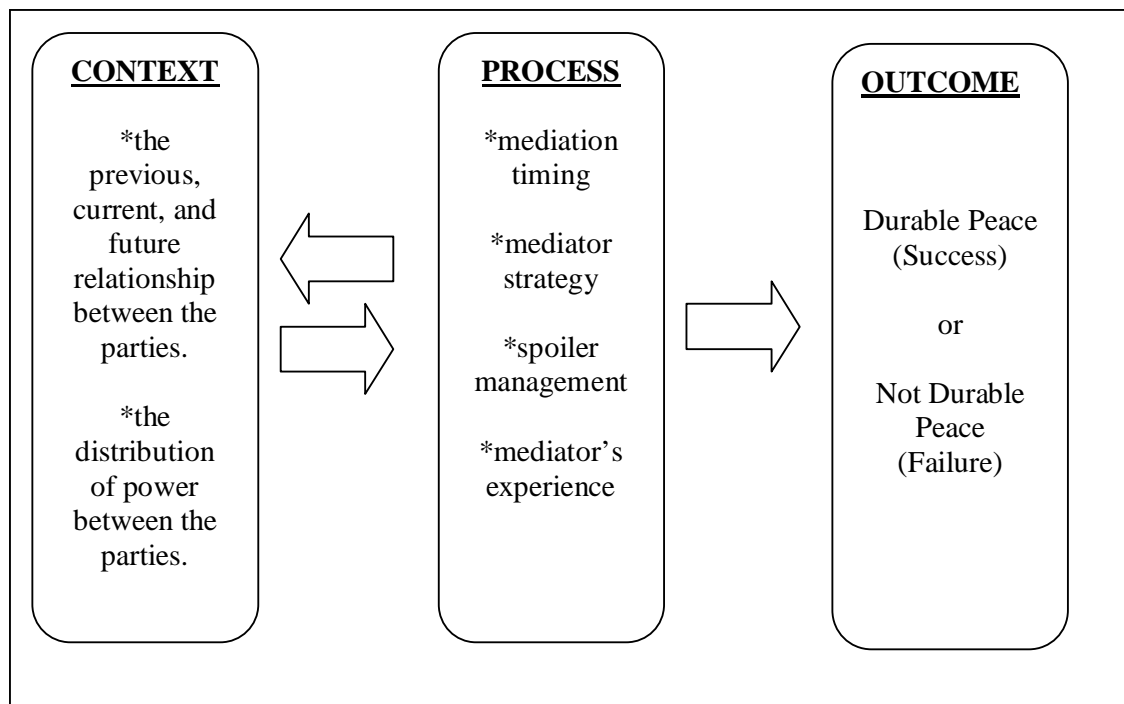
The contingency model for mediation which was introduced earlier is adapted here for the purpose of explaining outcomes of durable peace. The preliminary model for durable peace which is presented below, therefore, retains the general categories of context and process variables. However, it lists some new, more precise factors under each of these categories.

The two context factors in the preliminary model for durable peace are: 1) the previous, current, and future relationship between the parties, and 2) the distribution of power between the parties. Additionally, the preliminary model for durable peace contains four process factors, as follows:

1. mediation timing
2. mediator strategy
3. spoiler management
4. mediator's experience

All of these factors can be depicted as per Figure 3.1.

Figure 3.1 A Preliminary Model of Mediation Which Produces Durable Peace



The preliminary model for durable peace depicted in the above diagram is more fully explained in the following section.

3.2.1 The Previous, Current, and Future Relationship between the Parties

The first factor which may explain when and how mediation produces durable peace concerns the previous, current, and future relationship between the parties. In order to understand how the changing relationships between the parties affects durable peace, it is first necessary to examine the nature of conflict and how it is related to both war and durable peace.

Conflict can be defined very broadly as the perceived incompatibility of goals (Schmidt and Kochan, 1972). Given that conflict, by definition, concerns a perception of incompatible goals it is not surprising that, 'conflict is a pervasive-and inevitable- feature of all social

systems. This is true of personal, group, organizational as well as international systems' (Bercovitch and Houston, n.d.: 1).

However, not all conflict is destructive, and Bercovitch and Houston (n.d.: 1) state that conflict, '...can lead to mutual satisfaction and growth, or it may produce acrimony, hostility and violence.' Therefore, an important distinction can be made between conflict which is violent and that which is nonviolent.

Conflict, whether nonviolent or not, can strain a relationship because it creates a new adversarial relationship between the parties. As noted in the first chapter of this study, the escalating tensions that are associated with nonviolent conflict during a period of pre-war peace can eventually evolve into a stage of crisis and even into war (violent conflict).

By this reasoning, durable peace could be considered as being dependent on two changes to the current and future relationship between the parties: (1) new nonviolent relationships need to be established and (2) the management of future nonviolent conflicts is needed so that they do not escalate into new violent conflicts. Both of these changes to the relationship between the parties are discussed in more detail below.

Durable peace is dependent on the creation of new 'non-warring relationships'. In the simplest of terms, mediation can contribute to the creation of new non-warring relationships through either a ceasefire or peace agreement which calls for cessation of hostilities.⁵⁰

However, this may be too limited a view because, '...it is worth moving away from the notion of a peace "settlement" or a final resolution of a conflict. The management of conflict is a process, involves constantly evolving relationships and must retain the agility to deal with both new and recurring grievances' (Mac Ginty, 2006: 181). Therefore, as discussed below, the management of potential future conflicts between the parties also needs to be addressed by mediation.

⁵⁰ Another way to view the need for the creation of new non-adversarial relationships is through the concept of 'reconciliation'. John Paul Lederarch, an eminent practitioner and leader on the topic of reconciliation, states that reconciliation is about dynamic processes which are aimed at building new relationships and healing damaged relationships so that people can move forward together (Lederarch, 2001: 842). Lederarch (2001: 854) argues that reconciliation is not a peripheral activity to a peace process, but a fundamental component needed to sustain peace, because peace is not static, but is a dynamic process of ongoing relationships between people. Likewise, Ball (2001: 722) has included reconciliation in both phases of the 'Peacebuilding Stage' of her model of peace processes, and she describes it being as a 'priority' peacebuilding task.

Durable peace is dependent on ensuring that nonviolent conflicts which may arise between the parties after the signing of the peace agreement are managed so that they do not escalate into violent conflicts.⁵¹ One way to ensure that future nonviolent conflicts are managed is to have the mediator available for renegotiation during the implementation phase.⁵²

The changes to the current and future relationship between the parties which were discussed above may be affected by the previous relationship between the parties. That is, both changing the current warring relationship into a new nonviolent relationship through the establishment of a ceasefire agreement and the effective management of future nonviolent conflicts might be easier to accomplish when the parties had a previously friendly relationship.

In conclusion, the above discussion argued that conflict, violence, war, and durable peace are interlinked insomuch that the termination of war to create durable peace involves the cessation of violence and the management of future nonviolent conflict to ensure that it does not become violent. As such, durable peace requires that the current warring relationships between the parties are replaced with new non-warring relationships. Moreover, durable peace would require that future nonviolent conflicts which may arise between the parties are managed before they have the opportunity to escalate back into violence. *In other words, the parties must create new post-agreement relationships which are friendly.* Mediation may be more likely to create new friendly relationships between the parties when the parties had a previously friendly relationship.

3.2.2 The Distribution of Power between the Parties

A second factor which may explain when and how mediation produces durable peace concerns the distribution of power between the parties and this can be understood in two

⁵¹ The view that durable peace is dependent on the nonviolent management of conflicts is supported by other researchers. For example, Doyle and Sambanis (1999: 1) state that the key thread between short-term and long-term peace is the principle that conflict should be resolved or managed in order to prevent the escalation of violence.

⁵² Ensuring that a third-party mediator is available during the implementation stage is one way in which mediation can manage conflict between the parties, but it can be rather short-term and ad hoc. A second, longer-term method is to ensure that the agreement contains provisions for the establishment of new institutions to manage conflict. Crocker, Hampson, and Aall (2004: 160-1) note that the settlement can include a specific provision for the establishment of an implementation mechanism to assist the parties with several aspects of implementation, including dispute management and resolution.

ways. The first way to describe the distribution of power between the parties and its role in creating durable peace stems from the literature on short-term mediation success and the need for mediators to create a level and fair playing field in order to produce agreements which are ‘balanced’.⁵³ The second is concerned with viewing power as a central cause of conflict and the need for mediation to channel the struggle for power into nonviolent mechanisms and processes. Both are discussed in detail below.

BALANCING THE POWER BETWEEN THE PARTIES IN ORDER TO PRODUCE BALANCED AGREEMENTS

The first way to understand the role of power in creating durable peace focuses on the production of balanced agreements. The literature review in this study cited other research that found when the distribution of power between the parties is equal, mediation is more likely to be successful (Bercovitch, Anagnoson, and Wille, 1991). One role of mediation, therefore, is to balance the power between the parties to create a fair and level playing field (Bercovitch and Houston, 2000: 178). By building on this previous research, this study asserts that when the levels of power between the parties are balanced, a more balanced agreement (one which does not overly favour one party at the disadvantage of the other) can be reached and that balanced agreements are necessary for creating durable peace.

To elaborate on the above assertion, this study shares the view of Licklider (2001: 699) that, ‘negotiated settlements by definition involve compromises; both sides have to abandon their goals to reach agreement.’ Thus, a more balanced agreement would be more likely when each side has equal power because each party is making equal concessions. Moreover, this study asserts that a balanced agreement is necessary for durable peace because an unbalanced agreement which places one party at a disadvantage risks turning that party into spoilers.⁵⁴ Likewise, Licklider (2001: 700) asserts that, ‘within each side [to the war], a settlement will threaten the interests of individuals and organizations who have the ability to undercut it, those Stephen Stedman (1997, 1998) has called spoilers.’ This point is further reinforced by Fortna’s (2004: 19) study and she, likewise, states that concerns over future gains resulting from the peace agreement will also affect the prospects of a durable peace in that one side may be motivated to re-start the war if it believes that peace is favoring its opponent.

⁵³ A balanced agreement could be understood as one which does not overly favor one party at the disadvantage of the other.

⁵⁴ For a definition and more detailed discussion of spoilers, refer to section ‘3.2.5 Spoiler Management’.

Therefore, any agreement has the potential to create spoilers and a balanced agreement may reduce the likelihood of this occurring.

CHANNELLING THE STRUGGLE FOR POWER INTO NONVIOLENT MECHANISMS AND PROCESSES

A second way to understand the role of power in creating durable peace views power as a central cause of conflict. Bercovitch and Houston (2000: 178) state that, ‘the struggle for a party’s control over resources and power is an endemic part of human relations, interactions, and conflict.’ Likewise, Licklider (2001: 706) states that the desire for political power can be one of the major sources of violent conflict and, as such, ‘the most important issue in any civil war settlement is the distribution of political power in the successor state(s). That is, ultimately, what the war has been about.’

When the violent struggle for power is one of the major causes of a war, then transforming the way in which power is obtained, maintained, and exercised is essential for success in creating viable peace (Dziedzic and Hawley, 2005: 14).⁵⁵ More specifically, Dziedzic and Hawley (2005: 14) suggest that, ‘in the wake of state collapse and internal war, a domestic balance of power must be restored in favor of legitimate institutions of government.

Violence-prone power structures must be dislodged. To accomplish, this the motivations and means for pursuing violent conflict must diminish. Peace becomes viable when the capacity of domestic institutions to resolve conflict peacefully prevails over the power of obstructionist forces.’ Similarly, Licklider (2001: 707) states that, ‘aside from stopping the killing, the most important function of the [post-war] transition [period] is to establish a set of political institutions through which societal conflicts may be pursued without large-scale violence.’ In other words, the post-war struggle for power must be channelled into legitimate nonviolent mechanisms and processes in order for peace to persist.

One major way in which mediation can contribute to channelling the post-war struggle for power into nonviolent mechanisms and processes is via the design of the peace agreement.⁵⁶

⁵⁵ Viable peace can be understood as a distinct stage which precedes the creation of a self-sustaining peace (Dziedzic, 2005: 270).

⁵⁶ It also seems plausible that if the trust between the parties is increased during the mediation process, then using violence as part of the post-war struggle for power will be less likely. Mediators can play an important role in building trust and Kydd (2006) defines several ways in which mediators can achieve this. This aspect of mediation, however, is outside the scope of this study.

Hampson (1996: 217) argues that well-designed peace agreements share some common features and that, 'the design of an agreement, particularly with regard to its provisions for reconstituting political authority in a country that has been wracked by civil war, can significantly affect the prospects of achieving a viable peace process and durable settlement.' To this effect, a 'good' agreement will contain power-sharing provisions for the winners and losers in the aftermath of elections or in the absence of these provisions it will, at a minimum, allow equal and fair access to the political process by formerly excluded groups (Hampson, 1996: 218). Likewise, Hartzell (1999: 4) identified the following three important elements of successful civil war settlements: (1) they regulate control of the coercive apparatus of the new state, (2) they deal with the allocation of political power in the new state, and (3) they address possible uneven economic advantage within the new state. Hartzell (1999) found that agreements which institutionalize these three elements are the most stable. In other words, mediation can help channel the post-war struggle for power into nonviolent processes and mechanisms via ensuring that the agreement contains provisions for power-sharing or provisions for the institutionalization of mechanisms related to the control of the coercive apparatus of the state, the allocation of political power, and the limitation of economic advantage by one group within the state.

In sum, this study asserts that because the struggle for power is a central cause of conflict, durable peace may be more likely when mediation channels the struggle for power into nonviolent mechanisms and processes. Moreover, when the parties enter into the mediation process with an even distribution of power between them, they are more likely to create balanced agreements which will not inadvertently create spoilers with the intent to undermine durable peace.

3.2.3 Mediation Timing

A third factor which may explain when and how mediation produces durable peace is the timing of the mediation. Early mediation has been associated with short-term mediation success (Bercovitch and DeRouen, 2004) and it is argued here that it also affects long-term mediation success.

Early mediation will likely result in successful mediation because the parties are not entrenched in their positions (Crocker, Hampson, and Aall, 2004: 102). Druckman (1993: 236) states that negotiating flexibility, ‘...is indicated by a willingness to move from initial positions, and by an observed shift from rather rigid and tough bargaining postures toward an agreement.’ Based on Druckman’s definition of negotiating flexibility, entrenched positions could be indicated by one or more of the following:

- An unwillingness to shift from a stated position.
- Refusal to make a concession.

Thus it is clear that short-term mediation success (e.g. reaching agreement) would be hampered if the parties are entrenched in their positions. If they are showing some negotiating flexibility, on the other hand, it is more likely that an agreement will be reached. Early mediation is therefore linked with short-term mediation success because the parties are less entrenched and are showing some negotiating flexibility.

In a similar manner, mediation which is initiated early may make outcomes of durable peace more likely because the parties have not become entrenched in their positions and, as such, they are more willing to make the necessary concessions required for reaching an agreement which is good for the creation of durable peace.

Based on the work of Hampson (1996), Fortna (2004), and Hartzell (1999) it can be reasoned that agreements can be judged as good for the creation of durable peace if they have the following four features:

1. They are crafted by the parties.
2. They regulate control of the coercive apparatus of the state, deal with the allocation of political power, and address possible uneven economic advantage. In other words, they focus on security (or military), political, and economic matters. Plus they institutionalize these changes.
3. They have provisions for third-party mediation and renegotiation during the implementation phase.
4. They are formal and detailed, call for the creation of large peacekeeping missions, and contain provisions to establish confidence building measures.

3.2.4 The Mediation Strategy

A fourth factor which may explain when and how mediation produces durable peace concerns the mediation strategy. Directive mediation is clearly associated with successful mediation outcomes in the short-term and there are several reasons why directive mediation strategies might produce durable peace.

First, Bercovitch and DeRouen (2004: 161-2) state that directive mediation, ‘...is considered to be more powerful and intrusive: a mediator provides incentives and/or issues ultimatums. Directive strategies deal directly with the dispute issues and the behavior associated with them.’ To this effect, Bercovitch and Gartner (2006: 834) found that, ‘procedural and Directive mediation strategies help to resolve the underlying issue, which leads to more enduring settlements than those that result from the less intrusive effort to Facilitate Communications.’ Therefore, durable peace may be more likely when directive mediation strategies are utilized because both the disputed issues and related behaviour are addressed.

Second, because a directive mediator can apply leverage by employing either ‘carrots’ (direct compensation, favourable economic policies towards the parties, or diplomatic concessions) or ‘sticks’ (economic and/or diplomatic sanctions or the threat of direct military intervention) they can change the immediate costs of continuing the conflict or the future costs of renegeing on the agreement (Beardsley et al., 2006: 64).⁵⁷ By altering the immediate costs of continuing the conflict, directive mediators can effectively shift the parties away from warring positions to ones that are conducive for peace. By altering the future costs of renegeing on the agreement, directive mediators are helping to enforce compliance by changing the implementation environment, and compliance with the agreement to the point of full implementation has been linked to successful settlements (Hoddie and Hartzell, 2003).

Another way that directive mediators can change the implementation environment is by influencing regional actors or outside great powers. Hampson (1996: 217) concludes from his examination of five cases of successful and unsuccessful peace agreements that a supporting environment is crucial for both conflict termination and the durability of peace. Hampson (1996: 210) goes on to state that if key regional actors or outside great powers are hostile to

⁵⁷ It is important to note that leverage should not be equated with carrots and sticks, as there are other types of leverage that a mediator can apply which are not based on carrots and sticks. To this effect, Zartman and Touval (1996: 455) state that a mediator has five sources of leverage including persuasion, extraction, termination, deprivation, and gratification.

the peace process, then there will be great difficulty in ensuring that the settlement succeeds - therefore, successful third party interventions require the support of a country's neighbours and outside great powers. Because directive mediators can employ sticks and carrots with the disputing parties, they may extend that power to neutralize other hostile actors both within and external to the conflict. Likewise, directive mediators may be better at securing the support of helpful outside actors because they may be willing to use carrots with these actors in order to 'win' their support.

Lastly, directive mediation strategies can be used to create a ripe moment for initiating mediation – and undertaking mediation at propitious time, such as during a ripe moment, will likely result in successful mediation.⁵⁸ Mediator strategy is linked to timing as follows. Ideally, early interventions are best, if this proves to be impossible, however, then mediators can foster ripeness by coaching, informing, warning, pressuring or using inducements with the parties in order to alter their calculus of costs, rewards, fears, and confidence (Crocker, Hampson, and Aall 2004: 103). Only one of the three mediation strategies can employ all of these methods for creating ripeness. That is, the tactics that are associated with communication-facilitation and procedural mediation strategies (please refer to Figure 2.1) preclude them from creating ripeness with pressures or inducements. Because a directive mediation strategy is the only one to use tactics such as providing resources or threatening punishment, it is the only mediation strategy that can create ripeness with pressure or inducement. However, a directive mediation strategy can also employ all of the other methods for creating ripeness and, therefore, it could be considered to be the most effective mediation strategy for creating ripeness (see Figure 3.2 below). Therefore, it could be concluded that the ideal timing to initiate mediation is linked to a mediator's strategy as follows: if a mediator is unable to intervene early, then they can use directive strategies to foster ripeness.

⁵⁸ Refer to section '2.2.3 Nature of the Mediation Process' for a definition of ripeness.

Figure 3.2 Mediation Strategies and Associated Methods of Creating Ripeness

Type of Mediator Strategy	Associated Methods of Creating Ripeness
Communication-facilitation mediation strategies	Coaching Informing Warning
Procedural mediation strategies	Coaching Informing Warning
Directive mediation strategies	Coaching Informing Warning Pressuring Using inducements

Source: adapted from Crocker, Hampson, and Aall (2004: 103).

In sum, because directive mediation strategies have maximum impact on the process, the parties, the context, and the terms of the conflict they may be more likely to produce durable peace.

3.2.5 Spoiler Management

Another factor to consider in the creation of durable peace concerns the management of spoilers. Stedman (1997: 5) defines spoilers as, ‘...leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.’ Spoilers thus represent a threat to durable peace and, therefore, Stedman argues they must be effectively managed in order for peace to endure.⁵⁹

Earlier in this chapter (section ‘3.2.2 The Distribution of Power between the Parties’) it was argued that balanced agreements can be achieved when the power between the parties is equal at the time of mediation and that balanced agreements are important for reducing the likelihood that spoilers will emerge. However, if spoilers are already present, then they must be managed by the mediator too.

Stedman (1997: 14) develops a typology of spoilers and notes that, ‘a correct diagnosis of spoiler type is crucial for the choice of an appropriate strategy of spoiler management.’

Stedman also identifies three major ways of managing spoilers as follows:

⁵⁹ Crocker, Hampson, and Aall (2004: 152) also assert that the management of spoilers is a central concern for mediators who are at the stage of securing a settlement.

1. giving the spoilers what they want
2. changing the behaviour of spoilers
3. coercion or punishment⁶⁰

In sum, this study asserts that mediators must manage spoilers for durable peace to endure. Spoilers may already be present or they may emerge from unbalanced agreements. In either case, these leaders and parties must be effectively managed in order to safeguard durable peace.

3.2.6 The Mediator's Experience

A sixth factor which may explain when and how mediation produces durable peace concerns the mediator's experience. Three of the tasks mentioned above that are posited as being important for creating durable peace may be accomplished by highly-experienced mediators and not by inexperienced mediators.

First, experienced mediators may be better at recognizing power imbalances between the parties and identifying effective ways to alter the distribution of power.

Secondly, the highly-experienced mediator may be more adept at employing leverage at opportune moments. There are several opportune moments when a mediator may employ leverage. The following table adapted from Crocker, Hampson, and Aall (2004: 94-5) presents some opportune moments to apply leverage and the corresponding source of leverage that can be applied.

⁶⁰ Of the three mediation strategies, only a directive one can employ all three spoiler management strategies and for this reason it might be the most effective mediation strategy in cases where spoilers must be managed. This question is outside the scope of this study but is worthy of further research.

Figure 3.3 Opportune Moments to Apply Leverage and Corresponding Sources of Leverage

Opportune Moments to Apply Leverage	Source of Leverage
When the parties are blocking or resisting a negotiated outcome.	The support of other states or groups of states.
When there is a stalemate.	The balance of forces in the conflict itself.
When there is a need to pressure both parties towards settlement.	The mediator's bilateral relationships with the parties.
During the implementation stage.	The mediator's ability to influence the parties' costs and benefits plus their fears and insecurities.
When confidence building is required. When testing each side's ability and readiness to work towards a negotiated outcome.	The mediator's ability to pose tough choices and hard questions to the parties.
When selling ideas to one side in order to gain movement from the other.	The proposed settlement.
When there is a need to ensure that there are sufficient resources for achieving a negotiated settlement and the changes it will produce.	Donors and other third parties.

Source: adapted from Crocker, Hampson, and Aall (2004: 94-5).

Third, highly-experienced mediators may be better at spoiler management. That is, highly-experienced mediators may be better able to identify potential spoilers and ways to effectively neutralize them based on their previous experiences.

However, there are two other aspects of the mediation process that are important for durable peace that might be managed more effectively by experienced mediators.

First, experienced mediators might be better at linking the mediation process to other processes and activities.⁶¹ The importance of linking mediation to other efforts is well recognized. For example, Crocker, Hampson, and Aall (2004: 151) stress that mediation cannot only concern itself with what is happening at the table and that, 'it is important to reinforce initiatives taken at the table with parallel supporting efforts back in the parties' own capitals, directly and through third parties.' This could be considered 'horizontal linking'.

⁶¹ Nan (2003) distinguishes between the following five basic approaches to coordination: 1) sharing information, 2) sharing analysis, 3) planning together, 4) resource sharing, and 5) working in collaboration.

However, the concept of linking can also be applied to vertical activities between the grassroots level up to the elite level and this too has been recognized as important for short-term mediation success. For example, Sisk (2001: 19) notes that, 'negotiations at the elite level must be accompanied by conciliation between mid-level leaders and in the broader population as well.' In other words, this view contends that mediation processes should be linked in such a manner as to involve all segments of a population.⁶² In sum, highly experienced mediators may be better at linking the mediation process both horizontally and vertically.

A second aspect of the mediation process which might be better managed by experienced mediators relates to managing outside actors. Highly-experienced mediators may have a better understanding of the motivations of helpful and hostile outside actors and can devise appropriate actions for influencing the behaviour of these actors.

To conclude this section, six factors stemming from the literature on short-term mediation success and the durability of peace agreements were identified as being likely to explain mediation success in the long-term. These six factors concern the relationship between the parties, the distribution of power between the parties, when mediation was initiated (mediation timing), the mediation strategy, spoiler management, and the mediator's experience. These six factors and their role in creating outcomes of durable peace are more fully depicted in the detailed model for durable peace presented in Figure 3.4 (below). The next section of this chapter describes how this detailed model for durable peace will be tested.

⁶² Fisher (2006) in a review of four cases found that coordination between mediation processes at different vertical levels was mainly limited to information sharing and indirect sequencing of events.

Figure 3.4 A Detailed Model of Mediation Which Produces Durable Peace

CONTEXT		PROCESS		OUTCOME	
<p>Relationships: -The parties had a previously friendly relationship.</p> <p>-New friendly relationships are created.</p>	←	<p>Mediation Timing: -The mediation was early.</p>			
<p>Distribution of Power: -There is an equal distribution of power between the parties at the time of mediating the agreement.</p> <p>-The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.</p>	→	<p>Mediation Strategy: -A directive mediation strategy was employed.</p>	→	Durable Peace (Success)	
		<p>Spoiler Management: -Potential spoilers were managed.</p>			
		<p>Mediator's Experience: -A highly-experienced mediator led the process.</p>			

3.3 Analytical Framework

To analyze the role of the six factors discussed above in contributing to outcomes of durable peace from international mediation, this study will systematically apply an analytical framework to four case studies. The analytical framework, which follows, is presented as a set of general questions to be asked of each case study. The following questions thus delimit the general scope of inquiry:

- Did the parties have a previously friendly relationship and, if yes, how did that affect the creation of new friendly relationships in the post-agreement stage?
- Did the mediator balance the power between the parties in order to help create a balanced agreement?
- Was the struggle for power channelled into nonviolent mechanisms and processes?
- Did the timing of the mediation mean that the parties were less entrenched in their positions and were therefore able to produce a good agreement?

- What type of mediator strategy was employed and what affect did that strategy have?
- Were there spoilers present in this case and, if yes, did the mediator address the spoilers?
- Did the mediator's experience affect their ability to manage the key aspects of the mediation process?

3.4 Case Selection

The following section of this chapter presents the cases that were selected for this study and describes the method of selecting these cases.

Class of Cases

In order to achieve the aim of this research, only a certain class of cases could be used. Only cases in which a war was terminated by international mediation were suitable for the research aims.⁶³

Selection of Cases Based on the Dependent Variable

Four cases were selected based on differences of the dependent variable: two cases where there was a return to war at any time after the signing of a peace agreement (failures) and two cases where there was the maintenance of peace for at least five years after the signing of an agreement (successes).

Selecting cases of both success and failure allows this study to identify the conditions that might account for these different outcomes. This process of selecting the cases based on the dependent variable is described below.

The UCDP/PRIO Armed Conflict Dataset (Version 4-2007) provided the initial list of cases from which all 'minor armed conflicts' were eliminated. This resulted in a list of all wars which occurred between 1946 and 2006 (see Appendix A).

⁶³ Any of the four types of wars mentioned earlier are included in the sample.

Next, this list of wars was further shortened by eliminating all those wars which only occurred once. This resulted in a list of wars that did not recur and a list of recurring wars (e.g. those in which durable peace was not an outcome from the first war). This list of recurring wars is contained in Appendix B.⁶⁴

Two wars which were subject to third-party mediation and had been terminated through a peace agreement were then randomly selected from the list of wars that did not recur. These are cases of successful mediation. Likewise, two wars which were initially terminated by a third-party peace agreement but later recurred were randomly selected from the list of recurring wars. These, of course, represented the two cases where mediation was not successful in creating durable peace.

Adequate Information, Geographical Diversity, and Comparability

Next, each war was then considered from the perspective of having adequate information. The analysis in this study demands that very detailed information concerning the dynamics and execution of the mediation process is available.⁶⁵

Then, the list of cases was considered from the perspective of having cases which reflected different geographic regions of the world.

The cases have also been selected to ensure that they are sufficiently similar to make comparisons. More precisely, all of the cases had to have at least the following two features:

1. Each case had to have at least two distinct parties who existed prior to the outbreak of the war in order for this study to assess the previous relationship between them.

⁶⁴ Surprisingly, this process of comparing the list of wars that did not recur against the list of wars which have recurred has revealed that many wars are 'one-off events' in the sense that they arise only once and then do not recur. This process has identified thirty wars which did recur from an initial list of 135 wars. This, of course, means that 105 wars did not recur (e.g. they were one-off events). Of the wars that do recur, however, they appear to usually recur at least more than once. The war in Chechnya, for example, has recurred two more times since the initial one in 1996 was ended.

⁶⁵ Not surprisingly, there appears to be more primary materials available for the cases of successful mediation than for the cases where mediation failed to create durable peace. This study however did not have to change the initial list of cases due to insufficient data.

2. Each case had to have a mediation process which was led by at least one primary mediator in order to assess the mediator's experience and strategy. The primary mediator could be either an individual or organization.⁶⁶

The Cases

Based on the above criteria, four cases have been selected:

1. US President Jimmy Carter's mediation between Egypt and Israel which produced the Egyptian-Israeli Peace Agreement of 1979.
2. Richard Holbrooke's mediation which produced Bosnia's Dayton Agreement in 1995.
3. The United Nations (UN) mediation which produced the 1994 Lusaka Protocol in Angola.
4. The mediation led by the Organization for Security and Cooperation in Europe (OSCE) which ended the first Chechen war in 1997.

This study is interested in cases which reflect any of the four different types of armed conflict which were described earlier (see section 1.3) provided they reached an intensity level of 1,000 or more battle-related deaths. It is important to note that the process described above for selecting cases has generated a list of cases which represent three different types of armed conflicts. More specifically, one case of a failure (Angola) is an internationalized internal conflict and the other case of a failure (Chechnya) is an internal conflict within the state of Russia.⁶⁷ Whereas, one successful case (Bosnia) is an internationalized internal conflict and the other successful case (Egypt-Israel) is an interstate war.

These differences between the types of armed conflicts represented by the cases creates some positive and negative implications regarding the findings of this study and their generalization. First, an extrasystemic armed conflict is not represented by any one of the four cases. This means that because the findings in this study are not based on this type of armed conflict, the findings may not be applicable to other cases of extrasystemic armed

⁶⁶ The rationale for including organizations as primary mediators is that they can have an organizational 'track record' which would indicate their previous experience in mediating wars. For example, a newly-formed organization or one which focuses only on international development might have no mediation experience.

⁶⁷ If one ascribes statehood to the other party in this conflict, the Republic of Chechnya, then this too could be considered another case of internationalized internal conflict.

conflicts (in other words they cannot be generalized to these types of armed conflicts).

Second, because the two successful cases represent two different types of armed conflicts, it means that the findings are strengthened by the fact that they are derived from different types of armed conflicts. Third, the findings from the cases of failure are also strengthened by the fact that they are derived from two different types of armed conflicts. Taken together, this means that the findings of this study need to be considered from the perspective of the three different types of armed conflicts they are derived from, and how the three different types of cases are distributed between the two different categories of success and failure.

3.5 Summary

This chapter outlined a theoretical framework to explain when and how international mediation can produce durable peace, and when and why it fails to do so. The theoretical framework presented here is based on a modified contingency model of mediation. The basic premises of the detailed model for durable peace are that mediation will result in durable peace when and if:

- The parties had a previously friendly relationship.
- New friendly relationships are established.
- There is an equal distribution of power between the parties at the time of mediating the agreement.
- The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.
- The mediation was early.
- A directive mediation strategy was employed.
- A highly-experienced mediator led the process.
- Potential spoilers were managed.

In the next four chapters the cases are presented. **Chapter Four** discusses the mediation process which led to the signing of the peace agreement between Egypt and Israel; **Chapter Five** describes the mediation process that ended the war in Bosnia with the signing of the Dayton Agreement; **Chapter Six** examines the mediation process which led to the signing of the 1994 Lusaka Protocol and ended the civil war in Angola for four short years; and **Chapter Seven** examines the mediation process which led to the peace agreement between Russia and Chechnya. Consistent with the Methodology outlined in this chapter, each case is systematically analyzed utilizing the questions from the analytical framework. The emphasis is on testing the proposed explanations as to why international mediation sometimes creates durable peace and refining this theory based on the findings.

Chapter 4

Case Study One: The Egyptian-Israeli Peace Agreement

4.1 Introduction

The Middle East is one region which has been consistently unstable and rife with violent conflicts which persist to the present day. The war between Egypt and Israel in 1973 (also termed 'the October War') can therefore be viewed as one violent conflict in the long and dramatic history of this part of the world.

The October War and the events surrounding it were also dramatic: during the war there were Soviet threats of intervention, a resulting world-wide American military alert, an oil embargo, and a resupplying of arms by both of the super-powers (Quandt, 1977a: 377). This meant that this war, and its outcome, had great importance because of the possible global ramifications.

What follows is an examination of this war between Israel and its neighbour Egypt, and the successful efforts of US President Jimmy Carter to bring a lasting resolution to this armed conflict. First, the features of the case will be presented. Then, the case will be analysed using the set of questions developed for this study.

4.2 Features of the Case

In 1967 Egypt suffered a crippling defeat by Israeli forces: nearly every Egyptian plane on the ground was destroyed and their ground forces were ineffective at preventing Israeli advances (Brooks, 2006: 396-7). Then, in October of 1973 Egypt and Syria launched a surprise attack against Israel which allowed the Egyptian forces to quickly cross the Suez Canal into Israeli-occupied territories (Brooks, 2006: 399). This surprise attack marked the beginning of the 1973 war which was concluded with the signing of a peace treaty in March of 1979 (Quandt, 1986a: 360).⁶⁸ Therefore, this war lasted 66 months.

⁶⁸ The 1973 war can properly be viewed as an extension of the 1967 war, since that one was never formally concluded with a peace agreement. However, since the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) treats them as separate events this study will use the date of Egypt's surprise attack as the war's start date. The UCDP/PRIO Armed Conflict Dataset (Version 4-2007) also lists the battle between Israel and Syria as a

The main parties in this war were Egypt and Israel. However, there were numerous neighbours and other outside actors who were involved both directly and indirectly in waging this war. For example, Syria was Egypt's ally and had cooperated directly in the war effort (Brooks, 2006: 423). Additionally, at one point in the war, Iraqi forces came to the aid of the Syrian forces on the Syrian front (Quandt, 1977b). Moreover, the Israeli forces were receiving support from the US, and the Arab forces received support from the Russians (Quandt, 1977a and 1977b).

Other actors also added more complexity to an already very complicated situation. For example, a number of countries provided support to Syria and Egypt, as exemplified by Jordan's dispatch of some small units to the Syrian front (Carter, 1986: 138). However, the real complexity of the situation is not found in the aspects concerning how the war was waged, as much as they are found in the efforts to end it; the war between these two states can be viewed as a segment of a larger Arab-Israeli regional conflict. From this enlarged perspective, many other states and entities can be considered actors in the conflict (e.g. the Palestinian people, Jordan, Syria, Lebanon, etc.). Not all of the additional actors, however, were involved with waging the conflict, and some played a role in its resolution. For example, during efforts to terminate the 1973 war, the American Jewish community would play a large role in influencing the American role, as will be described later in this chapter. Likewise, the Israeli Knesset was an important actor which was influential on determining the Israeli negotiating position.

Numerous impacts were created by this war. Aside from the large loss of life on both sides, it created a near showdown between Russia and the USA (Carter, 1986: 164).⁶⁹ As such, the October War also threatened global security (Kamel, 1986: 10). Moreover, this war threatened the global economy because of the implications it created for the control and movement of oil from the region (Kamel, 1986: 10).

Several earlier efforts were made to terminate the war. Perhaps the most prominent of these was Henry Kissinger's shuttle diplomacy process which resulted in the brokering of three

separate event and, as such, this study will only consider the war on that front from the perspective of its influence on the Egyptian-Israeli war and resulting peace treaty.

⁶⁹ One estimate places the total number of battle deaths (both civilians and combatants killed in the course of combat) at 6,450 people (Lacina and Gleditsch, 2005).

Arab-Israeli peace agreements during the period of 1974 to 1975 (Quandt, 1986a: 361). President Carter's mediation process, however, could be considered to start when he held a first meeting with Israeli Prime Minister Begin on 19 July 1977 (Princen, 1991: 62), and the process concluded with the signing of the peace treaty in March of 1979. Therefore, this mediation process lasted 20 months.⁷⁰

A state of durable peace has endured between Egypt and Israel from the date of signing the peace agreement to the present. Therefore, durable peace has endured for well over 30 years. This remarkable achievement will be analyzed in the following section of this chapter.

4.3 Analysis

The efforts of US President Jimmy Carter to end the war between Egypt and Israel are analyzed in this chapter. The analysis is structured around the questions from the analytical framework presented in Chapter 3.

4.3.1 Relationship between the Parties

The following section of this analysis examines the previous relationship between the parties prior to the war and its affect on the parties' post-agreement relationship.

Did the parties have a previously friendly relationship and, if yes, how did that affect the creation of new friendly relationships in the post-agreement stage?

Egypt and Israel had a previous relationship that was marked by several armed conflicts. For example, the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) lists three armed conflicts between these parties; including two separate wars in 1967 and 1973, and a minor conflict in 1969-70.⁷¹

⁷⁰ The actual talks held at Camp David only lasted thirteen days, and they should properly be viewed as only one segment of the entire 'mediation process' since they produced the initial framework for peace which would later be developed into the full peace treaty.

⁷¹ Furthermore, at the individual level, the leaders did not have friendly relationships as Carter (1995: 290) notes that during his first meeting with Egyptian President Sadat, he probed him concerning a diplomatic recognition of Israel, to which Sadat would not agree to because of the generations of hatred and vivid memories of recent wars.

Moreover, the relationship between Egypt and Israel did not quickly become friendly after the signing of the Egyptian-Israeli peace agreement (Quandt, 1986a: 357).⁷² Instead, several events occurred after the signing of the agreement that continued to strain Arab-Israeli relationships. This includes Israeli Prime Minister Begin:

...annexing East Jerusalem, bombing Beirut in July, and running for reelection on a platform that claimed Israeli sovereignty over the West Bank, Gaza, and the Golan Heights. One particularly painful episode for Sadat began with a journey to meet Begin at Sham al-Shaykh in June 1981. Forty-eight hours later, the Israelis bombed a nuclear reactor on the outskirts of Baghdad. The timing was very damaging for Sadat because it gave the Arabs the impression that Sadat had known about the Israeli action but had failed to warn the Iraqis. (Mahmood, 1985: 81)

Carter, however, recognized that normal friendly relations would not be quickly and easily created in this case. For example, the text of Carter's signing statement notes that, 'obviously time and understanding will be necessary for people, hitherto enemies, to become neighbors in the best sense of the word. Just because a paper is signed, all the problems will not automatically go away' (President Jimmy Carter: Draft Signing Statement, 1979: 3). It should also be noted, however, that by 1980 even though Israel had fulfilled the first part of its obligations regarding the withdrawal of Israeli troops from 60 percent of the Sinai peninsula and the establishment of diplomatic relations, it had not met its other obligations regarding reaching an agreement on the question of Palestinian self-rule in the West Bank and Gaza Strip (Associated Press, 1980a). These outstanding issues continued to strain the relationship between the parties, and Egypt's Foreign Ministry stated at the time that if no agreement could be reached by the deadline, then the quality of the relations between the two states would be affected (Associated Press, 1980a). So, there is a lot of evidence that suggests new friendly relationships were not quickly and easily established. Furthermore, the Camp David Accords actually placed new strains on the relationship between Egypt and other Arab countries, as described in the next section of this analysis. In conclusion, the parties did not have a previously friendly relationship and the Egyptian-Israeli peace agreement did not foster the resumption of friendly relationships in a quick manner.

⁷² Not surprisingly, the relationship between the parties during the Camp David talks was also not friendly, and Carter states that, 'it was clear that we had a long way to go before a mutual feeling of trust and respect could be established between the two men. Over the next eleven days, I was to spend much of time defending each of the leaders to the other' (Carter, 1995: 347).

4.3.2 Distribution of Power between the Parties

The next section of this analysis examines the distribution of power between the parties. First, the power differences between the parties will be discussed. Then, the analysis examines what, if anything, Carter did to balance the power between the parties, and lastly the analysis explores the affects of the power dynamics in this case.

Did the mediator balance the power between the parties in order to help create a balanced agreement?

Israel could be considered to be the more powerful party for three main reasons. First, at the time of the negotiations Israel was in control of the disputed territories (Mahmood, 1985: 77). Second, Israeli Prime Minister Begin had the full backing of his government going into the mediation (Mahmood, 1985: 77). Third, Israeli Prime Minister Begin was not pressured by the same time constraints and resulting sense of urgency concerning the negotiations that Carter and Sadat were facing (Quandt, 1986b and 2001). Fourth, Begin was considered to be a more astute negotiator (Quandt, 1986b: 255).⁷³

In contrast, Egypt was already somewhat isolated from other Arab nations at the time of the mediation, and shortly after signing the Camp David Accord it became further isolated and was suspended from the Arab League (Mahmood, 1985: 77 and 80). Moreover, militarily, Egypt had less power than Israel (Brooks, 2006: 422).⁷⁴ Sadat was also in a weaker position than Begin because the breakdown of talks would mean that Israel would continue to occupy the Sinai, Sadat would have nothing to show for his historic initiative to bring peace to the region, and his hope for American economic, military and technological assistance would not be realized if he were to be responsible for the breakdown of the talks (in other words, he 'needed' a new peace agreement) (Quandt, 2001: 207). In sum, Israel could be considered to have more power than Egypt.

There is evidence that Carter was aware of the power differences between the parties, could not substantially alter them, and may have even exploited them to reach an agreement. In

⁷³ This point has been debated in the literature with some analysts concluding that Begin was actually the weakest negotiator (see Bar-Siman-Tov, 1994: 131).

⁷⁴ More specifically, Brooks (2006: 422) states that the, 'Egyptian [military] capabilities were still inferior to the Israelis, especially in air power and offensive maneuver...'

fact, some analysts criticize Carter for not putting more pressure on Israel to help balance the power. One member of the Egyptian negotiating team observed that the US held 90% of the cards in the Camp David process since Israel was completely dependent on it for bread or for missiles and, as such, this should give the US power to influence or pressure Israel (Kamel, 1986: 37). However, because of domestic forces (e.g. the American Jewish community) Carter was unable to influence Begin into changing his positions (Kamel, 1986: 83).⁷⁵

In order to further strengthen the Egyptian negotiating position, Carter nearly assumed a position of negotiating with Israel on behalf of Sadat. Sadat had given Carter a free hand to negotiate on most of the issues and, as such, Carter would, ‘...draft a proposal [which he] considered reasonable, take it to Sadat for quick approval or slight modification, and then spend hours or days working on the same point with the Israeli delegation’ (Carter, 1995: 364). Carter was thus astute at recognizing and exploiting the parties’ negotiating behaviours in order to shift them towards an agreement. In another example, Carter knew that it was a good negotiation tactic for one party or the other to first reach an agreement with him, and then to jointly approach the third (Carter, 1995: 375).⁷⁶ Carter admits that he capitalized on this behaviour with both parties and that it greatly magnified his own influence (Carter, 1995: 375). We can therefore conclude that Carter was aware of these power differences and even used them to his advantage for securing an agreement.

Another way in which Carter balanced the power between the parties, however, was to be the principle architect of the final agreement – one which intentionally, by his design, equally balanced the power between the two parties. For example, on the sixth day of the Camp David talks, Carter presented an American proposal to the Israeli delegation. The American proposal attempted to bridge the positions of the two parties, and Carter assured the Israelis delegation that it was a balanced proposal (Carter, 1995: 381).⁷⁷

⁷⁵ Kamel (1986: 83) claims that Carter admitted this fact to the Egyptian delegation when they were considering breaking off talks and that he needed them to continue with the talks as only together could they both exert enough pressure on Israel.

⁷⁶ Carter notes that Sadat had employed this technique prior to the Camp David talks (Carter, 1995: 375).

⁷⁷ Whether or not the American proposal was indeed equally balanced between the two parties, it still required that both parties make difficult concessions, and therefore the initial Israeli response to the document was not a favorable one (Carter, 1995: 381).

In sum, this study concludes that there was a power difference between the parties and that despite some efforts on Carter's behalf to alleviate these, an equal distribution of power could not be created at the time the parties were entering into the formal mediation process. A balanced agreement was still reached in this case.

Was the struggle for power channelled into nonviolent mechanisms and processes?

Despite the fact that Israel had more power than Egypt during the talks, a balanced agreement was reached that also channelled the parties' struggle for power into nonviolent processes.⁷⁸ In this sense, the Israeli-Egyptian peace agreement is remarkable for many reasons. First, it involved the extensive withdrawal of Israeli forces from the disputed territories.⁷⁹ Second, it provided third-party guarantees of peace.⁸⁰ Third, it contained Confidence-Building Measures (CBMs) which, by one definition (Fortna, 2004), aim to provide information about or regulate those military activities which are likely to cause tension between the parties ('hotlines' between parties during a stage of crisis are also considered to be CBMs).⁸¹ Fourth, it contained plans for the control and distribution of oil, which were evidently satisfactory to both parties (in other words, they must have considered them to be 'fair'). Fifth, it contained clauses aimed at normalizing relations between the two states so that they could use diplomatic channels instead of military means to resolve any possible future conflicts. Sixth, it specified that both parties would request a UN mission to, '...provide forces and observers to supervise the implementation of this Annex [concerning Israeli withdrawal and security arrangements] and employ their best efforts to prevent any violations of its terms' (Israel

⁷⁸ Interestingly, the Assistant for National Security Affairs sent a memo to Carter after the Israeli government had accepted the text of the treaty, which stated that one of the talking points for the meeting with Prime Minister Begin was that, 'the [Egyptian-Israeli] treaty represents a fair and balanced agreement' (Brzezinski, 1978).

⁷⁹ In fact, Fortna's study of 48 ceasefire agreements and 15 major follow-up peace agreements in cases of interstate wars found that the most extensive withdrawal of forces took place in the Sinai after the Israeli-Egyptian peace agreement (Fortna, 2004: 50).

⁸⁰ Third-party guarantees of peace are rare; only four cases in one dataset of agreements in interstate wars contained provisions for this, and the Israeli-Egyptian peace agreement was one of these four (Fortna, 2004: 51).

⁸¹ CBMs are also relatively rare in peace agreements between warring states, and only four agreements in one dataset had provisions for on-site inspections or aerial photography; the Israeli-Egyptian peace agreement was one of these four (Fortna, 2004: 51).

Ministry of Foreign Affairs, 1979).⁸² Taken together, this means that the Israeli-Egyptian peace agreement channelled the parties' struggle for power into nonviolent processes.⁸³

In conclusion, there was a clear power asymmetry in this case towards one of the parties and the mediator was unable to balance it. A balanced agreement that also channels the parties' struggle for power into nonviolent processes, however, was still reached.

4.3.3 Mediation Timing

The next section of this analysis determines whether Carter's efforts to resolve the war between Egypt and Israel could be considered to be early mediation, and it also considers the affects of the mediation timing on the parties' positions and the production of a good agreement.

Did the timing of the mediation mean that the parties were less entrenched in their positions and were therefore able to produce a good agreement?

The war between Egypt and Israel began in October of 1973, and President Carter's mediation began when he held his first meeting with Israeli Prime Minister Menachem Begin on 19 July 1977 (Princen, 1991: 62). Therefore, the mediation process was initiated 45 months into the conflict. As such, this would not be considered an early mediation.⁸⁴

Some analysts argue that there was evidence that the parties were moving towards peace prior to Carter's mediation. Carter himself, for example, notes that there were several positive signs that the region was moving towards peace, including the unprecedented visit of the Egyptian President to Israel, but that soon after the visit it was clear that the parties were

⁸² While establishing a UN mission was difficult, eventually an independent (non-UN) peacekeeping force, called the Multinational Force and Observers (MFO), was established on August 3, 1981 (www.mfo.org). The mission of the MFO is to, '...supervise the implementation of the security provisions of the Egyptian-Israeli Treaty of Peace and employ best efforts to prevent any violation of its terms' (www.mfo.org).

⁸³ Also of note is the fact that one of Sadat's goals was to change the regional power dynamics, and to this effect he told Carter that, '...he was looking for a real, comprehensive, and just peace agreement backed by both superpowers, which would bring a new balance and equilibrium between Israelis and Arabs and would treat Palestinians with justice' (Carter, 1986: 166).

⁸⁴ This study would consider mediation to be initiated early if it began no more than 6 months after the outbreak of the war. The rationale for using a period of six months is that it allows sufficient time for the newly-emerged war to come to the attention of potential mediators and for them to make the necessary logistical preparations to initiate mediation.

unlikely to make any further progress (Carter, 1986).⁸⁵ Quandt (1986a: 359) aptly describes the situation by saying that peace was possible, but not inevitable. These early indications that the parties were moving towards peace were not, however, reflected in the flexibility of their positions during the Camp David talks or later during the related treaty negotiations.

On the first day of the Camp David talks, the Israelis presented their opening positions to Carter and they were as equally entrenched in their initial positions as they had ever been in the past. Carter notes that, ‘...the [Israeli] Prime Minister simply repeated almost verbatim the old Israeli negotiating positions. There were few indications of flexibility...’ (Carter, 1995: 345). Sadat, on the other hand, when presented with Begin’s positions, ‘... promised to go to extremes in being flexible, in order to uncover the full meaning of Begin’s positions, and he stated that if the efforts at Camp David should be unsuccessful, then when the equitable Egyptian proposal were made known, they would bring the condemnation of the world on the Israeli leader’ (Carter, 1995: 346).

Later in the talks when an American proposal was presented, the Israeli delegation still refused to shift from their positions: they adopted a hard-line position on nearly every issue, and in some cases they reversed themselves from previous positions and the related commitments they had made earlier (Carter, 1995: 386).

Even after the talks at Camp David had successfully concluded with the production of a framework agreement, however, the Israelis continued to show reluctance to easily shift from their positions as the exact text of the new peace treaty was being negotiated. One of the last hitches that the treaty faced was how, if at all, the Egyptian-Israeli accord would be linked to

⁸⁵ Sadat’s trip to Israel is described in one UN report as follows:

A new element was introduced into the Middle East situation on 9 November 1977, when President Anwar Al-Sadat of Egypt announced that he was prepared to go to Israel in order to achieve progress towards a peaceful settlement. He was subsequently invited by the Government of Israel and travelled to Jerusalem on 19 November 1977 for a two-day visit. After his return to Cairo, President Sadat invited the parties to the Middle East conflict, including the PLO [Palestine Liberation Organization], as well as the two Co-Chairmen of the Geneva Peace Conference on the Middle East and the Secretary-General, to talks in Cairo to prepare for a resumption of the Geneva Peace Conference. This invitation was accepted by Israel and the United States. On 29 November, the Secretary-General designated the Chief Coordinator of United Nations Peace-keeping Missions in the Middle East, Lieutenant-General Ensio Siilasvuo, to be present at the meeting in Cairo. At the same time, noting that it was apparent that the meeting in Cairo would not be attended by all those invited and having in mind the urgent need for an early convening of the Geneva Peace Conference, the Secretary-General suggested that consideration be given to the holding of a preparatory meeting at United Nations Headquarters, or any other generally agreed venue, of all those invited to the Cairo meeting. (UN, 1978)

negotiations on the future of the West Bank and Gaza Strip (New York Times, 1978c). On December 13, 1978 Carter called the Egyptians ‘very generous’ because they had accepted the text of the treaty (including all of the ancillary documents) without any exceptions (New York Times, 1978b). The same article quotes Carter as saying that his understanding of the situation was that, ‘...the Israelis have some problems in accepting those ancillary documents...’ (New York Times, 1978b).⁸⁶ Four days later the deadline previously set at Camp David for concluding the treaty negotiations had been passed and agreement with Israel still had not been reached (New York Times, 1978a). Rather, the Israeli negotiators said the proposals were unacceptable and the Israeli Cabinet later made the rejection official (New York Times, 1978a). Thus, the earlier pattern of greater Egyptian negotiating flexibility and less on the Israeli side continued for some time.

Despite this ongoing difficulty with negotiating the Camp David Accords and then the subsequent peace treaty, a good agreement was still reached in this case because it has most of the four features of good agreements.⁸⁷ First, the agreement was crafted by the parties and not simply imposed upon them by some outside body.⁸⁸ Second, as discussed in the previous section, the agreement addressed security, political, and economic matters. Moreover, several aspects of the agreement helped to institutionalize these changes. For example, the treaty contains provisions for the establishment of a Joint Commission to help facilitate the implementation of the treaty, and when the Joint Commission dissolves a new liaison system to, ‘provide an effective method to assess progress in the implementation of obligations under the present Annex and to resolve any problem that may arise in the course of implementation, and refer other unresolved matters to the higher military authorities of the two countries respectively for consideration,’ will be established (Israel Ministry of Foreign Affairs, 1979). Additionally, the commencement of diplomatic and consular relations and the exchange of ambassadors, as called for in the agreement, is another way to institutionalize the political changes that the agreement creates. Third, the agreement has provisions for third-party mediation and renegotiation during the implementation phase. For example, Article VI of the treaty states that, ‘disputes arising out of the application or interpretation of this Treaty shall be resolved by negotiations’ (Israel Ministry of Foreign Affairs, 1979). Moreover, the same

⁸⁶ Not surprisingly, the article concludes with a quote of Carter remarking that he was, ‘...very frustrated at this point’ (New York Times, 1978b).

⁸⁷ See section 3.2.3 for a discussion of the four features of ‘good agreements’.

⁸⁸ Although as previously noted, Carter was active in working with the parties to design the agreement. So, to be more precise, we might consider that the agreement was crafted by the parties but with the active advice, input, and assistance of the mediator.

article has another fallback measure that specifies, ‘any such disputes which cannot be settled by negotiations shall be resolved by conciliation or submitted to arbitration’ (Israel Ministry of Foreign Affairs, 1979). Fourth, the peace agreement is formal and detailed, calls for the establishment of a UN peacekeeping mission, and specifies that confidence building measures will be established (please refer to Annex C).

In conclusion, this case would not be considered to be an example of early mediation, and the Israelis were not showing flexibility in their positions.⁸⁹ This meant that reaching an agreement was very difficult. Despite these difficulties, a good agreement was still reached.

4.3.4 Mediation Strategy

The following section of this analysis examines Carter’s mediation strategy. First it will be determined what kind of mediation strategy he utilized. Then it will be determined how this type of mediation strategy affected the outcome in this case.

What type of mediator strategy was employed and what affect did that strategy have?

Carter’s mediation strategy could be considered to be a directive one because he employed several tactics that are associated with directive mediation strategies. For example, ‘Carter offered both sides billions of dollars in aid and threatened dire consequences for not agreeing’ (Princen, 1991: 67). Moreover, both parties reportedly wanted to build a relationship with the Americans, and at one point in the Camp David process Carter threatened that if Sadat left, it would mean an end to the relationship between Egypt and the USA (Telhami, 1992-1993: 630). Likewise, on the eleventh day of the talks, a critical juncture was reached when Carter thought that an impasse had been reached and that the talks could not progress any further. Shortly thereafter, news came that the Egyptian delegation was unilaterally breaking off the talks, and Carter responded by meeting directly with Sadat to outline all of the negative consequences of doing so (Carter, 1995: 401). Carter was eventually able to persuade the Egyptians to remain at the talks provided he made a statement that if any nation

⁸⁹ On a related note, Carter intentionally controlled media access to the talks in order to allow the parties to be able to shift their positions. As he explains, ‘it was imperative that there be a minimum of posturing by Egyptians or Israelis, and an absence of public statements, which would become frozen [entrenched] positions that could not subsequently be changed’ (Carter, 1995: 325).

rejected any part of the agreement, none of the proposals would stay in effect (Carter, 1995: 402). In sum, it can be concluded that Carter utilized a directive mediation strategy.⁹⁰

In fact one researcher argues that because of Carter's position he had no choice but to employ a directive mediation strategy. Princen (1991: 66) argues that Carter was bound by his role as President:

Jimmy Carter as President of the US had strong interests in mediating this dispute and he had substantial resources to bring to bear. He could make agreement very painful or very profitable. These were the facts that all concerned were well aware of. He could try to distance himself, try to establish a moral or personal or technical overlay on the dispute. But the fact was that Begin and Sadat were there to bargain, not just between themselves, but with the USA as well. In fact, for both Israel and Egypt, the most important bargain was indeed with the USA, not each other. Carter carried the entire baggage of the USA, not just his predecessors' tactics, but also the undeniable carrots and sticks all US presidents have.

DISPUTED ISSUES AND RELATED BEHAVIOUR

This study argues that directive mediators are more likely to create durable peace because they address both the disputed issues and related behaviour. As such, the next section of this analysis identifies both the disputed issues and the related behaviours. Then, it assesses whether and how the mediator addressed both of these items.

Two disputed issues central to the Israeli-Egyptian war were the control of the Sinai (and, consequently, the oil reserves there) plus the normalization of relations between the two states. Telhami (1992-1993: 631) describes the positions of the two parties with respect to these issues as follows:

⁹⁰ However, to be more precise, Carter did not rely on a purely directive mediation strategy because it is reported that he undertook other tactics that are more normally associated with less-directive mediation strategies. First, Carter said he wanted the two leaders to build a 'warmer relationship' (Princen, 1991: 63). Second, Carter 'softened' Israel's Prime Minister Begin by inscribing portraits for Begin's grandchildren and emphasizing how a lasting peace could be vital for Israel (Stein and Lewis, 1996: 467). Third, Quandt (1986a: 360) claims that, '...Carter found himself in the role of psychotherapist, gently trying to explain to each man the problems of the other in the hope of overcoming fears and distrust. He also acted as messenger, conveying positions and impressions back and forth. On other occasions he was more the arbitrator, pressing for agreement along lines that he had determined were fair.' Fourth, Quandt (1986a: 360) notes that the US did not resort to heavy-handed pressure and threats were rarely uttered. The tactics used by Carter, therefore, suggest that he used a mixed mediation strategy. Unfortunately, precise distinctions of this type are outside the scope of this study and we are only concerned here with whether a communication-facilitation, procedural, or directive strategy was employed by the mediator.

First, in the context of long-term regional strategy, Israel needed at least a peace treaty with Egypt and sought to normalize relations to the maximum. Egypt sought to minimize normalization so as to retain a degree of leverage over other issues. Second, Israel sought maximal demilitarization of the Sinai so as to make the Egyptian military option more remote. Egypt sought minimal demilitarization, so as to retain the military option.

Carter's directive mediation strategy was vital for reaching an agreement (an agreement which was established earlier in this chapter as being 'good'), and it is through this agreement that both of these issues are addressed. As one analyst notes, 'very few interstate wars end with a settlement of the political issues over which they were fought, and, the Israeli-Egyptian peace agreement is exceptional in that it was a truly negotiated settlement [of the main issues in the conflict]' (Fortna, 2004: 52).

Even with the use of a directive mediation strategy, Carter could not change some of the Israeli behaviour prior, during, and after the mediation process. Perhaps the most revealing incident concerns the sudden expansion of Israeli settlements in the disputed territories at various critical times, to which Carter issued stern warnings or statements of disapproval without much effect (Quandt, 2001). Likewise, Carter was unable to convince the Israelis to refrain from making public statements and issuing press releases which would be potentially damaging to the mediation process (Quandt, 2001). In sum, despite Carter's attempts to control certain damaging Israeli behaviour with some directive tactics, it appears that even more intrusive and/or intensive tactics may have been required to effectively change their behaviour.

ALTERING THE COSTS OF THE CONFLICT

Carter was able to change the costs of the conflict, and for doing this a directive mediation strategy was vital. Carter made peace a more attractive option for the Israelis through the offer of various incentives such as helping to ensure that the Israelis would continue to receive oil (Quandt, 2001: 235), providing a grant for some of the costs involved with withdrawing from the Sinai (Quandt, 2001: 217), and making a commitment to have the US

build substitute airfields in Israel (Bar-Siman-Tov, 1994: 126 and Quandt, 2001: 235).⁹¹ Only a mediator employing a directive strategy could offer these incentives for reaching a peace agreement. The value of these potential peace payoffs made the cost of continuing the conflict high, and the notion of signing an agreement more attractive.

ALTERING THE FUTURE COSTS OF RENEGING ON THE AGREEMENT

This study argues that directive mediators are better able to create durable peace because they change the implementation environment by making it costly for the parties to abandon the peace agreement.⁹²

Some tactics associated with Carter's directive mediation strategy meant that continuing to implement the terms of the agreement would be beneficial to the parties. For example, by giving up the Sinai, Israel was in a position of having less certainty about oil supplies. To overcome this uncertainty, Carter assured the Israelis that they would continue to receive Sinai oil, and if for some reason should delivery be interrupted, the US would guarantee an adequate supply to Israel at prevailing world prices (Carter, 1995: 433). Should Israel renege on its commitments made under the peace agreement, this US support might be lost, and therefore, Carter made it costly for them to abandon their commitments.⁹³

INFLUENCING REGIONAL ACTORS OR OUTSIDE GREAT POWERS

Carter was active in shifting the regional forces in support of peace.⁹⁴ For example, shortly after Sadat's famous visit to Israel, Carter held his first meeting with the Shah of Iran, and during that meeting Carter urged him to support Sadat (Carter, 1995: 304). Furthermore,

⁹¹ The United States gave a total of \$3 billion to Israel to construct new airfields, \$800 million of which was in the form of grants (Quandt, 2001: 235).

⁹² In all of the cases in this study it can be assumed that withdrawal from the agreement would be costly in that it would be viewed as a breach of international law, and the party responsible for this breach would likely face the scorn of the international community. As such, this factor will not be considered a cost of renegeing on the agreement.

⁹³ Carter, however, was not in a position to personally oversee the implementation of the peace agreement, and, as such, he was unable to do much for the peace process after the agreement had been signed (Quandt, 1986a: 365). Carter tried, however, to ensure that there would be future American support of the implementation of the Camp David peace commitments by stressing to incoming President Reagan that America will have to continue to play an aggressive role in carrying out the commitments made because without their strong leadership, progress would be slow (Carter, 1995: 598).

⁹⁴ Carter even tried to gain worldwide support for the Camp David process. For example, after word was received that Sadat and Begin agreed to attend the talks, Carter had brief and noncontroversial messages sent out to many of the world leaders asking for their support (Carter, 1995: 324).

Carter held similar meetings with the Soviets where he urged them to support Sadat's visit, minimize criticism of Sadat, and cooperate on reaching a Middle East settlement (Carter, 1995: 304). In neither instance, however, were there any signs that the tactics associated with a directive mediation strategy were used by Carter to influence these other actors. In sum, Carter did influence regional actors, although his influence did not depend on utilizing a directive mediation strategy.

FOSTERING RIPENESS

Carter's directive mediation strategy was not used to foster ripeness. One moment for fostering ripeness, in particular, stands out in this case: the period following Sadat's visit to Israel. After Sadat's visit to Israel, Carter could have capitalized on that moment and the momentum created by it, by pushing the parties even closer to peace using directive tactics, but he did not. Instead the momentum created by the moment was lost.⁹⁵ We cannot, therefore, conclude that a directive mediation strategy was important for creating ripeness in this case.

4.3.5 Spoiler Management

Managing spoilers – those actors that intentionally or unintentionally try to block the creation of peace – is vital for ensuring an outcome of durable peace results from mediation. Carter's efforts to manage spoilers are discussed in this section of the analysis.

Were there spoilers present in this case and, if yes, did the mediator address the spoilers?

There were multiple spoilers in this case- those who did not want a peace between Egypt and Israel to last, because it threatened their own interests- and Carter was active in managing these groups. Some of these spoilers were active long before the idea of holding peace talks at Camp David was even conceived: Syria's President Assad sabotaged the earlier Geneva peace talks by refusing to attend and would later do everything possible to prevent the Camp David accords from being fulfilled (Carter, 1995: 293). Additionally, in December of 1973 the Libyan leader, Colonel Muammar el-Qaddafi, was quoted as saying that every possible

⁹⁵ In fact, it should be noted that the talks were not initiated when they were because the moment was perceived to be right, rather they were initiated as Carter puts it, '...as an act of political desperation' (Carter, 1986: 167).

means should be used, including revolution, to stop Egypt from concluding a separate peace agreement with Israel (New York times, 1973). Libya also tried but failed to persuade Egypt to boycott the Geneva talks (New York Times, 1973).

Moreover, there were both internal and external spoilers present during and after the Camp David talks.⁹⁶ For example, there were certain factions within both of the conflicting parties that did not want the peace treaty to succeed, and as Carter himself notes, he was trying to protect the Israeli-Egyptian peace agreement, ‘...against attacks from outside and from within the two countries’ (Carter, 1995: 500). Clearly there were some factions within Egypt did not want peace to last. For example, Egypt’s former chief of staff founded a new opposition party in 1980 which vowed to overthrow President Sadat by democratic methods or revolutionary violence and to abrogate the Egyptian-Israeli peace treaty should it assume power (Associated Press, 1980b). The Egyptian President was eventually assassinated by Egyptian radicals because of the peace agreement that he had negotiated with Israel.

Begin, Sadat, and Carter had considered the long term implications of the agreement, the possibility that it might fail, and ways to ensure its durability. Carter (1995: 342) states that, ‘Begin was concerned about the permanence of any peace accord, even if he and Sadat could come to a complete understanding. I reminded him that any agreement would last as long as it appeared to be advantageous to the people as well as the leaders involved.’ Moreover, Carter (1995: 342-3) goes on to state, ‘in this case, I was convinced that the benefits of peace would be so obvious that the commitments would be honored. The direct interest and influence of the United States would help ensure it, no matter who might lead our nations in future years. I pointed out that our three nations and we three leaders were strong enough to prevail, even if other more radical leaders disagreed with certain aspects of our settlement and tried to disrupt what we had done.’⁹⁷

In essence, the above discussion illustrates that Carter took what could be considered a ‘multi-pronged’ approach to spoiler management. First, Carter recognized that a good peace agreement (e.g. one which was advantageous to the people concerned) would have more

⁹⁶ Many of the Arab states that condemned the Camp David agreements became known as the ‘rejectionists’ (Carter, 1995: 419).

⁹⁷ Indeed, Begin had to ‘sell’ the benefits of the treaty to the Israeli Knesset in order to gain their approval, his main argument being that a separate peace with Egypt diminished the chances of war on all fronts (Smith, 1978). For example, the *New York Times* quoted Begin as saying that, ‘if Egypt signs [the treaty] Syria cannot attack us because Syria knows it would be suicide’ (Smith, 1978).

chances of gaining popular support, and less chances of being undermined. The first prong of the approach was to therefore focus on designing a good agreement. Second, Carter recognized that the successful implementation of the agreement and the durability of the resulting peace would depend on the direct and continued support of the United States. In other words, Carter recognized that creating a durable peace in this case would require an external guarantor, and that the US would play this role over the long-term because of their direct interest in creating this outcome. Third, Carter recognized that the process had strong leadership; leadership which was strong enough to overcome any obstructionist forces which may arise. Carter's multi-pronged approach, therefore, involved the design of a good agreement, the continued influence of an external guarantor, and strong leadership.

In conclusion, there were both internal and external spoilers present in this case who were active prior, during, and after the mediation process. Moreover, Carter was aware of these spoilers and their possible role in derailing the prospects for durable peace. Carter, therefore, took a multi-pronged approach to spoiler management.

4.3.6 Mediator's Experience

In this section of the analysis, the question of whether Carter's previous experience affected his ability to manage some key aspects of the mediation process will be addressed.

Did the mediator's experience affect their ability to manage the key aspects of the mediation process?

Orchestrating the Camp David process was Carter's first major mediation effort between warring leaders.⁹⁸ Carter, however, had extensive negotiation experience at the highest political levels; as President of the United States of America he had negotiated with the Soviet Union during the 'Strategic Arms Limitation Talks' (SALT), with the Chinese regarding the normalization of relationships between the two countries, and with Panamanian officials regarding control of the Panama Canal (Carter, 1995).⁹⁹

⁹⁸ Quandt (2001: 177) notes that Carter, '...came to the presidency with remarkably little experience in foreign affairs.'

⁹⁹ It could be argued that Carter's previous experience did not assist him with the overall general design and execution of the mediation process because on the third day of the talks Carter prepared a list of all the disputed

The first aspect of the mediation process to consider is the management of the power dynamics. As noted earlier in this analysis, Carter did recognize and attempt to alter the power imbalance between the Egyptian and Israeli delegations but with little success. It was also noted earlier that the balance of power between the parties at the time of mediation was not levelled, yet a balanced agreement was reached. This peculiar fact can be explained by Carter's past experience as an engineer:

Thus, Carter consistent with his training as an engineer, viewed the primary task of the facilitating mediator to be to find a formula, to devise a blueprint for a solution. Indeed, as a mediator, Carter's first step was to master the facts and then present his solution. In his first meeting with then Prime Minister Rabin, he led off with his conception of the principles necessary for a solution. If he saw this as 'mediating' it was not in the sense of eliciting underlying interests and helping each side explore options. Rather, he appeared to feel that, presented with a reasonable formula, reasonable men could not help but agree; from there, only the details need be worked out and peace would be achieved. (Princen, 1991: 59)

In this sense, Carter's past experience outside of the conflict resolution field was perhaps more important to the design of a balanced peace agreement, than his previous experience as a mediator or negotiator.

Another key aspect of the mediation process to consider is the application of leverage at opportune moments. There were several critical moments throughout the Camp David talks where the use of leverage was vital for ensuring that the talks did not collapse. For example, at one critical juncture, both parties were prepared to break off the talks. Carter, out of desperation, quickly outlined the areas of agreement and the consequences to both parties should the talks fail at this stage (Carter, 1995: 367). Then, as the two leaders began moving towards the door, Carter got in front of them to partially block the way, and he, '...urged them not to break off their talks, to give me another chance to use my influence and analysis, to have confidence in me' (Carter, 1995: 367). Both leaders eventually reluctantly agreed.

It is not clear how the use of leverage during this and other similar critical moments in the talks was clearly based on Carter's previous experience, and for the purpose of this study it might be concluded that Carter's quick analysis of the situation and rapid responses are

issues that both parties agreed to, however, he admits in his memoirs that the next steps were less clear to him (Carter, 1995: 363).

largely based on his ability to be responsive to the changing needs of the moment, and not necessarily on his past experience.

A third aspect of the mediation process to consider is the vertical and horizontal linkages created by the mediator. The Camp David talks had very limited vertical linkages between efforts at the Presidential level and those occurring below it (partially because there were few, if any, talks occurring at lower levels). Carter's mediation process did, however, have some horizontal linkages. For example, Carter recognized that both the support of Congress and the Jewish leaders within the United States were critical for his efforts to succeed; as such he held meetings with both of these groups in order to garner support for the peace effort (Carter, 1995: 296-7). These important horizontal linkages, however, were not clearly established because of Carter's previous experience as a mediator.

Yet another important aspect to consider is the management of spoilers. It was noted earlier that there were spoilers present in this case and that Carter undertook efforts to manage them. Carter's efforts to manage spoilers, however, cannot be attributed to his previous experience.

The final factor to consider is the management of outside actors. More precisely, the question of whether the mediator's previous experience affected their ability to understand and influence outside actors is of concern. Carter's experience as a politician gave him an unprecedented advantage concerning how to understand and influence outside actors. Carter was aware of political restraints on his and other political actors' behaviour. More specifically, he understood that the negotiating behaviour of political leaders and the positions they adopt can often be driven by their domestic political affairs.¹⁰⁰ Likewise, Carter recognized that political support can quickly be lost, and that therefore, there is sometimes a need to act with a sense of urgency to galvanize this support. For example, Carter recognized that he had to move rapidly with the finalization of Israeli-Egyptian peace treaty while outside actors, such as the Saudis, were still supportive of the peace process (Carter, 1995: 415). A more inexperienced mediator may not have been so aware of these timing issues. In sum, Carter's ability to successfully understand and influence outside actors was based on his experience as a politician.

¹⁰⁰ In this sense, the parties' politics become expressed through the mediation process. Mediation, therefore, needs to be recognized as a process which is itself political by nature.



In conclusion of this section of the chapter, six key factors from Carter's efforts to mediate a new peace agreement between Egypt and Israel were analyzed in order to determine their role in creating a durable peace between these two states.

4.4 Summary and Conclusions

This chapter applied an original analytical framework to the case of US President Jimmy Carter's efforts to mediate a peace agreement between Egypt and Israel. President Carter's efforts were successful in that a peace agreement was reached and there has been a durable peace between Egypt and Israel since the signing of the agreement.

The analysis found that the post-war struggle for power was channelled into nonviolent mechanisms and processes, a directive mediation strategy was employed, a highly-experienced mediator led the process and potential spoilers were managed. These results are summarized below in Figure 4.1

Figure 4.1 Overview of the Model for Durable Peace Applied to the Egypt-Israel Case

<u>CONTEXT</u>		<u>PROCESS</u>		<u>OUTCOME</u>	
<p>Relationships: The parties had a previously friendly relationship.</p> <p style="text-align: center;">-</p> <p>New friendly relationships are created.</p> <p style="text-align: center;">-</p>		<p>Mediation Timing: The mediation was early.</p> <p style="text-align: center;">-</p>		<p>Durable Peace (Success)</p>	
<p>Distribution of Power: There is an equal distribution of power between the parties at the time of mediating the agreement.</p> <p style="text-align: center;">-</p> <p>The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.</p> <p style="text-align: center;">+</p>		<p>Mediation Strategy: A directive mediation strategy was employed.</p> <p style="text-align: center;">+</p>			<p>Spoiler Management: Potential spoilers were managed.</p> <p style="text-align: center;">+</p>

Several additional important points were raised by this case. First, mediation affects not only the relationship between the warring parties, but it can also affect the parties' relationships with other external actors. Second, balanced agreements can still be reached even if the balance of power between the parties is unequal during the mediation. Third, spoilers can emerge from within or externally to the parties. Fourth, agreements which are equally divided between the parties' positions can be considered to be balanced.

The second of case of successful mediation is now examined in the next chapter.

Chapter 5

Case Study Two: The Dayton Agreement

5.1 Introduction

The Bosnian war involved the worst atrocities committed in Europe since the end of World War II (Greenberg and McGuinness, 2000: 41), and seemed resistant to all outside efforts to resolve it. Yet, under American leadership, the Bosnian war was eventually resolved and a durable peace has followed. The intensity and complexity of the Bosnian war plus the concentrated efforts to resolve it during the Dayton process make it an ideal case for answering the question why mediation sometimes produces durable peace.¹⁰¹

This chapter examines the Dayton process in detail to identify what role six key factors had in creating durable peace in Bosnia. The first section of this chapter presents some of the main features of this case in order to establish the general context, and the second section examines the Dayton process using the original analytical framework devised for this study.

5.2 Features of the Case

Bosnia declared itself an independent nation on March 3, 1992 and was recognized by the United States and the European Union on April 5, 1992 (Holbrooke, 1999: 34). The Bosnian Serbs demanded that this declaration be withdrawn, the Bosnian President refused, localized violence then broke out, and by the summer of 1992 Bosnia was experiencing a civil war (Holbrooke, 1999: 34). The Bosnian war formally ended with the signing of the Dayton Agreement on November 21, 1995. Therefore, this war lasted forty-three months.¹⁰²

¹⁰¹ The term 'Dayton process' as used in this study refers to Richard Holbrooke's pre-Dayton shuttle phase, the twenty one day direct talks held at Dayton (Ohio), and Holbrooke's later efforts to help implement the Dayton peace agreement.

¹⁰² The 'start date' for calculating the duration of this war is based on the March 1992 declaration of independence because violence broke out almost immediately afterwards. Similarly, Holbrooke (1999: 240-1) states that, 'the Republic of Bosnia and Herzegovina had been at war since the moment it declared independence in 1992.'

There were three main parties to this war: the Bosnian Serbs, Muslims, and Croats.¹⁰³ The Bosnian Serbs conducted a brutal campaign of ethnic cleansing against the Muslims and Croats (Holbrooke, 1999: 34). In response to this violence, the Muslims and Croats formed an alliance which eventually broke down in March 1993 and this created new fighting between them (Greenberg and McGuinness, 2000: 37). The Muslims and Croats went on to sign a ceasefire between themselves on February 23, 1994 and then they formed a Federation on March 18, 1994 (Greenberg and McGuinness, 2000: 37). This newly-formed Federation then went on to continue fighting the Bosnian Serbs throughout the remainder of the Bosnian war.

There were several neighbours and other outside actors to the conflict whom played both direct and indirect roles in the Bosnian war. This includes the North Atlantic Treaty Organization (NATO) and the bombing campaign it launched within Bosnia in response to Bosnian Serb aggression, the International Contact Group who supported the Dayton process, and Yugoslavian President Slobodan Milosevic who negotiated on behalf of the Bosnian Serbs (Holbrooke, 1999).

The Bosnian war created numerous impacts. Between 1991 and 1995 nearly 300,000 people were killed (Holbrooke, 1999: xv). Much of this violence was carried out in the name of 'ethnic cleansing' which also involved the rape and forced removal of people from their homes based on their ethnicity (Holbrooke, 1999: 34). While the Bosnian war involved ethnic cleansing, it was also marked by other direct and indirect violence including the establishment of 'death camps', the destruction of cultural and historical sites (e.g. the historic Stari Most bridge in Mostar), and the shelling of civilians in the Sarajevo market place (Sharp, 1997-1998). The war also created a massive refugee movement and, 'approximately one-half of Bosnia-Herzegovina's prewar population of 4.3 million was displaced during the forty-three months of war' (Sharp, 1997-1998: 124).¹⁰⁴

¹⁰³ More precisely, one UN report (UN, 1999: 9) states that, 'the International Committee of the Red Cross (ICRC) viewed the [armed] conflict that had erupted in Bosnia and Herzegovina as having elements both of an international armed conflict (invasion of that country by the Federal Republic of Yugoslavia) and of an internal armed conflict. In its international aspect, the conflict represented a war between the JNA (later known as the Army of Yugoslavia, or VJ) on one side, against both the Army of the Republic of Bosnia and Herzegovina (ARBiH) and the Croatian Defence Council (HVO) on the other. Later in the conflict, another foreign force, the Croatian Army (HV) was also involved in the fighting.'

¹⁰⁴ One UN report estimates that there were 900,000 refugees and 1.2 million internally displaced persons immediately after the Dayton Accord was signed, whose return - according to the agreement - would have to be coordinated by the High Commissioner for Refugees (UN, 1995c: 4).

After numerous other failed attempts to bring a resolution to the Bosnian war, an American-supported shuttle process, led by Richard Holbrooke, began on August 22, 1995 and this eventually led to the 21-day long mediation process held in Dayton Ohio which ran from November 1-21, 1995 (Holbrooke, 1999). A state of durable peace has endured in Bosnia since the Dayton Agreement was signed (e.g. 1995 to present or 14 years).

5.3 Analysis

In this chapter, the Dayton process is analyzed utilizing the analytical framework developed for this study. Therefore, the following analysis is structured according to the general set of questions presented in Chapter 3. These questions will clarify the role of six factors related to the mediation (the relationship between the parties, the distribution of power between the parties, the timing of mediation, the mediation strategy, spoiler management, and the mediator's experience) in creating durable peace in Bosnia.

5.3.1 Relationship between the Parties

The first section of this analysis explores the previous relationship between the parties in order to determine whether friendly relationships were restored quickly and easily after the signing of the Dayton Agreement.

Did the parties have a previously friendly relationship and, if yes, how did that affect the creation of new friendly relationships in the post-agreement stage?

The parties in the Bosnian war had a previous relationship that was marked by several armed conflicts. For example, the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) lists two separate wars in Bosnia-Herzegovina and numerous minor armed conflicts prior to the signing of the Dayton Agreement. Not surprisingly, '...the ethnic groups within Yugoslavia nursed deep-seated grievances against one another,' (Holbrooke, 1999: 23) and they lacked trust when they were finally brought together at Dayton after several months of shuttle diplomacy (Curran, Sebenius, and Watkins, 2004: 520).

It is clear that the relationship between the parties did not improve quickly after the signing of the agreement and two major incidents illustrate this.¹⁰⁵ First, the results from the first election to occur after the signing of the Dayton peace agreement serve as a signal that the interethnic relationships in Bosnia had not improved because none of the winners was in favour of a multiethnic government and the election strengthened the separatists who had started the war (Holbrooke, 1999: 344).¹⁰⁶

Second, even though the Dayton agreement called for the creation of a unified and multiethnic Bosnia, there were signs that the divisions which existed during the war still existed for several years after the agreement was signed. For example, a report from the *Associated Press* dated some two years after the Dayton agreement was signed notes that the continuing divisions within the country were apparent in the feuding between the three main ethnic groups on matters such as what the new national currency would look like and what the Bosnian flag would look like (Cerkez, 1998).¹⁰⁷ Moreover, this same news report noted that, ‘two years after the U.S.-brokered Dayton peace plan, Bosnia still largely operates as separate countries controlled by nationalist Serbs, Croats, and Muslims who can’t seem to agree on much of anything’ (Cerkez, 1998). Moreover, there were signs that neither side was willing to tolerate the presence of the other. For example, in July of 1996, both the Croat and Muslim communities had formed mobs in different towns to block the return of refugees from other ethnic groups to their homes (Holbrooke, 1999: 350).¹⁰⁸ In another example, Holbrooke returned to Bosnia in August of 1997 to patch up relations between the Bosnian Croats and Muslims after more violence had occurred (New York Times, 1997a). This time, however, ‘...Croats in the central Bosnian town of Jajce forced hundreds of newly returned

¹⁰⁵ Holbrooke intentionally tried to improve the relationship between the parties during the process because he was constantly looking for ways to break down the barriers of distrust and hatred between the parties (Holbrooke, 1999: 243).

¹⁰⁶ Holbrooke (1999) disagrees with other observers who argued that the election results were proof that Bosnians wanted to separate along ethnic lines and while this may or may not be the case, for the purpose of this analysis the election results indicate no improvement in the relationship.

¹⁰⁷ In response to this indecision, the international community eventually made these decisions for the Bosnians (Cerkez, 1998).

¹⁰⁸ While it is clear that the relationship *between* the warring parties did not improve quickly, the relationships *within* some of the parties deteriorated after the signing of the agreement. For example, two weeks before Sarajevo was to be united under Federation control, the Serbian leadership ordered all Serbs in the city to burn down their own apartments and leave the city (Holbrooke, 1999: 335). This resulted in gangs of young Serbs roaming the city issuing threats to other Serbs who did not comply, beating and raping some, and blowing up the homes of others (Holbrooke, 1999: 336).

Muslim refugees out of their homes,' and NATO spokesmen had reported that seven houses were set on fire and another was destroyed by an explosion (New York Times, 1997a).¹⁰⁹

In conclusion, the parties in Bosnian war did not have a previously friendly relationship and the Dayton agreement did not foster the resumption of friendly relationships in a quick manner – yet, durable peace has persisted for twelve years.¹¹⁰

5.3.2 Distribution of Power between the Parties

The next section of this analysis examines the distribution of power between the parties in order to see if there is a balance or not. Moreover, this section of the analysis also examines what, if anything, the mediator did to balance the power and what the results of the power asymmetry were. Lastly, the question of whether the struggle for power was channelled into nonviolent mechanisms and processes will be addressed.

Did the mediator balance the power between the parties in order to help create a balanced agreement?

There was a clear power imbalance in this conflict in favour of the Bosnian Serbs. The Bosnian Muslims had less artillery than the other parties because the Croatians prevented the Muslims from acquiring heavy artillery (Holbrooke, 1999: 165). Moreover, during the early stages of the conflict, the Bosnian Serbs held more territory and this pattern persisted until the gains made by the Federation were consolidated by the American-brokered ceasefire agreement, at which point the Federation controlled about fifty percent of the land (Holbrooke, 1999: 195).

Even though the ceasefire agreement and some other events that occurred during the shuttle phase of the Dayton process shifted the balance of power away from the Bosnian Serbs, they remained more powerful throughout the mediation phase at Dayton. For example, Yugoslavian President Slobodan Milosevic, who negotiated for the Bosnian Serbs, had

¹⁰⁹ The blocking of refugees from returning to their homes is clearly an obstacle to the creation of a unified and multiethnic state, and this fact was recognized by Holbrooke. The *New York Times* (1997a), for example, quotes him as saying that, 'if refugees are not allowed to return, then you will have a de facto division of Bosnia.'

¹¹⁰ However, in the longer-term, Holbrooke notes that by 1997 the three ethnic communities had begun rebuilding relationships at the local level (Holbrooke, 1999: 362).

superb negotiating skills (Holbrooke, 1999: 29), whereas the Bosnian delegation did not even have a unified negotiating position during the Dayton process because of internal conflicts and divisions (Holbrooke, 1999). Moreover, the Federation itself was weak during the Dayton process and one of the first tasks at Dayton was to strengthen the Bosnian-Croat Federation through a parallel negotiation. Taken together, these problems meant that the Federation had less power during the mediation.

Holbrooke used several tactics to shift the balance of power away from the Bosnian Serbs, however.¹¹¹ Three of these tactics are supporting the Croat-Muslim Federation, supporting the NATO bombing, and meeting the Bosnian Muslims in New York prior to the Dayton mediation.¹¹²

Holbrooke recognized that the Croat-Muslim Federation was an important entity that balanced the power between the parties and on several occasions he sought to strengthen it. The Federation was created early in 1994, under American leadership, to bring an end to the war between the Bosnian Croats and Muslims and to create a common front against the Serbs (Holbrooke, 1999: 241). However, it struggled after its creation because there was no American follow-up until Holbrooke assigned an official to hold the fragile coalition together (Holbrooke, 1999: 241). Furthermore, when the Federation launched a new offensive in the summer of 1995 and started to make considerable gains in territory, Holbrooke personally urged Croatian President Franjo Tudjman to continue the offensive knowing that it would give them more leverage at the bargaining table (Holbrooke, 1999: 159-60). Later during the offensive, tensions within the federation were increasing and after taking a town, the two sides turned on one another (Holbrooke, 1999: 162). Recognizing that this new development could destabilize the Federation and reverse the gains it had made, Holbrooke asked the Presidents of Croatia and Bosnia to meet with him in order to discuss and strengthen their common interest in maintaining the Federation (Holbrooke, 1999: 162).

¹¹¹ It is important to note that this case also illustrates that balancing power can affect a mediator's 'perceived neutrality' – that is, Holbrooke and the Americans were sometimes seen as favoring the Bosnian Muslims. Moreover, NATO's use of force in Bosnia also threatened the UN's neutrality. For example, one UN report states that, 'using force against only one party, whether directly or through regional arrangements, alters that party's perception of the neutrality of UNPROFOR [The United Nations Protection Force], with the risk that its personnel and those of other United Nations agencies come to be identified with the use of force and perceived as a party to the war' (UN, 1995a: 17).

¹¹² Another tactic which was planned by Holbrooke, but eventually rejected, was a proposal to circumvent the international arms embargo against Bosnia by urging friendly third countries to ship weapons to the Bosnians (New York Times, 1996).

However, perhaps the most important event that tilted the balance of power away from the Bosnian Serbs was the NATO air strikes because they bolstered the Federation and allowed them to take more territory (Holbrooke, 1999: 144). Because of these gains made on the ground, Holbrooke resisted calls for commencement of an international peace conference, arguing that the gap between the parties was still too wide and more time would allow the Federation offensive to continue (Holbrooke, 1999: 144). Furthermore, one UN report (UN, 1999: 94) states that prior to Operation Deliberate Force Holbrooke had told the Special Representative of the Secretary-General that the credible use of air power by NATO would be essential for the development of a coherent diplomatic and military approach to ending the war. According to this same report, Holbrooke then urged, ‘...the United Nations to remove all military observers and other personnel from locations where they could be taken hostage by the Serbs’ (UN, 1999: 94). Moreover, once the operation had begun, Holbrooke urged President Bill Clinton to continue with the bombing as it was not detrimental to the peace efforts (Holbrooke, 1999: 145). In other words, Holbrooke advocated for the continued use of force because, according to his assessment of the situation, the bombing would not undermine his efforts to reach a peace deal; on the contrary, he judged the NATO bombing as being supportive of his peace efforts because they weakened the Serbs.

In another example of balancing the power between the parties, Holbrooke met with the Bosnians in New York to help them prepare for the Dayton talks (Holbrooke, 1999: 224). In an effort to help them overcome the internal divisions within their delegation he offered them strategic advice which would strengthen their negotiating position and he also offered other resources, such as a list of fifteen international legal experts whom they could consult with prior to the talks (Holbrooke, 1999: 224).

However, it is also very important to note in this case that Holbrooke shifted the balance of power between the parties in other substantial ways. For example, the division of territory into a 49/51 percent ratio, the new Bosnian constitution, a policy of building up the Muslim army while controlling the arms of the Serbians, and the new government were all designed to give more post-war power and control to the Federation while placing restrictions on the post-war power of the Bosnian Serbians (Holbrooke, 1999).

The balance of power between the parties had a significant impact on the outcome of the Dayton process and the resulting peace. Holbrooke’s efforts to strengthen and support the

Federation, as detailed above, put them on more equal terms at the table, improved their negotiating ability, and resulted in the production of a 'fair' and 'balanced' settlement that did not favour one side much more than the other.

Was the struggle for power channelled into nonviolent mechanisms and processes?

The above analysis found that the Bosnian Serbs began as the more powerful party in this war and continued to remain so until the end of the Dayton process, even though Holbrooke tried to balance the level of power between the parties. Despite these power differences, a balanced agreement was still produced. As will be discussed below, this balanced agreement also channelled the parties' struggle for power into nonviolent mechanisms and processes.

A number of provisions within the Dayton Agreement channelled the power struggle between the parties into nonviolent mechanisms and process, and was thus essential for ending the direct violence that the parties had been using to pursue their wartime goals. For example, Article I of the agreement states that the parties will conduct their relations in accordance with the principles set forth in the UN charter (UN, 1995b: 2). Moreover, the same article states that the parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and will refrain from the use of force (or the threat of the use of force) (UN, 1995b: 2). Article II of the agreement concerns the deployment of the Implementation Force (IFOR) which was established to implement parts of the agreement and to ensure compliance with it. The agreement authorized IFOR to use force, if necessary, to ensure compliance with the agreement (UN, 1995b). This same article of the agreement also specifies that a Joint Military Commission will be formed to, amongst other tasks, 'serve as the central body for all Parties to this Annex to bring and military complaints, questions, or problems that require resolution by the IFOR commander, such as allegations of cease-fire violations or other noncompliance with this Annex' (UN, 1995b: 21). In other words, a new mechanism was established by the agreement to settle any possible future disputes concerning the military aspects of the agreement. Furthermore, the agreement specifies that problems brought to the commission shall be, to the extent possible, solved by mutual agreement (UN, 1995b: 21-2). Article IV concerns the holding of free and fair elections in order to, 'lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina' (UN, 1995b: 53). Hence, the struggle for political power was channelled into the electoral processes, and more

broadly into a democratic government based on liberal ideals. Last, and perhaps most importantly, Article V concerns the establishment of a new constitution which establishes the basic rights of all peoples and the structure of the new government. In sum, numerous provisions within the agreement channel the parties' struggle for power into nonviolent mechanism and processes – the actual use of these channels was further guaranteed by the agreement because failure to use these channels would mean that the parties may have force used against them. In other words, the agreement specified that the channels would be both created and used.¹¹³

5.3.3 Mediation Timing

The next section of this analysis determines whether the Dayton process could be considered an early mediation and it also determines the affects that the mediation timing had on the parties' positions and the type of agreement which they produced.

Did the timing of the mediation mean that the parties were less entrenched in their positions and were therefore able to produce a good agreement?

The Yugoslavian civil war began on March 3, 1992 and the shuttle phase of Richard Holbrooke's mediation began on August 22, 1995. Therefore, the mediation was initiated 41 months into the conflict. As such, this would not be considered an early mediation.

The parties were becoming more entrenched in their wartime pursuits and positions during the shuttle diplomacy phase – until the point that a combination of military force and directive mediation strategies created a ripe moment for signing a ceasefire. Prior to the ceasefire agreement that was reached by Holbrooke, the Bosnian Muslims were buoyed by their recent military advances and wanted to continue the offensive in order to gain more territory (Holbrooke, 1999: 193). However, Holbrooke recognized that their gains could easily slip away and so he personally urged them to sign a ceasefire before that occurred (Holbrooke, 1999: 195). Even though this ceasefire represents a shift in behaviours, it did not translate into a shift in positions. With the ceasefire in place, the parties still pursued their wartime aims through the ensuing peace talks. To this effect, Holbrooke notes that all three

¹¹³ The implication being, of course, that the channels would clearly not be effective if they were created by the agreement but bypassed.

sides had predictably hardened their positions in anticipation of the first day of the Dayton process (Holbrooke, 1999: 235).

Despite the reluctance of the parties to easily shift from their negotiating positions, a good agreement was still produced in this case. Good agreements have four main features and the Dayton agreement has many of these features.¹¹⁴ First, the agreement was crafted by the parties during the negotiations held in Dayton, Ohio. Second, as described in the previous section of this chapter, the agreement had provisions that addressed security, military, political, and economic matters. Moreover, the agreement also contained provisions to institutionalize these changes. For example, as noted in the previous section, the agreement calls for the creation of IFOR and a Joint Military Commission to oversee the implementation of some parts of the agreement. Additionally, other changes related to security, military, political, and economic matters were further institutionalized through the establishment of the new government. Not only did the agreement contain the basis of the new constitution and specifications on how the new government will be structured, it also specified that several other entities would be established to help institutionalize the changes contained in the agreement. For example, just within Article VI, the agreement calls for the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and a number of Public Corporations (UN, 1995b). Third, the agreement has provisions for third-party mediation and renegotiation during the implementation phase. For example, Annex 10 of the agreement concerns the Civilian Implementation of the peace agreement and it states that the High Representative will facilitate, ‘...the resolution of any difficulties arising in connection with civilian implementation’ (UN, 1995b). Moreover, the Annex of the General Framework Agreement for Peace in Bosnia and Herzegovina which concerns IFOR’s mandate and the establishment of the Joint Commission explicitly states that it will be responsible for resolving disputes concerning alleged ceasefire violations using mutual agreement if possible, but that ultimately the IFOR Commander has the final authority regarding interpretation of this agreement on the military aspects of the peace settlement (UN, 1995b). The fourth and final feature of good agreements is that they are formal and detailed, call for the creation of large peacekeeping missions, and contain provisions to establish confidence building measures. The Dayton agreement meets all of these criteria (see Appendix D).

¹¹⁴ See section 3.2.3 for a discussion of the four features of ‘good agreements’.

In sum, this mediation was not initiated early and the parties were entrenched in their positions at the time of the mediation. Reaching an agreement in this case was difficult and military force was required to shift the parties out of their positions. Nevertheless, a good agreement was still reached.

5.3.4 Mediation Strategy

The following section of this analysis examines Holbrooke's mediation strategy. First, it will be determined which type of mediation strategy he employed, and then it will be assessed what role this type of mediation strategy played in determining the outcome in this case.

What type of mediator strategy was employed and what affect did that strategy have?

The role of the US in the Bosnian war is often characterized by an initial reluctance to intervene, a lack of support for earlier peace plans, and then a sharp shift in US policy which led to intensive efforts to mediate the Dayton agreement. This changing role is summarized as follows:

American views of engagement in Bosnian mediation evolved as the security and diplomatic stakes evolved. After it failed to prevent the breakup of Yugoslavia, the United States adopted a hands-off posture, leaving the Bosnia-Herzegovina crisis to unfold before the horrified, if paralyzed, gaze of Washington's European allies. When the Europeans eventually teamed up with the United Nations and assembled a third-party mediation team led by former British foreign secretary David Owen and former U.S. secretary of state Cyrus Vance, the George Bush administration offered cautious, qualified support for the resulting Vance-Owen plan. But the incoming administration led by President Bill Clinton moved quickly to distance itself from the plan and floated alternative ideas designed to bolster the position of the weaker, Bosnian Muslim, side. (Crocker, Hampson, and Aall, 2004: 34)

However, after this earlier posturing the US eventually took a lead role in the mediation of the Dayton agreement, and once the US firmly committed to resolving this war they brought many resources to the process that Richard Holbrooke utilized as part of his directive mediation strategy.

Holbrooke's mediation strategy can be considered to be directive because he employed several tactics that are associated with directive mediation strategies. For example, one tactic that is associated with directive mediation strategies is to make the parties aware of the costs of nonagreement (Beardsley et al., 2006: 66) and Holbrooke employed this tactic to break a deadlock in the process. That is, Holbrooke used a chart which illustrated what had been gained thus far and would be lost if one of the parties which was stalling the talks did not sign the agreement (Holbrooke, 1999: 294). Another tactic that is associated with directive mediation strategies is to threaten to withdraw mediation (Beardsley et al., 2006: 66) and Holbrooke also did this on the nineteenth day of the process in order to press the parties towards agreement (Holbrooke, 1999: 293-4).

In one interview with PBS several months after the agreement was signed, Holbrooke was asked whether he felt that his success in reaching the Dayton agreement was based on his personal willingness to 'really knock heads together' (PBS, 1996). Holbrooke's reply was as follows:

You know, I keep reading about screaming and yelling and bullying and so on, but I worked on Asia for most of my career and you check the press on that and it never said I yelled. You have to match your method to the moment and your style to the substance and the situation. And in this negotiation, dealing with people who are liars and in some cases killers, dealing with people who are desperate, dealing with traditions, you just have to get very tough. But the key thing wasn't anything to do with personal style. It was the fact that in the Summer of last year, the President fully committed the United States to an all-out, diplomatic, political, and military effort, and one of the great things that people should have learned from this is that there are times when air power--not backed up by ground troops--can make a difference. That's something that our European allies didn't all agree with; Americans were in doubt on it; it made a difference. Secondly, sanctions worked. Sanctions really hurt the Yugoslavs, by Yugoslavs, I mean the Serbs. It had to be marshalled. (PBS, 1996)

Holbrooke's response thus illustrates his willingness and commitment to using any tactic available, including air power and sanctions, in order to secure a new peace agreement. Moreover, this quote also suggests some reasons why Holbrooke used these tactics: his strategy matched the circumstances.

DISPUTED ISSUES AND RELATED BEHAVIOUR

This study postulates that directive mediation strategies are linked to durable peace because directive strategies address both the disputed issues and the related behaviour. The following section of this analysis examines whether this is true for this case.

The Bosnian war was fought over issues of power, sovereignty, (Crocker, Hampson, and Aall, 2004: 35) and territory (Holbrooke, 1999). This study asserts that all three of these issues were addressed by Holbrooke's directive mediation strategy used during the Dayton process.¹¹⁵

During the shuttle phase of the Dayton process Holbrooke found consensus between the parties that Bosnia should remain a unified multiethnic state and this guided the rest of his efforts (Holbrooke, 1999). For example, Holbrooke states that two goals of the Dayton process were to turn the sixty-day ceasefire agreement into a permanent peace and to reach a new agreement concerning the structure of a multiethnic state (Holbrooke, 1999: 232). Holbrooke recognized that to achieve these two goals would mean reaching agreement on many secondary issues including the internal boundaries of Bosnia, '... [the status of] the Federation, a constitutional framework, elections, a three-person presidency, a national assembly, freedom of movement and the right of refugees to return to their homes, compliance with the International War Crimes Tribunal, and an international police force' (Holbrooke, 1999: 233). Addressing these secondary issues, in turn, solved the issue of who has power, where their power comes from (the newly created constitution), how power will be shared (elections), and how it is structured (a three-person presidency). Moreover, by addressing these secondary issues, the sovereignty issue was also addressed because Bosnia was established as an internationally-recognized multiethnic independent state.¹¹⁶

¹¹⁵ This analysis asserts only that the issues were addressed, not necessarily resolved. Some researchers argue that the Dayton process left the main issues unresolved. For example, Crocker, Hampson, and Aall (2004: 35) state that, 'mediation was used in Bosnia to manage the conflict, contain it from spreading, suppress active fighting, and buy time for the possibility of a gradual transformation away from the militarized and nationalistic politics of the early 1990s. It was not used to settle or solve the basic issues, many of which remain unsolved to this day.' Moreover, Crocker, Hampson, and Aall (2004: 35) note that, 'this [Dayton] process culminated with the signing of the Dayton accords in late 1995, a complex package that –interestingly– stopped the fighting and created a series of new and somewhat ambiguous political structures, but that purposefully did not sort out the main outstanding issues of power and sovereignty.' Refer to the literature review (Chapter 2) for more information on this distinction between addressing and resolving the issues in a violent conflict.

¹¹⁶ It could be argued that, in general terms, the Dayton agreement *addressed* the issue of 'sovereignty' by creating a new multiethnic state, but that by creating the Republic Srpska inside of Bosnia, it did not adequately *resolve* the specific Serbian claims of sovereignty.

However, even though there was consensus that Bosnia should be a multiethnic state, reaching an agreement about how it should be structured was not easy and Holbrooke utilized a directive mediation strategy to negotiate the details of the secondary issues. In one instance, he urged an increasingly withdrawn and pessimistic Bosnian Prime Minister to stay involved in the talks even though Holbrooke recognized that it was difficult for him to work with his adversaries and Holbrooke also warned him that if he failed to do so he would not reach his goal of creating a multiethnic state (Holbrooke, 1999: 279). In the end, agreement was reached on these secondary issues and they were included in the Dayton agreement.

Moreover, Holbrooke also used a directive mediation strategy to address the third main issue of the Bosnian war concerning the division of territory within the new multiethnic state. The division of territory was one of the most difficult issues to deal with during the Dayton process (Holbrooke, 1999: 255). In order to gain agreement on this difficult issue, Holbrooke threatened closing down the process if progress could not be made, used a trip by a high-level state department official to pressure the parties, asked one of the parties to make a major gesture of goodwill, made the parties aware of the gains made, pressed the parties to be flexible, and issued time ultimatums (Holbrooke, 1999). In the end, an agreement was reached that divided the territory into a 51/49 percent division between the parties. It is clear from the above analysis that a directive mediation strategy was vital for addressing this and the two other main issues in the Bosnian war.

Holbrooke's directive mediation strategy also enabled him to effectively address the behaviour of the parties prior, during, and after the mediation process. As the following two examples illustrate, this ability was vital for keeping people at or away from the table, as required, in order to ensure the success of the process.

Holbrooke's use of a directive mediation strategy enabled him to address and alter the behaviour of the parties *before* the Dayton mediation process began. For example, at one point during the Geneva conference (which was held to discuss a ceasefire agreement) the leader of the Bosnian Serb delegation stood up and declared that he would not participate in the talks unless he was given a seat at the table – Holbrooke then called a recess, took the man aside, and threatened that the process would go on with or without him and that it was in

his best interest to continue under the previously-agreed arrangements (Holbrooke, 1999: 140).¹¹⁷

On several occasions *during* the mediation, Holbrooke was also able to change the behaviour of the parties using tactics that are associated with directive mediation strategies. For example, when the Bosnian Prime Minister was withdrawn and refusing to participate in the map discussions, Holbrooke told him that he needed to participate in the discussions for the sake of his country's future and that if progress was not made within forty-eight hours, the Dayton process would be suspended (Holbrooke, 1999: 267-8). Holbrooke then went to Milosevic's room and told him that if he did not take the map issues seriously, then the Dayton process would be shut down (Holbrooke, 1999: 268). As a result of this 'threat tactic', the Bosnian Prime Minister and Milosevic sat down alone for over two hours of face-to-face talks on the issue of territory (Holbrooke, 1999: 268). In sum, Holbrooke's directive mediation strategy proved to be essential for changing the parties' behaviour.

ALTERING THE COSTS OF THE CONFLICT

The use of a directive mediation strategy allowed Holbrooke to change the immediate costs of continuing the conflict. Holbrooke's support for initiating NATO air strikes, maintaining sanctions against Yugoslavia unless real tradeoffs could be gained from Belgrade before lifting them, and the threat of withdrawing new resources (e.g. American support to 'equip and train' the Federation forces) are all examples of directive tactics used during the Dayton process that made the costs of continuing the conflict prohibitive for the parties.¹¹⁸

ALTERING THE FUTURE COSTS OF RENEGING ON THE AGREEMENT

Holbrooke's use of a directive mediation strategy meant that he could make the costs of renegeing on the initial ceasefire agreement and the Dayton agreement which later followed it very high for the parties.

¹¹⁷ Holbrooke had intentionally set up the table in this manner to emphasize the fact that the Slobodan Milosevic was representing the Bosnian Serb delegation in the talks.

¹¹⁸ It is important to note that these various tactics illustrate that both punishment and reward were used by Holbrooke.

Holbrooke changed the implementation environment by urging compliance with the agreement through the threat of using of force. That is, the draft ceasefire agreement reached prior to the Dayton agreement began with a call to cease offensive operations in Sarajevo and remove all heavy weapons within a week – failure to comply would mean the resumption of NATO bombing.

However, in another example, Holbrooke also used tactics associated with a directive mediation strategy to alter the future costs of renegeing on the Dayton agreement. Holbrooke returned to Bosnia to urge greater Bosnian Serb compliance with the Dayton Agreement and during that trip he threatened Milosevic with the possibility of renewed sanctions against Yugoslavia if an agreement could not be reached concerning some issues related to the upcoming election (Holbrooke, 1999: 341).¹¹⁹ In sum, there were several ways in which a directive mediation strategy proved to be useful for altering the future costs of renegeing on the agreement.

INFLUENCING REGIONAL ACTORS OR OUTSIDE GREAT POWERS

Holbrooke influenced other regional actors and outside great powers and one particularly poignant example of this is Holbrooke's intervention in a regional conflict. During the pre-negotiation phase of the Dayton process, Holbrooke and his team resolved a potentially explosive and bitter dispute between Greece and Macedonia using a directive mediation strategy because this dispute threatened the success of his efforts in Bosnia. There was a fear that if this dispute escalated, the entire region could be plummeted into violent conflict because of the complex historical relationship between the different actors in this dispute (Holbrooke, 1999: 122).

First, Holbrooke attempted to change the expectations of the Greeks by taking the President's wife aside and telling her that he had an offer from the Macedonian President, that if her husband accepted it, would give him an opportunity to make history and enhance the prospects for peace in Bosnia (Holbrooke, 1999: 123). This elevated the importance of reaching an agreement. Next, Holbrooke addressed the Greek President by telling him that a new agreement would not hurt his country's interests and they would only benefit from it,

¹¹⁹ This tactic worked because the next day Milosevic brought together some important Bosnian Serb political leaders for the purpose of reaching an agreement on some outstanding and contentious election issues.

thus making the President aware of the costs of nonagreement (Holbrooke, 1999: 125). Then, Holbrooke offered to have the US act as a 'guarantor' regarding the pledge made by the Macedonians (Holbrooke, 1999: 125). In the end, the Greek President responded favourably to Holbrooke's proposition and an agreement to end the dispute was reached soon after. In conclusion, Holbrooke used a directive mediation strategy to effectively influence regional actors to the Bosnian war, and he did this to help ensure the success of his own process.¹²⁰

FOSTERING RIPENESS

A directive mediation strategy was essential for fostering ripeness in this case and one example of this is provided by Holbrooke's support of the NATO air strikes. The aim of the NATO air strikes was to end the siege of Sarajevo and to protect the UN safe areas, not to force the Serbs to a ceasefire (Bowker, 1998: 1257).¹²¹ However, the air strikes were instrumental for getting the parties to the table (Banks and Straussman, 1999: 195). While the air strikes were not intended to pressure the parties to sign a new ceasefire agreement, Holbrooke supported continued air strikes against the Bosnian Serbs and used them to his advantage to pressure the parties towards agreement (Holbrooke, 1999). In addition, after a ceasefire had been reached and the bombing halted, Holbrooke used the threat of renewed bombing to pressure the parties into beginning peace talks (Holbrooke, 1999). In other words, the air strikes helped the Bosnian Serbs to realise that if they stayed on their present course, then things would inevitably get worse for them. As a result they realised that entering into negotiations would now be in their best interests.

¹²⁰ From this intervention Holbrooke (1999: 127) observed that, 'our intervention had demonstrated anew two central truths of the region: the United States was the only country that could force all parties to a solution; but to do so, we had to be assertive.'

¹²¹ It is important to note that the use of force by the international community and its exact role in this war created much confusion. One UN report which was re-examining the mandate of UNPROFOR explains its role as follows:

UNPROFOR is not, as many of its critics seem to believe, deployed to end the war in Bosnia and Herzegovina; that is a task for the peacemakers, currently led by the members of the "Contact Group", who are supported by the two Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and by my Special Representative. Nor is it an army that has been sent out to fight on one side in the war, though it is often criticized as if it had failed to prosecute a war effectively. It is, instead, a mission deployed by the Security Council to fulfil three purposes: to alleviate the consequences of the war, notably through helping in the provision of humanitarian aid; to contain the conflict, and mitigate its consequences, by imposing constraints on the belligerents, through the establishment of such arrangements as a "no-fly zone", safe areas and exclusion zones; and to promote the prospects for peace by negotiating local cease-fires and other arrangements, maintaining these where possible and providing support for measures aimed at an overall political settlement. The Force has so far had considerable success in fulfilling these purposes, but they are not an end in themselves. They attempt to produce conditions that will enable the peacemakers to negotiate an overall solution. (UN, 1995a: 19)

In sum, third-party force was used to shift the parties towards signing a new ceasefire agreement and the threat of the renewal of force provided further incentive to initiate full peace talks. In other words, a directive mediation strategy was useful for fostering ripeness in this case.

5.3.5 Spoiler Management

This part of the analysis will assess whether there were spoilers present in this case, what the mediator did to manage them, and what affect they had on the outcome.

Were there spoilers present in this case and, if yes, did the mediator address the spoilers?

There were spoilers in this case and Holbrooke effectively managed these spoilers. In one instance, Holbrooke returned to Bosnia-Herzegovina to manage spoilers during the implementation phase. Holbrooke recognized that one Bosnian Serb in particular, Radovan Karadzic, was a key spoiler who would need to be addressed (Holbrooke, 1999: 338). Several months after the signing of the Dayton Peace agreement, Karadzic emerged from seclusion and began issuing messages to his followers that they could still pursue separatist goals (Holbrooke, 1999: 338). Moreover, Karadzic utilized the ‘special police’ to threaten any Bosnian Serb who showed support for the Dayton agreement (Holbrooke, 1999: 338). Recognizing the harmful impact of Karadzic, Holbrooke notes that, ‘while the arrest of Karadzic would not have solved all the problems the international community faced in Bosnia, his removal from power was a necessary, although not sufficient, condition for success’ (Holbrooke, 1999: 338).¹²² Thus, Holbrooke returned to the region with the goal of removing Karadzic from power or weakening his influence (Holbrooke, 1999: 340). While Holbrooke favoured a military operation to arrest Karadzic, he ended up successfully negotiating a new deal which resulted in having Karadzic stepping out of politics, and the threat of re-imposing sanctions on Serbia was vital for reaching this deal (Holbrooke, 1999: 343-4).¹²³

¹²² In another example, in August of 1997 Holbrooke was asked by a reporter from PBS whether Karadzic was the main obstacle to the implementation of the peace agreement or whether another person would step in if he was removed; Holbrooke replied that, ‘he is not the only obstacle. But he is a real obstacle, and he should leave. And if he leaves, I think it will be a strong signal to all the people...’ (PBS, 1997).

¹²³ Thus, the use of directive tactics, like the threat of sanctions, was important for effective spoiler management in this case.

To conclude, there were spoilers in this case that had the ability to undermine the creation of durable peace. The mediator returned during the implementation phase to create a new agreement with one of the biggest spoilers, and this new deal reduced the power and influence of the spoilers.

5.3.6 Mediator's Experience

This section of the analysis determines Holbrooke's level of experience and how his level of experience affected his ability manage certain aspects of the mediation process.

Did the mediator's experience affect their ability to manage the key aspects of the mediation process?

Holbrooke came to the task of mediating the Dayton agreement with some previous mediation experience. For example, 'he had served on the U.S. delegation to the Paris peace talks with the Vietcong in 1968 and, as Assistant Secretary of State for East Asian and Pacific Affairs, he had conducted difficult negotiations with the Chinese and with former Filipino President Ferdinand Marcos' (Curran, Sebenius, and Watkins, 2004: 528).

As will be illustrated below, Holbrooke would often draw on this experience. Additionally, Holbrooke intentionally tried to draw on the experience of other successful mediators and to this effect he spoke at length with President Carter concerning his experiences with mediating the Camp David Accords (Holbrooke, 1999: 205).¹²⁴

As described earlier in this chapter, Holbrooke had a clear understanding of the power imbalances between the parties, and he went to great lengths to alter them. Holbrooke's level of experience was important in this respect. For example, in coming to the conclusion that the NATO bombing was helpful to the Bosnian peace process, Holbrooke made an evaluation of the similarities and differences between Bosnia and Vietnam, as explained in more detail in the following section. In other words, we can conclude that in this case the mediator's

¹²⁴ At one point in the Dayton process, Holbrooke even urged Milosevic to make a major gesture of goodwill just as Sadat had done in the Egypt-Israel case (Holbrooke, 1999: 280).

previous experience was important for the successful recognition and management of the power dynamics.

Holbrooke's experience with and knowledge of the Vietnam War directly affected his judgement about applying leverage at opportune moments during the Dayton process.¹²⁵ The best example of this comes from his decision to support NATO air strikes. Holbrooke was aware that the concept of 'diplomacy with force' had been debated by American decision makers since their 1965 campaign against the North Vietnamese, but when asked by the State Department if he supported NATO air strikes in response to the shelling of the Market in Sarajevo, he promptly replied that he did (Holbrooke, 1999: 92-3). Holbrooke based this decision, in part, upon his analysis that the goals of the air strikes in Bosnia were different than those in Vietnam. As it turns out, the air strikes became a key turning point in the Bosnian war and played an important role in getting the parties to agree to ceasefire talks and, eventually, the Dayton talks. Arguably, had Holbrooke sent a negative or mixed message concerning his view on the air strikes they would have not occurred and the talks could have been delayed for months.

However, Holbrooke's skilful use of applying leverage at opportune moments is also illustrated by the tactic of using President Clinton on day 20 of the Dayton process. While the Dayton process offers numerous examples of Holbrooke employing leverage at opportune moments, this one is particularly interesting because it was used to break a major deadlock on one contentious issue that threatened to cause failure of the entire process.

After reaching agreement on nearly every other issue, the parties reached a deadlock on how to divide the Bosnian territory into a 49-51 ratio between themselves. Holbrooke recognized that this deadlock threatened the entire mediation process and, as such, also recognizing that President Clinton's leverage could be used only once, and at an ideal time, he decided to engage him (Holbrooke, 1999: 301). The President then made calls to both parties who were blocking the process and he urged them to reach agreement on this last issue (Holbrooke, 1999: 302). Holbrooke then combined the President's message with a time ultimatum and the parties reached the final Dayton agreement soon afterwards (Holbrooke, 1999).

¹²⁵ Holbrooke also drew directly from his experience in Vietnam when planning other aspects of the Dayton process. For example, the room layout for the Geneva conference to discuss a Bosnian ceasefire agreement was the same as the layout used in the Vietnam process (Holbrooke, 1999:137-8).

In sum, Holbrooke's experience was vital in determining when and how he employed different types of leverage. Moreover, a highly-experienced mediator recognizes that some of their sources of leverage can only be used once, so must be used at the appropriate time. Additionally, a highly-experienced mediator combines their leverage to create maximum impact.

Holbrooke's experience level meant that he could effectively prevent linking or create new links, as required, between the Dayton process and other activities. Interestingly, Holbrooke's level of experience also guided his choices about when and how *to not* link his mediation efforts with other activities. For example, on several occasions Holbrooke successfully limited other mediation processes from starting because he knew that too many processes would lead to 'venue shopping' (Holbrooke, 1999). In another example, Holbrooke knew that for the Dayton process to succeed, he would need maximum flexibility and control of the process (Holbrooke, 1999). To achieve this, Holbrooke disliked sharing his thoughts on the mediation process with anyone outside of his team and, 'Holbrooke was a master at artfully concealing and revealing information in his actions' (Curran, Sebenius, and Watkins, 2004: 521). Additionally, Holbrooke frequently kept the International Contact Group in the dark in a conscious effort to exclude the Europeans from the Dayton process (Curran, Sebenius, and Watkins, 2004: 521) because Holbrooke recognized that consulting the Contact Group prior to each action would make it impossible for the negotiations to proceed, let alone succeed (Holbrooke, 1999: 117).

In one instance, however, Holbrooke did link the mediation process with other activities. Holbrooke supported the trips made by the Human Rights Bureau into Bosnia for a number of reasons, including the fact that they could focus public attention on ethnic cleansing and increase the pressure on Milosevic to stop these practices (Holbrooke, 1999: 189). These trips also served to provide a constant public reminder that the peace process was also supporting justice issues (Holbrooke, 1999: 189). Once again, the above example illustrates that Holbrooke knew when and how to link or not link the Dayton process to other activities and that these key procedural decisions were based on the knowledge acquired from years of experience.

In conclusion, this case confirms that a highly-experienced mediator is adept at linking their mediation process with other relevant processes. Moreover, it was found that a highly-

experienced mediator knows when, how, and why to block linkages with other processes in order to ensure the short-term success of their own process.

As noted earlier in this chapter, Holbrooke's use of a directive mediation strategy allowed him to effectively manage spoilers to the Dayton process. However, the next section of this analysis determines whether Holbrooke's experience level affected his ability to manage spoilers.

Holbrooke's experience level meant that he was adept at managing spoilers. To return to the example of Radovan Karadzic used earlier in this chapter, Holbrooke knew long before the Dayton process began that Karadzic could cause the failure of the agreement and Holbrooke alerted President Clinton to this fact (Holbrooke, 1999: 338). Arguably, less experienced mediators would not be able to recognize potential spoilers so early in the process.

Moreover, a variety of options were considered for dealing with Karadzic, including a possible military operation to arrest him on war crimes charges (Holbrooke, 1999: 338). However, the problem Karadzic posed was addressed through a negotiated agreement that Holbrooke brokered. During this negotiation, Holbrooke had enough foresight to list specific violations of the new agreement so that they were clear to everyone and to ensure that Karadzic himself signed the original agreement in order to avoid him from later claiming that his signature was a forgery (Holbrooke, 1999: 343).¹²⁶ Once again, a less experienced mediator may have settled for a signature by fax, only to find later that the agreement fails because the parties could claim that their signature was forged. In conclusion, Holbrooke's experience was vital in ensuring that at least one major spoiler to the Dayton agreement was effectively managed.

There are several examples that demonstrate Holbrooke's level of experience meant that he had a keen sense of what motivated outside actors and how to influence them. Perhaps the best example of this is Holbrooke's management of the Contact Group and of one member in particular: Russia. Managing the Contact Group created a constant conundrum for Holbrooke: they expected to be consulted and briefed before each of Holbrooke's actions (which often led to lengthy delays in undertaking actions and/or information leaks by the Russians to Belgrade) and when they were not consulted it led to public complaining

¹²⁶ This was a point that Holbrooke was insistent upon (Holbrooke, 1999).

(Holbrooke, 1999: 84). However, Holbrooke was acutely aware that his relationship with the Contact Group represented broader American-European relations and American-Russian relations (Holbrooke, 1999: 83-4). As such, Holbrooke knew that the Contact Group was an important ally and that their support was needed for his efforts to succeed (Holbrooke, 1999: 84).¹²⁷

In one specific example, when Russia demanded to be a third co-chair of the Geneva meeting to discuss a Bosnian ceasefire, Holbrooke became worried that they would cause a serious problem for the negotiations because of their pro-Serbian position (Holbrooke, 1999: 117). However, Holbrooke and his team felt that the Russians did not want to run or ruin the negotiations and that their demand was based on a need to be seen as still being important in the international arena (Holbrooke, 1999: 117). As such, Holbrooke gave Russia a co-chair position knowing that Moscow would be easier to manage if it was given an equal position at the meeting. Holbrooke's sharp analysis of Russia's motivations and his effective management of them and other outside actors was based on his past political experience. In sum, Holbrooke did influence outside actors, and he always did this with a view to increasing the prospects that his own process would be successful. Moreover, there is a lot of evidence that suggests Holbrooke's successful management of these outside actors was, to a large extent, based on his previous experience.

In conclusion of this section of the chapter, six key factors from the Dayton mediation process were analyzed in order to determine their role in creating durable peace in Bosnia.

5.4 Summary and Conclusions

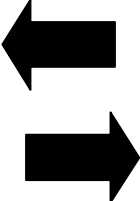

In this chapter, Richard Holbrooke's efforts to mediate the Dayton peace agreement and the ceasefire which preceded it were systemically analyzed.

Similar to the last case, the post-war struggle for power was channelled into nonviolent mechanisms and processes, a directive mediation strategy was used (albeit one that was more

¹²⁷ More specifically, Holbrooke recognized that having Russian support would provide him with leverage over Belgrade (Holbrooke, 1999: 84).

directive than Carter’s), a highly-experienced mediator led the process, and the potential spoilers were managed. Unlike the previous case, however, there was an equal distribution of power between the parties at the time of mediating the agreement. The results of this analysis are summarized below in Figure 5.1

Figure 5.1 Overview of the Model for Durable Peace Applied to the Bosnian Case

CONTEXT		PROCESS		OUTCOME	
<p>Relationships: The parties had a previously friendly relationship.</p> <p style="text-align: center;">-</p> <p>New friendly relationships are created.</p> <p style="text-align: center;">-</p>		<p>Mediation Timing: The mediation was early.</p> <p style="text-align: center;">-</p>		<p>Durable Peace (Success)</p>	
<p>Distribution of Power: There is an equal distribution of power between the parties at the time of mediating the agreement.</p> <p style="text-align: center;">+</p> <p>The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.</p> <p style="text-align: center;">+</p>		<p>Mediation Strategy: A directive mediation strategy was employed.</p> <p style="text-align: center;">+</p>			<p>Spoiler Management: Potential spoilers were managed.</p> <p style="text-align: center;">+</p>
	<p>Mediator’s Experience: A highly-experienced mediator led the process.</p> <p style="text-align: center;">+</p>				

Once again, several additional important insights were derived from this case. The agreement in this case was balanced not because it equally split the positions between the two parties,

but because it equally divided the disputed territories into a precise 49/51 percent ratio.¹²⁸ Holbrooke's directive mediation strategy gave him maximum leverage to alter several of the conflict dynamics. In this sense, he had greater power than Carter. Lastly, Holbrooke's experience meant that he was adept at managing certain critical aspects of the mediation process. More precisely, he was actively shaping the process, and this is best exemplified by his tactic of blocking additional linkages to other processes in order to guarantee the short-term success of his process.

The analytical framework will now be applied in the following two chapters to two cases which are considered failures: 1) the UN-led mediation process which produced the Lusaka Protocol in Angola, and 2) the OSCE-led mediation of the first Chechen war.

¹²⁸ This precision was reached because Holbrooke utilized satellite images and specialized computer software which mapped the contested region and allowed the parties to 'see' the actual territory and how it could be divided.

Chapter 6

Case Study Three: The Lusaka Protocol

6.1 Introduction

Africa is paradoxical in many ways: parts of it have bountiful resources like diamonds, oil, fish, fruit, and water. Other parts have breathtaking scenery and wildlife like nowhere else in the world, making it a potentially very lucrative tourist destination. Yet, juxtaposed next to these aspects of Africa is another aspect marked by persistent war, famine, disease, drought, underdevelopment, and poverty. Angola may be typical of the African experience in that most of these two major contradictory aspects of Africa are found in this single country.

This is the first chapter in this study which will examine a case where mediation did not result in durable peace. The analysis which follows is based on the case of mediating the Lusaka Protocol which brought the third Angolan civil war to an end in 1994; this war re-erupted again in 1998. The general features of the case will be presented first, followed by the analysis.

6.2 Features of the Case

The roots of the war in Angola can be traced back to the struggle for independence from the colonizing power, Portugal (Hare, 2005: 209 and Anstee: 2001: 70).¹²⁹ During this struggle three liberation organizations formed, one of which was the National Union for the Total Independence of Angola (UNITA) (Hare, 2005:209), and it was excluded from the newly-formed government (Meijer and Birmingham, 2004). Over the course of the next few decades, UNITA would go on to fight several separate wars with the government regarding the control and governance of the country.

A number of outside actors played important roles in this war and in efforts to terminate it. For example, a number of analysts consider earlier phases of the Angolan war to be a 'proxy-war' between the US and the Soviet Union because the Americans had provided covert

¹²⁹ Angola gained independence on 11 November 1975 (Meijer and Birmingham, 2004).

assistance to UNITA, and the Soviets had provided support to the Angolan government (Hare, 1998: xvi and Human Rights Watch, 1999: 13).¹³⁰ In terms of efforts to resolve the war, however, the United States, Portugal, and the Soviet Union (known as the ‘Troika’) had all been in place in 1991 and had been involved in earlier failed peace talks, most notably those which led to the Bicesse Accords (Anstee, 2001: 71-2). During these talks the UN was only given a marginal role (Anstee, 2001: 71), but it would later take the lead in the mediation process which led to the Lusaka Protocol.¹³¹

The war which immediately preceded the signing of the Lusaka Protocol was particularly intense and had devastating impacts. Meijer and Birmingham (2004) maintain that this war was more brutal than all of the previous ones and, ‘whole cities were reduced to ruins, hundreds of thousands of people were killed or died from war-related deprivation and disease, and millions were displaced, some for the second or even the third time.’ One estimate places the direct deaths of the conflict between October 1992 and late 1993 at 300,000 people – or 3 percent of the population (Human Rights Watch, 1999: 15).

According to the criteria used in the UCDP/PRIO Armed Conflict Dataset (Version 4-2007), the Angolan civil war began in 1975 and ended in 1994. Therefore this war lasted nineteen years.

There were numerous mediation efforts prior to the one that resulted in the Lusaka Protocol. For example, as briefly mentioned earlier, in May 1991 the Bicesse Accords were signed in Portugal (Accord 15, 2004). After this agreement collapsed the UN initiated a new round of talks held in Addis Ababa (Accord 15, 2004). These talks did not produce a new peace agreement (Accord 15, 2004). The process which led to the Lusaka Protocol, however, began on July 5, 1993 when newly-appointed UN mediator Alioune Blondin Beye (a Special Representative of the Secretary-General) held his first meeting with the Angolan President (UN, 1993a: 3). The process concluded in November, 1994 with the signing of the Lusaka Protocol.¹³² This mediation process, therefore, lasted for 16 months.

¹³⁰ The Soviet Union was later known as the Russian Federation.

¹³¹ Despite having only a marginal role in the Bicesse talks, the UN established a new peacekeeping operation, named the United Nations Angola Verification Mission (UNAVEM) II (Anstee, 2001:71). Likewise, UNAVEM I was established in 1988 (Anstee, 2001: 71), and UNAVEM III was established in February 1995 to monitor the implementation of the Lusaka Protocol (Anstee, 2001: 79).

¹³² Beye was active after the signing of the peace agreement, but for the purpose of calculating the length of the mediation process, this study only considers the events leading up to the signing of the agreement as being part of the formal mediation process.

The peace created by the Lusaka Protocol, however, was to be short. The UCDP/PRIO Armed Conflict Dataset (Version 4-2007) lists a minor armed conflict occurring in 1995.¹³³ According to this same source, the full resumption of the war occurred in 1998, and Anstee (2001: 79) identified the exact start date in December of that year with the launch of a new government offensive against UNITA. Based on these dates, the peace created by the Lusaka Protocol lasted four years and one month.

6.3 Analysis

Having established in the previous section the general context under which the Lusaka Protocol was reached, this section will provide a detailed analysis of the mediation process utilizing the analytical framework presented in Chapter 3.

6.3.1 Relationship between the Parties

This section of the analysis examines the previous relationship between the parties and its affect on the parties' post-agreement relationship.

Did the parties have a previously friendly relationship and, if yes, how did that affect the creation of new friendly relationships in the post-agreement stage?

The Angolan government and UNITA had a previous relationship marked by several armed conflicts. For example, the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) lists two minor conflicts between them prior to the war which ended in 1994.

There were no friendly relationships between the parties prior to signing the peace agreement, and, moreover, they did not improve after signing the agreement. The UCDP/PRIO Armed Conflict Dataset (Version 4-2007) shows a minor conflict, possibly at the intensity of being a war occurring in 1995, and then the full resumption of the war in 1998.

More specifically, the days and months following the signing of the Lusaka Protocol were marked by several incidents which show that the relationship between the parties had not

¹³³ To be more precise, the dataset states that it may have 'possibly' been a war in 1995.

improved.¹³⁴ For example, on the evening of signing the agreement there was intensification in the fighting and these armed confrontations would also recur some months later in direct violation of the ceasefire (MacQueen, 1998: 407). To this effect, one UN report states that, ‘despite the initialing of the Lusaka Protocol on 31 October 1994, fighting continued throughout Angola, with major offensives launched by FAA [the Forças Armadas Angolanas]. As a result, the Government was able to retake many strategically important areas of the country, including all provincial capitals, some of which had been occupied by UNITA for many months’ (UN, 1994a: 3). Moreover, the UNITA leader did not even sign the agreement because he feared for his life should he leave his compound. One article in the *New York Times*, for example, states that, ‘despite the determined optimism put on for the signing, the credibility of the treaty was diminished by the absence of the rebel leader, Jonas Savimbi, who sent word that he was unable to leave his hideout in Angola because the Government would try to kill him’ (Keller, 1994a). In yet another example, it took repeated attempts to have the UNITA leader eventually meet with the Angolan President, and when they did finally meet during the post-agreement period there was an outward appearance of friendliness which many observers knowledgeable with the conflict knew to be ‘posturing’ (MacQueen, 1998: 409).¹³⁵ In conclusion, the previous relationship between the parties and their leaders was not friendly, nor did it improve quickly and easily during the post-agreement phase.

6.3.2 Distribution of Power between the Parties

The balance of power between the parties is assessed in this section of the analysis, the tactics used by the mediator to balance the power are identified, and the affects of any power asymmetries are examined. Moreover, the parties’ struggle for power is also examined.

¹³⁴ Beye had been quoted in several sources as saying that one of the primary aims of the peace process was to build trust between the parties (see Boston Globe, 1994) and some observers had noted that the Lusaka Protocol would have had a strong chance of lasting if the international community could have deployed adequate numbers of observers and the mediation process could have developed a sense of trust between the parties (see Knudsen and Zartman, 1995: 143).

¹³⁵ It should be noted, however, that the negotiators representing the two parties had a surprising friendship between them (Hare, 1998: 24).

Did the mediator balance the power between the parties in order to help create a balanced agreement?

UNITA began as the stronger party, but by the time the Lusaka Protocol was signed they were the weaker party by far. For example, UNITA controlled approximately 70 percent of Angola in September 1993, including a major airfield town, a diamond centre, and an oil-rich town – it did not, however, control the country's capitol (Hare, 2005: 221).¹³⁶ During this same period, the government tried to increase its power through a number of means including the recruitment of mercenaries, increasing the size of its army, training elite commando units, and purchasing massive amounts of arms and other military equipment (Hare, 2005: 221).

During the period when the Lusaka talks were being held, however, the balance of power began to move away from UNITA and back towards the government (Hare, 2005: 221). With the talks still ongoing, the government continued to fight UNITA and it gained back some territory (Hare, 2005: 221). Moreover, just days prior to signing the peace agreement, UNITA was forced out of its main stronghold at Huambo (Keller, 1994b). UNITA was clearly at a disadvantaged position going into the talks and their power continued to diminish right up to the moment that the agreement was signed. In sum, there was not a balance of power between the parties during the mediation, and UNITA was much weaker than the Angolan government.

The strategy of the UN and the rest of the international community was not to bolster UNITA so that it would be on a more equal footing with the government. Rather, the opposite course of action was taken: the UN and several other members of the international community began to favour the government side in order to bolster its power, while trying to limit the increase of UNITA's power.

Several examples illustrate the point that an increase in government power was supported, while limiting the increase of UNITA's power. First, after the collapse of an earlier set of peace talks (the Abidjan talks) in 1993 the UN responded by placing an arms and petroleum embargo on UNITA with an additional threat of further restrictions should UNITA fail to comply with the resolution (Hare, 2005: 220). Second, in May 1993 the US formally recognized the Angolan government, thus providing them with legitimacy (Anstee, 2001: 76).

¹³⁶ Hare (2005: 221) observes that UNITA declared unilateral ceasefire at this time in an attempt to 'lock-in' these battlefield gains.

This move also decreased the power of UNITA because it reframed the armed conflict as an illegal rebel uprising against a legitimate government. Third, while the Lusaka Protocol was based on the formula of the Bicesse Accords it was also designed to overcome the shortcomings of these earlier agreements (Knudsen and Zartman, 1995: 140). The Lusaka Protocol, however, further reduced UNITA's power by stipulating that they would disarm their army, retreat from the territory they already held (and therefore also lose the revenue generated through the mining of diamonds in those areas, plus lose the political support of the people in those regions), and occupy positions of lesser power in the newly formed government.¹³⁷ In other words, the agreement would undermine nearly all remaining sources and forms of power that the already less powerful UNITA had at the time of signing the agreement.¹³⁸

Was the struggle for power channelled into nonviolent mechanisms and processes?

As described above, the Lusaka Protocol would have removed most of UNITA's military, political, social, and economic power, and there were several warning signs that the agreement was problematic for these reasons. First, in mid-1994 Savimbi apparently told UNITA's Secretary General that he did not want responsibility for the peace process, and therefore he was not directly involved in any of the negotiations (Human Rights Watch, 1999: 17). Second, Savimbi himself would not sign the agreement and instead sent a subordinate to sign it on his behalf (MacQueen, 1998: 406). While he cited security reasons as the explanation for his behaviour (Hare, 1998: 64), it was later reported that he was not happy with the agreement (Human Rights Watch, 1999: 17). The fact that he did not sign the agreement also served as, '...a sign of continued lack of confidence in the peace process' (Human Rights Watch, 1999: 17). Third, once the agreement was signed by UNITA, Savimbi had stated that he had a tough time getting the UNITA military to accept an agreement which they felt was unjust and unbalanced (Thiessen, 1996: 27). Fourth, implementation of the agreement was extremely slow. While there were delays on both sides, UNITA was more

¹³⁷ One report from the *Associated Press* makes the point that under the Lusaka Protocol UNITA agreed to, '...relinquish its control over more than half of the country it seized during the two-decade-old civil war' (Associated Press, 1998b).

¹³⁸ In Knudsen and Zartman's (1995: 140) analysis of the Lusaka Protocol they note that in any peace agreement, 'the proposal formula frames the nature of the solution, by defining the terms of trade between the parties or by establishing a principle to be applied to both parties. The formula should appear just and satisfactory to both parties, covering the major issues of the conflict and including important demands from both sides since parties will not give up claims without compensation.' Clearly the formula contained in the Lusaka Protocol had the seeds to appear 'unjust' and 'unsatisfactory' to UNITA because of the disadvantaged position it put them into. This topic will be discussed in greater detail in subsequent sections of this chapter.

often than not responsible for them (Hare, 1998: 104). These delays could be interpreted as Savimbi trying to cling to his remaining sources of power for as long as he possibly could. Fifth, a persistent and problematic question which was deliberately not discussed in the agreement was the future status and role of Savimbi (Hare, 1998: 107). This unresolved question would come back to haunt the implementation of the agreement, and because the post-war status and power afforded to Savimbi was not addressed it becomes less surprising that he retained the option of returning to war, thus maintaining his present position within UNITA.

The multiple violent episodes described earlier in this chapter provide ample evidence that the violent struggle for power clearly continued during the negotiations leading up to the signing of the Lusaka Protocol and even after the Lusaka Protocol had been signed. This power struggle evidently could not be channelled into nonviolent processes and mechanisms. Ultimately, because the parties continued to choose to use violence to achieve their aims, peace could not be established, and the war recurred.

In sum, there were multiple signs that the agreement was unbalanced, and some of the implementation delays and other post-implementation actions can be understood as Savimbi trying to maintain the little amount of power which he had left for as long as he possibly could.¹³⁹ To this effect, Anstee (2001: 79) remarks that, 'an inescapable truth that must never be forgotten by any negotiator is that even the most effective peace operations and the most persuasive negotiators cannot succeed if any party to the conflict is driven to obtain power at any cost and by any means, and will stop at nothing to realise that ambition. That, sadly, is the case in Angola.' A major factor in the failure of the Lusaka Protocol to create a durable peace is that the balance of power was already in favour of the Angolan government, and the Lusaka Protocol placed UNITA in an even further disadvantaged position. The disadvantaged position afforded to UNITA because of the changes stipulated in the Lusaka Protocol ultimately led to the demise of the agreement and the recurrence of the war.

¹³⁹ In another example of UNITA's implementation delays, the *Associated Press* reported on June 2, 1998 that Beye held a news conference in which he stated that the rebels had maintained armed units in the bush and that they failed to meet the latest deadline in the peace process related to surrendering some more territory under its control (Associated Press, 1998b).

6.3.3 Mediation Timing

In this section of the analysis it will be determined whether Beye's mediation process was initiated early, and whether the timing of his process meant that the parties were less entrenched in their positions and could therefore produce a good agreement.

Did the timing of the mediation mean that the parties were less entrenched in their positions and were therefore able to produce a good agreement?

As noted earlier, according to the criteria used in the UCDP/PRIO Armed Conflict Dataset (Version 4-2007), the Angolan civil war began in 1975 and ended in 1994. The mediation process which led to the Lusaka Protocol began on July 5, 1993. Hence, the mediation was initiated a staggering 18 years after the start of the war.¹⁴⁰ This mediation is therefore not considered to be initiated early.

In October of 1993 Beye began 'talks to begin talks' and there was sufficient flexibility of positions between the parties at that time to allow for formal peace talks to begin on 15 November, 1993 (Hare, 1998: 19-20).

While there may have been sufficient indications early on that the parties were willing to start new talks which would likely be productive, once the main talks began the parties became more entrenched in their positions. Knudsen and Zartman (1995: 138) state that, 'at secret meetings in Zambia in mid-November 1993, the United Nations' special representative, Alioune Blondin Beye, persuaded the belligerents to talk to each other for the first time in months. The government insisted that UNITA withdraw from the 60 percent of the country that it then controlled and disarm its civilian supporters. UNITA demanded a "serious" role in central government, rather than the token positions that it was offered after the September 1992 elections; autonomy for the central highlands; and the disbanding of the government's riot police.'¹⁴¹ The first item on the agenda to discuss was the terms of a new ceasefire and agreement was quickly reached on this issue (Hare, 1998: 26). When the talks then turned to

¹⁴⁰ Even if the start date for the war is shifted forward to the renewal of hostilities following the 1992 elections (which were held on 31 October, 1992), then the mediation would still not be considered to be initiated early because it would have begun some nine months after the resumption of hostilities, and as described earlier in this study, only a mediation which occurs within six months of the outbreak of the war would be considered 'early'.

¹⁴¹ Knudsen and Zartman (1995: 138-9) argue that because of these positions, 'the groundwork was in place for a potential repeat of past failures...'

the question of the demilitarization of UNITA, a key issue, the talks nearly collapsed because the parties could not agree on the disarming of UNITA troops (Hare, 1998: 27). UNITA refused to accept the government (and mediator's) propositions on this matter despite their arguments made for accepting the proposal (Hare, 1998: 27).¹⁴² In yet another example of the difficulty of reaching an agreement in this case, even on the most minor of issues, the *New York Times* states that, 'the treaty is the product of 12 months of talks so glacial in their progress that at one point the negotiators spent an entire week quarreling over the name of the joint commission that will work out the timing and details of the reconciliation. They finally called it "The Joint Commission" (Keller, 1994a). As these examples clearly illustrate, reaching an agreement in this case was not easy – even on some matters of seemingly trivial importance.

The Lusaka Protocol does not contain all of the four main features of good agreements.¹⁴³ It was indeed crafted by the conflicting parties, which is the first feature of good agreements. However, the agreement lacks some of the second features of good agreements related to military, security, political, and economic matters. More precisely, as noted earlier, the agreement did not address the question of Savimbi's post-war political position. As will be described later in this chapter, this would be an influential factor in the resumption of the war. Additionally, good agreements also address possible economic advantages. Once again, as also described earlier in this chapter, the Lusaka Protocol would have removed most, if not all, of UNITA's sources of revenue. This, of course, meant that instead of addressing a possible economic disadvantage the agreement actually helped to create one. The third feature of good agreements is that they contain provisions for third-party mediation and renegotiation in the implementation phase. While this aspect is not specified as clearly as it is in both the Egyptian-Israeli agreement and the Dayton agreement, the Lusaka Protocol does state that the new mandate of the UN will be one that will support the effective, sustained, and full implementation of the agreement (United States Institute of Peace, 1998a). It is likely that this would also include undertaking further mediation between the parties, if required.¹⁴⁴ The fourth feature of good agreements is that they are formal and detailed, have large peacekeeping missions, and call for the creation of confidence building measures. The

¹⁴² The option of setting this issue aside to first address the easier issues was considered, but ultimately abandoned because Beye knew that it had to be addressed, even if it led to the demise of the talks (Hare, 1998: 28).

¹⁴³ See section 3.2.3 for a discussion of the four features of 'good agreements'.

¹⁴⁴ This was indeed the case as one of the main features of UNAVEM III's mandate was to provide good offices and mediation to the parties (UN, 1997).

Lusaka Protocol is formal and detailed, calls for the establishment of a new UN peacekeeping mission (UNAVEM III) and contains some confidence building measures such as the establishment of the Joint Commission to oversee implementation and address violations (See Appendix E).

To conclude, there were enough early indications that the parties were showing some flexibility to begin a new round of peace talks. However once the talks began the parties became entrenched in their positions and reaching agreement on key issues became very difficult. While the Lusaka Protocol does contain many features of good agreements, it is seriously lacking in the areas of effectively dealing with allocation of political power and in addressing possible uneven economic advantages – on the contrary, the agreement created an economic disadvantage for UNITA.

6.3.4 Mediation Strategy

The type of mediation strategy utilized by Beye will be determined in this section of the analysis, and then certain aspects of the mediation strategy will be examined in order to determine their affect on the outcome in this case.

What type of mediator strategy was employed and what affect did that strategy have?

It is clear that Alioune Blondin Beye used a directive mediation strategy. For example, it was reported that Beye's background as a lawyer gave him the ability to 'tear apart' the arguments raised by the lawyers in each party (Hare, 1998: 25). In other words, he was changing the parties' expectations of what was possible and why. Moreover, the mediators would make arguments in order to have the parties accept a proposal (Hare, 1998: 27). Additionally, Beye issued an ultimatum to both parties during the implementation phase that he would abandon his role as mediator unless greater progress could be made (BBC, 1998). Lastly, the mediators had the power to and did verify (and enforce) compliance with the

agreement through the deployment of UN peacekeepers.¹⁴⁵ Beye's use of several directive tactics meant that he used a directive mediation strategy.

DISPUTED ISSUES AND RELATED BEHAVIOUR

This study argues that directive mediators are more likely to create durable peace because they address both the disputed issues and related behaviour. As such, the next section of this analysis identifies both the disputed issues and the related behaviours. Then, it assesses whether and how the mediator in this case addressed both of these items.

The Angolan conflict was ultimately about the control and governance of the country. While this conflict had many disputed issues, the two key ones concerned military and political issues. Did Beye address these issues, and how?

It is clear that Beye wanted to take the time to address all of the issues. For example, Beye was quoted in one newspaper as saying, 'this time we're going to have direct international involvement, including the presence of UN peacekeepers. We have also tried to address the deeper issues, rather than just put a cease-fire in place' (Boston Globe, 1994).

True to his statement, Beye did take the time to address the two key issues in this conflict. For example, Hare (1998) argues that the Lusaka Protocol addressed the two interlinked issues by requiring each party to make a different type of trade-off. To this effect, he states:

On the one hand, UNITA would disarm its military wing and become a legitimate political party. Its soldiers could either join the national army or the police or be reintegrated into civilian life. The UNITA generals would be incorporated into the military command structure, as they had fleetingly been during the Bicesse period. During this phase of the negotiations, UNITA was asked to make most but by no means all of the concessions. On the other hand, UNITA would be offered positions in the government at all levels – national, provincial, and local – and its deputies would return to the National Assembly so that the party could participate fully in the political life of the country and help to promote a spirit of national reconciliation. During this next phase of the negotiations, the government would be asked to offer political space to UNITA. (Hare, 1998: 37)

¹⁴⁵ Interestingly, Beye had tried to control the timing of the process through the issuing of a calendar and various pre-established deadlines, a tactic normally associated with a procedural mediation strategy, but he abandoned this tactic because it eventually proved to be futile (Hare, 1998: 33).

Moreover, the tactics associated with Beye's directive mediation strategy meant that both of these issues were addressed in the agreement.¹⁴⁶ For example, Hare (1998: 35) notes that, 'Beye was indisputably in command of the negotiations. Although the delegations might occasionally grumble about his strong-arm tactics and his inclinations to impose discipline, they never got far in their complaints.' More specifically, Beye set the agenda and defined the structure of the mediation process (Hare, 1998: 25), argued with the parties to get them to make concessions or to accept a proposal (Hare, 1998: 27), sought to use American influence to advance the process (Hare, 1998: 36), built unity among the Troika so that they would support the process (Hare, 1998: 35), and rejected proposals which he felt were bad and then met with the parties to help them improve their proposals (Hare, 1998: 40). In other words, Beye's use of a directive mediation strategy meant that the two key issues in this conflict were addressed.

Throughout the entire time the Lusaka Protocol was being negotiated the fighting between the parties continued (Human Rights Watch, 1999: 17). The UN did try to address this behaviour through various sanctions. The parties, however, then undertook new 'sanction-busting' efforts. The UN was ineffective in dealing with UNITA's sanction-busting efforts in 1995 and 1996 (Human Rights Watch, 1999: 5). For example, when the oil sanctions against UNITA came into effect, UNITA then fuelled the war through the sale of diamonds (Human Rights Watch, 1999: 5). Moreover, the mediation team condemned the continued fighting, '...but its declarations had little effect' (Hare, 1998: 30). In other words, despite the use of a directive mediation strategy, the mediators were unable to address the behaviour of the parties.

ALTERING THE COSTS OF THE CONFLICT

The sanctions discussed above, and others such as travel restrictions placed on UNITA leadership which would occur later in the war, were an attempt to make it more difficult and costly for UNITA to continue to wage the war. They were ineffective for a number of reasons including that UNITA shifted to financing its operations with the sale of diamonds and it

¹⁴⁶ A UN assessment mission deployed to Angola found that, 'the format used [by Beye] in the talks seemed to be particularly helpful. The general and specific principles of each agenda item were examined first and then the modalities for their implementation were considered. Informal consultations and face-to-face meetings between the two delegations were encouraged and this had a positive impact on the resolution of some difficult and delicate issues' (UN, 1994: 6).

continued to buy and receive arms shipments.¹⁴⁷ In sum, the mediator could not make the cost of continuing the conflict too costly for the parties and they continued to wage the war while the talks were ongoing and technically even after the agreement was signed.

ALTERING THE FUTURE COSTS OF RENEGING ON THE AGREEMENT

This study argues that directive mediators might be better able to create durable peace because they change certain aspects of the implementation environment. This raises the question: did the mediators alter the implementation environment by making it costly for the parties to renege on the agreement?

Beye's post-agreement policies and approach to implementation did not change the cost to the parties of renegeing on the agreement. Both parties were allowed to make breaches of the agreement and the, '...fundamental mistake [which contributed to the collapse of the peace agreement] was a policy of turning a blind eye and impunity towards breaches of the accords, as advocated by the U.N. Special Representative Blondin Beye' (Human Rights Watch, 1999: 2).¹⁴⁸ This passive approach was employed by the UN until Beye changed the strategy shortly before his death in May 1998 (Human Rights Watch, 1999: 2). Moreover, 'the period between late 1997 and mid-1998 was also marked by Special Representative Blondin Beye's absence from the scene for most of the time for treatment of a heart condition. His absence contributed to both sides becoming more intransigent' (Human Rights Watch, 1999: 25). In sum, it can be concluded that by not consistently and actively enforcing the terms of the agreement, and by being physically absent, Beye made it a viable option for the parties to renege on the agreement.

INFLUENCING REGIONAL ACTORS OR OUTSIDE GREAT POWERS

There is evidence that Beye worked at a regional level. For example, one UN report states that he had undertaken 'intensive consultations' with Namibia, Zaire, Zimbabwe, Gabo, Congo, Zambia, and others (UN, 1993b: 3). Furthermore, the former Under-Secretary-

¹⁴⁷ Of the three Troika members, the US was the only one not to provide its military services directly to the Angolan government, whereas Portugal and Russia provided various forms of military support including the Russian sale of weapons to the government both before and after the signing of the Lusaka Protocol (Human Rights Watch, 1999: 98-103).

¹⁴⁸ According to the same source, one UN official is quoted as saying that the situation was so serious that if the UN made public the info it had regarding these breaches, there would be a return to war.

General (James O. C. Jonah) undertook an assessment mission to Angola at the Secretary-General's request and he found that, 'the approach followed by [the] Special Representative in the negotiating process seemed appropriate,' because the Special Representative, '...had not only involved the three observer States at all times but had also sought the contribution of the countries of the subregion which have close links to the situation in Angola' (UN, 1994b: 6).

What is less clear, however, is whether these actors were vital for the success of the peace process in this case and what, if any, positive results came from these consultations. There appears to be more evidence in this case that bringing regional actors into the process was detrimental to the process, as exemplified by the complications created when Beye brought in the Zambians (a full description of this appears later in this chapter). Moreover, holding consultations is not a directive tactic, and so it can be concluded that a directive mediation strategy was not used in this case to influence other actors.

FOSTERING RIPENESS

According to one account by a former UN mediator in the Angolan war, peace was possible in Angola in 1991 and 1992 (after the Bicesse Accords were signed) if there had been more implementation resources, but by 1993 and 1994 the resumption of hostilities meant that peace was not possible, and hence, the 1994 Lusaka Protocol failed because the timing was not right (Anstee, 2001: 77).¹⁴⁹ What, if anything, did the UN mediators do to foster ripeness in this case?

Contrary to the above statement, there were at least three signs to indicate that UNITA was ready for renewed talks in 1993. First, they had declared a unilateral ceasefire on 12 September, 1993, and requested UN monitoring (Hare, 1998: 17). Second, on 06 October, 1993 UNITA issued a seven-point communiqué in which they reaffirmed their acceptance of the 1992 election results and the validity of the Bicesse Accords (Hare, 1998: 17). Hare (1998:17) states that, 'UNITA's communiqué and cease-fire declaration raised hopes that the peace talks could be restarted.' Third, it is reported that at the first meeting between Beye and

¹⁴⁹ In contrast to this view, Knudsen and Zartman (1995: 131) assessed that the Angolan conflict was not ripe for resolution at the time that any of the four negotiations were held. Hampson (1996: 88), like Anstee (2001), on the other hand, argues that the conflict was only ripe for resolution in May 1991, and earlier efforts failed to terminate the war because the conflict was not ripe at those times.

Savimbi, Savimbi had repeatedly stressed his willingness to return to negotiations (The Economist, 1993). In other words, it would appear that at least one of the parties was ready to resolve the conflict through mediation. That is, they had reached a hurting stalemate and were looking for an alternative to waging the war. Did Beye employ his directive mediation strategy, however, to capitalize on these developments?

Other than pursuing the talks in a timely manner, however, it is not clear that Beye did anything further to foster this readiness to resolve the conflict.¹⁵⁰ We cannot, therefore, conclude that a directive mediation strategy was essential in this case to help foster ripeness.

6.3.5 Spoiler Management

The factor of spoilers in the Angolan case and whether they were effectively managed is discussed in this section of the analysis.

Were there spoilers present in this case and, if yes, did the mediator address the spoilers?

The only main spoilers to this agreement were the parties themselves. That is, the parties who signed the Lusaka Protocol had the main responsibility for bringing peace to Angola, and their choice to not implement all of the terms of the agreement (and in a timely manner) meant that they were also primarily responsible for the continuation of the war.¹⁵¹ One UN report that was released shortly after the Lusaka Protocol was signed also recognized this fact, and it states the following:

The signing of the Lusaka Protocol has brought Angola to the threshold of peace and formally ended the devastating war that has cost hundreds of thousands of lives over the last two decades. However, the continued fighting and the failures of the past have deepened the mistrust between the parties and increased the scepticism of the international community. It is now up to the people of Angola and their leaders to take the final steps to usher in a new era of lasting peace and national reconciliation and to begin the daunting task of rehabilitation and reconstruction. The Angolan parties must

¹⁵⁰ The obvious way to foster ripeness in this case would have been to bring the other party to a stalemate too in order to create a mutually hurting stalemate and/or convince both the parties that continuing to wage the war as they had been doing would not bring a good outcome for them (in other words, to foster the perspective that the situation will not improve, and that it would only get worse).

¹⁵¹ Similarly, Hampson (1996: 89) states that the parties themselves were largely to blame for the failure of the earlier Bicesse Accords, yet he notes that, '...the international community bears some responsibility too for its unwillingness to commit the requisite resources and to exert sufficient pressure to end a brutal war that had gone on for far too long.'

abide fully by the Protocol before the United Nations can consider committing major resources to a substantial expansion of its operation. The Security Council has reiterated that the United Nations can assist only once the Angolans themselves have demonstrated the necessary political will. (UN, 1994a: 6)

This same report stresses the point that the responsibility for peace remains primarily with the parties when it states that, ‘it is imperative that after their declaration of the cessation of hostilities as of 22 November 1994, the Government and UNITA meticulously implement the cease-fire on the ground; otherwise, the whole peace process could unravel again.’ (UN, 1994a: 6). Clearly, the international community recognized early on that the responsibility for peace lay with the parties themselves and that they were also therefore the ones who would be primarily responsible for its failure. What, if anything, did the international community do to prevent the parties from becoming spoilers?

On numerous occasions Beye and some other members of the international community tried to manage the spoilers by trying to have them comply with the agreement and fulfil their implementation responsibilities, but with very limited success (see Human Rights Watch, 1999 for a comprehensive account of the implementation phase of the Lusaka Protocol). For example, in the months immediately after the Lusaka Protocol was signed, numerous statements were issued by the President of the Security Council and the Secretary-General urging the parties to, ‘...demonstrate their commitment to peace through the full and timely implementation of the agreement...,’ and to respect the ceasefire (UN, 1994a). Yet, the ceasefire violations continued. Beye was so frustrated with the lack of progress in implementing the agreement that he had given up on the process after five years, and had packed up his house at the UN compound near Luanda in preparation for his resignation (The Economist, 1998).¹⁵²

The spoiler problem in this case is directly associated with the power problem described earlier. Greenhill and Major (2006-7: 22) aptly describe this dynamic as follows: ‘with few (and later no) provisions in the peace accords for Savimbi, and ample opportunities and incentives to continue to engage in spoiling behavior, it is not surprising that the conflict continued until the government’s actions forced the issue militarily.’ In other words, the agreement removed Savimbi’s power at a time when he was already weakened and it also did

¹⁵²Beye was killed in an airplane crash shortly thereafter (The Economist, 1998).

not adequately specify where or how much power he would be afforded in the newly created government; the result was that he blocked the implementation of the agreement and ultimately the creation of a durable peace.

This situation led some analysts to believe that the success of the Lusaka Protocol would be based on the actions of the Popular Movement for the Liberation of Angola (MPLA) and how willing they would be to accommodate Savimbi into the new government.¹⁵³ For example, Thiessen (1996: 26) states that:

...how far UNITA will go in this process [of forming a new government of national reconciliation] is still a question – one whose answer may lie less with Savimbi than with the MPLA government. The MPLA must decide how much of a partner they want to make of Jonas Savimbi, and for all the talk of cooperation, they clearly have not yet determined how closely they are willing to embrace their former enemy. For example, the MPLA offered UNITA a vice presidency in the new unity government, and President Dos Santos stated his preference that Savimbi take the post himself. But Dos Santos had hedged on giving Savimbi and real power or responsibilities, and Savimbi says he has not intentions of taking a ceremonial post.

UNITA, however, continued to be viewed as the primary party responsible for resuming the war. To this effect, one 1998 report from the *Associated Press* states that, ‘the U.N. Security Council has again accused Angolan rebel leaders of undermining the peace process, and demanded an immediate end to fighting that has escalated recently’ (Associated Press, 1998a). This same news report also describes an earlier resolution which the council adopted in which the renewed fighting was blamed on UNITA (Associated Press, 1998a).

We can conclude, therefore, that there were spoilers in this case which the mediator was ineffective in managing. Moreover, the mediator, to a certain extent, fostered the emergence of the spoilers.

¹⁵³ It is important to note that a coalition government which included four ministers and seven deputy ministers from UNITA was sworn in on 12 April, 1997 (New York Times, 1997b). This same article also notes that Savimbi was absent from the ceremony due to security fears (New York Times, 1997b).

6.3.6 Mediator's Experience

The next section of this analysis examines the question of what affect Beye's level of experience had on his ability to manage some key aspects of the process.

Did the mediator's experience affect their ability to manage the key aspects of the mediation process?

Beye was a former foreign minister of Mali and an ex African Development Bank official (Geekie, 1993: 8). Hare (1998: 23) states that, 'Beye brought impressive credentials to the negotiating table. Having served as the foreign minister of Mali for eight years, he was well versed in the intricacies of diplomatic forms and protocols, which may at times seem arcane but can be essential to the negotiating process.' It is difficult to obtain precise information on this, but as Foreign Minister of Mali, Beye must have been involved with various high-level negotiations throughout his career.¹⁵⁴

One aspect of the mediation process which is important to manage is the power dynamics between the parties. As already described earlier in this chapter, there was a major power imbalance in this case in favour of the government, and instead of balancing the power, the mediator continued to decrease UNITA's power in various ways including through the design of an agreement which ultimately removed the few remaining sources of UNITA's power. It was also argued earlier that this fostered the emergence of spoilers, and therefore, was an important factor in the failure of durable peace. For this reason, it can be concluded that the aspects of the mediation process related to altering power imbalances were poorly managed in this case.

Was the decrease to UNITA's power done intentionally, however, based on the mediator's previous experience? Unfortunately, it is difficult to ascertain whether this flaw with the process can be attributed to a lack of experience or not.

Another critical aspect of the mediation process to consider is the application of leverage at opportune moments and whether this is based on the mediator's previous experience. To this effect, the process which led to the Lusaka Protocol faced one impasse after another (Hare,

¹⁵⁴ Beye was similar to Carter and Holbrooke, the two mediators from the cases of successful mediation, in that none of them had ever led a mediation process to terminate a war, but they all had some experience with conducting high-level political negotiations.

1998: 43). One particular impasse stands out in March 1994 when the talks nearly broke down over the issue of which and how many positions UNITA could occupy in the new government (Hare, 1998). Clearly, if Beye had any leverage which he could apply, this would have been the time to do so in order to salvage the talks before their collapse. Paul Hare, however, recognized that the time was right for him to use one of the best resources which he could bring to the process: a letter from US President Bill Clinton (Hare, 1998: 43). Hare then arranged to have the President send his letter, and recognizing its value to break the deadlock in the process, Beye reportedly called it a 'precious jewel' (Hare, 1998: 44).

While the letter from the American President did not provide the kind of breakthrough in the mediation process which was anticipated, it is clear that Beye missed this opportunity to apply leverage at an opportune moment in the process. There appear to be no other opportune moments in the process when Beye could have applied leverage. Similar to altering the power dynamics between the parties, it can therefore be concluded that regardless of Beye's level of experience, the use of leverage at opportune moments was not managed very well.

Yet another key aspect of the mediation process to consider is whether and how the mediator creates linkages to other processes and events. Beye did link the mediation process to other processes and events, although this was not always beneficial to his process, and it is not entirely clear whether these linkages were built because of his previous experience with other mediation and negotiation processes. To illustrate, in one example of poor process management, at Beye's initiative the Zambians got involved with the Lusaka process and they met separately with both the Angolan President and Savimbi (Hare, 1998: 54). As a result of these meetings, 'the [Lusaka] mediation team spent a lot of time refuting the notion that there was a separate Zambian initiative. In retrospect, the Zambian intervention created more problems than it resolved' (Hare, 1998: 54).

A fourth aspect of the mediation process to consider relates to the management of spoilers and the question of whether the mediator uses their past experience to manage spoilers. As noted earlier in this chapter, there were spoilers present in this case and they could not be effectively managed. It is difficult to say with certainty whether this was caused by a lack of experience or not. It is possible, however, to compare this to the case of Bosnia where the mediator had some early thoughts on who the potential spoilers might be and why they would become spoilers. With this in mind, there is little indication that Beye recognized the

potential spoilers and took any special efforts to pre-empt their actions. It can be argued that if Beye had been aware that the agreement was going to force Savimbi into a position of becoming a spoiler, he might have altered it before it was signed. It can be concluded that like many other aspects of the mediation process examined in this section, this aspect was not well managed either regardless of the mediator's level of experience.

A fifth and final aspect of the mediation process to consider is whether other outside actors are managed. There appears to be little or no data to support the notion that Beye's level of experience had any impact on his understanding of outside actors and how to influence them. In other words, this factor is irrelevant in this case.

In sum, Beye brought some very impressive credentials to the task of mediating the Lusaka Protocol. The above analysis found that several aspects of the mediation process were poorly managed, yet in almost all instances it was difficult to ascribe this fact to the mediator's level of experience.

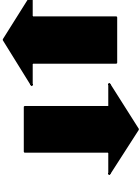

In conclusion of this section of the chapter, six key factors from the UN-led mediation process which created the Lusaka Protocol to end the war in Angola were analyzed in order to determine their role in failing to create a durable peace.

6.4 Summary and Conclusions

The UN-led mediation process which resulted in the creation of the Lusaka Protocol was analyzed in this chapter.

Only two features of this case are the same as the two successful cases. In all three cases examined so far a directive mediation strategy was employed and a highly-experienced mediator led the process. Whereas, two factors in this case are different from the two successful cases. Neither of the factors related to the distribution of power were met and the spoilers in this case were not effectively managed. The results of the analysis are presented below in Figure 6.1

Figure 6.1 Overview of the Model for Durable Peace Applied to the Angolan Case

CONTEXT		PROCESS		OUTCOME
<p>Relationships: The parties had a previously friendly relationship.</p> <p style="text-align: center;">-</p> <p>New friendly relationships are created.</p> <p style="text-align: center;">-</p>		<p>Mediation Timing: The mediation was early.</p> <p style="text-align: center;">-</p>		
<p>Distribution of Power: There is an equal distribution of power between the parties at the time of mediating the agreement.</p> <p style="text-align: center;">-</p> <p>The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.</p> <p style="text-align: center;">-</p>		<p>Mediation Strategy: A directive mediation strategy was employed.</p> <p style="text-align: center;">+</p> <p>Spoiler Management: Potential spoilers were managed.</p> <p style="text-align: center;">-</p> <p>Mediator's Experience: A highly-experienced mediator led the process.</p> <p style="text-align: center;">+</p>		<p>Not Durable Peace (Failure)</p>

A number of other important insights were derived from this case. The most striking feature is the radically-different approach to balancing power. While efforts were taken in both of the successful cases to balance the power between the parties, an exact opposite approach was utilized in this case. That is, the mediators undertook efforts to further weaken the already weaker party. Several other notable insights from this case are that mediator complacency made it a viable option for the parties to renege on the agreement, the mediator fostered the emergence of spoilers to a certain extent, and most aspects of the mediation process were not well-managed despite the mediator's high level of experience.

This is the first case examined by this study in which mediation failed to produce durable peace, and the next chapter will present another case where mediation also failed to create durable peace.

Chapter 7

Case Study Four: The 1997 Peace Agreement Between Russia And Chechnya

7.1 Introduction

The Soviet Union (USSR) was created in 1923 as a federation of sovereign republics (Lapidus, 1998: 5), and when the former Soviet Union crumbled in 1991, a wave of conflicts emerged in the newly independent republics. None of these conflicts, however, had the destabilizing impact that the two wars in the tiny secessionist republic of Chechnya had (Williams, 2001: 128). The first war in Chechnya represented the most serious conflict fought on the territory of the former USSR since World War II (Lapidus, 1998: 6). While some republics, like Tatarstan, were able to peacefully negotiate their new status, the status of Chechnya remains contested to this day.

Chechnya, which is the second case in which mediation failed to produce durable peace, is examined in this chapter. The chapter is structured as follows: first the features of the case are presented, and then the analysis is presented.

7.2 Features of the Case

With the collapse of the Soviet Union in 1991 Chechnya did not join any of the successor states. Instead it claimed independence (Gyarmati, 1995-6: 176-7). After that, 'Dzhokhar Dudayev, a former general of the Soviet air force, took over the presidency and tried to make his country increasingly independent of Moscow. He eliminated the inherited structure of the country, regarded as a Soviet legacy, and along with it largely got rid of the state in the modern sense of the word, relying more and more on his own aggressive power structures and justifying the process by the need to strengthen traditional forms of power and to introduce Islamic law' (Gyarmati, 1995-6: 177). The Russian minority in Chechnya and some other elements within the Chechen population felt discriminated by these actions, and so they began to rebel against Dudayev with the support of Russia (Gyarmati, 1995-6: 177). This resistance movement eventually collapsed, and the Russians sent troops into Chechnya. Thus,

there were three main parties to this war: the Russians, the Chechen Muslims, and various Chechen resistance movements.

A number of outside actors played roles in this war and in efforts to resolve it. For example, the Chechens were bolstered by the support of other fighters which came into the Republic from the Ukraine, Georgia, and Azerbaijan (Cornell, 1999: 94).¹⁵⁵ Also, as will also be more fully described later in this chapter, the international community played a small role in this conflict for a number of reasons including the fact that Russia consistently framed the war as an internal matter.¹⁵⁶ For example, Russia denied several pleas from the international community to allow third party mediation of the conflict on the grounds that outside mediation was not required for an internal problem. Eventually, however, the OSCE's mediation offer was accepted by both the parties.¹⁵⁷ The OSCE would go on to play a key role in bringing the war to an end, and later, once the war re-emerged, they would become the only international actor left in Chechnya.

The first (and second) Chechen wars had devastating impacts. Military and civilian casualties on both sides were extensive.¹⁵⁸ Most of the casualties, however, were civilians of both Russian and Chechen origin (Cornell, 1999: 86). Large segments of the Chechen population either become displaced within their country or fled the country altogether.¹⁵⁹ The Chechen city of Grozny was virtually levelled, and it became infested with mines. Additionally, human rights abuses were reported on both sides, even though the responsibility for the main human rights violations rested with the Russians (Cornell, 1999: 87). Lastly, the first war in Chechnya saw the worst premeditated attack in the 133-year history of the International Committee of the Red Cross when six Western aid workers were shot and killed in their sleep (Stanley, 1996). By all accounts then, the Chechen war was extremely devastating.

¹⁵⁵ Turkey has a Chechen minority and allegations were made that they were providing aid and communications equipment to the Chechens (Cornell, 1999: 92).

¹⁵⁶ The international community shared this view and, 'from the outset of the Chechen war, virtually all international actors rushed to proclaim the crisis an internal Russian affair' (Cornell, 1999: 91). This can be explained, in part, by the fact that the West did not want Chechnya to become an obstacle to their relationship with Russia (Cornell, 1999: 91).

¹⁵⁷ Framing the war as an internal matter continued to frustrate the OSCE's efforts to broker a negotiated settlement because it placed them in a position where their ability to act was 'extremely limited' (Gyarmati, 1995-6: 178).

¹⁵⁸ Estimates of the number of casualties range from 80,000 to 50,000 (Cornell, 1999: 86).

¹⁵⁹ One estimate states that almost half of the population was internally displaced by the war (Goltz, 1997).

Even though the OSCE had held a number of consultations with the Presidency of the European Union, representatives of the United States, and a number of other actors prior to offering to mediate, the OSCE mediation process can be considered to officially begin on 05 January 1995 when the OSCE offer received a positive response from the Russian Government (OSCE, 1995a). The OSCE mediation process was concluded by mid-1997 (Skagestad, 1999: 214).¹⁶⁰ This mediation process, therefore, lasted for 29 months. The peace created in 1996 did not last long, and according to the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) the war had restarted by 1999.

7.3 Analysis

The previous section of this chapter established the general context under which the OSCE mediation process in Chechnya was conducted, and this process will be analyzed in this section by utilizing the analytical framework which was presented in Chapter 3.

7.3.1 Relationship between the Parties

In the first section of this analysis, the previous relationship between Russia and Chechnya and its affect on the parties' post-agreement relationship is examined.

Did the parties have a previously friendly relationship and, if yes, how did that affect the creation of new friendly relationships in the post-agreement stage?

Russia and Chechnya's previous relationship is marked by an armed conflict. For example, the UCDP/PRIO Armed Conflict Dataset (Version 4-2007) lists one minor armed conflict as occurring in 1994.¹⁶¹ Likewise, the relationship did not improve after the peace agreement was signed, as the same source lists two separate wars and two separate minor armed conflicts occurring after 1997.

More specifically, any trust that may have been evident early in the mediation process was lost by the time that the war escalated in July 1996, at which point Tim Guldemann, the head

¹⁶⁰ The OSCE continued to pursue various mediation-related aspects of their mandate long after the peace agreement was signed in 1996. By mid-1997, however, they had shifted the focus of their activities in Chechnya away from mediation (Skagestad, 1999: 214).

¹⁶¹ Additionally, Russia and the Chechen people have a long history of hostility between them dating back to the late 18th century (Cornell, 1999).

of the OSCE mediation effort, was quoted as saying that the two sides were only going through the motions of trying to resume the negotiations but had lost trust in each other (Boudreaux, 1996).

The parties did not rebuild friendly relationships quickly and easily after signing the peace agreement. Several developments that occurred in the post-agreement phase help to illustrate this. First, after signing the peace agreement Russia never fulfilled its commitments to rebuild Chechnya's economy.¹⁶² Rather, they adopted an isolationist policy which in effect treated Chechnya like a quarantine area (Williams, 2001: 132). Not surprisingly, many heavily armed and unemployed Chechens then began kidnapping hundreds of Russian citizens from neighbouring regions, as well as some foreigners, and held them for ransom (Williams, 2001: 132). Second, Chechnya accused Russia of sending secret agents to their homeland to carry out terrorist attacks, to which the Russians made counter-accusations (Bennett, 1997). In other words, they had many quarrels or disputes after the agreement was signed. Third, immediately preceding the Chechen election, a Russian envoy proposed arming the area's Russian militias so that they could fight escalating crime (Bennett, 1997). Because these groups were historically the enemy of the Muslim Chechens, this suggestion raised Chechen fears (Bennett, 1997). Fourth, as part of its 'anti-terrorism' efforts Russia bombed parts of south-eastern Chechnya which elicited strong protests from the Chechen government because they viewed this as an infringement of their hard-earned sovereignty (Williams, 2001: 135). In conclusion, the previous relationship between the parties was not friendly, nor did it improve quickly and easily during the post-agreement phase.

7.3.2 Distribution of Power between the Parties

This section of the analysis examines the distribution of power between the parties, whether the mediator used any tactics to balance the power, and whether a balanced agreement was created. Additionally, the question of how the parties' struggle for power was channelled will be addressed.

¹⁶² Additionally, Chechnya also claimed that Russia failed to fulfill some of its other commitments from the peace agreement including matters related to making Grozny's airport 'international' (Associated Press, 1998d). In response to these failures, the Chechen President issues threats to Russia (Associated Press, 1998d).

Did the mediator balance the power between the parties in order to help create a balanced agreement?

The Chechens had less power than the Russians for a number of reasons. First, Russia had a stronger and larger military force. This meant that the Chechens were forced at points to wage a guerrilla style war against a larger and more powerful occupying force.¹⁶³ Second, Russia was already a recognized legitimate state and it could therefore wage the war without constraints because they framed it as an internal problem.¹⁶⁴ Chechnya, on the other hand, was fighting to gain formal state legitimacy. Third, Russia occupied and controlled the contested territory during major segments of the war. This meant that it had the power to decide whether, when, and on what terms it might withdraw from Chechnya. Moreover, even if Russia withdrew, it still could refuse to grant independence to Chechnya. Fourth, internal divisions within Chechnya weakened the Chechen position through infighting between various clans and opposing factions (the various clans within Chechnya made stability a problem even during times of peace) (Williams, 2001: 138).¹⁶⁵ Fifth, the Chechen cause did not receive any major support or legitimacy from the West, whereas, ‘for the most part, the Russian government was given an informal green light by Western leaders to continue its brutal campaign against Chechnya’ (Williams, 2001: 140). In sum, Russia had more power than Chechnya for a number of reasons.

The mediators did not create a balance of power between the parties by bolstering the power of the weaker party or reducing the power of the more powerful party. They did, however, try to strengthen the moderates within both of the parties. Guldemann (1997: 141), for example, states the following:

In the course of the peace process the forces of compromise on both sides were able to get international support for their internal debate from the OSCE. This was a vital contribution which the Assistance Group and the OSCE as a whole made to the peace process. For example, the Zavgayev government, immediately after the signing of the above-mentioned protocols of Nazran on 10 June, confirmed that the local elections planned for 16 June would be carried out, in contradiction to the spirit of the first

¹⁶³ In this sense, Cornell (1999: 86) states the ‘style’ of the Chechen war was similar to the United States’ war in Vietnam.

¹⁶⁴ Despite framing the armed conflicts in Chechnya as internal matters, Russia was still violating some international treaties to which it was a signatory by waging these campaigns. For example, the buildup of Russian forces around the period of December 1999 meant that Russia was violating the terms of the “Conventional Forces Europe” treaty (Jahn, 1999).

¹⁶⁵ Williams (2001: 138) makes the point that these various divisions within Chechnya did have the capacity to unify against a common threat, and that the opposition forces within Chechnya reconciled upon the resumption of the war, giving the Chechen President command of their forces.

protocol. Shortly afterwards both Moscow and Zavgayev asked the Assistance Group to use its influence to persuade the other side to behave moderately on election day. I found out later that the fact that I had held out the possibility of an OSCE declaration on the local elections gave the moderates their decisive argument against the radicals in the Chechen Defence Council so that an attack on Grozny, which had been planned for election day, was called off. On 18 June the Swiss Ambassador to the OSCE issued a press statement saying that the OSCE had denied the democratic character of the elections. Responding to criticism from a TV journalist of the Khasavyurt Agreement, Lebed on 2 September defended the possibility of holding democratic elections in Chechnya by referring to the presence of the OSCE at the negotiations in Khasavyurt and to my signature at the end of the document.

In general, the OSCE did not reduce Russia's power because it recognized that Russia was too big of an actor to be forced into cooperating (Gyarmati, 1995-6: 178). That is, Russia was so powerful that the OSCE felt unable to change its behaviour, and so they adopted an approach which would bolster the Russian moderates. On the other hand, the OSCE did not try to bolster the Chechens' power so as to place them on a more equal footing with the Russians because this would alienate Russia. So, while the OSCE may have supported the moderates within both of the parties, thus bolstering these elements, they did not, or perhaps could not, address the overall power imbalance between the parties.

This power balance in favour of the Russians was translated into the terms of the Khasavyurt agreement, ultimately resulting in the production of an unbalanced agreement because it favoured the Russian side by not adequately addressing the issues related to Chechen claims of independence (see section 7.3.4 for a more detailed discussion of how the agreement failed to address the disputed issues).

Was the struggle for power channelled into nonviolent mechanisms and processes?

As noted above, the agreement in this case was unbalanced because it never addressed the issues of Chechen independence and the right to exercise complete control over the Republic. The agreement, however, also contained provisions to hold new Chechen presidential elections. As will be described later in this analysis, the elections may have temporarily solved the question of who was in control of the Chechen republic, but they later led to the emergence of spoilers who ultimately undermined the peace. The presence of spoilers combined with the fact that the agreement did not adequately address the disputed issue led to a dangerous situation in which the parties then decided that a return to arms was necessary to

resolve this conflict.¹⁶⁶ In sum, the parties' violent struggle for power was not effectively channelled into nonviolent mechanisms and processes, and the parties therefore chose to use violence to achieve their aims.

7.3.3 Mediation Timing

This section of the analysis will examine the question of whether the timing of mediation in this case meant that the parties were less entrenched in their positions and could therefore easily produce a good agreement.

Did the timing of the mediation mean that the parties were less entrenched in their positions and were therefore able to produce a good agreement?

The Russians first used military force in December of 1994 (Lapidus, 1998) and this created a minor armed conflict in that year. But this minor armed conflict had escalated into a war by January of 1995 (Lapidus, 1998: 21). As mentioned earlier in this chapter, the start date of the OSCE mediation is 05 January 1995. Therefore, the mediation was initiated less than one month into the war. In other words, this could be considered an early mediation.¹⁶⁷

Even though this is the only case in this study where the mediation could be considered to be initiated early, the parties were still not showing any flexibility in their negotiating positions. To be more precise, the first few mediation sessions were productive in that agreement on the issues to be addressed was quickly reached (OSCE, 1995c) and some early agreement on a number of military issues, such as the cessation of military activities, was also reached (OSCE, 1995d). However, later on during the intensification of the war when the talks had stalled (in July of 1996), Guldemann is reported as stating that the Chechen officials who were loyal to the Russians had been taking a tougher position against the rebels with the result that the gap between all of the sides was increased and the determination to fight rather than talk had been hardened (Cable News Network, 1996). Guldemann is also quoted in the

¹⁶⁶ In other words, the presence of spoilers was made all the more problematic by the fact that they had the 'motive' for undertaking spoiler actions. Moreover, because the Chechens retained a lot of their weapons they also had the 'means' for undertaking spoiler actions.

¹⁶⁷ This early mediation meant that the OSCE was thrust into the war without adequate time to analyze and prepare for the intervention (Gyarmati, 1995-6: 176). Thus, this case illustrates that there are some reasons to avoid a mediation which is *too early*. It would appear that, at a minimum, the mediator needs to have adequate preparation time prior to undertaking the intervention.

same sources as saying, ‘this all means that we are still far away from a political solution of the conflict’ (Cable News Network, 1996). In other words, the parties were clinging to their long-held positions.

The two main conflicting positions, in fact, had been long-held by the parties. Guldemann (1997: 135), for example, reaffirms that the parties had always held the same positions when he states that:

This conflict, which led to a war beginning in late 1994, emerged from the clash of two positions. The position of the Chechen party to the dispute, now that of the Chechen government, was and remains that during 1991 and 1992 the Chechen Republic won its independence in legal fashion. The position of the Russian Federation has always assumed that Chechnya is an integral part of the Federation.

Good agreements have four main features in common, and neither of the main agreements in this case has all four of these features.¹⁶⁸ The first feature of good agreements is that they are crafted by the parties. The agreements in this case were indeed crafted by the parties. The second feature of good agreements is that they regulate control of the coercive apparatus of the state, deal with the allocation of political power, and address possible uneven economic advantages. Moreover, good agreements institutionalize these changes. The Khasavoyurt agreement clearly does not deal with the allocation of political power. Rather it states that, ‘an Agreement on the basis for mutual relations between the Russian Federation and the Chechen Republic, to be determined in accordance with universally recognized principles and norms of international law, should be achieved by 31 December 2001’ (International Conflict Research Institute, 1996). Furthermore, there is no mention made about who will lead this conversation, when it will begin, and other specific matters related to actualizing this goal. In other words, there is no institutionalization created to support the implementation of this provision. Conversely, the peace treaty between the Russian Federation and the Chechen Republic does address military and security matters – but only in a very vague way. For example, the agreement states that the parties agree, ‘to reject forever the use of force or threat of force in resolving all matters of dispute,’ and that they will furthermore, ‘...develop their relations on generally recognised principles and norms of international law’

¹⁶⁸ Two separate agreements are included here for consideration since the first agreement establishes general principles for future negotiations and the second is consequently the product of the first. Additionally, see section 3.2.3 for a discussion of the four features of ‘good agreements’.

(International Conflict Research Institute, 1996). The third feature of good agreements is that they have provisions for third-party mediation and renegotiation during the implementation phase. The peace treaty between the Russian Federation and the Chechen Republic has five points (see Appendix F) and none of these specify that third-party assistance, of any type, will be used. In essence, however, both agreements call for further negotiation between the parties because they do not address all of the disputed issues. For example, as previously, noted the Khasavyourt agreement states that an agreement on the relations between the two entities will be reached at a later date. The fourth and final feature of good agreements is that they are formal and detailed, have large peacekeeping missions, and call for the creation of confidence building measures. As just noted above, the peace agreement contains only five points and would therefore not be considered very detailed (especially when compared against the text of the Dayton agreement or the Lusaka Protocol). Moreover, neither of the agreements specifies that any peacekeeping mission will be established. The Khasavyourt agreement, however, does call for the creation of a Joint Commission, and this new entity might be considered to act as a confidence building measure between the two parties (see Appendixes F and G).

Even though the mediation was initiated early, reaching a final peace agreement was still very difficult in this case because the parties would not move from their initial positions. In sum, this is the only case in this study in which the mediation process was initiated shortly after the outbreak of the war, yet the parties' positions were still not very flexible. Moreover, the agreements reached in this case were not judged as being good.

7.3.4 Mediation Strategy

The OSCE's mediation strategy is examined in this section of the analysis. First, it will be determined which kind of mediation strategy they employed. Then, the use of this mediation strategy to address both the disputed issues and related behaviour will be assessed. Next, it will be determined if the OSCE changed the immediate costs of the conflict and the future costs of renegeing on the agreement. Lastly, this section will examine whether the OSCE influenced regional actors or outside great powers, and whether they fostered ripeness.

What type of mediator strategy was employed and what affect did that strategy have?

The large number of facilitative tactics utilized by the OSCE, as described in this section, and the absence of the use of directive tactics, means that a facilitative mediation strategy was used. The general approach of the OSCE to the Chechen war and their rationale for adopting this approach is described as follows:

1. We must make clear to the Russian government that the international community cannot and will not remain silent. Either it will work together with Russia, to the extent that Russia is willing, and use its influence on behalf of a peaceful settlement of the conflict; or, if Russia is not pre-pared to cooperate, it will find other more confrontational ways of exercising its influence.
2. Russia cannot be forced to cooperate. It is too big, powerful and important for that. In the interest of success, therefore, we must support moderate elements within the Russian leadership, taking care, inter alia, not to call certain taboos into question. We cannot go so far as to approve the terrible atrocities of the Russian armed forces in any way, but we must also do nothing that would endanger cooperation with Russia.
3. For that reason, our initial goals must be modest and our operations expanded step-by-step. A good starting point was the OSCE principle which stipulates that serious violations of human rights are no longer merely an internal affair and that the participation of the international community of states in solving such problems is a legitimate international concern. For this principle embodies the two fundamental elements of our approach: it confirms that the conflict as such is an internal affair of Russia but at the same time makes clear that the OSCE must play a role in settling the conflict. (Gyarmati, 1995-6: 178)

Clearly, then, the OSCE deliberately chose to employ a facilitative strategy because they deemed it necessary, and in some ways they had no choice about the matter because of both their own levels of resources and the constraints placed upon them by Russia.¹⁶⁹

DISPUTED ISSUES AND RELATED BEHAVIOUR

This study argues that directive mediators are more likely to create durable peace because they address both the disputed issues and the related behaviours. In this section of the

¹⁶⁹ Guldumann (1997: 139) describes the frequency of contact that he had with the parties when he states that, 'between January 1996 and March 1997 I made more than thirty trips from Grozny to Moscow, sometimes on my way to Vienna, Bern or Copenhagen. Apart from this shuttle diplomacy the contacts with Moscow consisted mainly in innumerable telephone conversations.' The purpose of this contact was, '...first and foremost, to pass on information and impressions and to hear about positions. In most cases the initiative for the contacts came from the Assistance Group' (Guldumann, 1997: 139).

analysis, it will be determined whether the OSCE was still able to achieve both of these goals with their mediation strategy.

Ultimately, the first war in Chechnya was about Chechen independence (and the consequent control of that territory); all other issues such as the presence of Russian forces were secondary to the question of whether Chechnya would be granted independence. This study asserts that this issue was neither resolved, let alone adequately addressed.¹⁷⁰

The issue of Chechen independence was not addressed; it was instead brushed aside to be dealt with at a later date. That is, the Khasavyurt Joint Declaration and Principles for Mutual Relations agreement stipulated that the issue would be set aside for five years and some people, notably one of the OSCE mediators, viewed this as a positive approach to dealing with this disputed issue. For example, Guldemann (1997: 142) describes this ambiguity as helpful when he states that:

In a peace process, lack of clarity, as an instrument of constructive ambiguity, can be very useful. The Khasavyurt agreement contains such ambiguity, as it can be interpreted differently by the two sides. As long as the most immediate problems can be solved there is no need for clarity about the ones that can be postponed; indeed such clarity ought not to be imposed by questions that can only evoke contradictory answers from the two sides. Thus the peace treaty of May 1997 continues to exclude the question of [Chechnya's] status. (italics in original)

At one point long after the second war had begun, however, and a new wave of Chechen suicide bombers had been released, one Chechen commander had been quoted as saying that the fact Chechnya had not been granted independence will result in big tragedies (Williams, 2001: 144). Thus, contrary to Guldemann's rationale for not addressing the disputed issue in order to achieve a short-term success, in the long-term the importance of adequately addressing the disputed issues in order to create a durable peace is further reinforced by this case.

While this study concludes that the disputed issue was not addressed, it is difficult to attribute this to the fact that a facilitative mediation strategy was used, especially since it is reported in some sources that one of the parties (Russian delegate Alexander Lebed) had proposed this

¹⁷⁰ For more information on the distinction between addressing and resolving the disputed issues, refer to the literature review (Chapter 2).

solution (see *The Economist*, 1996). However, it is also known that the OSCE played a largely reactive role to events. For example, Guldemann's (1997: 136) review of their work in Chechnya noted that, 'on the basis of OSCE principles and of its mandate the Group has supported all steps toward a peaceful settlement of the conflict on which the parties could agree, but without pre-judging the content or direction of these steps.'¹⁷¹ Thus, it might be argued that had the OSCE taken a more directive approach, they would have raised some red flags when the proposal to delay addressing the independence issue was put forward. Furthermore, it would not have been outside the scope of their approach to do this because, 'there were a number of situations in which the Assistance Group also made proposals of its own' (Guldemann, 1997: 140). Overall then, this study concludes that a facilitative mediation strategy meant that *the disputed issues were not addressed*.

While the above discussion concluded that a facilitative strategy was ineffective for addressing the disputed issues, this section will assess whether a facilitative strategy can be used to effectively address the parties' behaviour.

One behaviour that continued throughout the period in which the talks were held was the ongoing violent confrontation between the two parties. The OSCE attempted to address this behaviour through the negotiation of various ceasefires. However, the ceasefires never held for long, and the parties continued with their violent behaviour. Arguably, if the OSCE had sticks and carrots to apply, then these ceasefires may have held for longer. In sum, a facilitative strategy was used to address the parties' conflict behaviour, but with little effect.

ALTERING THE COSTS OF THE CONFLICT

As noted above, violence continued throughout the period the negotiations were held, and the mediators tried to address this behaviour through the use of several ceasefire agreements, none of which was effective in curbing the violence. Also, because of the facilitative strategy employed by the OSCE, the costs of continuing the conflict could not be changed. Had there been incentives available for adhering to the ceasefire or penalties for breaching it (e.g. tactics associated with a directive mediation strategy), then perhaps the OSCE could have

¹⁷¹ Another illustrative example of the OSCE's mediation strategy is provided by Guldemann (1997: 140) when he states that, 'a position or proposal of one side was never transmitted to the other as a wish but only as "willingness" to move in a given direction if a corresponding "willingness" existed on the other side. Willingness on both sides is sufficient to arrange a direct contact.'

changed the costs of continuing the conflict. In sum, the mediator could not make it costly for the parties to continue their warring behaviour.

ALTERING THE FUTURE COSTS OF RENEGING ON THE AGREEMENT

The use of a facilitative mediation strategy meant that the OSCE was also unable to change the parties' costs of renegeing on the agreement. Under a directive mediation strategy, carrots and sticks can be utilized to make it too costly for one or both of the parties to renege on the agreement. The OSCE, on the other hand, '...had very limited means for exerting pressure; there were relatively few "sticks" and "carrots" at its disposal' (Guldimann, 1997: 143).¹⁷²

Moreover, even if the OSCE had carrots and sticks to apply to the parties should they have renegeed on the agreement, it shifted its focus after the agreement was signed to aspects other than mediation. This shift in focus occurred partly in response to the Russian assertion that the mediation segment of their mandate had been fulfilled, and partially because the security situation became so dangerous that they withdrew their international staff from the Grozny office and relocated them to Moscow (Skagestad, 1999).¹⁷³ In other words, this case illustrates that there are two conditions which are essential for changing the future costs of renegeing on the agreement: 1) the mediator must have access to carrots and sticks, and 2) they must be able to deploy these as required. Additionally, two impediments to the effective deployment of carrots and sticks in the post-agreement phase which can also be identified from this case would include not having a mandate to stay involved with the agreement's implementation and not being physically present. In sum, the mediators could not and did not change the future costs of renegeing on the agreement.

INFLUENCING REGIONAL ACTORS OR OUTSIDE GREAT POWERS

The OSCE did act in concert with outside great powers. To this effect, Guldimann (1997: 143) states that, 'the unified position of the United States, the European Union and of other individual European countries toward the conflict also had a very positive effect on the

¹⁷² Interestingly, Guldimann (1997: 143) describes this lack of carrots and sticks as an asset when he states that, 'this [lack of carrots and sticks] worked out favourably for the OSCE's ability to deal with the conflict at all because it was, a priori, not threatening. The Assistance Group had to argue and convince - it could not threaten.'

¹⁷³ Skagestad (1999) contends that this relocation of international staff to Moscow did not have an adverse affect on their ability to perform these other duties associated their mandate.

OSCE's ability to exercise influence.' However, as mentioned earlier, the great powers gave Russia implicit and sometimes more explicit approval for waging their campaign in Chechnya. Thus, it would appear that the influence of the great powers needed to be directed in another direction in order to create a durable peace. Moreover, the regional and international support built for the Chechen peace process was not dependent upon the use of a directive mediation strategy.

FOSTERING RIPENESS

The first, and perhaps only, indication of a favourable condition for the peaceful settlement of the war was the February 1995 ceasefire. The OSCE did act upon this event using a facilitative tactic. That is, they issued a press release welcoming and supporting the ceasefire (OSCE, 1995b). At this time, and throughout the rest of the war, they did not, however, utilize more directive tactics.¹⁷⁴ In sum, the mediators were reactive to events that indicated the parties might be ready to resolve their conflict, but they did not actively foster this ripeness using a directive mediation strategy.

7.3.5 Spoiler Management

In this section of the analysis it will be determined whether there were spoilers present in the Chechen case. If it is determined that there were spoilers, then the OSCE's efforts to manage them will also be examined.

Were there spoilers present in this case and, if yes, did the mediator address the spoilers?

Similar to the Angolan case, the only spoilers in this case were the parties themselves. Just as the agreement in the Angolan case contributed to the emergence of spoilers, the agreement in this case contributed to the emergence of spoilers, but in a different manner.

The emergence of spoilers in this case was the result of the elections which were held because of the peace agreement. The emergence of spoilers in the post-election period was further compounded by the fact that the unbalanced agreement in this case did not address the

¹⁷⁴ In a similar manner to the Angolan case, the mediators could have tried to foster the perspective that the ceasefire represented the best option for the parties at that moment because things would likely get worse for them if they did not use the ceasefire to pursue new peace talks.

issue at the core of the war, thus giving the spoilers a motive. Furthermore, the potential spoilers were not given any power or new role after the election. The mediator (and the new Chechen president) did not effectively manage these spoilers, and the war recurred. This process is more fully described below.

First, it needs to be clearly stated that the Chechens' ultimate goal was to exercise total control over the Chechen territory. As noted earlier in this chapter, establishing full Chechen independence was a long-held Chechen position in the conflict. Moreover, the *Associated Press* quotes the Chechen President as saying on the one-year anniversary of the peace agreement that the, '...building of an independent Islamic state remains our main goal' (Associated Press, 1998c).

The peace agreement attempted to give the Chechen's this control through the Chechen Presidential elections which were held in 1997. For example, Tim Guldemann is quoted as saying that, 'these elections are essential to re-establish law and order in Chechnya and to give state power democratic legitimacy' (Goltz, 1997).

The elections, however, proved to be very problematic. While they were to provide a degree of democratic legitimacy, 'the question that remains unanswered is what difference "democratic legitimacy" will ultimately make for the little country that has few friends to speak of and will probably not be recognized by any outside state for a long time' (Goltz, 1997). In other words, while the elections might have provided for some Chechen control of the republic, they were 'empty' in the sense that they did not provide the state with any real legitimacy.¹⁷⁵ Real legitimacy, on the other hand, could only be conferred on the Chechen state by Russia and the rest of the international community.¹⁷⁶

Moreover, because many Chechens were driven out of the country by the war, Russia began to doubt the legitimacy of the elections. By questioning the legitimacy of the voting before the election was held, Russia put itself in a position where it had the freedom to later reject

¹⁷⁵ Conversely, it should be noted that the Chechen President said on a TV interview that the peace treaty amounted to de facto recognition of Chechnya's independence (Associated Press, 1998c). Russia, on the other hand, did not view this matter in the same way and it was reported that the Kremlin insisted after the peace agreement was signed that Chechnya was still part of Russia (Associated Press, 1998d).

¹⁷⁶ An *Associated Press* report from May 12, 1998 notes that even then, on the eve of the Chechen celebrations to mark the one-year anniversary of the peace agreement, no one had yet recognized Chechnya's independence (Associated Press, 1998c).

the election results altogether (Bennett, 1997). Thus, it was still afforded the 'upper hand' in accepting an election result which it agreed with, and rejecting one that it disliked. So, both the purpose and legitimacy of the elections was questionable.

Additionally, even if the true purpose and legitimacy of the elections could be widely-agreed upon by the parties, then there was still the additional problem of financing the elections.

Bennett (1997) describes this predicament as follows:

Moscow's queasiness at seeing recent enemies campaigning for political legitimacy was shown in an outburst of rage against Tim Guldemann, a Swiss diplomat who represents the only international body to have stayed in Grozny for much of the war - the Organization for Security and Cooperation in Europe. After touchy Chechen leaders refused a Russian offer of money to fund the elections, Guldemann offered to raise hundreds of thousands of dollars from abroad in technical support. Russia agreed to the offer, and it was accepted by the Chechens. More than \$600,000 was raised. But the conservative-dominated Russian parliament was furious, with members demanding Guldemann be thrown out of his job

Eventually sufficient funds were raised and the elections were held under OSCE supervision.

Guldemann (1997: 136) states that this was important because:

The question of the exercise of power within the Republic was solved through the presidential elections of 27 January 1997. In an election with 80 per cent participation, Aslan Maskhadov was elected with 59 per cent of the votes. In a letter of 2 February President Yeltsin congratulated Maskhadov on his election and, by so doing, recognized the new government in Grozny as legitimate. No country has recognized Chechen independence.

While the question of who has power and why may have been temporarily addressed through the holding of elections, the actual exercise of power proved to be another matter. The 1997 election resulted in a moderate gaining power of the Chechen Republic, and he had to manage other contending factions within the state including the more extremist groups (Williams, 2001). These un-checked groups who were unsatisfied with both the results of the election and the policies of the new Chechen President plus the fact that full legitimacy had not been granted then became spoilers because they were not brought into the new government or otherwise managed. More precisely, the radical elements within Chechnya were not part of the formal negotiation process (Guldemann, 1997: 140), and so the best

outcome the process could ever hope to achieve would be to reach an agreement acceptable to the moderate elements which might also coincidentally be acceptable to the more radical elements. Consequently, because the goals of the more radical elements within Chechnya were not met through the agreement or the elections which stemmed from it, they continued to pursue their goals through the use of violence.

The extremists therefore retreated to the mountains and launched attacks in a neighbouring region, Dagestan, which was part of Russia (Williams, 2001). Russia responded to those attacks in that region, and then continued their bombing campaign into south-eastern Chechnya which was used by the extremists as a staging ground for their attacks (Williams, 2001: 135). The Chechen government then became uncharacteristically critical of the extremist leader because, 'Maskhadov [the Chechen President] saw all too clearly that Basayev's [the Chechen extremist leader] reckless actions in Dagestan gave an increasingly aggressive Russia a pretext for intervening militarily in Chechnya and scrapping the 1996 Khasavyurt peace agreement' (Williams, 2001: 135).¹⁷⁷

Meanwhile, a series of bombing attacks occurred in Russia which the government blamed on the Chechen extremists (Williams, 2001: 136-7 and Musayev, 1999).¹⁷⁸ In response to these new terrorist attacks on Russian soil, the government initiated a new bombing campaign in Chechnya which eventually re-triggered the war (Williams, 2001: 137). That is, by September 30, 1999 Russian troops were reported to be inside the Chechen border (Musayev, 1999). A report from the Associated Press issued during this same period quoted Russian Prime Minister Vladimir Putin as saying that, 'Chechnya is Russian territory and our troops can be stationed there' (Musayev, 1999). Russian leaders later refused to enter into new peace negotiations until they had 'wiped out' the Chechen militants that they thought were behind the attacks within Russia (Turpalov, 1999).¹⁷⁹ Consequently, this escalation continued until the war had fully resumed.

In sum, the agreement in this case was unbalanced because it did not address the issue at the core of the war. Rather, it bypassed this issue and tried to address the question of control over

¹⁷⁷ It should be noted that by at least as early as December 1998 Russia considered Basayev to be a terrorist (see Associated Press, 1998e).

¹⁷⁸ The accused Chechens denied being behind these attacks (Williams, 2001).

¹⁷⁹ Russia, once again, framed this as an internal problem and became resistant to outside assistance with resolving the situation (Turpalov, 1999).

the territory through the holding of elections which resulted in the election of a moderate president. These two aspects of the case, combined with the fact that the extremists were not given a new role or actively managed in the post-election phase, made for a bad combination which ultimately resulted in the recurrence of the war.

7.3.6 Mediator's Experience

The question of what affect the OSCE's level of experience had on their ability to manage some key aspects of the mediation process is addressed in this section of the analysis.¹⁸⁰

Did the mediator's experience affect their ability to manage the key aspects of the mediation process?

The first series of OSCE-led talks accomplished quite a lot in a short time frame and they were led by the Head of the OSCE Assistance Group in Grozny, Mr. Sandor Merzaros (a Hungarian diplomat). Later talks were led by Swiss diplomat Tim Guldemann. In other words, these were both high-level government officials whom would have likely had a lot of previous experience in negotiations at that level.

One aspect of the mediation process which is important to manage is the power dynamics between the parties. As described earlier in this chapter, the Chechens had less power than the Russians, and the mediators did not effectively alter the balance of power. However, there is little evidence available to explain this fact. Perhaps because the OSCE had little leverage available to them in the first place, balancing power was not even given any consideration. In sum, the mediators did not alter the power imbalance in this case, but this cannot be attributed to a low level of experience.

Another aspect of the mediation process to consider concerns the application of leverage at opportune moments. There were several opportune moments in this case to apply leverage. For example, two major moments were: 1) when Russia was initially refusing third-party mediation in favour of pursuing military options, and 2) later when the OSCE process nearly failed because the parties had resumed increased hostilities. As will be discussed in a following section, the OSCE did build the support of other states to help pressure Russia

¹⁸⁰ Refer to section 3.4 for a discussion of how the experience level of an organization can be assessed.

towards initiating new third-party mediation. It cannot be said with certainty, however, that this important change occurred because of the OSCE's level of experience.

A third aspect of the mediation process to consider is the creation of linkages in order to work at multiple levels. There is evidence that the OSCE worked at multiple levels, thus linking the negotiations occurring at the elite level to talks held at lower levels. For example, at one point in the process after the Chechen President had been killed by a Russian missile attack, Guldemann received word from the new Chechen President that the Chechens were willing to meet with the Russian government at the highest level (Guldemann, 1997: 137). Guldemann, in turn, presented the Chechen position to the Russian Prime Minister, and shortly after that there was a series of other meetings with Chechen leaders at the village level and with Russian government officials which culminated in agreement on a meeting between the Chechen and Russian Presidents (Guldemann, 1997: 137).¹⁸¹ Guldemann (1997: 137) notes that, 'at this first summit meeting on 27 May 1996 the parties to the conflict agreed to "reject forever the resort to, or threat of, force to resolve any difference", and decided on a cease-fire.' The following day the negotiations continued at a lower level in Moscow, and the OSCE arranged for further lower-level talks to be held on 4 June in order to discuss the issue of elections (Guldemann, 1997: 137). In sum, the mediators did link the process at multiple levels, but it cannot be stated for certain whether this was as a result of their level of experience.

A fourth aspect of the mediation process relates to the management of spoilers. As already noted earlier in this chapter, the parties themselves were the main spoilers to peace in the Chechen case, and it is clear that they could not be effectively managed. Similar to the other aspects of the mediation process which have been examined so far, it is difficult to say whether this was due to a lack of experience or not.

A final aspect of the mediation process to consider is whether and how other outside actors were influenced by the mediator. As noted earlier, the OSCE did work across multiple levels with multiple actors, including the great powers. For example, Guldemann (1997: 141) describes how the peace process gained international support when he states that:

¹⁸¹ The missile strike on the Chechen President occurred on 17 April 1996 and so this new round of talks took place during May and June of 1996 (Guldemann, 1997: 137).

International support for the peace process found expression in the official statements of OSCE participating States, especially the United States and the EU countries, and in their demarches to the Russian government. For the latter they were able to rely on the reports of the Assistance Group, which were generally sent to Vienna once a week. Other information was handled telephonically or in personal contacts and briefings with foreign diplomats in Moscow and Vienna.

This international pressure was especially useful for getting Russia to accept the OSCE offer to mediate. Gyarmati (1995-6: 180) describes this situation as follows:

It was only through coordinated action by the international community, through a decision to bring the OSCE's influence to bear and not to permit that influence to be weakened by competition from various international organizations, and through combining the application of pressure from several important countries (especially the European Union and the United States) with offers of cooperation from the OSCE that it became possible to convince the Russian government.

While it is clear that the OSCE could gain international support for their efforts, and especially at key critical times, it is less clear whether their management of this aspect of the process was based on their previous experience.

In conclusion of this section of the chapter, six key factors from the OSCE mediation process which helped to terminate the first war in Chechnya were analyzed in order to determine why mediation failed to produce a durable peace in this case.




7.4 Summary and Conclusions

The OSCE mediation process which brought the first war in Chechnya to an end was analyzed in this chapter.

Interestingly, this case has only one feature in common with the two cases of success: a highly-experienced mediator led the process. Unlike any of the other cases examined so far, this is the only case where mediation was initiated early. It is also the only case where the mediator did not or perhaps could not try to balance the power between the parties.

Additionally, this is the only case in which a directive mediation strategy was not employed. Rather, the mediators in this case relied on the use of a facilitative mediation strategy. The analysis of this case is summarized below in Figure 7.1

Figure 7.1 Overview of the Model for Durable Peace Applied to the Chechen Case

<u>CONTEXT</u>		<u>PROCESS</u>		<u>OUTCOME</u>
<p>Relationships: The parties had a previously friendly relationship.</p> <p style="text-align: center;">-</p> <p>New friendly relationships are created.</p> <p style="text-align: center;">-</p>	 	<p>Mediation Timing: The mediation was early.</p> <p style="text-align: center;">+</p>		<p>Not Durable Peace (Failure)</p>
<p>Distribution of Power: There is an equal distribution of power between the parties at the time of mediating the agreement.</p> <p style="text-align: center;">-</p> <p>The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.</p> <p style="text-align: center;">-</p>		<p>Mediation Strategy: A directive mediation strategy was employed.</p> <p style="text-align: center;">-</p>		
		<p>Spoiler Management: Potential spoilers were managed.</p> <p style="text-align: center;">-</p>		
		<p>Mediator's Experience: A highly-experienced mediator led the process.</p> <p style="text-align: center;">+</p>		

Several other notable insights from this case are that the main disputed issue was not addressed. Rather, the agreement contained a clause in which it was agreed that the issue would be re-examined in five years' time. In other words the issue was bypassed, and this later had a major role to play in the resumption of the Chechen war. Additionally, this case demonstrated that a facilitative strategy was not very effective for addressing spoilers.

This chapter contained the analysis of the last case study examined in this research. The next chapter will therefore compare and contrast the findings from all four case studies in order to revise the preliminary model for durable peace which was presented in Chapter 3.

Chapter 8

A Model for Durable Peace

8.1 Introduction

Signing a new peace agreement is one way in which wars can be terminated. Sometimes these agreements hold and a state of durable peace is created. Often, though, a state of durable peace is not created because the war restarts. The question posed at the start of this study was: *why does mediation at times produce durable peace, yet at times there is a return to war?*

In order to answer this question, an original theoretical framework was presented in Chapter 3. This theoretical framework was then tested against four case studies: two where there was a return to war within five years from the signing of the peace agreement, and two where peace lasted for at least five years.

This chapter will use the results from the analysis of these of four case studies to revise the theoretical framework. First, however, it will be necessary to review the findings from each of the four case studies in order to then contrast and compare them. This chapter therefore has two main parts as follows:

1. A Comparison of the Findings between all Four Cases
2. A Revised Model for Mediation which Produces Durable Peace

8.2 A Comparison of the Findings between all Four Cases

A summary of the findings from the previous four chapters is presented in this section. These findings are presented in two parts: 1) Context, and 2) Process. Under the context category, the following four factors are considered:

1. The parties had a previously friendly relationship.
2. New friendly relationships are created.

3. There is an equal distribution of power between the parties at the time of mediating the agreement.
4. The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.

Under the process category, the following four factors are considered:

1. The mediation was early.
2. A directive mediation strategy was employed.
3. A highly-experienced mediator led the process.
4. Potential spoilers were managed.

8.2.1 Context Factors

This study examined four factors related to the context, and the findings related to these context factors are presented in this section. First the previous relationship between the parties in all four cases will be examined, next the post-agreement relationship is explored, then the distribution of power between the parties, and lastly, the struggle for power between the parties.

The parties had a previously friendly relationship and new friendly relationships are created.

The first factor which this study considered was whether the parties had a previously friendly relationship. It was postulated in Chapter 3 that this would be an important factor in affecting whether mediation would produce durable peace.

In all four cases examined in this study, however, the parties did not have a previously friendly relationship. Additionally, the creation of new friendly relationships did not happen quickly and easily in any of the four cases.

Figure 8.1 The Previous and Post-Agreement Relationship between the Parties in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
CONTEXT				
The parties had a previously friendly relationship.	NO	NO	NO	NO
New friendly relationships are created.	NO	NO	NO	NO

The case studies also revealed a number of other interesting insights regarding the relationships between the parties. Interestingly, the Camp David Accords actually produced new strains on Egypt's relationships with other Arab nations. This case demonstrates that mediation creates impacts on the relationships that are beyond the immediate one between the warring parties. That is, this study has found that the agreement produced through mediation will have the potential to both change the relationship directly between the warring parties, and between the warring parties and other outside actors.

The Bosnian case demonstrates that changing post-war relationships between the parties is vitally important for durable peace. The analysis demonstrated that the parties did not have a previously friendly relationship and that new non-warring relationships were created during the Dayton process.¹⁸² Moreover, several serious implementation conflicts with the potential to threaten durable peace occurred in Bosnia. However, these implementation conflicts were managed and peace held. The 'scale' of these relationships, however, needs to be noted. Durable peace in this case seems to have been created from the Dayton process because these post-war conflicts were effectively managed and their impact limited. In other words, they were not allowed to escalate to the point where they would re-trigger the war. This finding would imply that durable peace can still flourish even if minor ongoing violence is still occurring— provided that this violence does not cross a threshold whereby it re-triggers the war.¹⁸³

Angola may provide an extreme counter-example to the Bosnian case. In the Bosnian case there was an absence of intense hostilities during the beginning of the implementation phase.

¹⁸² To be more specific, the relationship was non-warring but not friendly.

¹⁸³ Experiences from other peaceful nations would seem to support this conclusion. For example, Canada is considered to be a peaceful nation and yet it suffers from some minor violent conflicts such as the ones that occasionally occur between the government and the Indigenous Peoples. The country has the capacity to manage these violent conflicts, however, and they never grow in intensity to the level of being a full war. Further research on these capacities to manage conflicts and the threshold for war is required.

In Angola, however, violence continued throughout the mediation phase and into the start of the implementation phase. In other words, not even a new non-warring relationship between the parties could be created. This simmering violence could not be stopped, reduced, or contained, it therefore escalated, and then the war re-started.¹⁸⁴

In Chechnya the relationship between the parties played a different, yet equally interesting role in influencing the outcome of this case. While it was found that the relationship between Russia and Chechnya did not become friendly after the signing of the peace agreement, it at least for the most part became non-warring. This, in part, was facilitated by the withdrawal of Russian troops from the republic. In an interesting turn of events, however, the existing fragmentation within Chechnya became further increased after the peace agreement was signed, and the internal violence within the country drastically escalated.

To conclude, the previous relationship between the parties has little impact on the creation of durable peace. The current relationship between the parties is far more important. More precisely, friendly relationships do not need to be established, but ones that are *largely* non-warring are important. The new relationship does not need to be *completely* non-warring, as durable peace can still be created even if there are outbreaks of minor violence during the implementation phase, provided these outbreaks can be contained so that they do not re-start the war.

There is an equal distribution of power between the parties at the time of mediating the agreement.

A third context factor which this study examined was the distribution of power between the parties. It was asserted in Chapter 3 that if the parties had an equal distribution of power between them at the time of negotiating the peace agreement, then an outcome of durable peace would be more likely.

This study found that only in the Bosnian case did the parties have an equal distribution of power. The distribution of power in the Bosnian case was roughly equal between the parties

¹⁸⁴ Clearly the threshold for the resumption of war which was discussed earlier is not absolute and it will vary case-by-case.

at the time of the mediation and the result was that an agreement which was balanced and continued to divide power equally between the parties in the post-war stage was achieved.

Figure 8.2 The Distribution of Power between the Parties in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
CONTEXT				
There is an equal distribution of power between the parties at the time of mediating the agreement.	NO	YES	NO	NO

The unequal balance of power in the other three cases, however, still played an important role in the outcome of these cases. In the case of Egypt and Israel, Carter's mediation process resulted in a balanced agreement even though the parties' levels of power were unequal. The resulting agreement has been identified as being remarkable for a number of reasons.¹⁸⁵

Opposite of Carter's approach, the mediators in the case of Angola continued to weaken the already weaker party (the rebels) with disastrous results. Furthermore, the design of the agreement in this case would further weaken the rebels. As a result, the rebels delayed on almost all aspects of implementing the agreement in order to cling to their power for as long as possible.

Lastly, in the Chechen case, the Chechens were weaker than the Russians, and the mediator did not or could not balance the power in this case. The struggle for power, reflected as exercising control and governance over Chechnya, was not addressed in the agreement, nor by the elections which followed from the agreement.¹⁸⁶ The result was that the parties returned to violence in order to settle these matters.

In sum, the factor of power was extremely important in all four cases. The assertion that durable peace is more likely when a balanced agreement is reached is supported by these cases. Importantly, a balanced agreement can still be reached even if the parties have an unequal distribution of power between them at the time of mediation. The policy of

¹⁸⁵ See Fortna (2004).

¹⁸⁶ In other words, a balanced agreement was not reached.

weakening an already weaker party is called into question, as is the approach of not addressing the power issues at the core of the violent conflict. This study therefore concludes from the evidence in the case studies, that an agreement which addresses power issues by equally balancing the power between the parties is important for the creation of durable peace.

The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.

A fourth and final context factor which this study postulated as being important for the creation of durable peace was the struggle of power between the parties and whether this struggle gets channelled into legitimate nonviolent mechanisms and processes. It was argued in Chapter 3 that the struggle for power must be addressed through nonviolent mechanisms and processes in order to create durable peace. Interestingly, in both cases where mediation was successful, the struggle for power was channelled in this manner. In both cases of failure the struggle for power was not channelled in this fashion.

Figure 8.3 The Channeling of Post-war Power in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
CONTEXT				
The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.	YES	YES	NO	NO

In the Egypt-Israel case, Carter channelled the parties struggle for power through the mechanisms in the agreement. That is, the withdrawal of troops from the Sinai Peninsula and other disputed territories meant that the use of violence to control that territory would be less likely. The provision of third party guarantees further reinforced this. The CBMs contained in the agreement meant that the parties could use these mechanisms prior to using violence should a dispute arise. These CBMs were further reinforced by the clauses in the agreement which aimed at normalizing relationships between the parties. This meant diplomatic channels could be used to resolve any future conflict. In sum, this agreement had multiple mechanisms for shifting the struggle for power from being a violent to nonviolent process.

The design of the agreement in the Bosnian case was also instrumental to changing the power struggle between the parties. Not only did it equally divide the disputed territory between the two parties, but it also contained a number of provisions to express the struggle for power through nonviolent mechanisms and processes.

The agreement in Angola, on the other hand, was unbalanced because it favoured one party more than the other and it would have further reduced the power of the already weaker party. Despite some early warning signs that this agreement was problematic, the international community pressed onwards with its implementation. To be clear, the agreement did have provisions to channel the struggle for power into nonviolent mechanisms, such as active participation in the government, but as just described UNITA would have been entering into this new power arrangement in a weaker and therefore less certain manner. The parties in this case, therefore, chose to retain the weapons they already had a form of 'insurance' should the agreement fully collapse.

The Chechen case is different, however, because the power struggle which was at the core of the war was not addressed, and the parties returned to violence to continue the struggle.

In sum, these cases demonstrate that war is waged because the parties are trying to change their and the other parties' level of power. Access to and control of resources, which was an element in all four cases, and the division and governance of specific territory (also an element in all four cases) are both matters about having and exercising power. To end a war and create durable peace, power must be redistributed equally as per the findings from the previous section and the future struggle for power must be channelled into nonviolent mechanisms or processes.¹⁸⁷ Mediators are active participants in redistributing and then channelling the parties' struggle for power through both the design of the agreement and the provisions it contains.

¹⁸⁷ Likewise, to create a viable peace - which can be understood as a distinct stage which precedes the creation of a self-sustaining peace - Dziedzic (2005: 267) states that, '...the motivations for and means of waging deadly zero-sum power struggles must be diminished, and at the same time resilient institutions for peacefully resolving disputes must begin to prevail.' A self-sustaining peace, in turn, is dependent upon having a capacity for dispute resolution which is greater than the motivation for violent conflict (Dziedzic, 2005: 270).

8.2.2 Process Factors

A number of factors related to the mediation process were examined in this study including whether the mediation was initiated early, a directive mediation strategy was employed, a highly-experienced mediator led the process, and potential spoilers were managed. The findings related to these process factors are summarized in this section of the chapter.

The mediation was early.

The first process factor which this study considered was whether the mediation was initiated early. It was postulated in Chapter 3 that if early mediation was undertaken, then durable peace would be more likely because the parties would be showing some negotiating flexibility which would facilitate the creation of a good agreement. It was found that early mediation was only undertaken in the Chechen case (see Figure 8.4). Moreover, in none of the cases did the timing of the initiation of mediation mean that the parties were less entrenched in their positions. Shifting the parties from their positions was a challenge in each and every case examined in this study. Moreover, in several cases the parties predictably ‘hardened’ their positions at the start of the mediation process. Lastly, the mediation timing (and the consequent degree of negotiating flexibility that the parties are displaying) does not appear to correspond to the production of good agreements because good agreements were not reached in the two cases where mediation failed to result in the creation of a durable peace.

Figure 8.4 Mediation Timing in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
PROCESS				
The mediation was early.	NO	NO	NO	YES

These findings suggest that durable peace can still be created even if mediation is initiated a long time after the war emerges. The parties will likely be as entrenched in their positions at this stage as they would be at earlier times.

A directive mediation strategy was employed.

A second process factor which this study considered was whether a directive mediation strategy was utilized. Based on the criteria employed by this study, a directive mediation strategy was utilized in all of the cases except the Chechen one, where a facilitative strategy was employed.

Figure 8.5 The Mediation Strategy in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
PROCESS				
A directive mediation strategy was employed.	YES	YES	YES	NO

In the Egypt-Israel case, Carter used a directive mediation strategy. More precisely, Carter's directive mediation strategy meant that he addressed both of the disputed issues, made the cost of continuing the conflict high for the parties, and made the costs of renegeing on the agreement high. However, Carter could not change the behaviour of the parties.

A directive mediation strategy was also used in the Bosnian case, and this was essential to creating durable peace in the Bosnian case. Directive mediation allowed the mediator to have maximum impact on the process, the parties, the context, and the terms of the conflict in order to shift them, as required, towards durable peace. Holbrooke addressed the disputed issues, changed the parties' behaviour, made the cost of continuing the conflict or renegeing on the agreement high, influenced regional actors, and fostered ripeness by utilizing a directive mediation strategy. In sum, the proposition that directive mediation produces durable peace is supported by this case.

Even though both Carter and Holbrooke's strategies were considered to be directive, the great differences between them would also suggest that this taxonomy of mediator strategies requires finer degrees of separation. That is, there is a difference between Carter's nonviolent and largely nonthreatening directive mediation strategy, and Holbrooke's which was paired with military force and the threat of further force should the parties not make concessions or comply with the agreement. More appropriate labels for the two different types of directive strategies might be 'forceful' versus 'non-forceful' directive strategies.

The UN mediator in the Angolan case also utilized a directive mediation strategy but not with the same results that Holbrooke or Carter achieved. Beye was able to address the disputed issues, but not change the parties' behaviour. He also could not make the costs of continuing the conflict or reneging on the agreement too high for the parties. While Beye brought regional actors into the conflict, this was detrimental to his process and was not done with a directive mediation strategy. Beye, lastly, did not foster ripeness in this case.

The OSCE, in the case of Chechnya, was the only mediator examined in this study that did not use a directive mediation strategy. Importantly, the OSCE did not address the disputed issue and this played a major role in the war's resumption. The OSCE also could not change the parties' behaviour, make the cost of continuing the conflict or reneging on the agreement too high, and foster ripeness. Moreover, while the OSCE did influence outside great actors and other regional actors, it was evidently not the right amount to assist with a peaceful and durable termination of the war. In sum, the value of a communication-facilitation mediation strategy for creating durable peace is called into question by this case.

Both of these cases of failure illustrate a very important point for the creation of durable peace: *passive mediation which presumes that any agreement is a good agreement may not create durable peace*. Mediators might have a moral and ethical responsibility to assess the likely implications of the agreement and, if as in the cases of Angola and Chechnya, they can predict negative outcomes from implementing the agreement, then they need to say so and direct the parties towards renegotiating a new, more balanced agreement. If a 'bad' agreement has already been signed by both of the parties, then mediators may need to block the implementation of the agreement in the most extreme of cases. Either way, proactive and direct engagement is required.

These cases thus challenge the notion of mediator impartiality and neutrality as well as the use of a nondirective mediation strategy. Similarly, Clapham (1998: 209) states:

...mediators are not merely bystanders to the conflict which they are attempting to resolve, but participants whose involvement weakens or strengthens the position of different internal parties, and may indeed even strengthen the position of those domestic factions which are most adamantly opposed to the negotiated settlement which the mediators are attempting to bring about. Mediators readily assume an obligation to attempt to resolve conflicts, in the belief that mediation can only have a positive or neutral impact on the conflict: if mediation succeeds, it does good; but even if it fails, it

does no harm. The Rwandan case demonstrates that this assumption may be tragically mistaken.

Moreover, these cases also bring the importance of directly addressing the disputed issues, especially those related to the parties' power, to the forefront.

In sum, there is wide variance within the category of directive mediation strategies. Some directive strategies are much more forceful than others. The mediator in three of the four cases examined here employed a directive mediation strategy. The most forceful of the directive mediators, Richard Holbrooke, was able to create the greatest shift in several of the conflict dynamics including the parties' behaviour, the disputed issues, the costs of continuing the conflict, and the cost of reneging on the agreement. These last three dynamics appear to be the most important aspects for mediators to alter in order to create durable peace, and this is best done through the directive strategies. Facilitative strategies would appear to have little ability to shift these conflict dynamics, and additionally, even nondirective and impartial mediators need to recognize that they become part of the conflict through their involvement with the conflict and as such they have a moral obligation to only settle for agreements which have been judged as being 'good'.

A highly-experienced mediator led the process.

The third process factor which this study considered was the mediator's level of experience. It was argued in Chapter 3 that a highly-experienced mediator would be more likely to create an outcome of durable peace for a number of reasons. In all four cases examined in this study, however, a highly-experienced mediator led the process.

Figure 8.6 The Mediator's Experience in all Four Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
PROCESS				
A highly-experienced mediator led the process.	YES	YES	YES	YES

This study asserts that experienced mediators are more likely to produce durable peace because they are better at managing certain key procedural aspects of the mediation process. Interestingly, the Egypt-Israel case demonstrates that Carter's past experience as an engineer played a major role in the design of an agreement which was balanced, and therefore supported the creation of a durable peace. Carter's experience level also played a key role in his ability to act in a timely manner by seizing opportunities when they became available.

Holbrooke was also highly-experienced and this had an affect on his ability to manage certain key aspects of the Bosnian peace process. Holbrooke's experience level was instrumental in his ability to alter the power dynamics between the parties. Additionally, the Bosnian case also illustrates that an experienced mediator will apply leverage at an opportune moment, recognize that their different sources of leverage can vary in strength, and that some sources of leverage can be used only once.

Holbrooke's experience level also meant that he knew when and when to not link his mediation process with other processes. This case, therefore, demonstrates that an experienced mediator knows when, why, and how to *not link* a mediation process to other processes. Three reasons for blocking linkages between the mediation process and other processes emerged from this case (see Figure 8.7).

Figure 8.7 Reasons for Blocking Linkages between the Mediation Process and Other Activities

Reasons for Blocking Linkages between the Mediation Process and Other Activities
To prevent the parties from venue shopping.
To maintain maximum flexibility and control over the process.
To keep the momentum of the process moving quickly.

Lastly, Holbrooke's experience level was also important in his ability to effectively manage spoilers and to influence outside actors.

The mediator in the Angolan case was also judged to be highly-experienced, yet his ability to manage some aspects of the mediation process was quite different from the successful cases. In terms of the ability to recognize and alter power imbalances, it was found that regardless of Beye's experience level, the power imbalances were not properly recognized and altered. Likewise, at least one opportune moment to apply leverage appears to have been missed by

the UN in this case. Additionally, despite Beye's level of experience, it would appear that it did not help him to effectively recognize and manage the spoilers in the Angolan case.

Finally, the mediator in the Chechen case was also judged by this study to be highly-experienced. The mediator in this case did not alter the balance of power or apply leverage because they were using a facilitative strategy. While the OSCE did link their process to other processes, it is not clear whether this was as a result of the mediator's level of experience. Similarly, the OSCE did not effectively manage spoilers in this case, yet it is difficult to attribute this to a lack of experience. Lastly, while the OSCE did gain international support for their efforts, it is not clear whether the management of this aspect of the process was based on the mediator's past experience.

In sum, while the mediators in all four cases examined here were found to be highly-experienced, a wide degree of variance between their abilities to manage certain critical aspects of the mediation process was also found. In both of the cases of failure, certain aspects of the process were not managed well, yet it is difficult to ascribe this to the mediator's experience level. What is clearer, however, is that in both successful cases there were linkages between the effective management of the mediation process and the mediator's previous experience. Surprisingly, it was also found that Carter's previous experience as an engineer may have played a large role in his ability to craft a peace agreement which was very equally balanced between the parties' positions.

Potential spoilers were managed.

The fourth and final process factor which this study examined was whether potential spoilers were managed. This study argues that outcomes of durable peace are more likely when the mediator manages spoilers, and the consequences of not managing spoilers is clearly illustrated by the Angolan and Chechen cases. Indeed, this factor appears to be central to the creation of durable peace because there were spoilers present in all four cases and they were managed in both cases of success.

Figure 8.8 Spoiler Management in all Four Cases

	Israel- Egypt	Bosnia	Angola	Chechnya
PROCESS				
Potential spoilers were managed.	YES	YES	NO	NO

The case of Egypt-Israel is important because it illustrates that spoilers can be internal or external to the parties, and that both of these types of spoilers need to be managed.

The case of Bosnia also provides an important insight into effective spoiler management. Mediators might need to address spoilers that emerge after the formal negotiations have ended in order to support outcomes of durable peace. Therefore, this case illustrated that there are at least two types of spoilers that a mediator might need to address to create durable peace:

- 1- spoilers who threaten the success of the mediation process itself.
- 2- spoilers that emerge later on and threaten the implementation process.

That is, long-term mediation success (e.g. durable peace) is not possible without first ensuring short-term success. To this effect, Bercovitch and Gartner (2006: 820) state the following:

A critical aspect of the peace process is to “make it over the hump” and give settlements time enough to take hold and alter the underlying political situation fueling the dispute. Short-lived dispute settlements fail to provide the political space and time necessary for the new institutions and policies to gain traction.

Therefore, managing spoilers who emerge later during the implementation phase becomes important to create the space for the agreement to ‘take hold’ over the long-term.

Lastly, spoilers do not emerge from a vacuum, and in the two cases of failure, the main spoilers responsible for the resumption of the war were the parties. The Angolan and Chechen cases demonstrated how the actions of the mediator can foster the emergence of spoilers. In both of these cases the spoilers emerged because of the changes created by the

agreement. Hence, it can be concluded that agreement design is linked to the emergence of spoilers. More specifically, agreements which did not adequately address the disputed issues, such as in the Chechen case, provided potential spoilers with the ‘motive’ for undertaking spoiler actions – this became all the more problematic because in this case the potential spoilers also retained their arms, and thus they also had the means to undertake spoiler actions.

This section presented the results from all four cases so that comparisons could be made between them. A summary comparison of all factors across the cases is presented in the figure below.

A number of important findings were revealed through this process. First, issues of power are of utmost importance to the creation of durable peace. Second, outcomes of durable peace can still occur even when there are minor levels of violence in the implementation phase. Third, spoilers can make the creation of durable peace very difficult because they threaten both short and long-term success. Durable peace, therefore, depends on managing both of these types of spoilers.

Additionally, these factors are interlinked inasmuch that the agreement changes power balances between the parties and their manner for attaining power in the future, moreover, this means that the agreement itself can create the emergence of spoilers. These findings suggest that *a mediator’s process affects the context and vice versa*.¹⁸⁸ These findings will now be used in the next section of this chapter to revise the preliminary model for durable peace.

¹⁸⁸ In other words, there is an interaction effect.

Figure 8.9 Summary Comparison of All Factors between the Cases

	Israel-Egypt	Bosnia	Angola	Chechnya
CONTEXT				
The parties had a previously friendly relationship.	NO	NO	NO	NO
There is an equal distribution of power between the parties at the time of mediating the agreement.	NO	YES	NO	NO
The post-war struggle for power is channelled into legitimate nonviolent mechanisms and processes.	YES	YES	NO	NO
PROCESS				
The mediation was early.	NO	NO	NO	YES
A directive mediation strategy was employed.	YES	YES	YES	NO
A highly-experienced mediator led the process.	YES	YES	YES	YES
Potential spoilers were managed.	YES	YES	NO	NO

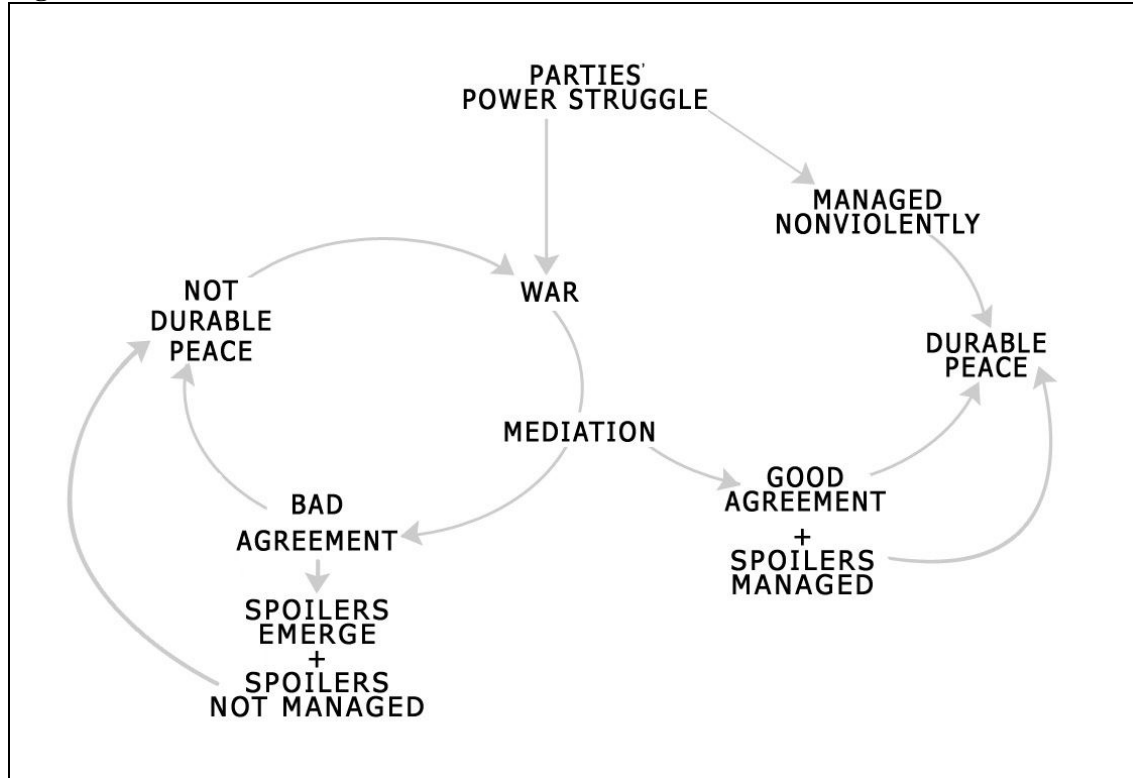
8.3 A Model for Durable Peace

The original model for durable peace which was introduced in Chapter 3 of this study is revised here to account for the findings which were presented above. First, the model is narrowed to account for the main factors which have been found to be most important for the creation of durable peace. Moreover, the model is adjusted to account for the interaction effects between these factors. Second, the tentative explanations regarding the role of these factors in creating durable peace which were presented in Chapter 3 are also revised to account for the new findings.

The cross-case comparisons presented in the first part of this chapter found that only two factors were different between the cases of success and failure. These two factors are the distribution of power and spoiler management. More precisely, the balance of power between the parties at the time of mediation does not need to be equal, but a balanced agreement which equally splits the power between them is necessary. Moreover, the post-war struggle for power needs to be channelled into legitimate nonviolent mechanisms and processes. Importantly, it was found that the mediator's process affects the context and vice versa. In more specific terms, matters related to the design of the agreement and the management of

power will affect matters related to the emergence and management of spoilers. Therefore, the model for durable peace can be revised as per the following diagram:

Figure 8.10 A Model for Durable Peace



The model for durable peace will now be discussed in more detail.

GOOD AGREEMENTS: THE MANAGEMENT OF POWER

The original model for durable peace stated that the distribution of power between the parties can be understood in two ways. The first was that an equal distribution of power would produce balanced agreements, and that balanced agreements are necessary for the creation of durable peace. The second was that since the struggle for power is central cause of conflict, mediation needs to channel the struggle for power into nonviolent mechanisms and processes. We now know that balanced agreements can still be achieved when the balance of power between the parties is unequal and that balanced agreements are essential for the creation of durable peace. Moreover, the second assumption has also been proven correct.

To build durable peace, then, the first course of action which mediators should take is to assess the balance of power between the parties. An inventory of the forms of the parties' power, as per the figure below, and a quantification of these would be necessary. These can then be compared between the two parties to determine which one has the balance of power. Importantly, this study has illustrated that the balance of power is not static, and it is therefore necessary to measure this at different points throughout the mediation process.

Figure 8.11 Forms of Parties' Power

Forms of Parties' Power
Military Power
External Diplomatic or Political Support
Finances for Conflict
International Legitimacy or Isolation
Soft-Power (e.g. domestic legitimacy and cohesion, and legitimacy in the eyes of the international community)
Skilled Manpower
Able Leadership

Source: adapted from Crocker, Hampson, and Aall (2004: 101).

If it is judged that there is a power imbalance between the parties, then the mediator should take steps to balance the power in order to improve the prospects that a balanced agreement will be reached. Tactics to balance the power between the parties might include the following: putting pressure on one of the parties, negotiating on behalf of one of the parties, actively designing the agreement, supporting the formation and operation of coalitions, urging the less powerful side to take more territory, supporting military interventions which favour the weaker party, meeting with the parties prior to mediating in order to help them strengthen their position and overcome internal differences, providing the parties with resources (such as access to legal advice) to assist them with mediation, putting embargos on the stronger parties, giving one of the parties legitimacy, and supporting the moderates within both of the parties.¹⁸⁹

However, since balanced agreements can still be achieved when the balance of power between the parties is unequal, it is also necessary to recognize that an agreement might be unbalanced in order to then correct it. Balanced agreements equally bridge the positions between the two parties and/or they equally divide resources, such as disputed territory,

¹⁸⁹ The tactics listed here are compiled from the case studies.

between the parties.¹⁹⁰ Unbalanced agreements, on the other hand, have provisions which would greatly put one party in a disadvantaged position by reducing their power and/or they bypass the issues which drive the violent conflict.¹⁹¹ If an agreement is judged to be unbalanced, then steps should be taken to balance it. If an agreement cannot be brought into balance, then implementation should not proceed.

The second aspect of good agreements is that they channel the struggle for power into nonviolent processes and mechanisms, and a number of provisions can be added to agreements to achieve this.¹⁹² These provisions are as follows:

Philosophical and Ethical Principles

- A statement saying that the parties commit to respect and observe human rights and fundamental freedoms for all.
- A statement saying that the parties promise to refrain from using violence and will respect the principles set forth in the United Nations Charter.
- A statement saying that the parties will settle disputes between them using peaceful means.

Constitutional

- Clauses establishing a new constitution that provides for the creation of a democratic government in which all citizens are afforded the right to participate.¹⁹³
- Clauses related to establishing a Constitutional Court which has exclusive jurisdiction to decide any dispute that arises between the state institutions.
- Clauses calling for the holding of democratic elections and that the parties vow to respect and honour election results. Any disputes concerning the results of the election will be

¹⁹⁰ These features of balanced agreements are derived from the two successful case studies.

¹⁹¹ These features of unbalanced agreements are derived from the two case studies where mediation failed to produce durable peace.

¹⁹² This list is based on the agreements produced in each of the four case studies.

¹⁹³ Likewise, Zartman's (2005) study of missed opportunities to prevent deadly conflict and state collapse found that one of the clear lessons for effective prevention is to focus on good governance. More specifically he states that:

Conflict is not over until responsive and accountable state authority has been rebuilt. Preventive action is only halfway done when violence ends; rebels need responses to what they were fighting for. Governance is conflict management. Deadly conflicts are not brought under control until a functioning state is restored to manage ongoing relations among parties. Restoring the state is as important a response to conflict as is ending violence. (Zartman, 2005: 202)

addressed through the normal constitutional mechanisms, and not through the use of violence.¹⁹⁴

- To reduce party fears that the elections may be biased, an agreement can contain a clause calling for international observers to be present to verify the election results.

Establishing the Rule of Law and Matters Related to Law Enforcement

- Clauses for establishing a civilian law enforcement agency so that all peoples can live in a safe and secure environment. An important counterpart of the law enforcement agency is the judicial branch.

Normalization of Relationships

- Clauses aimed at normalizing relationships between the parties (e.g. the exchange of ambassadors).
- Clauses calling for establishing various Confidence Building Measures.

Addressing other Grievances and Disputes

- Clauses stating that disputes arising out of the application or interpretation of the agreement will be resolved by negotiations and that any such dispute that cannot be settled by negotiations will then be resolved by either conciliation or arbitration.
- Clauses aimed at establishing a claims commission for the mutual settlement of any financial claims.
- Clauses for establishing tribunals or claims commissions to address other unresolved grievances.
- Clauses for establishing a joint military commission to resolve any military-related complaints, questions, or problems.

Verification

- Clauses giving third-party guarantees to monitor implementation and ensure that the above processes and mechanisms are established and used by the parties.

¹⁹⁴ It was noted earlier in this chapter that Dziedzic (2005) argues that to create a viable peace the motivations and means for pursuing power struggles through violence must be diminished while also increasing the capacity for dispute resolution. He then discusses four dimensions along which this work can be carried out, one of which is related to moderating political conflict, and within this dimension it is important to channel the competition for power into electoral processes (Dziedzic, 2005: 272). Dziedzic (2005: 272), however, cautions against holding elections prematurely and he states that a number of minimum essential conditions related to order, rule of law, and respect for minority rights must be in place prior to conducting elections.

Disarmament, Demobilization, and the Separation or Reintegration of Forces

- Clauses specifying how the military will be re-structured and controlled.
- Clauses to specify how forces will be disarmed and demobilized.
- Clauses calling for the separation of forces and the establishment of internationally-monitored buffer zones between them.

SPOILER MANAGEMENT

This study's original model for durable peace contained an assumption about the role of spoilers. Durable peace, it was thought, is dependent on managing the spoilers. This assumption has been proven correct by this study.

More precisely, there are two types of spoilers relevant to a consideration of durable peace: those who threaten the short-term success of the mediation process and those who emerge later on during the implementation process to threaten the long-term success of the mediation process. Since long-term success is not possible without first achieving short-term success, then both of these types of spoilers need to be managed.

Moreover, mediators need to be aware that spoilers can emerge both from within the parties and externally. Since the mediation process itself not only changes the relationship between the parties, but also between the parties and other outside actors, it may be necessary to identify possible spoilers emerging from the far fringes of the war.

Managing spoilers to create long-term mediation success, however, does not mean that all spoiler-initiated violence needs to be eliminated. Low levels of violence in the post-agreement phase are not inconsistent with the creation of durable peace, provided that this violence does not escalate into a full resumption of the war. A realistic approach to implementation, would then consider that some violence will be likely during this phase, and that contingencies therefore need to be made to limit or contain it.¹⁹⁵

¹⁹⁵ Mac Ginty (2006: 112) re-affirms this proposition and he states that, '... violence is not switched off like a tap by the mere agreement of a peace accord. Much violence is structural in nature and often immune to the provisions of a peace accord that may only relate to the manifestations of violence or its most visible agents in the form of organised armed groups.'

There are several tactics that a mediator can use to limit or contain violence in the post-implementation phase.¹⁹⁶ These tactics can be divided into preventive and reactive measures. Before listing these tactics, however, it is important to note that an obvious prerequisite for utilizing any of these measures is that the mediator remains active during the implementation phase. This requires an appropriate mandate and the correct institutional readiness for long-term engagement with the armed conflict. Moreover, all of the preventive measures are dependent upon the proactive and early identification of spoilers through an analysis of the dynamics of the conflict.¹⁹⁷

Preventive tactics which a mediator can employ to limit or contain violence in the implementation phase include:

- An agreement which calls for the withdrawal of all forces from disputed territories.
- An agreement which calls for the creation of CBMs and the normalization of relations between the two parties.
- An agreement which specifies third-party guarantees to monitor the implementation of the agreement.
- Building regional and international support for the peace agreement.
- Providing phased incentives and other rewards for complying with the agreement.

Reactive tactics which a mediator can employ to limit or contain violence in the implementation phase includes the following:

- Not tolerating any breaches of the agreement (e.g. active enforcement is necessary along with punishment). Punishment can include the threat or actual removal of incentives or other rewards plus the threat or actual use of force and/or sanctions.¹⁹⁸
- Supporting military or police operations to arrest the perpetrators of violence.
- The negotiation of new ceasefire agreements.

¹⁹⁶ The tactics listed here are compiled from the case studies.

¹⁹⁷ The case studies suggest that highly-experienced mediators may be the most apt at this.

¹⁹⁸ That is, both positive punishment (the application of something that the parties find undesirable) and negative punishment (the removal of something that is of value to the parties) can be employed.

- Making statements which condemn the violence and/or the party responsible for perpetuating it.¹⁹⁹

PUTTING IT ALL TOGETHER: PLANNING FOR LONG-TERM SUCCESS

Long-term mediation success cannot be ensured without first securing short-term success. There are number of different ways that the mediation process can collapse at certain key points, thus making success unlikely.²⁰⁰ These can be divided into short-term versus long-term obstacles.²⁰¹ The obstacles to short-term success are as follows:²⁰²

- Mediation fails to identify the correct parties.²⁰³
- Mediation fails to bring the (correct) parties together for dialogue.
- The parties are brought together for dialogue, but mediation fails to reach an agreement.

The obstacle to achieving long-term success is that *an agreement is reached, but it collapses*.

The challenge for mediators is thus twofold: 1) mediators must overcome those obstacles to short-term success in order to produce a new peace agreement, and then 2) mediators must ensure that the agreement can hold for the critical five year period during which it is most vulnerable to collapsing in order to help ensure long-term success.

This study revealed a number of ways that mediators can help ensure short-term success. While managing those spoilers that threaten the short-term success of mediation is one tactic, other tactics would include the following: seizing opportunities when they emerge because they can quickly fade, recognizing that different sources and types of mediator leverage vary in strength and that some can only be used once (so they should only be used at opportune

¹⁹⁹ This study found that this tactic has very limited value in changing the parties' behavior.

²⁰⁰ There is some research on salvaging these 'stalled peace processes'. For example, see Mac Ginty (2006).

²⁰¹ The use of the term 'obstacles' is intentional because it implies that these challenges are predictable and can be overcome via good forward planning and taking appropriate follow-up actions.

²⁰² This list is derived from the discussion on short and long-term mediation success in Chapter 1.

²⁰³ The correct parties are those that can speak with legitimacy and provide adequate representation of the direct parties to the conflict.

moments), and that there are times that it might be appropriate to block the efforts of other third party actors (see figure 8.7).²⁰⁴

This study also revealed a number of ways in which mediators can assure the long-term success of the agreement. Mediators can help assure the long-term success of the agreement by managing those spoilers which emerge later in the implementation phase and by designing good agreements (which are those that will prevent the emergence of spoilers because they are balanced, address the power issues at the heart of the conflict, and channel the struggle for power into nonviolent processes and mechanisms).

It is now possible to put forth an answer to the question originally posed by this study concerning why mediation sometimes produces durable peace. The short answer is that mediation creates durable peace when it produces balanced agreements, channels the struggle for power into nonviolent mechanisms and processes, and manages the spoilers who threaten the peace.

8.4 Conclusion

This chapter began by restating the research question posed at the start of this study, and it ended by providing an answer to this question. To derive this answer, however, it was first necessary to review the findings from each of the four case studies. By comparing and contrasting the findings in this manner it was possible to identify two factors which are key to the creation of durable peace because they were present in both cases of success and absent in both failures. The two factors are the distribution of power between the parties and the management of spoilers. Having identified these two factors as being critical to the creation of durable peace, the model for durable peace which was presented in Chapter 3 was revised.

The next chapter concludes this study by examining the implications arising from these findings, presenting a number of policy recommendations, identifying the limitations of this research, discussing the contribution that this study makes to the field, and by making suggestions for further research.

²⁰⁴ These tactics are derived from the case studies.

Chapter 9

Conclusion

9.1 Introduction

The goal of this final chapter is to look more broadly at the findings of the study and the model for durable peace presented in the last chapter. This chapter is therefore structured as follows: the first section will discuss a number of implications arising from the findings, the next section will discuss some policy recommendations that follow from this study, the third section will discuss the limitations of these findings, the fourth section discusses how the study has contributed to the literature, and the final section concludes this study with some suggestions for further research.

9.2 Implications Arising From the Findings

This study not only produced a number of findings related to answering the question of why mediation sometimes produces durable peace, it also went further by using these findings to develop an original model for durable peace. The model for durable peace therefore has some solid theoretical underpinnings.

The model for durable peace and the findings upon which it is based are not without some shortcomings, however. While the limitations will be discussed later in this chapter, a number of important implications which arise from the findings are discussed here first.

This study began by postulating that based on the literature on short-term mediation success and the durability of peace agreements, six factors would be equally important for the creation of durable peace. Based on the evidence from the cases, the study has found that two of these factors are far more important than the others for improving the chances that outcomes of durable peace will result from mediation. These two factors are: 1) the distribution of power, and 2) spoiler management. Moreover, it was also established that these two factors are interlinked. In the previous chapter the model for durable peace was

revised to account for these findings, and several major implications arising from the model for durable peace are discussed in this section.

1. What is Important for Short-Term Success is Different from what is Important for Long-Term Success

The initial model for durable peace presented in Chapter 3 was based on research for achieving short-term mediation success (as indicated by the production of a new peace agreement) and research on the durability of peace agreements. Based on that literature, it was anticipated that several factors would be important for long-term mediation success. Somewhat surprisingly, of all the original factors considered important for short-term mediation success, only two were found to be important for long-term success. This suggests that what is required for short-term success is not the same as what is required for long-term success.²⁰⁵

This does not necessarily mean that those factors found to be important for achieving short-term success are any less important than the factors for achieving long-term success. Rather, the two different sets of factors can be paired together. This notion of pairing short and long-term success is contained in the model and is discussed under the heading of ‘Putting it All Together: Planning for Long-term Success.’ So, in sum, while this study found that not all of the factors related to achieving short-term mediation success are important for creating long-term success, it was able to pair them together.

2. A Renewed Focus on Creating Good Agreements

Yet another implication of the findings is that the creation of a good agreement is paramount for the creation of durable peace. In other words, this study places a lot of emphasis back onto the creation of good agreements. In this sense, however, the findings in this study accord with other research on durable peace. Most notably, the assertion that good agreements are important for the creation of durable peace is reminiscent of Hampson’s landmark 1996 study on the durability of peace agreements. The importance of creating good peace agreements in order to produce durable peace has also been more recently re-affirmed by Fortna’s (2004) research into durable peace following interstate wars.

²⁰⁵ Similarly, Greig (2001) examined short and long-term success in cases of enduring rivalries, and he found that the factors which are conducive to short-term success differ significantly from those that promote an extended improvement in the relationship between the rivalries.

3. Viewing War is an Extension of Politics

Based on evidence from the case studies, this research argues that a struggle for power is at the core of all wars. During peacetime the struggle for power is managed non-violently. War, however, represents the parties' violent struggle for power. In other words, von Clausewitz's famous concept that war is a continuation of politics by other means is reaffirmed by this study.²⁰⁶ Viewed in this manner, mediation re-shapes the struggle for power through the peace agreement and the provisions it contains. This leads to the next implication: all mediation interventions are therefore political.

4. Mediation Interventions are Political Interventions

Because war can be considered a continuation of politics by other means, and mediation is an intervention into a war, all mediation needs to be viewed as being a form of political intervention.²⁰⁷ In other words, international mediation of armed conflicts should not be framed primarily as some type of psycho-social enterprise and it might be more accurately framed as a process which affects the political aspects of the armed conflict like the size of the military; the functioning of the judicial institutions; the structure and operation of the electoral processes; and lastly the form, shape, and composition of the government. Moreover, mediation and the agreements it produces can shape and alter the structure of the state itself. For example, early in the Bosnian case it was decided to maintain a multiethnic state and Holbrooke's mediation efforts were critical to obtaining this goal. The political aspects of mediation may be the most obvious in cases of mediation in civil wars, but even in the case of the interstate war between Egypt and Israel there were obvious political elements such as the exchange of ambassadors, the location of military installations, and the positioning of troops. In sum, this study reinforces the perspective that mediation is a political intervention.

²⁰⁶ It is important to note that the 'Clausewitzian model' of war was originally formulated to account for interstate wars, yet the concept that other (nonstate) actors such as rebel groups would choose to use war to pursue their interests still remains valid (Levy, 2007: 19-20).

²⁰⁷ In a related, but different, concept of the political aspects of mediation Crocker, Hampson, and Aall (2004: 23) state that, 'mediation is an inherently triangular political process...', because the parties are trying to reference themselves towards each other and towards the mediator while the mediator is at the same time trying to re-position them.

To conclude this section, this study has raised a number of implications. First, it has found that those factors which are important for short-term success are not the same as those which are important for achieving long-term mediation success. Second, the findings of this study place a major emphasis back onto the design of good agreements. Third, this study has reaffirmed the notion that that war can be framed as an extension of politics, and this, of course, implies that mediation interventions have political implications.

9.3 Policy Recommendations

Various prescriptions for policymakers follow from this research. These can be organized along the lines of considerations which are relevant before, during, after, and at all stages of the mediation process.

BEFORE THE PROCESS

Analyze How the Struggle for Power Was Previously Structured

Hampson, Crocker, and Aall (2004: 96) note that because every conflict is unique the first step for mediators who are planning a new intervention is to undertake a strategic analysis that includes among other things a consideration of the power balances. More specifically, they state that mediators should assess what forms of power matter the most in the conflict, whether they are distributed symmetrically or not between the parties, and whether these patterns are stable (Hampson, Crocker, and Aall, 2004: 101). To add to this, however, it is also important to analyze how the struggle for power was previously structured.

More specifically, stemming directly from points three and four in the last section of this chapter which discussed the concept that war can be viewed as a violent struggle for power, it is important for policymakers to understand how the struggle for power was previously structured during times of peace. Moreover, questions regarding why these 'normal' channels broke down and whether they need to be or even can be fixed, abandoned altogether, or restructured should also be answered. If it is deemed appropriate, these former channels can then be rebuilt as part of the current efforts to (re)channel the struggle for power back into these nonviolent mechanisms and processes. It was noted earlier in this study that there would be no point in rebuilding those structures which led to the outbreak of a war in the first

place. In these cases it might of course be more appropriate to abandon those structures altogether in order to create entirely new ones. Either way, the model for durable peace suggests that the parties' power struggle must be channeled into nonviolent mechanisms and processes, and an important step towards this end is to understand how the struggle for power was previously structured.

DURING THE PROCESS

Mediators Should Encourage Positional Bargaining

Some of the literature suggests that mediation which looks beyond the parties' positions to address their underlying mutual interests is preferable (see Moore, 2003). However, because it was found that balanced agreements are important for the creation of durable peace, and that one way to recognize that an agreement is balanced is that it equally splits to the parties' positions, then this study places a strong emphasis on the long-term durability of agreements which are reached through positional bargaining.²⁰⁸ The resulting policy recommendation is that mediators should encourage positional bargaining in order to generate balanced agreements.

Focus On the Design of the Agreement and Do Not Implement Bad Agreements

Mediators need to focus on the design of good agreements.²⁰⁹ Bad agreements should not be implemented.²¹⁰

²⁰⁸ Of course, it is entirely possible that when an agreement that is equally balanced between the parties' positions is reached then it also corresponds to meeting their underlying mutual interests too. Further research on this topic would be useful to help formulate a more definitive answer to this question.

²⁰⁹ The emphasis of the model for durable peace on crafting good agreements has further implications for both the revision of mediator training programs and on changing mediator practice. Mediator training programs should place a greater emphasis on agreement design. Attention should be given to questions of what provisions must, at a minimum, be contained in the agreement, and what provisions should almost certainly be excluded from the peace agreement. Furthermore, practitioners require new tools to assist with crafting good agreements. Practitioners also need ways to quickly assess, while in the process of drafting a new peace agreement with the parties, whether a parties' proposition will likely create a good agreement or not. Simple tools, such as a checklist of criteria for good agreements may be of value to practitioners in these circumstances. Furthermore, once a complete draft agreement has been reached, practitioners need more refined tools to assess whether the new agreement can be judged as being good. Tools such as these would also be very helpful for conducting evaluations of mediation interventions, and for getting stalled peace processes back on track.

²¹⁰ Hampson (1996) reaches a similar conclusion from his study of failed and successful peace agreements.

This study has reinforced the perspective that some agreements are better-crafted than others. Furthermore, this study has found that good agreements were important for the creation of durable peace. Bad agreements, on the other hand, contained the seeds of their own self-destruction. For these reasons, it is recommended that mediators focus on the design of the agreement, striving to ensure that a good agreement is crafted. If a bad agreement is created, it should not be implemented.

Mediators Need to Be Able to Shift Their Focus from Short-Term to Long-Term Success

The model for durable peace implies that mediators will need to be able to shift their focus to achieving long-term success once they are reasonably sure that short-term success is likely to be achieved. That is, a consideration of the short-term factors might preoccupy most of the mediator's time as they try to overcome the various obstacles to short-term success. Once short-term success looks attainable, however, mediators may need to give greater consideration to the factors found to be important for creating a durable peace. The resulting policy recommendation is that a focus on both the short and long-term needs to be maintained.

AFTER THE PROCESS

Mediators Need to Recognize Signs that Peace May Fail and Then Take Corrective Actions

As noted in the previous chapter, there are a number of obstacles that must be overcome to create both short and long-term mediation success. Derived from the two case studies of failed mediation are a number of signs that peace may fail, including:

- The delegations are not legitimate representatives of their parties.
- The parties represented are not those primarily responsible for waging the war and/or one or more of the parties responsible for waging the war is not represented in the mediation.²¹¹
- The sudden emergence of spoilers.
- The presence of spoilers who are not effectively managed.
- One of the parties rejects the agreement on the terms that it is unbalanced and/or unfair.

²¹¹ Of most concern are those parties that might eventually become spoilers.

- One of the parties persistently stalls on implementing the agreement and/or is uncooperative.
- One of the parties ‘cheats’ on implementation (e.g. by registering fake and/or elderly soldiers for demobilisation while retaining the younger and real soldiers or by falsifying claims about the size of their army).
- Violations of the agreement are overlooked.
- Penalties for violating the agreement are given to only one party, even though both parties are responsible for breaches (e.g. enforcement is tilted against one of the parties).
- There is a sudden shift of power.²¹²
- The levels of violence in the post-agreement phase are not reduced and so they are similar to what they were during the war.

In sum, the model for durable peace implies that mediators need to recognize these signs that peace may fail, and then take corrective actions in order to nurture of the creation of a durable peace.

AT ALL STAGES OF THE MEDIATION PROCESS

Consider the Political Implications of the Intervention

Mediation in armed conflicts is a political intervention and policymakers are therefore well-advised to consider the political implications of their involvement.²¹³ This, of course, implies that mediators need to be politically-savvy.²¹⁴ As Hare (1998: 23) notes, one of the greatest personal strengths that UN mediator Alioune Blondin Beye brought the Angolan peace process was his experience with diplomatic forms and protocols. In other, words he knew the world of foreign politics, and how to properly function within that realm

²¹² Fortna (2004: 106) also identifies large shifts power in the post-agreement phase as being associated with the failure of durable peace in cases of interstate wars; yet her study was unable to confirm a causal relationship between these two variables. Likewise, this study cannot positively identify a causal relationship.

²¹³ The assertion that mediation is a ‘political intervention’ is discussed in greater detail in the previous section of this chapter.

²¹⁴ Once again, this is an important consideration for the revision of mediator training programs.

Consider the Possible Advantages of Acting Independently

An increasing amount of literature on international mediation has stressed the value of acting in a coordinated manner with other third parties. This study, however, challenges the current trend in the literature concerning the need for greater degrees of coordination.²¹⁵ According to the model for durable peace, mediators should be comfortable blocking the efforts of other third parties at certain times in order to guarantee the short-term success of their efforts. This does not preclude them from later acting in a coordinated manner, and indeed this may be of great value after an agreement has been reached, but if other third-party actors are presenting an obstacle to achieving short-term success, then they should be blocked from the mediation process.²¹⁶ In other words, this study calls into question the necessity of *always* coordinating various third-party intervention efforts without fully questioning the value in doing so and the possible alternatives.

Moreover, also related to the notion of coordinating activities horizontally between various actors, is the notion of creating vertical linkages between mediation efforts occurring at the elite level with those occurring at lower levels. Once again, a large body of literature suggests that this may often be necessary to create successful mediation outcomes. This study, however, found that creating vertical linkages of this type were not required to create durable peace in the cases examined here. That is, both Carter and Holbrooke worked almost exclusively at the top level, and they both achieved long-term success. So, this study also calls into question the necessity of always having to create vertical linkages between actors at different levels.

Mediators Need to be Willing to Sacrifice their Neutrality

The findings of this study pose a challenge to Neutral Low Power Mediation (NLPM).²¹⁷ The model for durable peace suggests that mediators may need to employ directive tactics to balance power. Because balancing the power between the parties can threaten the mediator's perceived neutrality, these findings would also suggest that mediators may need to sacrifice their neutrality.

²¹⁵ For an extensive discussion of the role and value of coordination in various peacebuilding activities see the issue of *International Negotiation* (Volume 11, issue number 1, 2006) dedicated to this topic.

²¹⁶ Hampson (1996) is one such researcher who makes a very strong case for why third-parties need other third-parties during the post-agreement stage.

²¹⁷ NLPM, as the name suggests, is a style of mediation in which the mediator strives to remain neutral and they choose to use nondirective tactics (e.g. low power).

Moreover, these findings certainly do not support passive mediation which assumes that any agreement is a good agreement. As noted earlier in this section, mediators should not implement bad agreements. That is, mediators have an ethical role to play in judging the likely outcome of the agreement and calling for the stalled implementation of bad agreements. They may, therefore, need to be willing to be self-critical of their own efforts and willing to admit that a solution that they helped broker is not necessarily a good solution which will produce a good outcome. This, in turn, may mean siding with one of the parties. In sum, mediators may need to sacrifice their neutrality by assisting the weaker party to become more powerful, weakening the more powerful party, or taking sides with one of the parties against an agreement which they have judged to be a bad agreement.

Mediators Need to Think and Act in Broad as Well as Specific Terms

Another policy recommendation that is related to the assertion made earlier that mediators need to shift focus as they come closer to guaranteeing short-term success, also relates to the perspective of the mediator. The model for durable peace presented here asserts that mediators need to think and act in very broad terms. The model therefore challenges mediators to widen their venue; they cannot only be concerned with what is happening at the table. They need to be forward thinking too and consider what will happen with the agreement in the implementation phase and whether spoilers will emerge during that phase. When they look for spoilers they must look within the parties themselves, but also more widely to other actors who are not directly involved in the negotiations. In other words, this study places an increased emphasis on the need for what Saunders (2001) has termed 'circum-negotiation' – all of the other work that goes on around negotiation for the purpose of beginning, sustaining, and nourishing a peace process. In sum, the findings here imply that mediators need to think and act in broad as well as specific terms.

To conclude, a number of policy recommendations stem from the model for durable peace and the findings which it is based upon. It is recognised here that mediators often face restrictions or limitations because of narrow mandates, inadequate resources, or poor planning and execution of the mediation process. For those mediators that do have the option

of changing their process though, it is anticipated that they will have better prospects of achieving long-term success if they can modify their practice as per the policy recommendations discussed in this section.

9.4 Limitations of the Research

The model for durable peace and the research which it is built upon is not without limitations, and a number of these limitations are discussed here.

Some of the limitations with this research stem from the methodology. While George and Bennett (2006) outline a number of strengths that result from using a structured, focused case study approach (refer to section 1.5 on Research Methodology), there are also a number of limitations associated with this approach.

First, George and Bennett (2006: 25) state that a limitation of case studies is that they can make only tentative conclusions on how much the gradation of a particular variable affects the outcome in a particular case. In other words, ‘...case studies remain much stronger at assessing *whether* and *how* a variable mattered to the outcome than assessing *how much* it mattered’ (italics in original) (George and Bennett, 2006: 25). True to this limitation, this study was able to identify two factors which are important for the creation of durable peace from international mediation. It was not, however, able to ascertain which of these two factors might be more important. That is, if a mediator was forced to choose between managing power issues or managing spoilers, it is not clear from this study which would be of more importance to guaranteeing an outcome of durable peace. Common sense might suggest that spoilers need to be managed. Yet, this cannot be claimed with certainty since minor amounts of spoiler-created violence in the implementation phase can still lead to an outcome of durable peace. Rather, addressing the core issues at the heart of the conflict and preventing spoilers from emerging in the first place is related to the management of power. This may therefore be the primary factor which needs to be addressed by mediation in order to create durable peace. In sum, the question of which factor is more important for the creation of durable peace cannot be addressed by the methodology employed by this study.

A second limitation of the case study approach is related to a ‘lack of representativeness’. George and Bennett (2006: 31) state that, ‘statistical methods require a large sample of cases

that is representative of and allows inferences about a larger population of cases from which the sample is drawn. Statistical researchers thus devote much effort to trying to make the sample as representative as possible.’ On the other hand, case study research methods require the selection of cases which are necessarily unrepresentative of wider populations and, as such, the case study method produces contingent generalizations that only apply to other cases which are similar to those under study (George and Bennett, 2006). In other words, case study approaches may generate great explanatory richness within a case but at the expense of having less explanatory power across other types of cases (George and Bennett, 2006: 31). Thus, case study approaches need to be wary of the problem of ‘overgeneralizing’ findings to types of cases unlike those actually studied (George and Bennett, 2006: 32).

While great care was employed in choosing the cases for this research (see section 3.4 on Case Selection), it still suffers from these methodological limitations. The findings presented here thus need to be considered from the perspective of the nature of the cases used to generate the findings. Moreover, the applicability of the model for durable peace is limited to other similar cases.

A third limitation of this study relates to the definition of durable peace. The definition of durable peace employed by this study is extremely simplified because of the necessity of doing so in order to operationalize it as a variable (see section 1.3 on Defining Mediation Success). Durable peace as defined here is, at best, the absence of war (e.g. direct battle-related deaths). While this may be a good initial goal that mediators should aim for, many would argue that this is actually a ‘negative peace’, and that a goal of ‘positive peace’ should be strived for.²¹⁸ Obviously positive peace cannot be built without a first stage of negative peace, so this study can still make an important contribution. It would be interesting however, to see if the results of this study remain the same if a more robust definition of durable peace (e.g. one that is closer to positive peace) is utilized. In conclusion, it needs to be clearly stated that the results presented here are only relevant for creating a ‘negative’ durable peace, and not a ‘positive’ durable peace.

Another limitation of this study stems from the system used to categorize and distinguish between the various factors under consideration. For example, it was already noted in the

²¹⁸ The term ‘positive peace’ was first coined by Johan Galtung and as conceptualized by him it refers to a more robust type of peace characterized by the absence of both personal (or direct) and structural violence (Galtung, 1969).

previous chapter that a helpful distinction could be made between forceful versus non-forceful directive strategies. Additionally, it was also previously noted that a further useful distinction could be made regarding the use of mixed mediation strategies. In this sense, the categories used in this study are rather 'crude', and the results of this study could be further refined by conducting another study which employs much more precise categories.

The final limitation of this study which needs to be clearly noted concerns the role of other third party efforts and some other factors in creating durable peace. As was discussed in the first chapter of this study, there are a number of factors which have been considered as being important in the creation of durable peace, and much research has been devoted to some of these factors. For example, the deployment of peacekeepers, the holding of free and fair elections, the level of post-war economic development, the level of democratization, and a variety of other factors have been found to be important in predicting whether a peace agreement will hold and a state of post-war durable peace can be created in a war-torn country. It needs to be kept in mind then that mediation is only one factor of many that will be predictive of whether durable peace is created or not. In other words, even if mediation which should produce durable peace is undertaken, it still may not result in an outcome of durable peace because of the role of other factors which are outside the scope of mediation.

To further illustrate this point, if we take the first two cases examined in this study, then it would seem very likely that the levels of United States (US) aid to both Israel and Egypt may have some role in supporting the durable peace that currently exists there.²¹⁹ Likewise, the fact that Bosnia is a US protectorate may be a major factor in supporting the durable peace that currently exists in that country. Despite these limitations, it is still hoped that with this study and other similar ones that the role mediation can play in this larger post-war context is one that will be supportive of the creation of durable peace.

In sum, the results of this study need to be interpreted in consideration of their limitations. Three of the most important limitations which were discussed above are: the results will only be applicable to other similar cases; the results refer to the creation of a 'negative' durable peace; and lastly, many other factors which are outside the scope of mediation may affect

²¹⁹ For example, McArthur (2008) notes that, 'Israel is the largest cumulative recipient of U.S. aid since World War II (not counting the huge sums being spent in Iraq). The \$3 billion or so per year that Israel receives from the U.S. amounts to about \$500 per Israeli.'

outcomes of durable peace and so the model for durable peace may not always create durable peace.

9.5 The Contribution of this Study to the Field

As discussed below, this study makes a novel and useful contribution to the field in several ways. First, this is one of very studies on international mediation which considers a long-term definition of success. This study has discussed the limitations associated with measuring a short-term definition of success, and in doing so it is hoped that it will bring this problem to the attention of other researchers. At the minimum, this study has stressed that future research will be improved if the definition of success is qualified and the results are considered within their analytical context. Additionally, this study offers researchers an example of how to structure other studies that want to employ a long-term definition of mediation success. Moreover, this study has made an important distinction between two types of durable peace: positive and negative. It has furthermore recognized that the factors important for creating positive durable peace may differ from those which are important for creating a negative durable peace. Likewise, this study has demonstrated that not all of the factors which are important for creating short-term mediation success are important for creating long-term mediation success.

Second, this study has developed a model for mediation which produces durable peace, based on the contingency model of mediation.²²⁰ This is important because there are few, if any, other models which reflect the process in which mediation could create durable peace. While the model and the findings upon which it is based do have some limitations, as discussed above, it is still a very robust model. That is, the model not only provides an overview of the process in which mediation can create durable peace, but it also explains *how the process works*. This has been a criticism of other mediation research (see Kleiboer, 1996).²²¹

²²⁰ Similar to the contingency model of mediation, the model for durable peace developed here considers the context and the process, plus their interaction as being important determinants of the outcome of mediation.

²²¹ More precisely, Kleiboer (1996: 377) states that, ‘...mediation research has produced a wealth of correlations and facts, but it has not produced convincing explanations. For example, large-sample analysts who have claimed to “explain” mediation outcomes or to identify the importance of “determinants” of mediation success, that is, to develop causal links, actually have established only correlations between certain variables and mediation outcomes...’

Moreover, there are other aspects of the model which make it robust. For example, in developing the model and in discussing its implications, a number of other guidelines for practitioners in the forms of checklists or warning signs were developed. In Figure 8.7 a number of reasons why a practitioner may choose to block linkages between their process and other third party activities was presented. Seven forms that the parties' power may take were listed in Figure 8.11 and it was noted that this table can be used by practitioners to take a measure of the parties' power. Preventive and reactive tactics which a mediator can employ to limit or contain violence in the implementation phase were identified and listed. Lastly, a number of obstacles to success and some corresponding warning signs that peace may fail were derived from the study. Taken together, this means that the model contains many elements that will be valuable to practitioners and these elements should consequently help make the model easily applicable at the field level. In other words, the model for durable peace is theoretical, yet simple enough that it can be applied at the field level.

Third, the implications arising from the findings of this study and the application of the model challenge mediators to both widen and improve their practice. In other words, while this study explicitly recognizes the obstacles and limitations that mediators face, it also adds to a recently-growing trend in the literature which urges practitioners to improve their skills, become more creative, and 'raise the bar' on their practice.²²²

Fourth, this study builds upon earlier work on the topic of good peace agreements. A number of features of good agreements were listed in section 3.2.2 of this study. For example, Hartzell's (1999) research found that good agreements regulate control of the coercive apparatus of the state, deal with the allocation of political power in the new state, and address possible uneven economic advantages in the new state. This study offers a new answer to the question of why these aspects of the agreement are important for the durability of the agreement and the creation of durable peace. That is, by considering these aspects of the agreement from the perspective of how the power between the parties is distributed and channelled, it can be discerned that these aspects are important for the durability of peace because they are either balancing the power between the parties or channelling the post-war struggle for power into nonviolent processes and mechanisms.

²²² For example, Mac Ginty's (2006) book on the rejuvenation of stalled peace processes and accords, which takes a critical stance on contemporary peacemaking and current research on the implementation of peace accords, argues that practitioners must not simply adopt a 'cookie cutter' approach to peacemaking and that they must be self-critical of their efforts. Likewise, a recent article by Martin Griffiths (2005) argues the need for 'maverick' and creative mediators.

In sum, this study makes an important contribution to the field. Both the topic of the research and some elements of the research design are unique (e.g. the operationalization of durable peace). The model presented here fills an important theoretical gap in the literature, is valuable because it both describes and explains the process of how mediation can create durable peace, and it is still simple enough that it can be applied at the field level. Lastly, this study adds to a growing trend in the literature which challenges mediators to widen and improve their practice.

9.6 Suggestions for Further Research

Based upon the limitations of the research findings which were described earlier, a number of further topics for future research can be identified. These suggestions for further research are discussed here, and they are presented as a number of research questions.

Which factor is the most important for the creation of durable peace?

As already noted in the discussion of the limitations of this research, it is not possible to distinguish which of the two factors found to be important for the creation of durable peace is more important. This is an important research question to answer because mediators often have limited resources, and if they knew which of the two main factors was more important for the creation of durable peace, they could direct their limited resources to this area.

Do these two factors have continued importance when more cases are included in the sample?

Also, as already noted in the discussion of the limitations of this research, the results presented here should only be generalized to other cases which are similar to the ones employed in this study. The obvious question which arises from this is whether the factors identified here as being important for the creation for durable peace are also important when more cases are considered. This suggests that a new large-N study on this research question would be very helpful because findings which can be generalized across many more cases would be generated. This, in effect, would also help with testing the external validity of the model.

Are these factors relevant when the desired outcome is ‘positive’ durable peace?

Another limitation of this study which was discussed above is that it only measures what can be best described as a ‘negative’ durable peace indicated by the absence of direct battle-related deaths. An important research question to pursue would therefore be whether the two factors identified as important by this study for the creation of durable peace are also relevant if the aim is to build a more robust ‘positive’ durable peace.

Which type of mediator strategy is most likely to lead to the creation of durable peace?

This study faced a limitation in that it only distinguished between three different types of mediator strategies (Facilitative, Procedural, and Directive). As described earlier in this study, a more precise taxonomy of mediator strategies that contains a category for mixed mediation strategies and forceful versus non-forceful directive mediation strategies could be developed. This new, more precise taxonomy could then be used to readdress the question of which type of mediator strategy is most likely to lead to the creation of durable peace in order to generate more precise results.

What is the relationship between mediation which creates durable peace and other factors?

When the entire post-war environment is considered, then a number of other factors are important for the creation of durable peace, and mediation should therefore only be considered one of many factors which are important for creating durable peace. An obvious and important research question which arises from this expanded scope is what, if any, relationship exists between these other factors and mediation in the creation of durable?

While the research presented here lays some important groundwork for a better understanding of why and how mediation can produce durable peace, it also raises a number of new research questions. New research to address some of the questions posed above would be important for refining and deepening our understanding of the relationship between mediation and the creation of durable peace.

9.7 Conclusion

This chapter concluded this study by discussing the implications arising from the findings, identifying and discussing a number of policy recommendations, noting some of the limitations of the findings, identifying the ways in which this study has made a contribution to the field, and lastly, by making some suggestions for further research.

In general, this study generated a number of important findings on the role that mediation can play in creating durable peace. It went further to offer an original model for durable peace based on these findings. The model implies that a number of changes to the practice of mediation are required in order to produce durable peace, and taken together, it challenges mediators to raise the bar on their practice by becoming more involved in the implementation phase, sacrificing their neutrality (if needed) to balance the power, passing judgement on the value of the agreement, and proactively managing spoilers.

This model for durable peace, however, is not without limitations and further research can be important for providing additional verification of the findings and for making further revisions to it. The research question addressed by this study is an important one that has not received a lot of attention yet. This study is a helpful initial attempt at addressing this question, yet as described above, some important questions still remain unanswered.

Appendices

Appendix A: List of Wars 1946-2006²²³

Note: the entries start by stating the location of the war (indicated by bold font). Next, the type of incompatibility is listed as being either TERR or GOVT. TERR indicates that the primary incompatible positions between the parties refers to territory, whereas GOVT means that the primary incompatible positions concern the government. Then, the opposition organization(s) are listed. Moreover, it should be noted that:

The location column lists the governmental party except in the case of *extrasystemic conflicts*, which are listed in italics with brackets around the name of the dependent territory, and, with both parties listed in the opposition organization column with the government name in bold. In the case of an *interstate conflict*, both parties are presented in the location column, with a dash between the two country names. *Internationalized internal conflicts* have at least one state or multinational coalitions listed with the primary parties to the conflict. All other cases are *internal conflicts*. (UCDP/PRIO Armed Conflict Dataset Version 4-2007, 2007: 1)

Europe

Azerbaijan TERR (Nagorno- Karabakh) Republic of Nagorno-Karabakh, Armenia
1992–94 War

Bosnia and Herzegovina TERR (Serb) Serbian Republic of Bosnia and Herzegovina,
Serbian irregulars, Yugoslavia
1992–93 War

Bosnia and Herzegovina TERR (Croat) Croatian Republic of Bosnia and Herzegovina,
Croatian irregulars, Croatia
1993 War

Cyprus –Turkey TERR (Northern Cyprus)
1974 War

France GOVT OAS (Organisation de l'armée secrète: Secret Army Organization)
1961–62 War

Georgia TERR (Abkhazia) Republic of Abkhazia
1993 War

Greece GOVT DSE (Dimokratikos stratos ellados: Democratic Army of Greece)

²²³ This list is derived from the UCDP/PRIO Armed Conflict Dataset (Version 4-2007).

1946–49 War

Hungary –Soviet Union GOVT

1956 War

Russia cont. TERR (Chechnya) Republic of Chechnya (Ichkeria)

1995–96 War

1999–2001 War

2004 War

Soviet Union TERR (Lithuania) BDPS (Bendras demokratinio pasipriesinimo sąjūdis:

United Democratic Resistance Movement)

1946–47 War

Soviet Union TERR (Ukraine) UPA (Ukraine Partisan Army)

1946–48 War

Yugoslavia TERR (Croatia) Republic of Croatia, Croatian irregulars

1991 War

Yugoslavia TERR (Kosovo) UCK (Ushtria çlirimtare ë kosovës: Kosovo Liberation Army)

1998 War

Yugoslavia TERR (Kosovo) UCK, NATO (North Atlantic Treaty Organisation)

1999 War

Middle East

Iran GOVT Mujahideen e Khalq

1981–82 War

Iran TERR (Kurdistan) KDPI (Kurdish Democratic Party of Iran)

1979–80 War

1982 War

Iraq GOVT SCIRI (Supreme Council for the Islamic Revolution in Iraq)

1991 War

Iraq GOVT Al Mahdi Army, Jaish Ansar Al-Sunna (Army of the protectors of the faith),

TQJBR (Tanzim Qa'idat al Jihad fi Bilad al Rafidayn: Organization of Jihad's Base in the Country of the Two Rivers), Al Jaysh al-Islami fi Iraq (the Islamic Army of Iraq)

2004–06 War

Iraq TERR (Kurdistan) KDP (Al-hizb al dimuqraati al-kurid: Kurdish Democratic Party of

Iraq), PUK (Patriotic Union of Kurdistan)

1961–63 War

1965–66 War

1969 War

1974–75 War

1988 War
1991 War

Iran – Iraq TERR (Various)
1980–88 War

Iraq–USA, UK, Australia Government
2003 War

Iraq –Kuwait TERR (Kuwait)
1991 War

Israel – Egypt,Iraq, Lebanon, Syria, Transjordan TERR (Palestine)
1948 War

Israel, UK, France – Egypt TERR (Suez)
1956 War

Israel –Egypt TERR (Suez/Sinai)
1967 War
1973 War

Israel –Jordan TERR (West Bank)
1967 War

Israel –Syria TERR (Golan Heights)
1967 War
1973 War

Lebanon GOVT Independent Nasserite Movement /Mourabitoun militia
1958 War

Lebanon GOVT Various organizations, Syria, Israel
1976 War
1980–82 War

N. Yemen GOVT Opposition coalition
1948 War

N. Yemen GOVT Royalists
1962–64 War
1966–67 War

S. Yemen GOVT Faction of Yemenite Socialist Party
1986 War

Syria GOVT Muslim Brotherhood
1982 War

Turkey TERR (Kurdistan) PKK (Partiya karkeren Kurdistan: Kurdistan Worker’s Party)
1992-97 War

Yemen TERR (South Yemen) Democratic Republic of Yemen
1994 War

Asia

Afghanistan GOVT PDPA (People's Democratic Party of Afghanistan), Mujahideen (Afghanistan-based), Mujahideen (Pakistan-based), Mujahideen (Iran-based), Military faction, Taleban, Hezb-i-Islami, Hezb-i-Wahdat, Jumbish-i Milli-ye Islami, Jami'at-i-Islami, UIFSA (United Islamic Front for the Salvation of Afghanistan), Multinational Coalition
1978–2001 War

Afghanistan GOVT Taleban
2005-06 War

Burma/Myanmar GOVT BCP (Burmese Communist Party), leftist organizations
1948–53 War
1968–78 War

Burma/Myanmar TERR (Shan) MTA (Mong Tai Army)
1994 War

Burma/Myanmar TERR (Kachin) KIO (Kachin Independence Organization)
1961–75 War

Burma/Myanmar TERR (Karen) KNU (Karen National Union), God's Army
1949 War
1992 War

Cambodia GOVT Khmer Rouge
1967 War

Cambodia GOVT FUNK (Front uni national du Kampuchéa: National United Front of Kampuchea), North Vietnam
1970–75 War

Cambodia GOVT KNUFNS (Kampuchean National United Front for National Salvation), Vietnam
1978 War

Cambodia GOVT Khmer Rouge, FUNCINPEC (Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif: United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia)⁴², KPNLF (Khmer People's National Liberation Front)
1989 War

China GOVT People's Liberation Army
1946–49 War

China TERR (Taiwan) Taiwanese insurgents
1947 War

China TERR (Tibet) Tibet

1956 War

1959 War

China –Taiwan GOVT/TERR (Taiwan strait)

1949 War

1954 War

1958 War

China – India TERR (Aksai Chin, Arunachal Pradesh)

1962 War

China –Vietnam TERR (Various)

1979 War

Hyderabad GOVT CPI (Communist Party of India)

1947–48 War

Hyderabad – India TERR (Hyderabad)

1948 War

India GOVT CPI (Communist Party of India)

1948–51 War

India TERR (Punjab/ Khalistan) Sikh insurgents

1988–92 War

India TERR (Kashmir) Kashmir insurgents

1990–93 War

1999–2005 War

India –Pakistan TERR (Kashmir)

1948 War

1965 War

1971 War

1999 War

Indonesia GOVT Darul Islam Movement

1953 War

Indonesia TERR (South Moluccas) Republic of South Moluccas

1950 War

Indonesia TERR (West Papua) OPM (Organisasi Papua merdeka: Organization for a Free Papua)

1976-78 War

Indonesia TERR (East Timor) Fretilin (Frente revolucionária de Timor Leste independente: Revolutionary Front for an Independent East Timor)

1975–78 War

Laos GOVT Pathet Lao, Neutrals
1959–61 War

Laos GOVT Pathet Lao, North Vietnam
1963–73 War

(Malaya) TERR (Malaya) United Kingdom, Australia, New Zealand vs. Communist Party of Malaya
1948–57 War

Nepal GOVT CPN/M (Communist Party of Nepal/Maoist)
2002–05 War

N. Korea–S. Korea TERR (Korea)
1950–53 War

Pakistan TERR (Baluchistan) Baluchi separatists
1974 War

Pakistan TERR (East Pakistan) Mukti Bahini (Liberation Force)
1971 War

Philippines GOVT HUK (Hukbong Mapagpalaya ng Bayan: People's Liberation Army)
1946–54 War

Philippines GOVT CPP (Communist Party of the Philippines), Military faction
1982–86 War
1989 War
1991–92 War

Philippines TERR (Mindanao) MNLF (Moro National Liberation Front)
1978 War
1981 War

Philippines TERR (Mindanao) MNLF (Moro National Liberation Front), MILF (Moro Islamic Liberation Front), ASG (Abu Sayyaf Group), MNLF faction
2000 War

S. Korea GOVT Leftist insurgents (e.g. Inmin-gun: People's Army, Military faction)
1948–50 War

S. Vietnam TERR (South Vietnam) Communist forces (developing into FNL [Front national de libération: National Liberation Front])
1955–64 War

S. Vietnam –N. Vietnam TERR (South Vietnam)
1965–75 War

Sri Lanka TERR (Eelam) LTTE (Liberation Tigers of Tamil Eelam), TELO (Tamil Eelam Liberation Organization), PLOTE (People's Liberation Organization of Tamil Eelam)

1989–2001 War
2006 War

Sri Lanka GOVT JVP (Janata vimukhti peramuna: Sinhalese People's Liberation Front)
1971 War
1989 War

Tajikistan GOVT UTO (United Tajik Opposition)
1992–93 War

(Vietnam) TERR (Vietnam) **France** vs. Viet Nam doc lap dong minh hoi (Vietnam Independence League) or Viet minh
1946–54 War

Africa

(Algeria) TERR (Algeria) **France** vs. FLN (Front de libération nationale: National Liberation Front), MNA (Mouvement nationale algérien: Algerian National Movement)
1955–61 War

Algeria GOVT Takfir wa'l Hijra (Exile and Redemption), MIA (Mouvement Islamique Armée; Armed Islamic Movement), FIS (Front Islamique du Salut / Islamic Salvation Front), GIA (Groupe islamique armé: Armed Islamic Group), GSPC (Groupe salafiste pour la prédication et le combat: Salafist Group for Preaching and Combat)
1993-2001 War

Angola GOVT UNITA (União nacional para a independência total de Angola: National Union for the Total Independence of Angola), South Africa, FNLA (Frente nacional da libertação de Angola: National front for the Liberation of Angola), MPLA faction, Zaire
1975–94 War
1998–2001 War

Burundi GOVT CNDD (Conseil national pour la défense de la démocratie: National Council for the Defense of Democracy), Palipehutu-FNL (Parti pour la liberation du peuple Hutu-Forces nationales de libération: Party for the Liberation of the Hutu People-Forces for National Liberation), Frolina (Front pour la libération nationale: National Liberation Front), CNDD-FDD (Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie: National Council for the Defense of Democracy-Forces for the Defense of Democracy)
1998 War
2000-02 War

Cameroon GOVT UPC (Union des populations camerounaises: Union of the Populations of Cameroon)
1960 War

Chad GOVT Chad insurgents
1965 War

Chad GOVT FROLINAT (Front de libération national du Chad: National Liberation Front of Chad)

1966–70 War

Chad GOVT First Liberation Army, CCFAN (Conceil de Commandement des Forces Armées du Nord: Command Council of the Armed Forces of the North), FAN (Forces armées du nord: Armed Forces of the North), FAP (Forces armées populaires: People's Armed Forces), Third Liberation Army, First Volcan Army, New Volcan Army, Libya
1971–81 War

Chad GOVT GUNT (Gouvernement d'union nationale de transition: Transitional Government of National Unity), GUNT/CDR (Conseil démocratique révolutionnaire), Codos groups, Islamic Legion, MOSANAT (Mouvement pour le salut national du Chad), military faction, MPS (Mouvement patriotique du salut: Patriotic Salvation Movement), Libya
1982–1990 War

Chad GOVT RDL/FUCD (RDL/Front Unique pour le changement démocratique: United Front for Democratic Change), UFDD (Union des forces pour la démocratie et le développement: the Union Force for Democracy and Development), RAFD (Rassemblement des forces démocratiques: Rally of Democratic Forces)
2006 War

Chad –Libya TERR (Aozou strip)
1987 War

Congo-Brazzaville GOVT Ninjas, Cobras, Angola, Cocoyes, Ntsiloulous
1997–98 War

Democratic Republic of Congo GOVT CNL (Conseil national de libération: National Liberation Council)
1964–65 War

Democratic Republic of Congo GOVT AFDL, RCD (Rassemblement congolaises pour la démocratie: Congolese Democratic Rally), RCD-ML (Rassemblement congolaises pour la démocratie-Mouvement de libération: Congolese Democratic Rally-Liberation Movement), MLC (Mouvement de libération congolais: Congolese Liberation Movement), Angola, Rwanda, Uganda
1997–2000 War

Eritrea –Ethiopia TERR (Badme)
1998–2000 War

Ethiopia GOVT EPRP (Ethiopian People's Revolutionary Party), Military faction, TPLF (Tigrean People's Liberation Front), EPDM (Ethiopian People's Democratic Movement), EPRDF (Ethiopian People's Revolutionary Democratic Front)
1976–91 War

Ethiopia TERR (Eritrea) ELF (Eritrean Liberation Front), ELF factions, EPLF (Eritrean People's Liberation Front)
1974–91 War

Ethiopia TERR (Ogaden) WSLF (Western Somali Liberation Front)
1977–78 War

Guinea Bissau GOVT Military Junta for the Consolidation of Democracy, Peace and Justice
1998 War

(Kenya) TERR (Kenya) United Kingdom vs. Mau Mau
1953–56 War

Liberia GOVT NPFL (National Patriotic Forces of Liberia), INPFL (Independent NPFL)
1990 War
1992 War

Liberia GOVT LURD, MODEL (Movement for Democracy in Liberia)
2003 War

*(Madagascar) TERR (Malagasy) France vs. MDRM (Mouvement démocratique de la
rénovation malgache: Democratic Movement for Malagasy Renewal)*
1947 War

Morocco, Mauretania TERR (Western Sahara) Polisario (Frente popular de liberación de
Saguia el Hamra y Rio de Oro: Popular Front for the Liberation of Saguia al Hamra and Rio
de Oro)
1975–80 War

(Mozambique) TERR (Mozambique) **Portugal** vs. Frelimo (Frente de libertação de
Moçambique: Front for the Liberation of Mozambique)
1972–73 War

Mozambique GOVT Renamo (Resistência nacional moçambicana: Mozambican National
Resistance, MNR)
1981–92 War

Nigeria TERR (Biafra) Republic of Biafra
1967–70 War

Rhodesia GOVT ZANU (Zimbabwe African National Union), ZAPU (Zimbabwe African
People's Union)
1976–79 War

Rwanda GOVT FPR (Front patriotique rwandais: Rwandan Patriotic Front)
1991–92 War

Rwanda GOVT FDLR (Forces Democratiques de Liberation du Rwanda: Democratic
Liberation Forces of Rwanda)
1998 War
2001 War

Sierra Leone GOVT RUF (Revolutionary United Front), AFRC (Armed Forces
Revolutionary Council), Kamajors, West Side Boys
1998-99 War

Somalia GOVT SSDF (Somali Salvation Democratic Front), SNM (Somali National Movement), SPM (Somali Patriotic Movement), USC (United Somali Congress)-Madhi faction, USC- Aided faction
1990–92 War

South Africa TERR (Namibia) SWAPO (South West Africa People's Organization)
1980–83 War
1986–88 War

Sudan GOVT SPLM (Sudanese People's Liberation Movement/Army)
1983–92 War

Sudan GOVT SPLM/A, NDA (National Democratic Alliance), SAF (Sudan Alliance Forces)
1995–2002 War

Sudan GOVT SPLM/A, SLM/A (Sudan Liberation Movement/Army), JEM (Justice and Equality Movement)
2003–04 War

Sudan GOVT SLM/A, NRF (National Redemption Front), SLM/A–MM (Sudan Liberation Movement/Army–Minni Minawi faction)
2006 War

Sudan TERR (Southern Sudan) Anya Nya
1963–72 War

Tunisia –France TERR (Bizerte)
1961 War

Uganda GOVT Military faction, UNLA (Uganda National Liberation Army), Tanzania
1979 War

Uganda GOVT NRA (National Resistance Army), UFM (Uganda Freedom Movement), UPM (Ugandan Patriotic Movement), UNRF (Uganda National Rescue Front), UFD (Ugandan Federal Democratic Movement), UPF (Uganda People's Front), UPDA (Ugandan People's Democratic Army), UPC (Uganda People's Congress), UNLA (Uganda National Liberation Army), FOBA (Force Obote Back Again), UDCA (Uganda Democratic Christian Army), HSM (Holy Spirit Movement), HSM-Severino faction
1981–1988 War

Uganda GOVT UPDA faction, UPA (Uganda People's Army), UDCA (Uganda Democratic Christian Army)
1989 War
1991 War

Uganda GOVT LRA (Lord's Resistance Army)138, WNBF (West Nile Bank Front), ADF (Alliance of Democratic Forces), UNRF II (Uganda National Rescue Front II)
2002 War
2004 War

Americas

Argentina GOVT ERP (Ejército revolucionario del pueblo: Revolutionary Worker's Party),
Montoneros
1975 War

Bolivia GOVT Popular Revolutionary Movement
1946 War

Colombia GOVT FARC (Fuerzas armadas revolucionarias colombianas: Revolutionary
Armed Forces of Colombia), ELN (Ejército de liberación nacional: National Liberation
Army), EPL (Ejército popular de liberación: People's Liberation Army), M-19 (Movimiento
19 de Abril: 19 April Movement)
2001–02 War
2004–05 War

Costa Rica GOVT National Liberation Army
1948 War

Cuba GOVT Movimiento 26 de Julio (26 July Movement)
1958 War

El Salvador GOVT ERP (Ejército revolucionario del pueblo: People's Revolutionary Army),
FAL (Fuerzas armadas de liberación: Armed Liberation Forces), FARN (Fuerzas
armadas de resistencia nacional: Armed Forces of National Resistance), FPL (Fuerzas
populares de liberación farabundo Marti: Farabundo Marti Popular Liberation Forces), PRTC
(Partido revolucionario de trabajadores centroamericanos: Revolutionary Party of Central
American Workers), FMLN (Frente farabundo Marti para la liberación nacional: Farabundo
Marti Front for National Liberation)
1981–90 War

El Salvador – Honduras TERR (Common border)
1969 War

Guatemala GOVT MR-13 (Movimiento revolucionario trece de noviembre: 13 November
Revolutionary Movement), FAR (Fuerzas armadas rebeldes: Rebel Armed Forces), EGP
(Ejército guerilleros de los pobres: Guerilla Army of the Poor), PGT (Partido guatemalteco
del trabajo: Guatemalan Worker's Party), ORPA (Organización del pueblo en armas:
Organization of Armed People), URNG (Unidad revolucionaria nacional guatemalteca:
Guatemalan National Revolutionary Unity)
1969–87 War

Nicaragua GOVT FSLN (Frente Sandinista de liberación nacional: Sandinista National
Liberation Front)
1978–79 War

Nicaragua GOVT Contras
1983–88 War

Paraguay GOVT Opposition coalition
1947 War

Peru GOVT SL (Sendero luminoso: Shining Path), MRTA (Movimiento revolucionario
Tupac Amaru: Tupac Amaru Revolutionary Movement)

1981–85 War

1988–93 War

USA GOVT al-Qaida (The Base)

2001 War

Appendix B: List of Recurring Wars 1946-2006²²⁴

Note: the entries start by stating the location of the war (indicated by bold font). Next, the type of incompatibility is listed as being either TERR or GOVT. TERR indicates that the primary incompatible positions between the parties refers to territory, whereas GOVT means that the primary incompatible positions concern the government. Then, the opposition organization(s) are listed. Moreover, it should be noted that:

The location column lists the governmental party except in the case of *extrasystemic conflicts*, which are listed in italics with brackets around the name of the dependent territory, and, with both parties listed in the opposition organization column with the government name in bold. In the case of an *interstate conflict*, both parties are presented in the location column, with a dash between the two country names. *Internationalized internal conflicts* have at least one state or multinational coalitions listed with the primary parties to the conflict. All other cases are *internal conflicts*. (UCDP/PRIO Armed Conflict Dataset Version 4-2007, 2007: 1)

Europe

1-Russia cont. TERR (Chechnya) Republic of Chechnya (Ichkeria)
1995–96 War
1999–2001 War
2004 War

2-Yugoslavia TERR (Kosovo) UCK (Ushtria çlirimtare ë kosovës: Kosovo Liberation Army)
1998 War
1999 War

Middle East

3-Iran TERR (Kurdistan) KDPI (Kurdish Democratic Party of Iran)
1979–80 War
1982 War

4-Iraq TERR (Kurdistan) KDP (Al-hizb al dimuqraati al-kurid: Kurdish Democratic Party of Iraq), PUK (Patriotic Union of Kurdistan)
1961–63 War
1965–66 War
1969 War
1974–75 War
1988 War
1991 War

²²⁴ This list is derived from the UCDP/PRIO Armed Conflict Dataset (Version 4-2007). For more information on how this list was generated, refer to section '3.4 Case Selection'.

5-Israel –Egypt TERR (Suez/Sinai)

1967 War

1973 War

6-Israel –Syria TERR (Golan Heights)

1967 War

1973 War

7-Lebanon GOVT Various organizations, Syria, Israel

1976 War

1980–82 War

8-N. Yemen GOVT Royalists

1962–64 War

1966–67 War

Asia**9-Burma/Myanmar** GOVT BCP (Burmese Communist Party), leftist organizations

1948–53 War

1968–78 War

10-Burma/Myanmar TERR (Karen) KNU (Karen National Union), God's Army

1949 War

1992 War

11-China TERR (Tibet) Tibet

1956 War

1959 War

12-China –Taiwan GOVT/TERR (Taiwan strait)

1949 War

1954 War

1958 War

13-India TERR (Kashmir) Kashmir insurgents

1990–93 War

1999–2005 War

14-India –Pakistan TERR (Kashmir)

1948 War

1965 War

1971 War

1999 War

15-Philippines GOVT CPP (Communist Party of the Philippines), Military faction

1982–86 War

1989 War

1991–92 War

16-Philippines TERR (Mindanao) MNLF (Moro National Liberation Front)

1978 War

1981 War

17-Sri Lanka TERR (Eelam) LTTE (Liberation Tigers of Tamil Eelam), TELO (Tamil Eelam Liberation Organization), PLOTE (People's Liberation Organization of Tamil Eelam)

1989–2001 War

2006 War

18-Sri Lanka GOVT JVP (Janata vimukhti peramuna: Sinhalese People's Liberation Front)

1971 War

1989 War

Africa**19-Angola** GOVT UNITA (União nacional para a independência total de Angola: National Union for the Total Independence of Angola), South Africa, FNLA (Frente nacional da libertação de Angola: National front for the Liberation of Angola), MPLA faction, Zaire

1975–94 War

1998–2001 War

20-Burundi GOVT CNDD (Conseil national pour la défense de la démocratie: National Council for the Defense of Democracy), Palipehutu-FNL (Parti pour la liberation du peuple Hutu-Forces nationales de libération: Party for the Liberation of the Hutu People-Forces for National Liberation), Frolina (Front pour la libération nationale: National Liberation Front), CNDD-FDD (Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie: National Council for the Defense of Democracy-Forces for the Defense of Democracy)

1998 War

2000-02 War

21-Chad GOVT Libya²²⁵

1971–81 War

1982–1990 War

22-Liberia GOVT NPFL (National Patriotic Forces of Liberia), INPFL (Independent NPFL)

1990 War

1992 War

23-Rwanda GOVT FDLR (Forces Democratiques de Liberation du Rwanda: Democratic Liberation Forces of Rwanda)²²⁶

²²⁵ These were actually two internal wars within Chad that had the involvement of various different opposition organizations in each of the wars. Because Libya is listed as a party to the conflict in each of these wars, presumably because they provided support to the opposition organizations operating within Chad, I have listed this as a recurring war with these two parties. The interstate war between Chad and Libya which occurred in 1987 is considered here to be a separate event which did not recur.

²²⁶ The war between the Rwandan Government and the FPR (Front Patriotique Rwandais: Rwandan Patriotic Front) which was ended by the 1993 Arusha Peace Agreement cannot be considered to have recurred based on

1998 War
2001 War

24-South Africa TERR (Namibia) SWAPO (South West Africa People's Organization)
1980–83 War
1986–88 War

25-Sudan GOVT SPLM (Sudanese People's Liberation Movement/Army)
1983–92 War
1995-2002 War
2003-04 War

26-Sudan GOVT SLM/A (Sudan Liberation Movement/Army)²²⁷
2003–04 War
2006 War

27-Uganda GOVT UPDA faction, UPA (Uganda People's Army), UDCA (Uganda Democratic Christian Army)
1989 War
1991 War

28-Uganda GOVT LRA (Lord's Resistance Army), WNBF (West Nile Bank Front), ADF (Alliance of Democratic Forces), UNRF II (Uganda National Rescue Front II)
2002 War
2004 War

Americas

29-Colombia GOVT FARC (Fuerzas armadas revolucionarias colombianas: Revolutionary Armed Forces of Colombia), ELN (Ejército de liberación nacional: National Liberation Army), EPL (Ejército popular de liberación: People's Liberation Army), M-19 (Movimiento 19 de Abril: 19 April Movement)
2001–02 War
2004–05 War

30-Peru GOVT SL (Sendero luminoso: Shining Path), MRTA (Movimiento revolucionario Tupac Amaru: Tupac Amaru Revolutionary Movement)
1981–85 War
1988–93 War

the coding definitions employed by the [UCDP/PRIO Armed Conflict Dataset \(Version 4-2007\)](#), because the 1994 massacres are considered to be one-sided deaths, as opposed to battle-related deaths.

²²⁷ The first war which occurred from 1963-72 between the Sudanese government and Anya Nya could actually be considered the first war in this series because Anya Nya went on to later form the SLM. Because the [UCDP/PRIO Armed Conflict Dataset \(Version 4-2007\)](#) treats the 1963-72 war as a separate event with different parties, however, it has not been included in this list.

Appendix C: Peace Treaty Between Israel and Egypt

The Government of the Arab Republic of Egypt and the Government of the State of Israel;

PREAMBLE

Convinced of the urgent necessity of the establishment of a just, comprehensive and lasting peace in the Middle East in accordance with Security Council Resolutions [242](#) and [338](#);

Reaffirming their adherence to the "Framework for Peace in the Middle East Agreed at Camp David," dated September 17, 1978;

Noting that the aforementioned Framework as appropriate is intended to constitute a basis for peace not only between Egypt and Israel but also between Israel and each of its other Arab neighbors which is prepared to negotiate peace with it on this basis;

Desiring to bring to an end the state of war between them and to establish a peace in which every state in the area can live in security;

Convinced that the conclusion of a Treaty of Peace between Egypt and Israel is an important step in the search for comprehensive peace in the area and for the attainment of settlement of the Arab- Israeli conflict in all its aspects;

Inviting the other Arab parties to this dispute to join the peace process with Israel guided by and based on the principles of the aforementioned Framework;

Desiring as well to develop friendly relations and cooperation between themselves in accordance with the United Nations Charter and the principles of international law governing international relations in times of peace;

Agree to the following provisions in the free exercise of their sovereignty, in order to implement the "Framework for the Conclusion of a Peace Treaty Between Egypt and Israel";

Article I

1. The state of war between the Parties will be terminated and peace will be established between them upon the exchange of instruments of ratification of this Treaty.
2. Israel will withdraw all its armed forces and civilians from the Sinai behind the international boundary between Egypt and mandated Palestine, as provided in the annexed protocol (Annex I), and Egypt will resume the exercise of its full sovereignty over the Sinai.
3. Upon completion of the interim withdrawal provided for in Annex I, the parties will establish normal and friendly relations, in accordance with Article III (3).

Article II

The permanent boundary between Egypt and Israel in the recognized international boundary between Egypt and the former mandated territory of Palestine, as shown on the map at Annex II, without prejudice to the issue of the status of the Gaza Strip. The Parties recognize this boundary as inviolable. Each will respect the territorial integrity of the other, including their territorial waters and airspace.

Article III

1. The Parties will apply between them the provisions of the Charter of the United Nations and the principles of international law governing relations among states in times of peace. In particular:

- a. They recognize and will respect each other's sovereignty, territorial integrity and political independence;
 - b. They recognize and will respect each other's right to live in peace within their secure and recognized boundaries;
 - c. They will refrain from the threat or use of force, directly or indirectly, against each other and will settle all disputes between them by peaceful means.
2. Each Party undertakes to ensure that acts or threats of belligerency, hostility, or violence do not originate from and are not committed from within its territory, or by any forces subject to its control or by any other forces stationed on its territory, against the population, citizens or property of the other Party. Each Party also undertakes to refrain from organizing, instigating, inciting, assisting or participating in acts or threats of belligerency, hostility, subversion or violence against the other Party, anywhere, and undertakes to ensure that perpetrators of such acts are brought to justice.
 3. The Parties agree that the normal relationship established between them will include full recognition, diplomatic, economic and cultural relations, termination of economic boycotts and discriminatory barriers to the free movement of people and goods, and will guarantee the mutual enjoyment by citizens of the due process of law. The process by which they undertake to achieve such a relationship parallel to the implementation of other provisions of this Treaty is set out in the annexed protocol (Annex III).

Article IV

1. In order to provide maximum security for both Parties on the basis of reciprocity, agreed security arrangements will be established including limited force zones in Egyptian and Israeli territory, and United Nations forces and observers, described in detail as to nature and timing in Annex I, and other security arrangements the Parties may agree upon.
2. The Parties agree to the stationing of United Nations personnel in areas described in Annex I. The Parties agree not to request withdrawal of the United Nations personnel and that these personnel will not be removed unless such removal is approved by the Security Council of the United Nations, with the affirmative vote of the five Permanent Members, unless the Parties otherwise agree.
3. A Joint Commission will be established to facilitate the implementation of the Treaty, as provided for in Annex I.
4. The security arrangements provided for in paragraphs 1 and 2 of this Article may at the request of either party be reviewed and amended by mutual agreement of the Parties.

Article V

1. Ships of Israel, and cargoes destined for or coming from Israel, shall enjoy the right of free passage through the Suez Canal and its approaches through the Gulf of Suez and the Mediterranean Sea on the basis of the Constantinople Convention of 1888, applying to all nations, Israeli nationals, vessels and cargoes, as well as persons, vessels and cargoes destined for or coming from Israel, shall be accorded non-discriminatory treatment in all matters connected with usage of the canal.
2. The Parties consider the Strait of Tiran and the Gulf of Aqaba to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight. The parties will respect each other's right to navigation and overflight for access to either country through the Strait of Tiran and the Gulf of Aqaba.

Article VI

1. This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties undertake to fulfill in good faith their obligations under this Treaty, without regard to action or inaction of any other party and independently of any instrument external to this Treaty.
3. They further undertake to take all the necessary measures for the application in their relations of the provisions of the multilateral conventions to which they are parties, including the submission of appropriate notification to the Secretary General of the United Nations and other depositaries of such conventions.
4. The Parties undertake not to enter into any obligation in conflict with this Treaty.
5. Subject to Article 103 of the United Nations Charter in the event of a conflict between the obligation of the Parties under the present Treaty and any of their other obligations, the obligations under this Treaty will be binding and implemented.

Article VII

1. Disputes arising out of the application or interpretation of this Treaty shall be resolved by negotiations.
2. Any such disputes which cannot be settled by negotiations shall be resolved by conciliation or submitted to arbitration.

Article VIII

The Parties agree to establish a claims commission for the mutual settlement of all financial claims.

Article IX

1. This Treaty shall enter into force upon exchange of instruments of ratification.
2. This Treaty supersedes the Agreement between Egypt and Israel of September, 1975.
3. All protocols, annexes, and maps attached to this Treaty shall be regarded as an integral part hereof.

4. The Treaty shall be communicated to the Secretary General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Annex I

Protocol Concerning Israeli Withdrawal and Security Agreements

Article I

Concept of Withdrawal

1. Israel will complete withdrawal of all its armed forces and civilians from the Sinai not later than three years from the date of exchange of instruments of ratification of this Treaty.
2. To ensure the mutual security of the Parties, the implementation of phased withdrawal will be accompanied by the military measures and establishment of zones set out in this Annex and in Map 1, hereinafter referred to as "the Zones."
3. The withdrawal from the Sinai will be accomplished in two phases:
 - a. The interim withdrawal behind the line from east of El-Arish to Ras Mohammed as delineated on Map 2 within nine months from the date of exchange of instruments of ratification of this Treaty.
 - b. The final withdrawal from the Sinai behind the international boundary not later than three years from the date of exchange of instruments of ratification of this Treaty.
4. A Joint Commission will be formed immediately after the exchange of instruments of ratification of this Treaty in order to supervise and coordinate movements and schedules during the withdrawal, and to adjust plans and timetables as necessary within the limits established by paragraph 3, above. Details relating to the Joint Commission are set out in Article IV of the attached Appendix. The Joint Commission will be dissolved upon completion of final Israeli withdrawal from the Sinai.

Article II

Determination of Final Lines and Zones

1. In order to provide maximum security for both Parties after the final withdrawal, the lines and the Zones delineated on Map 1 are to be established and organized as follows:
 - a. Zone A
 1. Zone A is bounded on the east by line A (red line) and on the west by the Suez Canal and the east coast of the Gulf of Suez, as shown on Map 1.
 2. An Egyptian armed force of one mechanized infantry division and its military installations, and field fortifications, will be in this Zone.
 3. The main elements of that Division will consist of:
 - a. Three mechanized infantry brigades.
 - b. One armed brigade.
 - c. Seven field artillery battalions including up to 126 artillery pieces.

- d. Seven anti-aircraft artillery battalions including individual surface-to-air missiles and up to 126 anti-aircraft guns of 37 mm and above.
 - e. Up to 230 tanks.
 - f. Up to 480 armored personnel vehicles of all types.
 - g. Up to a total of twenty-two thousand personnel.
- b. Zone B
1. Zone B is bounded by line B (green line) on the east and by line A (red line) on the west, as shown on Map 1.
 2. Egyptian border units of four battalions equipped with light weapons and wheeled vehicles will provide security and supplement the civil police in maintaining order in Zone B. The main elements in the four Border Battalions will consist of up to a total of four thousand personnel.
 3. Land based, short range, low power, coastal warning points of the border patrol units may be established on the coast of this Zone.
 4. There will be in Zone B field fortifications and military installations for the four border battalions.
- c. Zone C
1. Zone C is bounded by line B (green line) on the west and the International Boundary and the Gulf of Aqaba on the east, as shown on Map 1.
 2. Only United Nations forces and Egyptian civil police will be stationed in Zone C.
 3. The Egyptian civil police armed with light weapons will perform normal police functions within this Zone.
 4. The United Nations Force will be deployed within Zone C and perform its functions as defined in Article VI of this annex.
 5. The United Nations Force will be stationed mainly in camps located within the following stationing areas shown on Map 1, and will establish its precise locations after consultations with Egypt:
 - a. In that part of the area in the Sinai lying within about 20 Km. of the Mediterranean Sea and adjacent to the International Boundary.
 - b. In the Sharm el Sheikh area.
- d. Zone D
1. Zone D is bounded by line D (blue line) on the east and the international boundary on the west, as shown on Map 1.
 2. In this Zone there will be an Israeli limited force of four infantry battalions, their military installations, and field fortifications, and United Nations observers.
 3. The Israeli forces in Zone D will not include tanks, artillery and anti-aircraft missiles except individual surface-to-air missiles.
 4. The main elements of the four Israeli infantry battalions will consist of up to 180 armored personnel vehicles of all types and up to a total of four thousand personnel.
2. Access across the international boundary shall only be permitted through entry check points designated by each Party and under its control. Such access shall be in accordance with laws and regulations of each country.
 3. Only those field fortifications, military installations, forces, and weapons specifically permitted by this Annex shall be in the Zones.

Article III

Aerial Military Regime

1. Flights of combat aircraft and reconnaissance flights of Egypt and Israel shall take place only over Zones A and D, respectively.
2. Only unarmed, non-combat aircraft of Egypt and Israel will be stationed in Zones A and D, respectively.
3. Only Egyptian unarmed transport aircraft will take off and land in Zone B and up to eight such aircraft may be maintained in Zone B. The Egyptian border unit..., may be equipped with unarmed helicopters to perform their functions in Zone B.
4. The Egyptian civil police may be equipped with unarmed police helicopters to perform normal police functions in Zone C.
5. Only civilian airfields maybe built in the Zones.
6. Without prejudice to the provisions of this Treaty, only those military aerial activities specifically permitted by this Annex shall be allowed in the Zones and the airspace above their territorial waters.

Article IV

Naval Regime

1. Egypt and Israel may base and operate naval vessels along the coasts of Zones A and D, respectively.
2. Egyptian coast guard boats, lightly armed, may be stationed and operate in the territorial waters of Zone B to assist the border units in performing their functions in this Zone.
3. Egyptian civil police equipped with light boats, lightly armed, shall perform normal police functions within the territorial waters of Zone C.
4. Nothing in this Annex shall be considered as derogating from the right of innocent passage of the naval vessels of either party.
5. Only civilian maritime ports and installations may be built in the Zones.
6. Without prejudice to the provisions of this Treaty, only those naval activities specifically permitted by this Annex shall be allowed in the Zones and in their territorial waters.

Article V

Early Warning Systems

Egypt and Israel may establish and operate early warning systems only in Zones A and D respectively.

Article VI

United Nations Operations

1. The Parties will request the United Nations to provide forces and observers to supervise the implementation of this Annex and employ their best efforts to prevent any violation of its terms.
2. With respect to these United Nations forces and observers, as appropriate, the Parties agree to request the following arrangements:

- a. Operation of check points, reconnaissance patrols, and observation posts along the international boundary and line B, and within Zone C.
 - b. Periodic verification of the implementation of the provisions of this Annex will be carried out not less than twice a month unless otherwise agreed by the Parties.
 - c. Additional verifications within 48 hours after the receipt of a request from either Party.
 - d. Ensuring the freedom of navigation through the Strait of Tiran in accordance with Article V of the Treaty of Peace.
3. The arrangements described in this article for each zone will be implemented in ones A, B, and C by the United Nations Force and in Zone D by the United Nations Observers.
 4. United Nations verification teams shall be accompanied by liaison officers of the respective Party.
 5. The United Nations Force and observers will report their findings to both Parties.
 6. The United Nations Force and Observers operating in the Zones will enjoy freedom of movement and other facilities necessary for the performance of their tasks.
 7. The United Nations Force and Observers are not empowered to authorize the crossing of the international boundary.
 8. The Parties shall agree on the nations from which the United Nations Force and Observers will be drawn. They will be drawn from nations other than those which are permanent members of the United Nations Security Council.
 9. The Parties agree that the United Nations should make those command arrangements that will best assure the effective implementation of its responsibilities.

Article VII

Liaison System

1. Upon dissolution of the Joint Commission, a liaison system between the Parties will be established. This liaison system is intended to provide an effective method to assess progress in the implementation of obligations under the present Annex and to resolve any problem that may arise in the course of implementation, and refer other unresolved matters to the higher military authorities of the two countries respectively for consideration. It is also intended to prevent situations resulting from errors or misinterpretation on the part of either Party.
2. An Egyptian liaison office will be established in the city of El-Arish and an Israeli liaison office will be established in the city of Beer-Sheba. Each office will be headed by an officer of the respective country, and assisted by a number of officers.
3. A direct telephone link between the two offices will be set up and also direct telephone lines with the United Nations command will be maintained by both offices.

Article VIII

Respect for War Memorials

Each Party undertakes to preserve in good condition the War Memorials erected in the memory of soldiers of the other Party, namely those erected by Egypt in Israel, and shall permit access to such monuments.

Article IX

Interim Arrangements

The withdrawal of Israeli armed forces and civilians behind the interim withdrawal line, and the conduct of the forces of the Parties and the United Nations prior to the final withdrawal, will be governed by the attached Appendix and Map 2.

Appendix to Annex I Organization of Movements in the Sinai

Article I Principles of Withdrawal

1. The withdrawal of Israeli armed forces and civilians from the Sinai will be accomplished in two phases as described in Article I of Annex I. The description and timing of the withdrawal are included in this Appendix. The Joint Commission will develop and present to the Chief Coordinator of the United Nations forces in the Middle East the details of these phases not later than one month before the initiation of each phase of withdrawal.
2. Both parties agree on the following principles for the sequences of military movements.
 - a. Notwithstanding the provisions of Article IX, paragraph 2, of this Treaty, until Israeli armed forces complete withdrawal from the current J and M Lines established by the Egyptian-Israeli Agreement of September 1975, hereinafter referred to as the 1975 Agreement, up to the interim withdrawal line, all military arrangements existing under that Agreement will remain in effect, except those military arrangements otherwise provided for in this Appendix.
 - b. As Israeli armed forces withdraw, United Nations forces will immediately enter the evacuated areas to establish interim and temporary buffer zones as shown on Maps 2 and 3, respectively, for the purpose of maintaining a separation of forces. United Nations forces' deployment will precede the movement of any other personnel into these areas.
 - c. Within a period of seven days after Israeli armed forces have evacuated any area located in Zone A, units of Egyptian armed forces shall deploy in accordance with the provisions of Article II of this Appendix.
 - d. Within a period of seven days after Israeli armed forces have evacuated any area located in Zones A or B, Egyptian border units shall deploy in accordance with the provisions of Article II of this Appendix, and will function in accordance with the provisions of Article II of Annex I.
 - e. Egyptian civil police will enter evacuated areas immediately after the United Nations forces to perform normal police functions.
 - f. Egyptian naval units shall deploy in the Gulf of Suez in accordance with the provisions of Article II of this Appendix.
 - g. Except those movements mentioned above, deployments of Egyptian armed forces and the activities covered in Annex I will be offered in the evacuated areas when Israeli armed forces have completed their withdrawal behind the interim withdrawal line.

Article II Subphases of the Withdrawal to the Interim Withdrawal Line

1. The withdrawal to the interim withdrawal line will be accomplished in subphases as described in this Article and as shown on Map 3. Each subphase will be completed within the indicated number of months from the date of the exchange of instruments of ratification of this Treaty:
 - a. First subphase: within two months, Israeli armed forces will withdraw from the area of El Arish, including the town of El Arish and its airfield, shown as Area I on Map 3.
 - b. Second subphase: within three months, Israeli armed forces will withdraw from the area between line M of the 1975 Agreement and line A, shown as Area II on Map 3.
 - c. Third subphase: within five months, Israeli armed forces will withdraw from the area east and south of Area II, shown as Area III on Map 3.
 - d. Fourth subphase: within seven months, Israeli armed forces will withdraw from the area of El Tor- Ras El Kenisa, shown as Area IV on Map 3.
 - e. Fifth subphase: Within nine months, Israeli armed forces will withdraw from the remaining areas west of the interim withdrawal line, including the areas of Santa Katrina and the areas east of the Giddi and Mitla passes, shown as Area V on Map 3, thereby completing Israeli withdrawal behind the interim withdrawal line.
2. Egyptian forces will deploy in the areas evacuated by Israeli armed forces as follows:
 - a. Up to one-third of the Egyptian armed forces in the Sinai in accordance with the 1975 Agreement will deploy in the portions of Zone A lying within Area I, until the completion of interim withdrawal. Thereafter, Egyptian armed forces as described Article II of Annex I will be deployed in Zone A up to the limits of the interim zone.
 - b. The Egyptian naval activity in accordance with Article IV of Annex I will commence along the coasts of areas I, III and IV, upon completion of the second, third, and fourth subphases, respectively.
 - c. Of the Egyptian border units described in Article II of Annex I, upon completion of the first subphase one battalion will be deployed in Area I. A second battalion will be deployed in Area II upon completion of the second subphase. A third battalion will be deployed in Area III upon completion of the third subphase. The second and third battalions mentioned above may also be deployed in any of the subsequently evacuated areas of the southern Sinai.
3. United Nations forces in Buffer Zone I of the 1976 Agreement will redeploy to enable the deployment of Egyptian forces described above upon the completion of the subphase, but will otherwise continue to function in accordance with the provisions of that Agreement in the remainder of that zone until the completion of interim withdrawal, as indicated in Article I of this Appendix.
4. Israeli convoys may use the roads south and east of the main road junction east of El Arish to evacuate Israeli forces up to the completion of interim withdrawal. These convoys will proceed in daylight upon four hours notice to the Egyptian liaison group and United Nations forces, will be escorted by United Nations forces, and will be in accordance with schedules coordinated by the Joint Commission. An Egyptian liaison officer will accompany convoys to assure uninterrupted movement. The Joint Commission may approve other arrangements for convoys.

Article III
United Nations Forces

1. The Parties shall request that United Nations forces be deployed as necessary to perform the functions described in the Appendix up to the time of completion of final Israeli withdrawal. For that purpose, the Parties agree to the redeployment of the United Nations Emergency Force.
2. United Nations forces will supervise the implementation of this Appendix and will employ their best efforts to prevent any violation of its terms.
3. When United Nations forces deploy in accordance with the provisions of Article and II of this Appendix, they will perform the functions of verification in limited force zones in accordance with Article VI of Annex I, and will establish check points, reconnaissance patrols, and observation posts in the temporary buffer zones described in Article II above. Other functions of the United Nations forces which concern the interim buffer zone are described in Article V of this Appendix.

Article IV

Joint Commission and Liaison

1. The Joint Commission referred to in Article IV of this Treaty will function from the date of exchange of instruments of ratification of this Treaty up to the date of completion of final Israeli withdrawal from the Sinai.
2. The Joint Commission will be composed of representatives of each Party headed by senior officers. This Commission shall invite a representative of the United Nations when discussing subjects concerning the United Nations, or when either Party requests United Nations presence. Decisions of the Joint Commission will be reached by agreement of Egypt and Israel.
3. The Joint Commission will supervise the implementation of the arrangements described in Annex I and this Appendix. To this end, and by agreement of both Parties, it will:
 - a. coordinate military movements described in this Appendix and supervise their implementation;
 - b. address and seek to resolve any problem arising out of the implementation of Annex I and this Appendix, and discuss any violations reported by the United Nations Force and Observers and refer to the Governments of Egypt and Israel any unresolved problems;
 - c. assist the United Nations Force and Observers in the execution of their mandates, and deal with the timetables of the periodic verification when referred to it by the Parties as provided for in Annex I and this Appendix;
 - d. organize the demarcation of the international boundary and all lines and zones described in Annex I and this Appendix;
 - e. supervise the handing over of the main installations in the Sinai from Israel to Egypt;
 - f. agree on necessary arrangements for finding and returning missing bodies of Egyptian and Israeli soldiers;
 - g. organize the setting up and operation of entry check points along the El Arish-Ras Mohammed line in accordance with the provisions of Article 4 of Annex III;
 - h. conduct its operations through the use of joint liaison teams consisting of one Israeli representative and one Egyptian representative, provided from a standing Liaison Group, which will conduct activities as directed by the Joint Commission;

- i. provide liaison and coordination to the United Nations command implementing provisions of the Treaty, and, through the joint liaison teams, maintain local coordination and cooperation with the United Nations Force stationed in specific areas or United Nations Observers monitoring specific areas for any assistance as needed;
 - j. discuss any other matters which the Parties by agreement may place before it.
4. Meetings of the Joint Commission shall be held at least once a month. In the event that either Party of the Command of the United Nations Force requests a specific meeting, it will be convened within 24 hours.
 5. The Joint Committee will meet in the buffer zone until the completion of the interim withdrawal and in El Arish and Beer-Sheba alternately afterwards. The first meeting will be held not later than two weeks after the entry into force of this Treaty.

Article V

Definition of the Interim Buffer Zone and Its Activities

1. An interim buffer zone, by which the United Nations Force will effect a separation of Egyptian and Israeli elements, will be established west of and adjacent to the interim withdrawal line as shown on Map 2 after implementation of Israeli withdrawal and deployment behind the interim withdrawal line. Egyptian civil police equipped with light weapons will perform normal police functions within this zone.
2. The United Nations Force will operate check points, reconnaissance patrols, and observation posts within the interim buffer zone in order to ensure compliance with the terms of this Article.
3. In accordance with arrangements agreed upon by both Parties and to be coordinated by the Joint Commission, Israeli personnel will operate military technical installations at four specific locations shown on Map 2 and designated as T1 (map central coordinate 57163940), T2 (map central coordinate 59351541), T3 (map central coordinate 5933-1527), and T4 (map central coordinate 61130979) under the following principles:
 - a. The technical installations shall be manned by technical and administrative personnel equipped with small arms required for their protection (revolvers, rifles, sub-machine guns, light machine guns, hand grenades, and ammunition), as follows:
 - T1 - up to 150 personnel
 - T2 and T3 - up to 350 personnel
 - T4 - up to 200 personnel
 - b. Israeli personnel will not carry weapons outside the sites, except officers who may carry personal weapons.
 - c. Only a third party agreed to by Egypt and Israel will enter and conduct inspections within the perimeters of technical installations in the buffer zone. The third party will conduct inspections in a random manner at least once a month. The inspections will verify the nature of the operation of the installations and the weapons and personnel therein. The third party will immediately report to the Parties any divergence from an installation's visual and electronic surveillance or communications role.
 - d. Supply of the installations, visits for technical and administrative purposes, and replacement of personnel and equipment situated in the sites, may occur uninterruptedly from the United Nations check points to the perimeter of the

technical installations, after checking and being escorted by only the United Nations forces.

- e. Israel will be permitted to introduce into its technical installations items required for the proper functioning of the installations and personnel.
- f. As determined by the Joint Commission, Israel will be permitted to:
 1. Maintain in its installations fire-fighting and general maintenance equipment as well as wheeled administrative vehicles and mobile engineering equipment necessary for the maintenance of the sites. All vehicles shall be unarmed.
 2. Within the sites and in the buffer zone, maintain roads, water lines, and communications cables which serve the site. At each of the three installation locations (T1, T2 and T3, and T4), this maintenance may be performed with up to two unarmed wheeled vehicles and by up to twelve unarmed personnel with only necessary equipment, including heavy engineering equipment if needed. This maintenance may be performed three times a week, except for special problems, and only after giving the United Nations four hours notice. The teams will be escorted by the United Nations.
- g. Movement to and from the technical installations will take place only during daylight hours. Access to, and exit from, the technical installations shall be as follows:

T1: Through a United Nations check point, and via the road between Abu Aweigila and the intersection of the Abu Aweigila road and the Gebel Libni road (at Km. 161), as shown on Map 2.

T2 and T3: through a United Nations checkpoint and via the road constructed across the buffer zone to Gebel Katrina, as shown on Map 2.

T2, T3, and T4: via helicopters flying within a corridor at the times, and according to a flight profile, agreed to by the Joint Commission. The helicopters will be checked by the United Nations Force at landing sites outside the perimeter of the installations.

- h. Israel will inform the United Nations Force at least one hour in advance of each intended movement to and from the installations.
 - i. Israel shall be entitled to evacuate sick and wounded and summon medical experts and medical teams at any time after giving immediate notice to the United Nations Force.
4. The details of the above principles and all other matters in this Article requiring coordination by the Parties will be handled by the Joint Commission.
 5. These technical installations will be withdrawn when Israeli forces withdraw from the interim withdrawal line, or at a time agreed by the parties.

Article VI

Disposition of Installations and Military Barriers

Disposition of installations and military barriers will be determined by the Parties in accordance with the following guidelines:

1. Up to three weeks before Israeli withdrawal from any area, the Joint Commission will arrange for Israeli and Egyptian liaison and technical teams to conduct a joint inspection of all appropriate installations to agree upon condition of structures and articles which will be transferred to Egyptian control and to arrange for such transfer. Israel will declare, at that time, its plans for disposition of installations and articles within the installations.
2. Israel undertakes to transfer to Egypt all agreed infrastructures, utilities, and installations intact, inter alia, airfields, roads, pumping stations, and ports. Israel will present to Egypt the information necessary for the maintenance and operation of the facilities. Egyptian technical teams will be permitted to observe and familiarize themselves with the operation of these facilities for a period of up to two weeks prior to transfer.
3. When Israel relinquishes Israeli military water points near El Arish and El Tor, Egyptian technical teams will assume control of those installations and ancillary equipment in accordance with an orderly transfer process arranged beforehand by the Joint Commission. Egypt undertakes to continue to make available at all water supply points the normal quantity of currently available water up to the time Israel withdraws behind the international boundary, unless otherwise agreed in the Joint Commission.
4. Israel will make its best effort to remove or destroy all military barriers, including obstacles and minefields, in the areas and adjacent waters from which it withdraws, according to the following concept:
 - a. Military barriers will be cleared first from areas near populations, roads and major installations and utilities.
 - b. For those obstacles and minefields which cannot be removed or destroyed prior to Israeli withdrawal, Israel will provide detailed maps to Egypt and the United Nations through the Joint Commission not later than 15 days before entry of United Nations forces into the affected areas.
 - c. Egyptian engineers will enter those areas after United Nations forces enter to conduct barrier clearance operations in accordance with Egyptian plans to be submitted prior to implementation.

Article VII

Surveillance Activities

1. Aerial surveillance activities during the withdrawal will be carried out as follows:
 - a. Both Parties request the United States to continue airborne surveillance flights in accordance with previous agreements until the completion of final Israeli withdrawal.
 - b. Flight profiles will cover the Limited Forces Zones to monitor the limitations on forces and armaments, and to determine that Israeli armed forces have withdrawn from the areas described in Article II of Annex I, Article II of this Appendix, and Maps 2 and 3, and that these forces thereafter remain behind their lines. Special inspection flights may be flown at the request of either Party or of the United Nations.
 - c. Only the main elements in the military organizations of each Party, as described in Annex I and in this Appendix, will be reported.
2. Both Parties request the United States operated Sinai Field Mission to continue its operations in accordance with previous agreements until completion of the Israeli withdrawal from the area east of the Giddi and Mitla Passes. Thereafter, the Mission be terminated.

Article VIII**Exercise of Egyptian Sovereignty**

Egypt will resume the exercise of its full sovereignty over evacuated parts of the Sinai upon Israeli withdrawal as provided for in Article I of this Treaty.

ANNEX II**Map of Israel-Egypt International Boundary****ANNEX III****Protocol Concerning Relations of the Parties****Article 1****Diplomatic and Consular Relations**

The Parties agree to establish diplomatic and consular relations and to exchange ambassadors upon completion of the interim withdrawal.

Article 2**Economic and Trade Relations**

1. The Parties agree to remove all discriminatory barriers to normal economic relations and to terminate economic boycotts of each other upon completion of the interim withdrawal.
2. As soon as possible, and not later than six months after the completion of the interim withdrawal, the Parties will enter negotiations with a view to concluding an agreement on trade and commerce for the purpose of promoting beneficial economic relations.

Article 3**Cultural Relations**

1. The Parties agree to establish normal cultural relations following completion of the interim withdrawal.
2. They agree on the desirability of cultural exchanges in all fields, and shall, as soon as possible and not later than six months after completion of the interim withdrawal, enter into negotiations with a view to concluding a cultural agreement for this purpose.

Article 4**Freedom of Movement**

1. Upon completion of the interim withdrawal, each Party will permit the free movement of the nationals and vehicles of the other into and within its territory according to the general rules applicable to nationals and vehicles of other states. Neither Party will impose discriminatory restrictions on the free movement of persons and vehicles from its territory to the territory of the other.
2. Mutual unimpeded access to places of religious and historical significance will be provided on a non-discriminatory basis.

Article 5
Cooperation for Development and Good Neighborly Relations

1. The Parties recognize a mutuality of interest in good neighbourly relations and agree to consider means to promote such relations.
2. The Parties will cooperate in promoting peace, stability and development in their region. Each agrees to consider proposals the other may wish to make to this end.
3. The Parties shall seek to foster mutual understanding and tolerance and will, accordingly, abstain from hostile propaganda against each other.

Article 6
Transportation and Telecommunications

1. The Parties recognize as applicable to each other the rights, privileges and obligations provided for by the aviation agreements to which they are both party, particularly by the Convention on International Civil Aviation, 1944 ("The Chicago Convention") and the International Air Services Transit Agreement, 1944.
2. Upon completion of the interim withdrawal any declaration of national emergency by a party under Article 89 of the Chicago Convention will not be applied to the other party on a discriminatory basis.
3. Egypt agrees that the use of airfields left by Israel near El-Arish, Rafah, Ras El-Nagb and Sharm El- Sheikh shall be for civilian purposes only, including possible commercial use by all nations.
4. As soon as possible and not later than six months after the completion of the interim withdrawal, the Parties shall enter into negotiations for the purpose of concluding a civil aviation agreement.
5. The Parties will reopen and maintain roads and railways between their countries and will consider further road and rail links. The Parties further agree that a highway will be constructed and maintained between Egypt, Israel and Jordan near Eilat with guaranteed free and peaceful passage of persons, vehicles and goods between Egypt and Jordan, without prejudice to their sovereignty over that part of the highway which falls within their respective territory.
6. Upon completion of the interim withdrawal, normal postal, telephone, telex, data facsimile, wireless and cable communications and television relay services by cable, radio and satellite shall be established between the two Parties in accordance with all relevant international conventions and regulations.
7. Upon completion of the interim withdrawal, each Party shall grant normal access to its ports for vessels and cargoes of the other, as well as vessels and cargoes destined for or coming from the other. Such access will be granted on the same conditions generally applicable to vessels and cargoes of other nations. Article 5 of the Treaty of Peace will be implemented upon the exchange of instruments of ratification of the aforementioned treaty.

Article 7
Enjoyment of Human Rights

The Parties affirm their commitment to respect and observe human rights and fundamental freedoms for all, and they will promote these rights and freedoms in accordance with the United Nations Charter.

Article 8
Territorial Seas

Without prejudice to the provisions of Article 5 of the Treaty of Peace each Party recognizes the right of the vessels of the other Party to innocent passage through its territorial sea in accordance with the rules of international law.

AGREED MINUTES**Article I**

Egypt's resumption of the exercise of full sovereignty over the Sinai provided for in paragraph 2 of Article I shall occur with regard to each area upon Israel's withdrawal from the area.

Article IV

It is agreed between the parties that the review provided for in Article IV (4) will be undertaken when requested by either party, commencing within three months of such a request, but that any amendment can be made only by mutual agreement of both parties.

Article V

The second sentence of paragraph 2 of Article V shall not be construed as limiting the first sentence of that paragraph. The foregoing is not to be construed as contravening the second sentence of paragraph 2 of Article V, which reads as follows: "The Parties will respect each other's right to navigation and overflight for access to either country through the Strait of Tiran and the Gulf of Aqaba."

Article VI (2)

The provisions of Article VI shall not be construed in contradiction to the provisions of the framework for peace in the Middle East agreed at Camp David. The foregoing is not to be construed as contravening the provisions of Article VI (2) of the Treaty, which reads as follows: "The Parties undertake to fulfill in good faith their obligations under this Treaty, without regard to action of any other Party and independently of any instrument external to this Treaty."

Article VI (5)

It is agreed by the Parties that there is no assertion that this Treaty prevails over other Treaties or agreements or that other Treaties or agreements prevail over this Treaty. The foregoing is not to be construed as contravening the provisions of Article VI (5) of the Treaty, which reads as follows: "Subject to Article 103 of the United Nations Charter, in the event of a conflict between the obligations of the Parties under the present Treaty and any of their other obligations, the obligation under this Treaty will be binding and implemented."

Annex I

Article VI, Paragraph 8, of Annex I provides as follows:

"The Parties shall agree on the nations from which the United Nations forces and observers will be drawn. They will be drawn from nations other than those which are permanent members of the United Nations Security Council."

The Parties have agreed as follows:

"With respect to the provisions of paragraph 8, Article VI, of Annex 1, if no agreement is reached between the Parties, they will accept or support a U.S. proposal concerning the composition of the United Nations force and observers."

Annex III

The Treaty of Peace and Annex III thereto provide for establishing normal economic relations between the Parties. In accordance herewith, it is agreed that such relations will include normal commercial sales of oil by Egypt to Israel, and that Israel shall be fully entitled to make bids for Egyptian-origin oil not needed for Egyptian domestic oil consumption, and Egypt and its oil concessionaires will entertain bids made by Israel, on the same basis and terms as apply to other bidders for such oil.

*For the Government
of Israel*

*For the Government of the
Arab Republic of Egypt*

*Witnessed by:
Jimmy Carter
President of the United States of America*

Source: Israel Ministry of Foreign Affairs (1979).

Appendix D: The General Framework Agreement for Peace in Bosnia and Herzegovina

The General Framework Agreement for Peace in Bosnia and Herzegovina Initialled in Dayton on 21 November 1995 and signed in Paris on 14 December 1995

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties"),

Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region,

Desiring to contribute toward that end and to promote an enduring peace and stability,

Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the cease-fire agreements of September 14 and October 5, 1995,

Noting the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently,

Have agreed as follows:

Article I

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

Article II

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at Annex 1-A and Annex 1-B. The Parties shall fully respect and promote fulfillment of the commitments made in Annex 1-A, and shall comply fully with their commitments as set forth in Annex 1-B.

Article III

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as set forth in the Agreement at Annex 2. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article IV

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfillment of that program.

Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5-9. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at Annex 10, and the international police task force, as set forth in the Agreement at Annex 11. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article IX

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

Article X

The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.

Article XI

This Agreement shall enter into force upon signature.

DONE at Paris, this 14 day of December, 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.

For the Republic of Bosnia and Herzegovina
 For the Republic of Croatia
 For the Federal Republic of Yugoslavia

Witnessed by:

European Union Special Negotiator
 For the French Republic
 For the Federal Republic of Germany
 For the Russian Federation
 For the United Kingdom of Great Britain and Northern Ireland
 For the United States of America

Annexes and Appendices

[Annex 1-A](#): Agreement on Military Aspects of the Peace Settlement and [Appendices](#)

[Annex 1-B](#): Agreement on Regional Stabilization

[Annex 2](#): Agreement on Inter-Entity Boundary Line and Related Issues

[Annex 3](#): Agreement on Elections

[Annex 4](#): Constitution

[Annex 5](#): Agreement on Arbitration

[Annex 6](#): Agreement on Human Rights

[Annex 7](#): Agreement on Refugees and Displaced Persons

[Annex 8](#): Agreement on the Commission to Preserve National Monuments

[Annex 9](#): Agreement on Bosnia and Herzegovina Public Corporations

[Annex 10](#): Agreement on Civilian Implementation

[Annex 11](#): Agreement on International Police Task Force

Source: International Conflict Research Institute (2004).

Appendix E: The Lusaka Protocol

Lusaka Protocol

Lusaka, Zambia, November 15, 1994

The Government of the Republic of Angola (GRA) and the "União Nacional para a Independência Total de Angola" (UNITA);

With the mediation of the United Nations Organization, represented by the Special Representative of the Secretary-General of the United Nations in Angola, Mr. Alioune Blondin Beye;

In the presence of the Representatives of the Observer States of the Angolan peace process:

Government of the United States of America;
 Government of the Russian Federation;
 Government of Portugal;

Mindful of:

- The need to conclude the implementation of the "Acordos de Paz para Angola" signed in Lisbon on 31 May 1991;
- The need for a smooth and normal functioning of the institutions resulting from the elections held on 29 and 30 September 1992;
- The need for the establishment of a just and lasting peace within the framework of a true and sincere national reconciliation;
- The relevant resolutions of the United Nations Security Council,

Accept as binding the documents listed below, which constitute the Lusaka Protocol:

[Annex 1](#): Agenda of the Angola Peace Talks between the Government and UNITA;

[Annex 2](#): Reaffirmation of the acceptance, by the Government and UNITA, of the relevant legal instruments;

[Annex 3](#): Military Issues - I;

[Annex 4](#): Military Issues - II;

[Annex 5](#): The Police;

[Annex 6](#): National Reconciliation;

[Annex 7](#): Completion of the Electoral Process;

[Annex 8](#): The United Nations mandate and the role of the Observers of the "Acordos de Paz" and the Joint Commission;

[Annex 9](#): Timetable for the implementation of the Lusaka Protocol;

[Annex 10](#): Other matters.

The Government of the Republic of Angola and the "União Nacional para a Independência Total de Angola" (UNITA)" solemnly undertake to do all in their power to respect and ensure respect for the spirit and the letter of the Lusaka Protocol.

The present Protocol, whose constituent documents were initialed at Lusaka, on 31 October 1994, by the heads of the Government and UNITA delegations, Messrs. Fernando Faustino Muteka and Eugènio Ngola "Manuvakola," and by the Special Representative of the Secretary-General of the United Nations in Angola, Mr. Alioune Blondin Beye, was subsequently approved by the competent constitutional authorities of the Republic of Angola and by the competent statutory UNITA authorities and shall come into force immediately after its signature.

Lusaka, 15 November 1994.

Source: United States Institute of Peace (1998a).

Annex 1:

Agenda of the Angola peace talks between the Government and UNITA

- I. Reaffirmation of the acceptance by the Government and by UNITA of the relevant legal instruments:
 1. The "Acordos de Paz."
 2. Security Council Resolutions.

- II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:
 1. Military issues:
 - a. Re-establishment of the cease-fire;
 - b. Withdrawal, quartering and demilitarization of all UNITA military forces;
 - c. Disarming of all civilians;
 - d. Completion of the formation of the Angolan Armed Forces (F.A.A.), including demobilization;
 2. The Police.
 3. United Nations mandate, the role of the Observers of the "Acordos de Paz" and the Joint Commission;
 4. National reconciliation;
 5. Completion of the electoral process and other pending issues.

III. Other matters

1. Date and venue of the signature of the Lusaka Protocol.

Annex 2:

Reaffirmation of the acceptance by the Government and by UNITA of the relevant legal instruments

1. The "Acordos de Paz";
2. Security Council Resolutions.

Lusaka, 19 November 1993

For the attention of His Excellency

Maître Alioune Blondin Beye

Special Representative of the United Nations Secretary-General for Angola

Lusaka

Excellency,

We have the honor to inform you herewith that, within the framework of discussions of item I on the agenda of the Lusaka peace talks, the Government of the Republic of Angola represented by its delegation, solemnly and officially reaffirms the validity of the "Acordos de paz para Angola," concluded with UNITA on 31 May 1991 at Lisbon, Portugal.

The Government of the Republic of Angola also reaffirms its unequivocal acceptance of the resolutions of the United Nations Security Council relating to the post-electoral conflict, in particular, resolutions 804, of 29 January 1993; 811, of 12 March 1993 ; 823, of 30 April 1993; 834, of 1 June 1993; 851, of 14 July 1993 and 864, of 15 September 1993.

Fernando Faustino Muteka

Head of the Government delegation

Lusaka, 20 November 1993

UNITA'S position on Item I.1 of the Lusaka-II Agenda:

UNITA reaffirms the validity of the "Acordos de Paz para Angola" as the basis for peace in Angola.

Taking into consideration the current situation of our country and the imperatives of peace, the "Acordos de Paz para Angola" must be updated.

UNITA'S position on Item I.2 of the Lusaka-II Agenda:

UNITA reaffirms that it has taken good note of the Security Council resolutions relating to the Angolan crisis, particularly resolution 864/93, as indicated in our letter dated 30 October 1993 addressed to His Excellency, Dr. Boutros Boutros Ghali, Secret ary General of the UN.

Annex 3:

Agenda Item II.1: Military Issues (I)

1. Re-establishment of the cease-fire;
2. Withdrawal, quartering and demilitarization of all UNITA military forces;
3. Disarming of all civilians.

I. Definition and General Principles

1. The reestablished cease-fire consists of the cessation of hostilities between the Government of the Republic of Angola and UNITA with a view to attaining peace throughout the national territory.
2. The reestablished cease-fire shall be total and definitive throughout the national territory.
3. Overall supervision, control and verification of the reestablished cease-fire will be the responsibility of the United Nations acting within the framework of its new mandate, with the participation of the Government and UNITA.

Specific Principles relating to the Reestablished Cease-fire

4. Bilateral and effective cessation of hostilities, movements and military actions "in situ" throughout the national territory.
5. Setting up of verification and monitoring mechanisms by the United Nations, within the framework of the new mandate.
6. Withdrawal and quartering of all UNITA military forces (paragraph 8 of United Nations Security Council resolution 864). UNITA shall provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and their respective locations.
7. Verification and monitoring by the United Nations of all troops identified as FAA. The Government shall provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and their respective locations.

8. The FAA will disengage from forward positions under an arrangement that will allow verification and monitoring by the United Nations during the withdrawal and quartering of UNITA military forces.
9. Repatriation of all mercenaries in Angola.
10. Free circulation of persons and goods.
11. Within the framework of the process of selection of the personnel for the completion of the formation of the FAA, the United Nations will carry out the collection, storage and custody of the armament of UNITA military forces at the time of quartering.
12. Collection, storage and custody of all the armament in the hands of civilians.
13. Release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.

Modalities

14. Cessation of hostilities "in situ."
15. Installation of verification, monitoring and control mechanisms, including triangular communications and logistical questions.
16. Limited disengagement of forces in areas where forces are in direct contact.
17. Situations where FAA and UNITA military forces are not in direct contact.
18. Furnishing the United Nations with details concerning the FAA and the military forces of UNITA.
19. Reinforcement of existing United Nations personnel, both military observers and armed peacekeeping forces.
20. Establishing quartering areas.
21. Identifying itineraries and means for the conduct of the movement of UNITA military forces to quartering areas.
22. Verification and monitoring of Government military forces.
23. Movement of UNITA military forces to quartering areas.
24. Collection, storage and custody of armament of UNITA military forces under the supervision and control of the United Nations.
25. Collection, storage and custody of all the armament in the hands of civilians.
26. Release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.

27. Return to the FAA of UNITA generals who left. Selection into FAA and demobilization of excess forces with the framework of the conclusion of the formation of the FAA.
28. Free circulation of persons and goods.

Timetable of the Bilateral Cease-fire Modalities

D-DAY

Initialing of the agreement by the Government of the Republic of Angola and UNITA on general and specific principles and procedures concerning the agenda items of the Lusaka II Talks.

D + 10

Meeting of the general staffs of the FAA and the military forces of UNITA under United Nations auspices with UNAVEM and the observers present to establish the technical modalities of the cessation of hostilities "in situ" for:

- The disengagement of forces;
- Logistical matters;
- The setting up of verification mechanisms;
- Communication lines;
- Movement itineraries;
- Specific numbers, type and location of forces;
- Quartering areas for UNITA forces.

D + 15

Date of the formal signing of the Protocol of Lusaka by the Government of the Republic of Angola and UNITA and beginning of its implementation. Public announcements by the Government of Angola and UNITA on the re-establishment of the cease-fire.

D + 17

Phase one

The first phase consists of five steps that must be taken by both sides:

- Step one begins with the end of all offensive movements and military actions "in situ" throughout the national territory. Both sides are restricted from moving. The cessation of hostilities "in situ" means that military forces will

stay where they are. Military forces can be supplied with food and medicines under the verification and monitoring of the United Nations. They cannot receive any military equipment, lethal or otherwise. All offensive movements and military actions are prohibited. Prior to the arrival of United Nations observers, the general staffs of both parties are encouraged to take joint measures to reduce the likelihood of cease-fire violations and to investigate incidents. The United Nations will be notified of the evacuation of sick and wounded combatants to ensure control and verification.

- Step two begins with the installation of verification, monitoring and control mechanisms (to include triangular communications) by the United Nations. This step includes notification by each side of all the relevant military data to the United Nations. The United Nations will create and put in place UN teams to monitor and verify the cessation of hostilities throughout the national territory and investigate alleged cease-fire violations. United Nations assets will be deployed on a prioritized basis.
- Step three begins with the release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.
- Step four:
 - Step four involves the limited disengagement of forces in areas where forces are in contact (both sides will disengage) under the supervision of the United Nations. Both sides will be made aware of any movements that occur. In places where troops are in contact, the forces of both sides will stop firing and position themselves in a defensive posture. Both sides will conduct a limited disengagement (this will be a small movement to avoid direct or indirect fire) with the assistance of the United Nations. The disengagement will be coordinated and agreed to by the United Nations, the FAA and UNITA forces. UNITA troops will pull back to an area designated by the United Nations and agreed to by the general staffs. FAA forces will pull back to their nearest barracks. The disengagement will be supervised by the United Nations.
 - In places where FAA and the military forces of UNITA are not in contact, both sides will merely remain where they are. The United

Nations will be officially informed of the locations of these units by both sides. The modalities of resupply specified in step one still apply.

- In all cases, both sides will furnish the United Nations with details concerning their respective forces to include number of men, composition and type of force, type of equipment and specific location. This will allow the United Nations to install the appropriate verification, monitoring or control mechanisms.

- Step five involves the repatriation of all mercenaries in Angola.

D + 45

Phase two

The second phase consists of six steps:

- Step one begins with the reinforcement of existing United Nations personnel, both military observers and armed peacekeeping forces. This reinforcement will permit the withdrawal of UNITA military forces from areas that they occupy, the effective verification and monitoring of those areas being abandoned by UNITA military forces, and the verification and monitoring of Government forces which continue to remain "in situ."
- Step two involves the United Nations in coordination with both sides establishing quartering areas, itineraries, and identifying means for the conduct of the movement of the military forces of UNITA to quartering areas. For United Nations planning purposes, the number of quartering areas is expected to be at least twelve. During this step, Government and UNITA forces continue to remain in place. Once conditions have been established for the quartering of UNITA forces, the United Nations will notify both sides of the specific modalities of the withdrawal.
- Step three starts with the movement of the military forces of UNITA to quartering areas. As the military forces of UNITA withdraw, the United Nations will verify and monitor those areas being vacated. The FAA will continue to remain in place and will not be permitted to occupy the areas being abandoned by the military forces of UNITA until the integration of the military forces of UNITA into the FAA. At the same time as UNITA military forces are moving to quartering areas, Government forces, in coordination with the United Nations, can pull their forces back to areas where they can be easily verified and monitored by the United Nations. In most cases,

Government forces will return to the areas where they are headquartered. The concept is that Government forces will be centralized for the ease of verification. However, no movement of forces will take place without United Nations notification and verification. Movements of forces will be progressively monitored and verified by the United Nations and will be conducted based on the availability of assets. United Nations personnel will be deployed in accordance with the new United Nations mandate.

- Step four involves the completion of the quartering of the military forces of UNITA and the collection, storage and custody of their armaments under the supervision and control of the United Nations. It also includes the start of the collection, storage and custody of all the armaments in the hands of civilians by the National Police with verification and monitoring by the United Nations. The operation to collect all the lethal war materiel of UNITA's military forces will be conducted directly by the general staff and the command elements of these troops under United Nations verification, monitoring and control. The United Nations will, as part of a consecutive action, collect this lethal war materiel and will proceed to store and take custody of it as previously agreed. Ammunition and materiel storage locations will be located in separate areas from the quartering locations.
- Step five consists of the conclusion of the quartering process, the return of UNITA generals to the FAA, the beginning of the selection of the military forces of UNITA for FAA and demobilization of excess forces. Selection for the FAA and demobilization of the military forces of UNITA will only begin once the quartering process has been completed.
- Step six includes the verification by the United Nations, in accordance with its mandate, of the free circulation of persons and goods.

Annex 4:

Agenda Item II.1 (continued):

Military issues (II)

4. Completion of the formation of the Angolan Armed Forces (FAA), including demobilization.

I. General Principles

47. The process of completion of the formation of FAA under the verification and monitoring of the United Nations will guarantee the existence of one single, national and nonpartisan armed forces obeying the sovereign organs of the Republic of Angola.
48. The composition of the Angolan Armed Forces will reflect the principle of proportionality between Government and UNITA military forces as provided for in the Bicesse Accords.
49. The military personnel in excess of the number to be agreed between the Angolan Government and UNITA for the composition of FAA will be demobilized and integrated into civilian society, within the framework of a national social reintegration program to be undertaken by the Government of the Republic of Angola with the participation of UNITA and the assistance of the international community.

II. Specific Principles

50. After the process of selection of UNITA military forces, the selected personnel will be incorporated in FAA, under the supervision of the General Staff of FAA in which the Generals of UNITA will have already been present.
51. For administrative and logistic reasons, the excess personnel will be dependent on the above-mentioned General Staff for their professional training, demobilization and reintegration into civilian society.
52. The process of selection for incorporation and military distribution of UNITA military forces in FAA will start after the conclusion of the quartering of all UNITA military forces.
53. During the process of completion of the formation of FAA, at the time of the selection of UNITA military forces, the composition of FAA will be made to reflect the principle of proportionality agreed between the Government of the Republic of Angola and UNITA.
54. Within the framework of its new mandate, the United Nations will verify the strict compliance with the accords concerning FAA, without prejudice to the competence of the Government of the Republic of Angola with respect to National Defense policy.
55. The joint commission to be set up within the framework of the new United Nations mandate, with the participation of the Government of Angola, UNITA, the United Nations and the observer countries will also see to it that

the General and Specific Principles for the completion of the formation of FAA as well as for the process of selection and demobilization of excess military personnel of the sides are implemented.

III. Modalities

Phase I

This phase begins with the initialing of the Lusaka Accords between the Government of the Republic of Angola and UNITA, and continues until the quartering of UNITA military forces.

Setting up of a working group to supervise the completion of the formation of FAA and demobilization within the framework of the joint commission to be established under the new United Nations mandate. The above-mentioned working group will comprise representatives of the United Nations, the Angolan Government and UNITA. The work of this group will be based on information made available to the United Nations by the Government of Angola and UNITA with regard to the personnel, the composition and location of the respective military forces as well as the deliberations of the meeting between the general staffs of FAA and UNITA. The working group will be responsible for monitoring the following tasks concerning the completion of the formation of FAA and demobilization:

- Selection criteria
- Size of FAA to be agreed between the Government of the Republic of Angola and UNITA
- Adequacy of the composition of FAA, based on the principle of proportionality:
 - in the case of the army, the principle of parity shall apply;
 - in the case of the Navy and the Air Force, UNITA military forces shall be incorporated in conformity with the provisions established by CCFA ("Acordos de Paz") and instructions from the General Staff of FAA.
- Identification of the location and rehabilitation of the already existing military training centers
- Identification of the location and rehabilitation of the already existing vocational training centers for the soldiers to be demobilized
- Identification of the location as well as construction and rehabilitation of quarters for the FAA units

- The resources necessary for military incorporation based on the skills and specializations of FAA personnel
- Logistics and administrative resources for all the tasks

Phase II

This phase begins with the completion of the quartering of UNITA military forces and ends with the commencement of movement to the centers for the vocational training of the demobilized military personnel.

Stage I

Return of the UNITA generals who left FAA.

Stage II

Dissolution of the working group mentioned under Phase I and assumption by the FAA General Staff of its functions with regard to the completion of the formation of the Angolan Armed Forces and demobilization.

Stage III

Establishment of a working group, under the FAA General Staff, which will operate in the area of planning and will supervise the implementation of the tasks leading to the completion of the formation of the FAA. This working group should have a technical link with the United Nations.

Stage IV

Selection of UNITA military personnel for FAA as well as those to be demobilized. The FAA General Staff will also take responsibility for logistics and administrative support to all UNITA military personnel, both those selected for FAA and those for demobilization. This stage also includes the selection by the Angolan Government of those of its military personnel who will remain in FAA and those who will be demobilized.

Stage V

Phased incorporation in FAA of UNITA military personnel selected for FAA and their movement to the military specialist training centers or to the operational units.

Stage VI

Initial movement of FAA and UNITA military personnel to be demobilized to the vocational training centers.

Phase III

This phase begins with the selection and incorporation of UNITA military personnel in FAA and the selection of the military personnel of the Government to be retained in FAA and ends with the completion of the formation of FAA, the total demobilization and final verification

by the United Nations that the provisions of the Lusaka Protocol have been fulfilled as regards the completion of the formation of FAA and the demobilization of excess personnel.

Annex 5:

Agenda Item II.2: The Police

I. General Principles

1. The Angolan National Police is the organ of the Angolan State Administration responsible for the maintenance of public order and the defense of the interests, integrity and security of all persons in Angola, irrespective of their nationality, place of birth, race, religion, social origin or political party affiliation.
2. The Angolan National Police is governed by the legislation in force, in compliance with the relevant provisions of the Bicesse Accords and the Lusaka Protocol. It discharges its tasks in accordance with the aforesaid instruments and within the letter and spirit of democratic principles and internationally recognized human rights, such as the Universal Declaration of Human Rights.
3. The Angolan National Police is a corporate body which, taking into consideration the principles of administrative decentralization, exercises its authority over the whole country at the national, provincial, municipal and communal levels. The activities of the Angolan National Police are carried out within the limits authorized by the legislation in force, respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol, in strict compliance with the principles of the rule of law and of fundamental freedoms. Except in the specific cases provided for by law, its activities cannot be redirected in any event towards impeding or restricting the exercise by citizens of their political rights of favoring any political party whatsoever. Under the law, the Angolan National Police shall be held responsible for any violation of these principles, without prejudice to any action for criminal or civil liability of any individual member of the police force brought before the relevant Angolan judicial authorities.
4. Members of the Angolan National Police shall be given an appropriate professional training and their equipment shall be adapted to their functions, that is maintenance of public order and security.
5. The Angolan National Police shall be an instrument for reinforcing national reconciliation. In this spirit, it shall be a nonpartisan institution in which, within the framework of the Bicesse Accords and the Lusaka Protocol, a significant number of UNITA members shall be incorporated.

II. SPECIFIC PRINCIPLES

1. The activities of the Angolan National Police, placed under the legitimate authority, shall be verified and monitored by the United Nations, within the framework of its new mandate, in order to guarantee its neutrality.
2. The functions of the Angolan National Police, except as provided for under the law, include guaranteeing the normal operation of the democratic institutions and the regular exercise of fundamental rights and freedoms. In this context, any individual suspected of having committed illegal acts and placed under preventive detention by the police shall, in strict compliance with the law, be taken to court.
3. The Angolan National Police functioning under the Ministry of Home Affairs is organically and functionally independent of FAA. The demobilized military personnel to be incorporated into the Angolan National Police shall be subject to the statute of the Angolan National Police, and thereby all their former statutory military and political party connections shall cease.
4. Members of UNITA shall be incorporated into the Angolan National Police at all levels and in all branches, including the command and service organs provided for in the organic statute of the Angolan National Police.
5. Under the terms of the legislation in force, namely the relevant provisions of the Constitutional Law and Decree no. 20/93 of 11 June, and in application of the principles of administrative decentralization to the Angolan National Police, the responsibility for the management, coordination and monitoring of the activities of all its organs and services at the provincial level falls on the provincial commands.
6. The Rapid Reaction Police is one of the organs of the Angolan National Police prepared to be used in compliance with the legislation in force and the relevant provisions of the Bicesse Accords and the Lusaka Protocol, for the maintenance and restoration of order, controlling situations of concerted violence, fighting violent and organized crime, protecting strategic installations and providing security for important personalities.
7. Any action by the Rapid Reaction Police shall be carried out in compliance with the principle of legality and at the request of the competent political and administrative authorities.
8. The Rapid Reaction Police shall act in circumstances in which other specialized organs of the Angolan National Police find it technically impossible to act in conformity with paragraph 6 above.

9. Once public order has been restored under the terms of paragraph 6, the units of the Rapid Reaction Police shall return to their installations.

10. The quartering of the Rapid Reaction Police and the adaptation of its armament and equipment to the nature of its mission shall be carried out under United Nations verification and monitoring.

11. The Rapid Reaction Police shall be stationed only at strategic locations in the country.

12. The existence of any other surveillance or policing organ not expressly provided for under the legislation in force or by the relevant provisions of the Bicesse Accords and the Lusaka Protocol is forbidden.

III. MODALITIES

1. The participation of members of UNITA in the Angolan National Police shall be on the following basis (5,500):

- (a) 180 officers
- (b) 550 sergeants
- (c) 4,770 policemen

2. The numbers stated under paragraph 1 above include the personnel to be incorporated into the Rapid Reaction Police on the following basis (1,200):

- (a) 40 officers
- (b) 120 sergeants
- (c) 1,040 policemen

3. The timetable as well as the identification of the quartering areas for the Rapid Reaction Police shall be established on D-Day + 10 by the United Nations and the Government in the presence of UNITA and the Representatives of the observer States, with the understanding that UNITA shall have the possibility of expressing to the United Nations all its views on all matters under discussion.

The formalization of the participation of the members of UNITA in the Angolan National Police and the Rapid Reaction Police shall be made during the same meeting of D-Day + 10, with the participation of the Government, UNITA, the United Nations and the Representatives of the observer States.

4. The process of selection and incorporation of the demobilized members of UNITA military forces into the ranks of the Angolan National Police shall begin after the completion of the quartering of all UNITA military forces.

5. All members--officers, sergeants and policemen--of the Rapid Reaction Police shall undergo basic training and specific courses adapted to their mission.

ANNEX 6:**AGENDA ITEM II.4: NATIONAL RECONCILIATION****I. GENERAL PRINCIPLES**

1. The serious crisis prevailing in the country requires a comprehensive solution that would lead to the coming together once again of Angolans to live together peacefully in the same Fatherland and in a spirit of cooperation, in the pursuit of the common good.

All human endeavors in the political, economic, social and cultural fields should reflect the great objective of National Reconciliation in order to build an Angolan society marked by progress and tolerance.

2. National Reconciliation, today a national imperative, is the expression of the people's will which is translated unequivocally by the political will of the Government of the Republic of Angola and UNITA to live together within the Angolan constitutional, political and legal framework, reaffirming particularly their respect for the principles of accepting the will of the people expressed through free and fair elections and the right to opposition.

3. National Reconciliation has as its objective, inter alia, the re-establishment of a just and lasting peace in Angola and to make it possible, in strict respect for the legislation in force and by respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol, for all Angolans to participate in the promotion of a social climate of tolerance, fraternity and mutual trust.

4. National Reconciliation implies:

- The acceptance by all Angolans, irrespective of party or religious affiliation and racial or ethnic differences, to live in the same Fatherland with a spirit of fraternity and tolerance;
- The respect for the principles of the rule of law, for the fundamental human rights and freedoms as defined by the national legislation in force and by the various legal international instruments to which Angola is a party, including the relevant provisions of the Bicesse Accords and the Lusaka Protocol;
- That, in the pursuit of national interest, UNITA members participate adequately at all levels and in the various institutions of political, administrative and economic activity.

- That, in accordance with Article 54(d) and (e) and Article 89(c) and (d) of the Constitutional Law of the Republic of Angola, the administration of the country be effectively decentralized and deconcentrated;
- Condemnation of the use of violence as a means of settling disputes or conflicts between the various forces constituting Angolan society; such issues should be settled peacefully;
- The use of the mass media to help pacify minds in support of the process of coexistence, national reconciliation and the consolidation of the democratic process, under the terms of Article 35 of the Constitutional Law, respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol.

5. In the spirit of National Reconciliation, all Angolans should forgive and forget the offenses resulting from the Angolan conflict and face the future with tolerance and confidence.

Furthermore, the competent institutions will grant an amnesty, in accordance with Article 88(h) of the Constitutional Law, for illegal acts committed by anyone prior to the signing of the Lusaka Protocol, in the context of the current conflict.

II. SPECIFIC PRINCIPLES

1. In order to promote, within the Angolan society, the spirit of tolerance, coexistence and trust mentioned in the general principles, the Government of the Republic of Angola and UNITA shall conduct an adequate campaign to sensitize Angolan and international public opinion.

2. Within the framework of National Reconciliation, the security of citizens, without distinction, the freedoms of speech, professional association and organization of unions, as well as press freedom, provided for and enshrined respectively in Articles 32, 33 and 35 of the Constitutional Law, are guaranteed in accordance with the legislation in force, the Lusaka Protocol and the universal principles of the rule of law.

3. Given the importance of the mass media sector for improving the climate of tolerance and mutual trust necessary for National Reconciliation, the right of access to State Press, Radio and Television is guaranteed to political parties provided the legislation in force, the Lusaka Protocol and the universal principles of the rule of law are complied with.

4. VORGAN, UNITA's shortwave radio station, in the interests of National Reconciliation, shall continue, exceptionally, to broadcast in the context of the awareness campaign referred to in paragraph 1 of the Specific Principles, until D-Day + 9 months. By that date and in accordance with the relevant legislation in force (Laws 22/91 of 15 June and 9/92 of 16

April), the process of transformation of the status of VORGAN into a nonpartisan radio station broadcasting on the appropriate frequencies allocated to it shall have been completed.

5. Within the framework of National Reconciliation and without prejudice to the principle of national unity, the concretization of decentralization and administrative deconcentration, as stipulated in Paragraph 4(d) of the General Principles, shall be carried out.

The provincial authorities have their own powers in the fields of administration, finance, taxation and economy, including the capacity to attract foreign investment, under the terms of the legislation in force and in conformity with the Lusaka Protocol and the fundamental principles of the rule of law.

In accordance with the law and in conformity with the provisions of para. 5 of the Specific Principles of the Annex to the Lusaka Protocol related to the Police, the responsibilities of the Police at the level of the province, in matters of administration, coordination and supervision of the activities of all its organs and services, particularly in the maintenance of Public Order, are incumbent on the Provincial Commands.

Office holders of local government organs shall be elected in accordance with the legislation to be passed under the provisions of Article 89(c) of the Constitutional Law.

6. In addition to the status specific in Article 77(2) of the Constitutional Law and taking into account his position as President of the largest opposition party, the President of UNITA shall be guaranteed a special status.

7. In the context of national reconciliation, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections shall, except in the cases provided for under article 165(3) of Law 5/92 of 16 April, be installed in their functions in the National Assembly.

The vacancies existing under the terms of article 165(3) of Law 5/92 of 16 April shall be filled in accordance with the law.

The first 70 deputies elected on the lists of UNITA candidates, all those who have already assumed their functions and those who have not yet done so, shall constitute the UNITA parliamentary group.

The deputies of the UNITA parliamentary group designated by the party leadership and appointed to functions not compatible with their parliamentary duties shall be replaced in accordance with articles 168 and 169 of Law 5/92 of 16 April.

All the deputies in the National Assembly shall enjoy the rights, freedoms, guarantees, immunities and privileges provided for by the law.

8. An appropriate security, to be agreed between the Government and UNITA, shall also be guaranteed, as necessary, under the terms of the law and the relevant provisions of the Lusaka Protocol, to high-ranking leaders of UNITA who do not enjoy any other special security status by virtue of their posts.

9. Within the framework of National Reconciliation, the cases of Angolans prevented from exercising their labor rights by circumstances prevailing prior to the signing of the Lusaka Protocol shall be duly considered by the competent State institutions.

10. In order to cement National Reconciliation, the principle of the participation of UNITA members, including those professionally qualified to carry out public administration functions, namely teachers, health workers and technical staff, at the various levels of administrative and economic activity of the State, including the mass media and public enterprise sectors, shall be implemented through their incorporation, as far as possible, taking into consideration their technical and professional skills and the provisions of the law and of the Lusaka Protocol.

11. In order to consolidate the process of National Reconciliation in the country, social welfare and social reintegration programs shall be implemented throughout the national territory.

12. In order to reinforce National Reconciliation and to stimulate and expand economic development throughout the national territory, all Angolans are encouraged and supported by the Government of the Republic of Angola, inter alia, through the National Entrepreneurial Support Fund, in the establishment of private enterprises in the various sectors of economic activity (agriculture, industry, trade and services) on the basis of equal opportunity.

13. As soon as the United Nations, within the framework of its new mandate, certifies that the requisite conditions referred to in the modalities have been fulfilled, the State administration shall be exercised.

14. Within the context of the preceding paragraph, the Government shall undertake the management of all State property in the conditions in which it is found.

15. All property belonging to UNITA shall be returned to UNITA in the conditions in which it is found.

16. The UNITA leaders installed in office in the various political, military and administrative structures of the State shall enjoy the privileges and benefits attached to their office, as prescribed by the legislation in force.

Within the framework of National Reconciliation, UNITA shall be allocated, on the basis of existing possibilities and through close cooperation between the two sides in the planning and

implementation of the program, adequate party facilities and appropriate residences for its leaders, as follows:

- 76 residences for the members of the Political Committee;
- 11 residences for the National Secretaries;
- 1 residence per Province and 1 party facility per Province, for the Provincial Secretaries and Secretariats;
- 1 party facility for the central headquarters in Luanda.

17. Within the framework of National Reconciliation and in conformity with the provisions of Article 120(3) of the Constitutional Law, the fundamental rights and freedoms of the citizen are guaranteed through the independence of the judiciary.

18. Within the context of National Reconciliation, the revision of the symbols of the Republic of Angola is considered important within the framework of the competent institutions.

III. MODALITIES

1. In application of the relevant provisions of art. 4(c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specific in a letter to be written by the Angolan authorities to the leaders of that party.

2. The practical implementation of the status referred to in para. 6 of the specific principles of National Reconciliation above shall have no legal effect, unless there is agreement to the contrary on the matter between the Government and UNITA.

3. The details of the special security status which shall be guaranteed, as necessary, to the leaders of UNITA who do not enjoy any other special security status by virtue of their posts, are contained in a document agreed between the Government and UNITA, which is an integral part of the annex to the Lusaka Protocol relating to National Reconciliation.

4. The awareness campaign to sensitize domestic and international public opinion, referred to in para. 1 of the specific principles relating to National Reconciliation above, shall start on the day on which the Lusaka Protocol is initialled.

5. On the day on which the Lusaka Protocol is initialled, the Government and the leadership of UNITA shall each issue a statement on the importance and meaning of pardon and amnesty, as referred to in para. 5 of the general principles relating to National Reconciliation above.

6. In application of the provisions of para. 1 of the modalities of National Reconciliation above and following the consultations between the Government and UNITA, the latter shall submit to the Angolan authorities a list with multiple names for each post in the Government, State administration and diplomatic missions abroad, by D-Day + 45.

The above-mentioned lists shall be accompanied by the "curriculum vitae" of the persons on the above lists.

7. After the movement of UNITA military forces from the areas where they are located to the quartering areas, conducted in accordance with para. 3 of the specific principles relating to Agenda item II(1)(b), and after the United Nations has certified that the requisite conditions are fulfilled, including those relating to the security of persons and property, the State administration shall be normalized in these areas.

In this context, the participation of UNITA members in the various sectors of public administration shall take place, as agreed, under the terms of para. 10 of the specific principles relating to National Reconciliation above.

Where applicable, the appointment of members of UNITA to positions in the administration at the provincial, municipal and communal levels shall be brought forward through agreement between the Government and UNITA, if the requisite conditions are certified as fulfilled for the purpose.

8. In application of the provisions of para. 4(c) of the general principles relating to National Reconciliation above, members of UNITA appointed to exercise functions in the Central Government and diplomatic missions abroad, the deputies referred to in para. 7 of the specific principles relating to National Reconciliation above, and the UNITA members who will take up posts in the senior ranks of the National Police, shall assume their functions, at the latest, immediately following the completion of the procedures referred to in para. 3 of the specific principles relating to agenda item II(1)(b).

In any of these cases, if the requisite conditions are certified as fulfilled for the purpose, implementation of the preceding provisions of the present para. 8 of the modalities of National Reconciliation shall be brought forward through agreement between the Government and UNITA.

9. The replacement of any holder of the offices allocated to UNITA at all levels of State administration, during the period that the Lusaka Protocol remains in force, shall be effected in accordance with the provisions of the Protocol.

10. For purposes of implementation of art. 16 of the specific principles relating to National Reconciliation above, UNITA shall address a letter to the Government, by D-Day + 45, containing the names and the respective posts of its leaders.

11. The period for the promulgation of the Law of Amnesty shall be specified in the timetable of the Lusaka Protocol.

Document relating to the special security arrangements guaranteed for leaders of UNITA pursuant to paragraph 3 of the modalities of national reconciliation.

Document relating to UNITA's participation in the central, provincial and local administration and in the diplomatic missions abroad, in accordance with art. 1 of the modalities of national reconciliation.

Norms of participation by UNITA members in the government of national unity and national reconciliation.

ANNEX 7:

AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS

I. GENERAL PRINCIPLES

1. As in every democratic and multiparty society, the participation of all citizens in the definition of the national political, social and economic guidelines and options, as well as in the free choice of the country's leaders, is guaranteed by respect for the principle of the expression of the people's will in periodic, free and fair elections and acceptance of their results.

2. The Angolan electoral process, initiated with the elections provided for in the "Acordos de Paz para Angola" (Bicesse), remains to be concluded because of the postelectoral crisis.

Under the terms of article 147(3) of Law 5/92, of 16 April 1992, the electoral process should be concluded with the holding of the second round of the presidential elections.

3. The second round of the presidential elections shall take place after the United Nations, within the framework of its new mandate, and having heard the views of the organ to succeed the CCPM and the advisory opinions considered necessary, declares that all the requisite conditions for the purpose, including political and material conditions, have been fulfilled.

4. Under the terms of articles 8 and 12 of Law 5/92, of 16 April 1992, the second round of the presidential elections will be organized by the competent Angolan State institutions, including the National Electoral Council, with the appropriate support, verification and monitoring of the United Nations, as well as the participation of international observers.

II. SPECIFIC PRINCIPLES

1. The second round of the presidential elections shall take place in accordance with the relevant provisions of the legislation in force, namely Laws 5/92 and 6/92 of 16 April 1992, with the amendments considered necessary introduced by the National Assembly, as well as with the relevant provisions of the "Acordos de Paz para Angola" (Bicesse) and of the Lusaka Protocol. The above-mentioned amendments shall follow the legislative procedure.
2. Control of the conduct of the second round of the presidential elections shall be exercised, within the framework of the organs provided for under Law 5/92 of 16 April 1992, by, among others, the representatives and candidate agents of the candidates in these elections.
3. The second round of the presidential elections shall take place within a period of time to be determined by the National Assembly after the United Nations has declared that the requisite conditions for this purpose have been fulfilled. The date for the second round of the presidential elections shall be established, within the period fixed by the National Assembly, in accordance with the provisions of article 159 of Law 5/92 of 16 April 1992.
4. The requisite conditions for the holding of the second round of the presidential elections to be certified by the United Nations shall be, among others, the following:
 - Guarantees of safety, free circulation of persons and goods and public freedoms throughout the national territory;
 - Effective guarantee of the functioning of the State Administration and of the normalization of national life throughout the national territory, including the rehabilitation of communication routes and the resettlement of displaced persons.
5. During the process of holding the second round of the presidential elections, equity in the utilization of all State resources, including financial resources, shall be guaranteed in accordance with the legislation in force, including the relevant provision of Laws 5/92 and 8/92 of 16 April 1992. Support for electoral campaigns by private means, as well as the treatment of candidates by private organizations, shall be in accordance with the relevant provisions of Law 5/92 of 16 April 1992.
6. The Polling Station Officers, with the indispensable cooperation of the candidate agents of participating candidates, shall act as faithful custodians of all electoral material of the Polling Station and shall be afforded protection by the National Police and verification and monitoring by the United Nations. The ballot boxes shall not be removed from the polling

locations until the votes have been counted and the final results established by the Polling Station.

7. Notwithstanding the inalienable freedom of the press, publication of the election results by the mass media as well as any statistical projections of the outcome of the final determination of the results, shall be in accordance with the provisions of the law.

8. Within the maximum time limit of forty-eight (48) hours after the official proclamation of the national results of the second round of the presidential elections, the United Nations shall issue a statement regarding the free and fair nature of the elections.

III. MODALITIES

1. Within the framework of its new mandate and in order to ensure the smooth conduct of the second round of the presidential elections, the human and material resources of the United Nations shall be adapted to its mission of support, verification and monitoring.

2. The United Nations shall certify by a formal declaration, after consulting the organ which succeeds the CCPM, the fulfillment of all the indispensable requirements and all the requisite conditions for the holding of the second round of the presidential elections, especially those arising out of the fulfillment of all the obligations under the Lusaka Protocol.

3. All organs and institutions involved in the organization of the second round of the presidential elections, specifically the National Electoral Council, shall make the indispensable preparations within the requisite time schedules.

4. The design, manufacture, receipt and storage of voting material shall take place within the appropriate time schedules, in accordance with the law and under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations.

5. The preparation of the electoral registration rolls through the registration of voters, as well as the publication through posters and notices of the lists of registered voters taken therefrom, shall take place within the appropriate time schedules, under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations, which shall take these matters into account for the purposes provided for in paragraph 3 of the specific principles.

6. A civic education campaign of voters on the objectives of the second round of the presidential elections, the electoral process and the manner of casting the votes shall be conducted within the requisite time schedules and through the appropriate means.

ANNEX 8:**AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION****A. THE UNITED NATIONS MANDATE****I. GENERAL PRINCIPLES**

1. The Government of the Republic of Angola (the Government) and the National Union for the Total Independence of Angola (UNITA) reaffirm their commitment to respect and implement the "Acordos de Paz para Angola" (Bicesse), the relevant resolutions of the United Nations Security Council and the Lusaka Protocol.
2. The Government and UNITA recognize that the successful completion of the peace process within the framework of the "Acordos de Paz para Angola" (Bicesse), the relevant resolutions of the United Nations Security Council and the Lusaka Protocol is, first and foremost, their own responsibility, and undertake to cooperate fully and in good faith with the United Nations, with a view to the effective and sustained implementation of the peace process.
3. The Government and UNITA invite the United Nations to perform, in addition to its missions of good offices and mediation, the tasks defined in the present mandate with a view to the full implementation of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol. The Observers of the peace process (the United States of America, Portugal and the Russian Federation) give their full support to this invitation.
4. The Government and UNITA reaffirm their clear wish that the United Nations, within the framework of its new mandate, should play an enlarged and reinforced role in the implementation of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol, as agreed in the areas of military issues, National Police, National Reconciliation and the completion of the electoral process. Both parties reiterate their determination to respect and protect the Mission of the United Nations in Angola, its operations, all its staff, its facilities and property.
5. The Government and UNITA invite the United Nations, within the framework of its new mandate, to assume the chairmanship of the Joint Commission and of all relevant meetings between the Government and UNITA, in the presence of the representatives of the Observers.
6. As soon as the United Nations Security Council authorizes the establishment of the new United Nations mission in Angola, an agreement regulating the status of the mission and its members shall be concluded, without delay, between the United Nations and the Government

on the basis of the relevant United Nations model agreement, the content of which shall be communicated by the Government to UNITA in advance.

7. UNITA undertakes to observe all the provisions of the above-mentioned agreement in article 6, and to cooperate in its implementation.

8. The Government and UNITA undertake to cooperate with each other, in order to respect the whole timetable for the implementation of the Lusaka Protocol.

9. The United Nations will perform the tasks entrusted to it within the framework of its new mandate, in strict respect for the sovereignty of the Angolan State and the relevant provisions of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol.

10. The Government and UNITA commit themselves to implement the "Acordos de Paz para Angola" (Bicesse), the relevant resolutions of the United Nations Security Council and the Lusaka Protocol, respecting the principles of the rule of law, the general principles of internationally recognised human rights, more particularly, the Universal Declaration of Human Rights and the fundamental freedoms of the individual, such as defined by the national legislation in force and the various international legal instruments to which Angola adheres.

II. SPECIFIC PRINCIPLES

The Government and UNITA invite the United Nations, within the framework of its new mandate, to undertake the following tasks:

1) Military Issues (Agenda Item II.1)

1.1 Overall supervision, control and verification of the reestablished ceasefire, with the participation of the Government and UNITA (General principle no. 4).

1.2 Verification and monitoring of compliance with the cessation of all hostile propaganda between the Government of the Republic of Angola and UNITA, at both the domestic and international levels (General principle no. 5).

1.3 Verification and monitoring of the withdrawal and quartering of all UNITA military forces (Paragraph 8 of United Nations Security Council resolution 864; Timetable of bilateral ceasefire modalities, phase two, step three).

1.4 Installation of verification, inspection and control mechanisms (to include triangular communications) (Specific principle no. 2; Timetable of the bilateral ceasefire modalities, phase one, step two).

1.5 Reception of updated, reliable and verifiable information from UNITA concerning the composition of its forces, armament, equipment and their respective locations (Specific principle no. 3, Modalities no. 5).

1.6 Reception of updated, reliable and verifiable information from the Government concerning the composition of its forces, armament, equipment and respective locations (Specific principle no. 4).

1.7 Verification and monitoring of all troops identified as FAA (Specific principle no. 4).

1.8 Verification and monitoring of the arrangements resulting from the disengagement by the FAA from their forward positions, during the withdrawal and quartering of UNITA military forces (Specific principle no. 5).

1.9 Reinforcement of existing United Nations personnel, both military observers and armed peacekeeping forces (Modalities no. 6; Timetable of modalities, phase two, step one).

1.10 Organisation and participation in the meeting of the General Staffs of the FAA and of the military forces of UNITA, on D-Day + 10 (Timetable of modalities).

1.11 Verification and inspection of the putting into effect of the supply of food and medicines to the FAA and UNITA military forces (Timetable of modalities, phase one, step one).

1.12 Notification, verification and monitoring of all movements of forces through the territory of Angola (Ceasefire modalities, phase two, step three).

1.13 Reception of notification relating to the evacuation of sick and wounded combatants, to ensure control and verification (Timetable of modalities, phase one, step one).

1.14 Creation and putting in place of UN teams to monitor and verify the cessation of hostilities throughout the country and to investigate alleged ceasefire violations (Timetable of modalities, phase one, step two).

1.15 Supervision of the limited disengagement of forces in areas where forces are in contact (Timetable of modalities, phase one, step four-A).

1.16 Participation, with the FAA and UNITA military forces, in the process of coordinating and agreeing to the disengagement of forces (Timetable of modalities, phase one, step four-A).

1.17 Supervision of the movement of UNITA troops to the areas designated by the United Nations and agreed to between the General Staffs, during the limited

disengagement of the forces in areas where they are in contact (Timetable of modalities, phase one, step four-A).

1.18 Supervision of movement of Angolan Armed Forces to their nearest barracks during the limited disengagement of forces in areas where they are in contact (Timetable of modalities, phase one, step four).

1.19 Reception of information officially provided on the location of the FAA units of FAA and the military forces of UNITA which are not in contact (Timetable of modalities, phase one, step four-B).

1.20 Verification and monitoring of those areas being abandoned by UNITA military forces (Timetable of modalities, phase two, step one).

1.21 Verification and monitoring of Government forces which continue to remain "in situ" (Timetable of modalities, phase two, step one).

1.22 Organisation, in coordination with both sides, of quartering areas, itineraries, and identifying means for the conduct of the movement of UNITA military forces to the quartering areas (Timetable of modalities, phase two, step two).

1.23 Notification to both sides of the specific modalities of the withdrawal of UNITA military forces towards the quartering areas (Timetable of modalities, phase two, step two).

1.24 Coordination with the Government forces in their withdrawal, where applicable, towards areas where they can be easily verified and monitored and which shall be, in most cases, the areas there they are headquartered. The concept is that Government forces will be centralized for ease of verification (Timetable of modalities, phase two, step three).

1.25 Supervision and control of the completion of the quartering of UNITA military forces, of the collection, storage and custody of their armament (Timetable of modalities, phase two, step four).

1.26 Verification, monitoring and control of the operation to collect the lethal war materiel of UNITA's military by the General Staff of UNITA military forces. The United Nations will, as part of a consecutive action, collect this lethal war materiel on the ground and proceed to store and take custody of it (Timetable of modalities, phase two, step four).

1.27 Verification of the free circulation of persons and goods (Timetable of modalities, phase two, step six).

1.28 Verification and monitoring of the process of the completion of the formation of FAA (General principle no. 1, Military Issues II).

1.29 Verification of strict compliance with the accords concerning FAA, without prejudice to the competence of the Government of the Republic of Angola with respect to national defence policy (Specific principle no. 5, Military Issues II).

1.30 Participation in the working group to supervise the completion of the formation of FAA and demobilization (Modalities, phase one, second paragraph, Military Issues II).

1.31 Technical link with the working group, under the FAA General Staff, which will operate in the area of planning and will supervise the implementation of the tasks leading to the completion of the formation of the FAA (Modalities, phase two, stage I II, Military Issues II).

1.32 Final verification of the fulfillment of the provisions of the Lusaka Protocol as regards the completion of the formation of FAA and demobilization of excess personnel (Modalities, phase III, Military Issues II).

1.33 Support, in accordance with the authorization of the United Nations Security Council, for the national programme of social reintegration undertaken by the Government of Angola, with the participation of UNITA, for the military personnel in excess of the number to be agreed upon by the Government of Angola and UNITA for the composition of the FAA (General principle no. 3, Completion of the formation of the FAA).

1.34 The parties signatories of the Lusaka Protocol agree that the Government should seek help from the United Nations and specialised institutions to assist them carry out demining operations in the country. In this context, the Government and UNITA agree to provide all the information available relating to mines and other explosives, to help implement programmes of mine surveys, of mine awareness and of demining, for the good of all Angolans. The United Nations undertakes to provide support towards the creation of a national capability in this area.

2) Police Activities (Agenda Item II.2)

2.1 Verification and monitoring of the activities of the Angolan National Police, placed under the legitimate authority, in order to guarantee its neutrality (Specific principle no. 1).

2.2 Verification and monitoring of the process of quartering the Rapid Reaction Police and the adaptation of its armament and equipment to the nature of its mission (Specific principle no. 10).

2.3 Establishment of the timetable and the identification of the quartering areas for the Rapid Reaction Police on D-Day + 10, jointly with the Government and in the presence of UNITA and the Representatives of the observer States (Modalities no. 3).

2.4 Participation, with the Government, UNITA and the Representatives of the observer States, in the meeting of D-Day + 10, where participation by UNITA members in the Angolan National Police and in the Rapid Reaction Police shall be formalized (Modalities no. 3).

2.5 Verification and monitoring of the collection, storage and custody of all the armaments in the hands of civilians, by the Angolan National Police (Military Issues I, Timetable of modalities, phase two, step four).

2.6 Verification and monitoring of the neutrality of the activities of the Angolan National Police relating to the commitments made in matters of security arrangements guaranteed for the UNITA leaders (Document relating to the special security arrangements guaranteed for leaders of UNITA, pursuant to article 3 of the modalities of National Reconciliation).

2.7 Verification and monitoring of the neutrality of the activity of the Angolan Police in their task of protecting the Polling Station Officers and the candidate agents of the participating candidates (Specific Principle no. 6, Completion of the Electoral Process).

3) National reconciliation Activities (Agenda Item II.4)

3.1 Certification that the requisite conditions have been fulfilled, including those related to the security of persons and property, to enable the normalization of the State administration (Specific principles no. 13; Modalities no. 7).

4) Completion of the Electoral Process (Agenda Item II.5)

4.1 Formal declaration, after seeking the views of the organ to succeed the CCPM and the advisory opinion of those considered necessary, that all the requisite conditions for holding the second round of the presidential elections have been fulfilled, including political and material conditions, especially those arising out of all the obligations under the Lusaka Protocol (General principle no. 3, Specific principle no. 4 and Modalities no. 2).

4.2 Appropriate support, verification and monitoring of the organisation by the competent Angolan State institutions, namely the National Electoral Council, of the second round of the presidential elections (General principles no. 4).

4.3 Verification and monitoring of the activities of the Polling Station Officers, with the indispensable cooperation of the candidate agents of the participating candidates, in their capacity as faithful trustees of all electoral material of the Polling Station (Specific principle no. 6).

4.4 Issuing a declaration, within the maximum time limit of forty-eight (48) hours after the official proclamation of the national results of the second round of the presidential elections, regarding the free and fair nature of the elections (Specific principle no. 8).

4.5 Support, verification and monitoring of the design, manufacture, receipt and storage of voting material (Modalities no. 4).

4.6 Support, verification and monitoring of the preparation of the electoral registration rolls, as well as the publication through posters and notices of the lists of registered voters taken therefrom (Modalities no. 5).

B. THE ROLE OF OBSERVERS IN THE IMPLEMENTATION OF THE "ACORDOS DE PAZ" AND THE LUSAKA PROTOCOL

1. The Governments of the United States of America, Russian Federation and Portugal are the observers of the peace process in Angola. In this capacity, they shall sit on the Joint Commission.

2. The functions of the Representatives of the observers are:

2.1 Attend the meeting scheduled for D-Day + 10 of the General Staffs of the FAA and of the military forces of UNITA (Timetable of modalities, D + 10);

2.2 Attend the meeting scheduled for D-Day + 10 relating to the timetable and identification of the quartering areas for the Rapid Reaction Police (The Police, modalities no. 5);

2.3 Monitor the implementation of all the political, administrative and military provisions not yet implemented of the "Acordos de Paz para Angola" (Bicesse) and of all the political, administrative and military provisions of the Lusaka Protocol.

3. The Representatives of the observers shall attend all meetings of the Joint Commission and of any subsidiary body established by it, in their capacity as observers.

4. At all meetings, decisions shall be taken after hearing the opinions of the Representatives of the observers.

5. The functions of the Representatives of the observers on the Joint Commission shall cease when the body is dissolved.

C. THE JOINT COMMISSION

The Joint Commission shall have the composition, functions and rules of operation specified hereunder:

1. COMPOSITION

The Joint Commission shall be composed of:

1.1 attending in their capacity as members:

the Government of the Republic of Angola;

UNITA;

1.2 attending in the capacity of chairman:

the United Nations Organisation. The Special Representative of the Secretary-General in Angola shall assume the functions of good offices and of mediation.

1.3 attending in their capacity as observers:

the Government of the United States of America;

the Government of Portugal;

the Government of the Russian Federation.

2. FUNCTIONS

2.1 To watch over the implementation of all the political, administrative and military provisions not yet implemented of the "Acordos de Paz para Angola" (Bicesse), and all the provisions of the Lusaka Protocol, in accordance with the understandings in the areas related to the military, national police, national reconciliation and completion of the electoral process.

2.2 To monitor the implementation of the relevant resolutions of the United Nations Security Council.

2.3 To make the final decision on possible violations. In cases of violations of the agreements, proceed to adopt the necessary steps to establish the identify of the transgressor and make the final decision on addressing the above-mentioned violations.

3. OPERATION

- 3.1 The Joint Commission shall have its headquarters in Luanda. However, it may hold its meetings, if necessary, in any other part of the territory of Angola.
- 3.2 The Joint Commission shall establish its own internal regulations.
- 3.3 The Joint Commission shall take its decisions by consensus.
- 3.4 The Joint Commission shall take office on the day of the signature of the Lusaka Protocol.
- 3.5 When the Joint Commission is cognizant that the relevant provisions of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol have been implemented in full, it shall dissolve itself by a decision taken from within.

ANNEX 9:

AGENDA ITEM II.5: OTHER PENDING ISSUES

Timetable of actions under the Lusaka Protocol

1. D DAY

- Initialling of the Lusaka Protocol.
- Statements by the Government of the Republic of Angola and Leadership of UNITA on the importance and significance of pardon and amnesty.
- Launching of the awareness campaign to sensitize Angolan and international public opinion, to promote the spirit of tolerance, coexistence and trust in Angolan society.

2. D + 10

- Meeting of the General Staffs of the FAA and of the UNITA military forces, under United Nations auspices and in the presence of the observer States, to establish the technical modalities for the cessation of hostilities "in situ."
- Establishment of the timetable and determination of the quartering areas for the Rapid Reaction Police by the United Nations and the Government, in the presence of UNITA and the representatives of the observer States.
- Formalization of participation by UNITA members in the National Police and in the Rapid Reaction Police.

3. Before D + 15

- Promulgation of the Law of Amnesty.

- Definition of the modalities implementing the annex relating to the special security arrangements guaranteed for the leaders of UNITA, and of special cases considered as such, by the Government and UNITA.

4. D + 5

- Formal signature of the Lusaka Protocol by the Government of the Republic of Angola and UNITA and commencement of its implementation.
- Public statements by the Government and UNITA on the reestablished ceasefire.
- Taking of office and assumption of duty of the members of the Joint Commission.

5. From D + 17

- Coming into force of the reestablished ceasefire.
- Strict compliance with the legislation in force and the relevant provisions of the Bicesse Accords and the Lusaka Protocol (General principle no. 3 of National Reconciliation).
- All actions prescribed in the annex relating to Military Issues I of the Lusaka Protocol. (Timetable of the modalities of the bilateral ceasefire, Phase I).
- Installation of the Joint Commission in Luanda.
- Formalization by the Government of Angola
- Professional training for personnel selected for incorporation into the National Police, including all personnel selected for the Rapid Reaction Police.
- Certification by the United Nations that conditions have been fulfilled for the normalization of the State administration.
- Normalization of the State administration.
- Government of Angola takes over the management of State property.
- Allocation to UNITA of adequate facilities of the use of the party and appropriate residences for its leaders, on the basis of availability.
- Participation by UNITA members in the various levels of State administration, in accordance with the agreement reached under the terms of article 10 of the specific principles of National Reconciliation.
- Participation by UNITA members in the central, provincial and local government, in the diplomatic missions abroad, in the National Assembly and in the senior ranks of the National Police, in accordance with the provisions of paragraph 8 of the modalities of National Reconciliation.

- In any of these cases, if the requisite conditions are certified as fulfilled for the purpose, implementation of the preceding provisions of the present item of the modalities of National Reconciliation shall be brought forward through agreement between the Government and UNITA.

8. D + 270

Completion of the transformation of the status of VORGAN.

9. From D + 455

- Final verification by the United Nations of compliance with the provisions of the Lusaka Protocol relating to the completion of the process of the formation of the Angolan Armed Forces and demobilization of excess personnel.
- Conclusion of the professional training of the demobilized personnel of the UNITA military forces and their incorporation into the National Police, including the Rapid Reaction Police.
- Statement by the United Nations that all requisite conditions have been fulfilled for the holding of the second round of the presidential elections.

10. Holding of the second round of the presidential elections, within the period determined by the National Assembly and investiture of the President elect of the Republic.

OBSERVATIONS

103. The detailed timetable as well as the details of the tasks to be accomplished will be established by the Joint Commission.
104. No task shall be initiated until the previous one has been concluded.
105. Where conditions so permit, the timescales in the present timetable can be brought forward by agreement between the Government and UNITA.

ANNEX 10 :

AGENDA ITEM: OTHER MATTERS

Date and venue of the signing of the Lusaka Protocol

1. The Lusaka Protocol shall be signed on 15 November 1994.
2. The Lusaka Protocol shall be signed at Lusaka, Zambia.

Source: United States Institute of Peace (1998b).

Appendix F: Khasavyourt Joint Declaration and Principles for Mutual Relations

Khasavyourt Joint Declaration and Principles for Mutual Relations

Khasavyourt, Dagestan, 31 August 1996
JOINT DECLARATION

We, the undersigned,

Taking into account the progress achieved in implementing the agreement on the cessation of military activities,

Striving to create mutually acceptable preconditions for a political resolution of the armed conflict,

Recognising the inadmissibility of using armed force or threatening its usage in the resolution of all issues,

Proceeding from the universally recognised right of peoples to self-determination, the principles of equality, voluntary and free expression of will, strengthening interethnic accord and the security of peoples,

Expressing the will to protect unconditionally human rights and freedoms and those of the citizen, irrespective of ethnic origin, religious beliefs, place of residence or any other distinctions, and to prevent acts of violence against political opponents, in doing so proceeding from the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights.

Have jointly developed Principles concerning mutual relations between the Russian Federation and the Chechen Republic, on the basis of which the future negotiation process will be conducted.

(Signed)

A. Lebed A. Maskhadov

B. Khartamov S. Abumuslimov

31 August 1996

In the presence of the Head of the OSCE Assistance Group of the Chechen Republic,

(signed)

T. Guldemann

PRINCIPLES FOR DETERMINING THE BASIS FOR MUTUAL RELATIONS BETWEEN THE RUSSIAN FEDERATION AND THE CHECHEN REPUBLIC

1. An Agreement on the basis for mutual relations between the Russian Federation and the Chechen Republic, to be determined in accordance with universally recognised principles and norms of international law, should be achieved by 31 December 2001.

2. A Joint Commission shall be established by 1 October 1996, composed of representatives of the organs of state power of the Russian Federation and the Chechen Republic, the tasks of which shall be:

- To monitor the implementation of Decree No. 985 of the President of the Russian Federation of 25 June 1995 and to prepare proposals concerning the completion of the withdrawal of troops;
- To prepare and monitor the fulfilment of agreed measures against crime, terrorism and manifestations of ethnic and religious enmity;
- To prepare proposals for the restoration of currency, financial and budgetary interrelations;
- To prepare and submit to the Government of the Russian Federation programmes for the restoration of the socio-economic structure of the Chechen Republic;
- To monitor the coordinated interaction of the organs of state power and other interested parties in the provision of food and medicines for the population.

3. Legislation of the Chechen Republic shall be based on the observance of human and civil rights, the right of peoples to self-determination, the principles of equality among nationalities, the guaranteeing of civil peace, interethnic accord and the security of those residing on the territory of the Chechen Republic, irrespective of their ethnic origin, religious beliefs or other distinctions.

4. The Joint Commission shall complete its work by mutual agreement.

Source: International Conflict Research Institute (1996).

Appendix G: Peace Treaty and Principles of Interrelation between Russian Federation and Chechen Republic Ichkeria

Peace Treaty and Principles of Interrelation between Russian Federation and Chechen Republic Ichkeria

The esteemed parties to the agreement, desiring to end their centuries-long antagonism and striving to establish firm, equal and mutually beneficial relations, hereby agree:

1. To reject forever the use of force or threat of force in resolving all matters of dispute.
2. To develop their relations on generally recognised principles and norms of international law. In doing so, the sides shall interact on the basis of specific concrete agreements.
3. This treaty shall serve as the basis for concluding further agreements and accords on the full range of relations.
4. This treaty is written on two copies and both have equal legal power.
5. This treaty is active from the day of signing.

Moscow, 12 May 1997.

(signed)
B. Yeltsin
President of the Russian Federation

(signed)
A. Maskhadov
President of the Chechen Republic Ichkeria

Source: International Conflict Research Institute (1997).

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