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Lost in Transition: UN Mediation in Libya, Syria, and Yemen

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Cover Photo: Secretary-General Ban Ki-moon and Joint UN–Arab League Special Representative for Syria Lakhdar Brahimi meet with the five permanent members of the Security Council to discuss the second International Conference on Syria, United Nations, New York, September 27, 2013. UN Photo/Mark Garten.

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Executive Summary

The Middle East is spiraling down the abyss. All attempts to stop the violence raging in the region have failed, while some of the worst possible scenarios have come to pass. Taking stock of efforts to resolve these conflicts is as urgent as ever. The countries examined in this paper—Libya, Syria, and Yemen—all exploded into war after the Arab uprisings of 2010–2011. They are also the three countries to which the UN sent envoys to facilitate a transition before war broke out. Though these mediation efforts mainly failed for circumstantial reasons, there are major lessons to be learned. These lessons have been organized around five key challenges that mediators confront.

Mandate: Clear support from the Security Council for the mandate of the mediator is essential for the success of the mediation effort. This does not mean that the mediator needs a clear mandate from the beginning. The mediation in Yemen is an example of the benefit of having a mediator who shapes his own mandate by entering into the conflict early and with a low profile. What was essential was for the Security Council to underpin the mediator's proposals as he progressed. Libya is the counterexample. The mediator there also molded his own mandate, but without solid backing from the council, the mandate's lack of clarity became a weakness. The mandate was not only vague but also did not even identify him as the sole mediator. In Syria the diverging interpretations of the mandate, whether it meant power sharing or transition, were crucial to the failure of the efforts to resolve the conflict.

Impartiality and inclusivity: Mediating political transitions in an impartial manner is something of a paradox since such transitions demand that the incumbent step aside in favor of another party. The problem in the cases of Libya and Syria was that the removal of the authoritarian ruler was made a condition for the commencement of the negotiations over political transition. However, the need for impartiality should not be exaggerated; complete impartiality is neither possible nor always even necessary. All that is needed is for the mediator to make a proposal that is agreeable to the parties. Regarding inclusivity, every mediator is forced to make choices about who to include, and the choices made in all three case studies present deficiencies. Syria stands out for the focus of the mediators on Russia and the United States, rather than local and regional parties. In post-Qaddafi Libya, the mediators directed their attention at the elected institutions, even though these were not the real power holders. In Yemen, the mediator made great efforts to reach beyond forces linked to the status quo ante but ultimately forged an elite deal.

Entry and consent: In Syria the UN arrived late, having misjudged the scale of the threat and decided to give precedence to the League of Arab States to find a regional solution. Then the violence spun out of control, and the parties never reached a mutually hurting stalemate. But early entry and a high level of preparedness made no difference in Libya, either in the early stages of the conflict or in the post-Qaddafi period. Yemen is the exception, where the UN envoy arrived early enough to make exploratory visits, carve out his role, and facilitate a leadership change.

Strategy: All three mediation efforts focused on reaching an overall solution to the conflict rather than a shorter-term cessation of hostilities. The interest in an overarching agreement at the expense of a more localized fix was particularly palpable in Yemen, where the fighting in the north escalated and eventually overran the political process. The first two mediators in Syria both sought, first and foremost, a comprehensive solution, but the current mediator's increased focus on cease-fires indicates a change of strategy, while working for the same overarching goal.

Leverage: The greatest challenge UN mediators face in leveraging power is that they represent a multilateral organization made up of a large number of member states, each with its own competing agenda. This undermines in particular the mediator's coercive power. A mediator who faces either a divided Security Council (as in Syria) or a divided international community (as in Libya) is seriously hampered. There are, however, different forms of power, and a mediator's leverage can therefore be greater than it appears at first. While the lack of unity among UN member states was highly detrimental to the UN mediation in Syria, the mediators enjoyed leverage through their great personal prestige and the informational power they had as the only mediation track. In Yemen is the best example of a mediator enjoying the support of the Security Council, and he was able to leverage this to his benefit. The mediator was also able to leverage expert power, including in the management of a complex national dialogue.

Introduction

The current turmoil and violence in the Middle East obfuscates the fact that there exists also a story of peace efforts across the region—a story of small successes, big frustrations, setbacks, and failures. The most successful and visible peaceful political transition has been the locally led national dialogue that pulled Tunisia back from the precipice two years ago. On the other side of the spectrum, the conflict that receives the most media coverage is the Syrian civil war. But violence and human misery are present in Libya and Yemen as well, both of which eventually descended into armed conflict after civil protests in 2011 failed to produce peaceful, inclusive political transitions.

These three conflicts—Libya, Syria, and Yemen—share little with last century's conflicts. They originated in domestic unrest influenced by the regional upheavals of 2011. They quickly drew in regional and global powers, which "influence or support—but rarely fully control—those fighting on the ground."[1] They became proxy wars in which both regional and international players pursue their geopolitical rivalries, and non-state armed groups linked with transnational criminal networks embrace ideologies of violent extremism that cannot be accommodated in peace agreements.

In addition to confronting this complexity, UN mediators have been further obstructed by frictions between great powers, particularly between Russia and the West, which have paralyzed the Security Council's decision making on issues of geostrategic importance. They have also been blocked by confrontations among regional powers—in particular between Iran and Saudi Arabia in the conflicts addressed here—and the shift of global influence from the West toward the East, which makes power more diffuse.

For all these reasons, the wars in Libya, Syria, and Yemen represent fundamentally different cases from the post–Cold War peace processes in which the United Nations has traditionally engaged, where it was helping implement peace after civil war. In these previous processes, UN mediation efforts were often backed by the deployment of peacekeeping troops, an option that was not under consideration in these three countries during the mediation efforts analyzed here. Moreover, the mainly sub-Saharan African settings in which the UN was involved from the early 1990s, while still difficult to address, were less intricate than the current Arab political transitions turned violent conflicts. A previous IPI study documents UN involvement in constitutional crises during the first decade of the twenty-first century. However, only two of these conflicts—Madagascar (2008–2011) and Kyrgyzstan (2010–2011)—were the result of popular uprisings similar to those in the Arab world more recently. The others centered on military coups—Mauritania (2008–2010) and Guinea (2009–2011)—and disputed election results—Kenya (2007–2011). But even the cases of Madagascar and Kyrgyzstan do not display the complexity and particularity seen in the Arab region.[2]

In the recent Arab conflicts, UN mediators have sought to achieve the often irreconcilable goals of ending violence while facilitating a political transition and reconciling the parties. This paper looks into these mediators' early efforts (2011–2014) in Libya, Syria, and Yemen to draw lessons for ongoing and future UN mediation in similarly complex and violent political transitions.

METHODOLOGICAL NOTE

A team of scholars, including Steven Zyck at the Overseas Development Institute (ODI), Peter Bartu at the University of California, Berkeley, Raymond Hinnebusch at the University of St. Andrews, and William Zartman at Johns Hopkins University, conducted extensive research on the cases under examination and collected original testimonies from most of the key players involved in the mediation processes. The International Peace Institute (IPI) published the results of their investigations in three separate papers, released between 2014 and 2016.[3] Their research focused on

1 See Jean-Marie Guéhenno, "The Transformation of War and Peace," Carnegie Corporation of New York, September 21, 2016, available at www.carnegie.org/news/articles/international-day-peace/ .

2 Charles T. Call, "UN Mediation and the Politics of Transition after Constitutional Crises," International Peace Institute, February 2012.

3 Steven A. Zyck, "Mediating Transition in Yemen: Achievements and Lessons," International Peace Institute, October 2014, available at www.ipinst.org/2014/10/mediating-transition-in-yemen-achievements-and-lessons ; Peter Bartu, "Libya's Political Transition: The Challenges of Mediation," International Peace Institute, December 2014, available at www.ipinst.org/2014/12/new-ipi-report-explores-the-challenges-of-mediation-in-libyas-political-transition ; and Raymond Hinnebusch and I. William Zartman, with Elizabeth Parker-Magyar and Omar Imady, "UN Mediation in the Syrian Crisis: From Kofi Annan to Lakhdar Brahimi," International Peace Institute, March 2016, available at https://www.ipinst.org/2016/03/un-mediation-syrian-crisis .

a detailed analysis of the decision-making processes of each of the leading UN mediators and their teams.

This paper builds upon these case studies and their findings, as well as on additional research and interviews with UN officials involved in the cases, to develop crosscutting lessons. In keeping with the political scientist Alexander George's teaching, these authors do not seek—and indeed the small sample of cases would not permit—to draw lessons for all instances of UN mediation in political transitions. Rather, this report aims to develop contextualized lessons "intended to help policy specialists first to diagnose and then to prescribe for new situations" with similar features.[4]

The Context

There are a few important characteristics that Libya, Syria, and Yemen share that shaped UN mediation efforts. First, all three countries were under longstanding dictators who ruled through tribal alliances and patronage networks, among other means: "These leaders used external wars, internal witch-hunts, and talk of foreign conspiracies to legitimize their rule; and at the same time, to subsidize it, they tolerated or brought about huge black economies."[5] Ali Abdullah Saleh, president of Yemen until 2012, maintained power for thirty-three years, while Muammar Qaddafi was the ruler of Libya for forty-two years before he was lynched by a mob in October 2011. The Assad dynasty has ruled Syria since 1971.

Second, all three countries were riddled by divisions, whether factional, sectarian, federalist, or separatist. Libya and Yemen displayed particularly strong separatist tendencies. In Syria, allegiance to the Assad regime fell along complex sectarian lines, with a ruling minority (the Alawites, a Shia branch of Islam), supported by influential minorities (Christians and others who feared Islamism more than Assad's rule), dominating a largely marginalized majority (the Sunnis). Tensions between different religious denominations—the Houthis (a Shia offshoot) and Sunnis—also featured in the conflict in Yemen.

Finally, the three countries share a colonial past. This made them particularly sensitive to violations of their sovereignty, which complicated the role of international mediators.

At the same time, Libya, Syria, and Yemen displayed marked differences in their geopolitical roles, macroeconomic characteristics, and political regimes, which also shaped the way in which they have descended into conflict and the UN mediation role. Libya had the most repressive regime, driven by patronage networks and isolated from the international community. Qaddafi had systematically undermined every institution and left behind a country with no governance capacity. Syria, on the other hand, was one of the leading countries of the Arab world with solid institutions. It had long-standing relations with the Soviet Union/Russia and with Iran. It exercised influence in Lebanon, which it occupied from 1976 to 2005. It also leveraged the influence it had on the Palestinian-Israeli conflict due to its border with Israel and unresolved territorial claims in the Golan Heights. Meanwhile, Yemen, the poorest country in the Middle East and North Africa region, with a per capita gross national income around $1,300 and unemployment at roughly 45 percent, has perpetually been listed among the top five most fragile states and was facing serious socioeconomic challenges even before the uprising in 2011.

Differences in the nature of the regimes and the makeup of each country meant that war and state breakdown took somewhat different forms, shaping the mediation initiatives. In Libya, while the uprising was locally born, a NATO-led military intervention played a decisive role in bringing about regime change; originally sanctioned by the UN Security Council as an effort to protect civilians under attack by Qaddafi's forces, this intervention ultimately supported the opposition through a combination of air strikes, arms embargoes, and no-fly zones.

The UN mediator in Libya, Abdelelah al-Khatib, was appointed in March 2011, before the conflict turned into a full-blown civil war, with the mandate of "find[ing] a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya."[6] However,

4 Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), p. xi.

5 Gerard Russell, "What Chance for Democracy in the Middle East?" *New York Review of Books*, October 27, 2016.

6 UN Security Council Resolution 1973 (March 17, 2011), UN Doc. S/RES/1973.

the mediator's efforts and those of the international military coalition worked at cross-purposes, leading to the failure of al-Khatib's mission and to the regime being brought down by force. Al-Khatib's mandate was very brief, from March 7 to August 20, 2011, when Tripoli fell. In September the head of the UN Support Mission in Libya (UNSMIL), Ian Martin, was already landing in the country. Martin proceeded to set up a fairly small, so-called "light footprint" mission, which focused on supporting the democratic transition, public security, human rights, transitional justice, and rule of law.

Because Qaddafi was deposed by force rather than through an agreement—unlike in Yemen—a nationally owned transition plan never emerged in Libya, and fighting between the different factions eventually unraveled Martin's process. Although parliamentary elections were held in 2012, and again in 2014, they did not even produce agreement on a government structure. Currently, an internationally recognized Government of National Accord, the product of a two-year, UN-led negotiation, continues its struggle to establish legitimacy and territorial control beyond the capital.

In Syria the conflict emerged from the violent response of Bashar al-Assad's regime to street protests in support of regime change in March 2011. The conflict quickly organized itself along sectarian lines, and eventually accusations by the regime of extremist groups being responsible for attacks became a self-fulfilling prophecy, as a cycle of violence and vengeance set in.

In the beginning, the UN left the conflict to be handled by the League of Arab States (LAS). The UN mediation was set up later, in February 2012, with a UN General Assembly resolution that supported previous LAS decisions in calling for "a Syrian-led political transition to a democratic, pluralistic political system."[7] The first two UN mediations under scrutiny in this paper—the first led by Kofi Annan and the second by Lakhdar Brahimi—took place under extremely difficult conditions. The mediators devoted their efforts to trying to convince the regime to make concessions, which it never felt threatened enough to do.

Unlike in the other two cases, no actual transition took place in Syria. Despite short-lived localized cease-fires, violence only escalated, so far producing almost 5 million refugees and causing over 400,000 deaths. Brahimi's successor, Staffan de Mistura, has not yet had more success in finding a peaceful solution to the conflict.

The UN mediation in Yemen was in some ways the most distinct of the three cases under analysis. Saleh's rule began to unravel before the uprising in 2011, in particular as he alienated allies in trying to hand power to his son. The regime's violent suppression of protests could have turned immediately into open war—like it did in Libya and Syria—had it not been for the defection of Major General Ali Mohsen al-Ahmar, Saleh's chief military adviser.

The UN secretary-general appointed Jamal Benomar as special adviser on Yemen in April 2011, just two months after the Arab uprisings spread to the country. Despite his small team and no mandate from the Security Council or the General Assembly, Benomar's involvement and influence were considerable. He was locally popular and succeeded in bringing the key actors in the conflict to the table. He was instrumental, alongside international pressure, including the threat of financial sanctions, in convincing Saleh to accept the Gulf Cooperation Council (GCC) initiative and cede the seat of power to his deputy. But his biggest contribution was working with major Yemeni parties on designing the Implementation Mechanism that gave substance to the bare-bones GCC initiative. He led the application of the nationally led transition plan and in particular the National Dialogue Conference (NDC). His mediation efforts can be credited as a major factor preventing Yemen's uprising from evolving into a full-fledged civil war in the short term.

But the considerable achievements of the UN mediation were reversed soon after the conclusion of the NDC, when the parties that had committed to share power started to seek domination. In particular, the Houthis felt they had been shortchanged and decided to turn sporadic violence into a takeover of the capital and a military coup in March 2015. Yemen is currently in its second year of civil war, with over 10,000 dead and 3 million displaced.

7 UN General Assembly Resolution 66/253 (February 16, 2012), UN Doc. A/RES/66/253.

Analyzing the Mediation Efforts

To make the lessons comparable across these three cases, the analysis is organized around five key challenges that mediators confront: (1) mandate; (2) entry and consent; (3) impartiality and inclusivity; (4) strategy; and (5) leverage.[8] These elements can also be found in the *UN Guidance for Effective Mediation*, which the Department of Political Affairs' (DPA) Mediation Support Unit developed to identify "a number of key fundamentals that should be considered in a mediation effort."[9] Therefore, the performance of each mediator has been tested against these five challenges. This section analyzes them case by case, while crosscutting lessons from the three experiences are drawn in the conclusion.

Briefly, the five challenges can be described as follows:

1. **Mandate:** The relationship between mediators and their authorizing agency, in this case the United Nations, is established by the mandate, which defines the goals of the mediation. Much of the success or failure of a mission depends on this. The mandate can be wide or narrow, defined or general. Mediators might have a free hand or be very restricted in what they can do without specific authorization. The mandate also determines the level of support from the granting agency.[10]
2. **Impartiality and inclusivity:** UN mediators cannot be neutral in regard to the values of the UN Charter. They must, however, be impartial in their efforts to run a balanced process that engages with all actors and deals with them fairly.[11] A related issue is inclusivity of the interests of the different parties to the conflict. The greater the impartiality, the more it is possible to be inclusive. But the more inclusive the process, the greater the likelihood of a diluted settlement. Inclusivity in power transitions is particularly challenging, because incumbent regimes are often resistant, understandably, to mediate their own exit. Inclusivity in mediation is also key to questions of sovereignty and local ownership.[12]
3. **Entry and consent:** Ideally, mediators are invited to engage in a conflict by the warring parties. This, however, is rarely the case. Most often, it is the mediator's initial task to instill in the parties a sense of the need to reach a negotiated solution to the conflict. In fact, mediation should only be initiated when a conflict is ripe for such intervention, a state William Zartman has defined as a "mutually hurting stalemate"—the point where the parties perceive that they have more to gain by negotiating than by fighting.[13] Still, mediators can only push so far lest they lose their entry altogether.[14]
4. **Strategy:** Mediators have to consider how to achieve the goals defined in their mandate. Should they aim for a one-off comprehensive agreement or adopt a step-by-step strategy? And should they focus first on cease-fires or on peripheral issues? Sequencing has consequences, as stopping bloodshed could be detrimental to long-term peace by creating a tolerable stalemate in which the disputants have no incentives for granting further concessions. On the other hand, while agreement on the procedure to resolve the conflict can be required before actual mediation begins, negotiation preconditions may end up obstructing the mediation process.
5. **Leverage:** Leverage refers to the ability of mediators to move the parties in a particular direction. Mediators generally have little hard power at their disposal, a particular limitation to UN mediators. Their power is borrowed from other parties. First, it comes from their

8 This framework is based on Hinnebusch, Zartman, et al., "UN Mediation in the Syrian Crisis." Zartman and Saadia Touval introduce a number of these concepts in "International Mediation," in *Unleashing the Dogs of War*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: USIP, 2007). For a more conceptual discussion on mediation, see Jacob Bercowitz, "Mediation and Conflict Resolution," in *SAGE Handbook on Conflict Resolution*, edited by Jacob Bercowitz, Victor Kremenyuk, and I. William Zartman (Thousand Oaks, CA: SAGE, 2009).

9 United Nations, *Guidance for Effective Mediation* (New York, NY, 2012), p. 3.

10 Ibid., pp. 6–7.

11 This distinction between impartiality and neutrality was often used by Secretary-General Kofi Annan. See, for example, www.un.org/press/en/1999/19990119.sgsm6865.html . See also United Nations, *Guidance for Effective Mediation*, p. 10.

12 See United Nations, *Guidance for Effective Mediation*, pp. 10–13 (on impartiality and inclusivity) and pp. 14–15 (on national ownership).

13 Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *Global Review of Ethnopolitics* 1, no. 1 (2001).

14 United Nations, *Guidance for Effective Mediation*, pp. 8–9.

mandating agency, and more specifically the Security Council. A stalemated or divided Security Council seriously undermines UN mediators' leverage. They might also derive leverage from the other levels at which they operate—local, regional, or international—playing them against each other. Power, of course, is not only military or political; it can also depend on mediators' personal characteristics, status, legitimacy, expertise, and interpersonal relationships with the parties.[15]

ABDELELAH AL-KHATIB'S MEDIATION IN LIBYA

Mandate

Soon after the Security Council referred the situation in Libya to the International Criminal Court (ICC) in February 2011 on the basis of alleged crimes against humanity, the UN secretary-general appointed Abdelelah al-Khatib, former foreign minister of Jordan, as special envoy.[16] This quick reaction reflected a high degree of preparedness in the UN. Unfortunately, preparedness was not matched by equal support for al-Khatib's mandate. In fact, al-Khatib's failure to mediate a peaceful transition in Libya was in large part due to bitter divisions within the various organizations involved in the peacemaking effort. Beyond the consensus reached over Security Council Resolution 1970, the members of the council were strongly divided, with none of the unity they showed in supporting the UN envoy's work in Yemen.

However, it wasn't just the lack of unity that explains the absence of support for the mediator. There was also little hope that Qaddafi would agree to a negotiated transition. This lack of hope was also strong among many of the parties involved, including the Libyan National Transitional Council (NTC), the League of Arab States, NATO and its members (in particular France, Italy, the UK, and the US, which entertained bilateral relations with the NTC), and Qatar. Even the African Union (AU) was split over this issue. In fact, the reluctance was such that al-Khatib was physically constrained from carrying out his mediation tasks. For example, he had to get NATO permission to fly to Tripoli and Benghazi, and on one visit to Tripoli NATO shelled the city while al-Khatib was attempting to meet with some ministers, which also impeded him from seeing Qaddafi himself. Similarly, the Libyan opposition was far from consensus over the need for mediation. The NTC was marked by infighting from the very beginning, and the bulk of the opposition refused to negotiate. Mediation efforts were clearly pushed aside in favor of war efforts. The UN mediator thus worked at cross-purposes with most of the parties involved.[17]

Probably as a consequence of this skepticism, UN technical support to al-Khatib was limited. This was compounded by the fact that al-Khatib had limited inside knowledge of how to work the UN system. Al-Khatib ran his mediation efforts from his native Jordan, removed from UN headquarters. He was briefed on at least one occasion by DPA's Mediation Support Unit, but otherwise he limited contacts with the UN bureaucracy to private briefings with the head of DPA, Lynn Pascoe. Only one member of the UN standby mediation team was deployed to Benghazi to support his effort, and this person was shared with UN special adviser Ian Martin, a British national charged with developing plans for a UN support mission.

Impartiality and Inclusivity

While al-Khatib's mandate lacked the necessary political support, his mission was also undermined by the lack of impartiality of his authorizing agents. The Security Council, as mentioned above, had already referred Libya and its leadership to the ICC, and the NATO bombing campaign left no doubt about the desired outcome. This also obviously meant that, unlike in Yemen, the leadership change was not agreed upon by the faction ruling the country, which would become a serious obstacle to a smooth transition.

Despite these daunting circumstances, which

15 Jeffrey Rubin suggested six forms of power in international mediation: reward power, coercive power, expert power, legitimate power, referent power, and informational power. See Jeffrey Z. Rubin, "International Mediation in Context," in *Mediation in International Relations*, edited by Jacob Bercovitch and Jeffrey Z. Rubin (New York: St. Martin's Press, 1992).

16 UN Security Council Resolution 1970 (February 26, 2011), UN Doc. S/RES/1970.

17 Al-Khatib was further undermined by divisions within the membership of the Security Council, in particular after it become evident that the United States, with France and the UK, used the protection of civilians mandate to promote regime change, a fact that particularly angered Russia, with repercussions for the Syrian conflict.

made it very difficult for Qaddafi to imagine that the international community sought a negotiated solution to the conflict, the Jordanian mediator was widely seen as impartial, in that within his operational constraints he made an effort to reach out to different constituencies. He met with the African Union on several occasions, with senior Qaddafi officials in Tripoli, and with NTC members in Benghazi. He attended all the meetings of the Libya Contact Group created by Western and Arab countries supporting the opposition. Still, shuttle diplomacy was cumbersome, and al-Khatib conducted most of his work over the phone, as his base in Amman made him less immediately available. This contrasts with Ian Martin's efforts to reach out to all levels of Libyan society, including the grassroots, despite discouragement from the Libyan government, tribal elders, and local militias.

However, one of the main challenges for the mediators was that the local opposition was deeply divided, largely because Qaddafi's brutal authoritarian rule had erased any local institutions or viable alternative leaders. The challenge with local ownership continued under al-Khatib's successor, Ian Martin, who also lacked a representative Libyan leadership to engage. Once Qaddafi was killed, the deep federalist instincts in some parts of the country contributed to the centrifugal forces that tore the country apart. Then Martin's successor, Tarek Mitri, carried out a national dialogue that was not inclusive enough, focusing on a narrow political class that had emerged from the General National Congress (GNC) but that did not include the real power holders—the militias and the heads of the municipalities.

Entry and Consent

Al-Khatib engaged in Libya when violence was not yet out of control. His early entry, however, did not provide any benefit, as the NATO intervention made clear there was no interest for a negotiated solution. Aside from the profound distrust and contempt between the Libyan parties, the opposition, empowered by the support of the world's strongest military powers, felt no need to negotiate or compromise. On the other hand, though Qaddafi did signal that he wished for a negotiated solution and attempted meeting with al-Khatib on at least two occasions.[18]

In the post-Qaddafi era, the UN's difficulty operating in Libya was aggravated by the strong anti-colonialist rhetoric of the former regime, which led one UN official to describe the population today as almost "xenophobic."[19] Libyans opposed any peacekeeping operation from the very beginning, immediately associating it with the invasions of Afghanistan and Iraq. This was despite the historical role the UN played in the formation of the modern Libyan state from 1949 to 1951, when the UN official Adrian Pelt oversaw a transitional period in which Libyans wrote a constitution that united its three regions—Cyrenaica, Fezzan, and Tripolitania—into one country.

Strategy

On the basis of Security Council Resolution 1970, the international mediation between Qaddafi and the Libyan rebels started by exploring the possibility of a cease-fire. This was the aim of al-Khatib's discussion with the Libyan minister of foreign affairs on the first day of his first visit to Tripoli, on March 13th, only days after his appointment. However, on his second visit to Tripoli, on March 30th, he introduced for the first time the idea of a political transition. Security Council Resolution 1973, passed on March 17th, which called for political reforms while also authorizing the NATO campaign against Qaddafi, clearly influenced al-Khatib's new proposal. But these resolutions gave al-Khatib only very broad—and contradictory—outlines, and much of his strategy was his own initiative. For example, he was concerned that a cease-fire without a broader political objective would have caused a protracted stalemate and split the country into de facto separate enclaves.

At first, when the regime still thought it would quell the uprising, it was not willing to accept either a cease-fire or a transition. But as the regime started to realize how precarious its position was in mid-April, al-Khatib discussed with the prime minister and acting foreign minister ways of linking a cease-fire with a political transition. They agreed that the UN should coordinate an interna-

18 On Qaddafi's interest in a negotiated solution, see Hardeep Singh Puri, *Perilous Interventions: The Security Council and the Politics of Chaos* (Harper Collins, 2016), p. 96.

19 Interview with UN official, 2016.

tional monitoring mechanism for the cease-fire but were still reluctant about a transition. For its part, the NTC refused to negotiate with Qaddafi and continued to condition a cease-fire on him stepping down. Al-Khatib put forward a bridging proposal, by which each side would agree on an interim president, but the idea gained no traction, mostly because of the NATO intervention and increased violence. Matters were further complicated by the AU's own cease-fire proposal, which did not demand Qaddafi's exit and which the NTC could not accept as, again, it would have meant the division of Libya based on existing lines of control. Turkey released its own peace plan, which was similar to al-Khatib's—a cease-fire, humanitarian access, and a transition to constitutional government. However, Turkey soon dropped this proposed sequencing and endorsed the NTC's position of having a political transition first.

The controversy around strategic sequencing did not end with al-Khatib's mandate. Ian Martin's decision to go for elections before addressing issues that eventually became more pressing, such as security sector reform, also has detractors. In retrospect, it is easier to criticize Martin's approach, which resulted in elected institutions that were unable to properly assert their authority. However, it is important to remember that the Libyans were set on having elections as soon as possible.[20] It is also questionable whether the UN, or any other organization, for that matter, could have had any traction on security issues. Although it soon became clear that asserting control over the various militias was a top priority, this would have required major coercive power, which was politically off the table, and long-term engagement. Arguably, a more assertive approach would have been met with an equally assertive resistance. The Libyans' resistance to foreign intervention on security issues was evident, for example when they changed UNSMIL's security white paper.

Leverage

The fragmentation of mediating authority in Libya greatly limited al-Khatib's leverage. The UN was not the sole mediator, as multiple tracks—carried on, among others, by the African Union, League of Arab States, Libya Contact Group, National Transitional Council, and Turkey—worked at cross-purposes and ended up undermining each other. Such fragmentation reduced al-Khatib's informational power, which derives from being the sole go-between. In addition, lacking the full support of the Security Council, he could not exercise any coercive power.

The multiplicity of voices and efforts unequivocally contributed to the current outcome. Beyond the peace efforts, the presence of different external powers that funded and supported different militias according to their national interests and rivalries further reinforced the fragmentation on the ground. Once the common threat they faced from Qaddafi was over, these forces turned against each other. Security sector reform and disarmament were not responsibilities the UN could have assumed without major involvement of those very countries that supported the different militias.

FROM KOFI ANNAN TO LAKHDAR BRAHIMI: MEDIATION IN SYRIA

Mandate

Kofi Annan, the former UN secretary-general, received his mandate as UN and Arab League envoy to Syria on February 23, 2012, and resigned on August 2nd, blaming the Syrian government's refusal to implement his peace plan, the opposition's escalating military campaign, and the lack of unity in the Security Council.[21] His efforts were continued by Lakhdar Brahimi, the former foreign minister of Algeria and a UN diplomat, who was appointed joint UN–Arab League envoy to Syria on August 17, 2012. He resigned the position on May 14, 2014, as he considered the conflict not ripe for resolution.[22] Both Annan and Brahimi appeared to be the perfect candidates to find a way out of the Syrian crisis, enjoying high prestige and facing no competing mediation missions. However, the Security Council was divided over the interpretation of the mediators' mandate and therefore found it difficult to provide sufficient support to their efforts. While the West and the Syrian opposition were setting Assad's departure as a precondition for negotiations, the Russians wanted a power-

20 The first road map by Mahmud Jibril, head of the NTC, was for an enlarged and more representative NTC to draft a constitution. Elections would then take place after the adoption of the charter. This proposal was debated in Benghazi in August 2011 and rejected in favor of a road map that included early elections.

21 Kofi Annan, press conference, UN Office in Geneva, August 2, 2012.

22 See Hinnebusch, Zartman, et al., "UN Mediation in the Syrian Crisis," p. 1.

sharing compromise.[23]

This division over the interpretation of the mandate also meant that when the mediators appealed to the Security Council to support the mandate, the great powers hesitated. For example, Annan set up an Action Group for Syria to translate his plan into the Geneva Communiqué and secure the commitment of regional and world powers, but the communiqué was not endorsed by the Security Council until more than a year later. In the end, the communiqué did become a permanent template for settlement of the conflict, but clashes over its interpretation continued and prevented the council from taking a unified stance behind its implementation.

Impartiality and Inclusivity

The problem with impartiality that dogged mediation in Libya also blocked progress in Syria, where mediation aimed at a power transition—the replacement of the Assad regime. Yet even mediating a power transition requires treating the parties in a minimally balanced way, and Assad did not feel that he received fair treatment. Annan's six-point plan placed all the demands on the regime. The fact that the mediators had a joint mandate from both the UN and the Arab League also worked against them, as the regional organization had adopted a hostile attitude toward Assad early on. The mediators' attempts to temper demands to oust and prosecute Assad were insufficient to convince either the regime or the opposition.

At the same time, the mediators attempted to be inclusive, trying to bring to the table as many Syrian factions as possible. In those early stages of the conflict, no rebel group was considered too extreme to talk to. Yet despite these efforts, many parties failed to join the negotiation process. At the Geneva I Conference, which Annan engineered, the regime was crucially missing. At the second round of negotiations in Geneva, Brahimi made great efforts to bring in Iran, a key regional player. However, the secretary-general's invitation to Iran produced an immediate boycott by the opposition parties and so was rescinded. The achievement of Geneva II was the inclusion of the opposition and the regime, even if they came with the intention of avoiding actual negotiation. It must also be noted that despite these attempts at inclusivity, the mediators considered negotiating with the great powers, especially Russia, a top priority and did not engage sufficiently with the Syrian regime and the opposition.

Entry and Consent

The UN's entry into the Syrian conflict was, by all accounts, late. The League of Arab States was left to deal with the conflict not as a misjudgment, but under the assumption that it would enjoy more consent. By the time Annan arrived, positions had already become inveterate. The situation that confronted Brahimi was even more entrenched. From a social-psychological approach, early intervention is considered essential to avoid the hardened positions and deep-seated enmity that prolonged violence provokes. On the other hand, too early an entry might mean that a negotiated solution is less appealing to the parties, which have not yet seen the limits of what can be achieved through violence or experienced its cost. The late entry in Syria thus could have had the advantage of reaching the parties when they had already reached a mutually hurting stalemate.

However, like in Libya, it was hard to identify a favorable entry point, since at no time did the parties and their supporters feel the conflict to be too costly to fight, and instead they saw the threats as existential. The mediators spent an initial period urging a sense of ripeness—that is, a sense that neither side could win militarily—but found that the parties did not perceive the costs of fighting to be unsustainable. The opposition was counting, at least at first, on a decisive NATO intervention, as in Libya. Similarly, the regime was relying on its allies for support, namely Russia, Iran, and Hizbullah. In Brahimi's words, the conflicting parties were brought "kicking and screaming" to Geneva II, as neither side was ready for serious negotiations. Brahimi contrasted this situation with the 1989 Taif Agreement that ended the Lebanese civil war, in which the parties were exhausted and ready for a deal.

Strategy

Both mediators used cease-fires in an effort to build confidence among the parties. However, while cease-fires figured prominently in Kofi Annan's

23 The precedent of NATO forcing a power transition in Libya, with questionable wisdom and to the great chagrin of Russia, also weighed heavily.

strategy—in as far as the short-lived UN Supervision Mission in Syria (UNSMIS), established in April 2012, had a mandate to monitor violence—they were a subtler leitmotif for Brahimi, who inherited the mediation at a time when violence had seriously escalated. He brokered a four-day cease-fire in October 2012. But the Homs cease-fire to evacuate civilians in early 2014 happened to coincide with the Geneva II Conference, and it is questionable whether Brahimi had major input on it. In the end, both regime and opposition had an ongoing appetite for violence, and a serious cease-fire only took place under Staffan de Mistura, who took over from Brahimi.

As mentioned earlier, given how the positions of the Syrian and regional parties were firmly locked in, both Annan and Brahimi were more focused on negotiations among world leaders, particularly between the US and Russia, than among the Syrian parties on the ground. They pursued a top-down strategy to achieve an overarching resolution to the conflict, convening bilateral meetings to produce some degree of agreement. Unfortunately, all they could achieve was a joint US-Russian acknowledgment in May 2012 that there was no military solution to the conflict. However, the "mother of all issues" was the future of Assad, on which no common position was found. Arguably, more engagement with the Syrian parties could have been advisable, even if there was little space for compromise.

Under his initial strategy, Annan also expected the regime to make all the concessions. This approach was evident also in his six-point plan. Such a maximalist approach left little room for the regime to negotiate, and actual mediation, in the sense of a search for compromise between the Syrian sides, never really happened. Though Brahimi tried to relax the precondition of Assad stepping down prior to negotiations, which the opposition National Coalition accepted implicitly by entering talks in the Geneva II Conference, he could not bring most of the opposition to the table.

Leverage

The mediators in Syria enjoyed a rare monopoly over negotiations with the regime, as no parallel international mediation track existed. They also enjoyed high prestige and respect among all parties. However, this did not translate into substantive leverage over the parties. The fundamental problem was that the mediators were not backed by a united Security Council. No coercive power was available to push demands on the Syrian regime. At the same time, the opposition did not have enough military capacity or external support to force the regime to make concessions. As such, the mediators had little leverage to convince the regime to step down, or even to agree to a gradual political transition. Mostly, they cited the high costs of the conflict on civilians, hoping to leverage this to restrain both sides. But the population remained unrepresented, and warnings of humanitarian tragedies did nothing to change the positions of the warring parties.

Mutual distrust among the parties defined the mediation environment, while the mediators had no leverage to ask regional powers to push for a peaceful solution rather than supporting one side politically and militarily. Despite the overall good relations that Annan and Brahimi kept with the warring parties (also known as referent power), the overwhelming absence of any coercive power outweighed their diplomatic skills.

SUPPORTING TRANSITION: JAMAL BENOMAR IN YEMEN

Mandate

The secretary-general appointed Jamal Benomar, a Morocco-born UN official, as his special adviser on Yemen in April 2011, just two months after the Arab uprisings spread to the country. With a team of only two or three people, he quickly stepped into the crisis without a mandate from either the Security Council or the General Assembly, carving out his own political space.[24] This "soft intervention," as Benomar characterized it, reflected his deep knowledge of and confidence with the UN system and was significant for a number of reasons. It represented a more liberal interpretation of the use of the secretary-general's good offices and was a highly proactive move in a UN structure that has grown increasingly wary of overstepping mandates

24 The first mention of Benomar's role is in UN Security Council Resolution 2014 of October 21, 2011 (UN Doc. S/RES/2014). The text "requests the Secretary-General to continue his Good Offices, including through visits by the Special Adviser, and to continue to urge all Yemeni stakeholders to implement the provisions of this resolution, and encourage all States and regional organizations to contribute to this objective." Security Council Resolution 2051 of June 12, 2012 (UN Doc. S/RES/2051) welcomes Benomar's expanded role, including the presence of a team of experts based in Yemen.

or drawing the ire of influential member states.

The Gulf Cooperation Council (GCC)—with significant input from the US—drafted the initiative for a political transition, which was successful because it enjoyed the backing of the international community. By October, Benomar was leveraging Security Council Resolution 2014, which called on President Ali Abdullah Saleh to sign the GCC initiative, reflecting the consensus within the Security Council membership. Benomar was key in convincing Saleh to accept it, thus helping facilitate political change in Yemen. After Saleh stepped down, the GCC asked the UN to monitor the implementation of the agreement. Benomar then developed the GCC Implementation Mechanism in such a way that it received broad buy-in from Yemenis.

Unlike al-Khatib in Libya, Benomar coordinated well with the Security Council throughout his mandate. But the support of the international community and the Security Council was not unwavering. Later in the process, he felt that he did not gather enough backing from the council for the new power-sharing agreement he wanted to forge after the Houthi uprising. He also thought that he did not obtain the support that he had wanted to properly sideline Saleh, who continued to exercise influence through his political party—despite having been pressured to step down—and became one of the major spoilers of the transition.

The transition in Yemen was a very ambitious and complicated process. Benomar had to undertake both diplomatic and managerial tasks. He had to get all major parties to begin talking, establish the Implementation Mechanism, and ensure the involvement of the south of the country and the agreement of all major parties to a new state structure. The rest of the time, the job involved organizing and facilitating a large conference—the National Dialogue Conference (NDC)—which lasted for ten months and required effective procedural control, organizational capacity, staying power, and flexibility. The envoy and his team assumed too many responsibilities on their own and might have benefited from having exerted greater efforts to reach out for support from different parts of the UN system.

Impartiality and Inclusivity

Benomar tried hard to avoid being perceived as a "fig leaf" for foreign powers, and he managed to present himself as a relatively impartial mediator, at least during the early part of his mediation. The absence of a Security Council mandate—until October 2011—might even have contributed to his image of independence. In this way, he built confidence in the UN and its claim to universal values. Nonetheless, he was not to everyone's liking. The GCC initiative handed power from Saleh to his deputy, Mansour Hadi, which some felt did not go far enough, serving the status quo ante, and in particular the Saudi regional order, which the GCC represented. Others would later accuse Benomar of the opposite—of siding with the Houthis against Saudi interests.

Benomar was credited for going out of his way to be inclusive and to reach out to a wide range of stakeholders. The ultimate example of this was the NDC, where he made it his personal mission to ensure that a significant number of women and youth were included.[25] This was in keeping with the principle that inclusion is about bringing in not just conflict parties but also broader segments of society.[26] Benomar also made an effort to include the different Yemeni factions, in particular the southern separatist movement al-Hirak al-Janoubi, which was essential to address the conflict between the central government and that region of the country. And though he fell short in guaranteeing sufficient buy-in from key southern stakeholders, it was not for want of trying.

In general, Benomar did not want to be seen as leading the implementation process. Formally, leadership of the transition and the NDC rested with the Yemeni government, and in particular with the office of President Hadi. However, Benomar became in some ways a victim of his own success as the informal leader of these processes, and with the passing of time Yemenis began to question the degree of local ownership, how much power Benomar wielded individually, and the prominent role he had acquired. The backing of the Security Council provided Benomar with credibility in the country, but some Yemenis

25 Ultimately, the NDC's 565 participants consisted of 30 percent women and 20 percent youth.

26 For a peace process to be effective, it should include those who will make peace and not just those who have made war. See Marie O'Reilly, Andrea Ó Súilleabháin, and Thania Paffenholz, "Reimagining Peacemaking: Women's Roles in Peace Processes," International Peace Institute, June 2015.

increasingly interpreted the support of the world's great powers as a threat to their sovereignty. Despite his calls for a locally owned and locally led process, he came to be seen as determining the course of the transition, at times forging decisions—such as on restructuring the military—outside of the appropriate consensus-building fora. As the conflict with the Houthis began to escalate, some blamed him for exercising excessive influence over the response of the central government and forcing it on the path of appeasement.

At the same time, the real limitations Benomar faced in steering the transitional authorities toward what he thought was best for the country should not be ignored. For example, he was limited in his ability to guarantee sufficient southern representation in the NDC. It is also important to acknowledge the dilemma he faced between risking that sterile discussions would drag on and become entangled, on the one hand, and pushing the transition forward, on the other.

Entry and Consent

Benomar made a timely entry into the country when, a mere two months into the Arab uprisings, he offered the secretary-general's good offices without waiting for the Security Council or the Yemeni regime to demand UN action. He was warmly received from the very beginning. In fact, for months his popularity and prestige seemed only to increase. This was because the early involvement of the UN created a crucial space for dialogue. Benomar brought all of Yemen's major political parties together for the first time since the uprising began. In doing so, he helped to open lines of dialogue and begin tangible plans on how to move Yemen forward once Saleh had stepped down. In the context of the Arab uprisings, Benomar's early action was unique.

Benomar was not satisfied with the consent of the regime. Upon his arrival he worked hard to gain trust among Yemenis. He addressed them directly in Arabic in the public squares where protests and sit-ins were being held, clarifying that the UN supported their aspiration for change while also shaping their expectations, emphasizing that change should come peacefully and gradually.

Strategy

Benomar believed a long-term political solution was necessary to remedy Yemen's short-term challenges. His real strategic decision was to focus on the NDC and the debates surrounding the political transition. An example of his belief in initiating the political process before the cease-fire was his initial unwillingness to become involved with the conflict that was then brewing in northern Yemen. However, in the end the Houthi coup became the central challenge to the peaceful transition, eventually forcing his departure. In this case again, greater focus on ceasing the violence or other short-term fixes might have been more beneficial than an overall resolution of the conflict.

In retrospect, the NDC launched a slow process of negotiation among key stakeholders, building trust among several parties and turning their attention away from the battlefield. At the same time, however, it addressed an unreasonably large number of issues, making it difficult for the participants to fully understand and engage with all the issues at hand. It ended with a daunting set of 1,800 recommendations. Some felt that the process was rushed, reaching conclusions that were not fully thought through or properly endorsed, which served to heighten rather than dissipate tensions. Moreover, the very sensitive issue of how to delineate the different regions of the country—among other crucial questions—remained unresolved.

Leverage

Benomar suffered from a fragmentation of mediating authority similar to that experienced by al-Khatib in Libya. The UN had to work closely with a whole array of external actors and mediators involved in Yemen, including the so-called Group of Ten Ambassadors (G10) formed in the midst of the uprising and comprising the five permanent members of the Security Council, the GCC, and the EU. However, Benomar was able to exploit the leverage of other actors who were pushing for the exit of Saleh. Thus when his persuasive power ran out, he borrowed power from the GCC and then the Security Council, for example to arrange for the departure of President Saleh.

In particular, Benomar was able to leverage with great success the support he enjoyed in the Security Council resulting from Resolution 2014, passed in October 2011, a document that had been difficult to forge due to tensions within the membership over the Libyan crisis. Once the resolution was passed, Benomar leveraged it to create momentum,

using its demand for a report in thirty days to pressure the sides to meet and produce the transition agreement. The backing of a united Security Council gave the transition the veneer of international legitimacy, and having established himself as the sole message carrier, Benomar could exercise informational power. He also held considerable expert power in advising the national dialogue process, which the Yemenis appreciated.

This did not always work. He failed, for example, to convince President Hadi to implement the confidence-building measures necessary to attain al-Hirak's greater participation in the NDC. The reality was that, besides the projection of power from the unified Security Council, Benomar had little leverage of his own over Yemeni stakeholders, and by the time the Houthis reached the gates of the capital, Sanaa, he had lost the confidence of some of the Yemeni parties who thought he was making excessive efforts to accommodate their demands. Benomar was also unable to marginalize Saleh and temper the ambitions of Hadi to remain in power, thus torpedoing the transition, which foresaw fresh elections. After the NDC ended and the power-sharing agreement that emerged was not respected, Benomar had no leverage to ensure its implementation or to prevent violence from escalating.

Lessons and Recommendations

A few crosscutting lessons can be drawn from these cases to inform future UN mediation in similar contexts. The lessons are organized around the same five challenges used to frame the analysis above: mandate, impartiality and inclusion, entry and consent, strategy, and leverage.

MANDATE

Disunity of Intent

The first lesson that clearly emerges from the analysis of the three cases is the importance of institutional support. The unity of intent in the membership of the Security Council provided Benomar with leverage over Yemeni leaders—at least for the early part of his intervention—which was never at the disposal of the mediators in Libya and Syria. Even if no divisions emerge during the drafting of a resolution, once the mandate is established it requires consistent support from the permanent members of the Security Council. When this support is missing, even the most skillful mediators cannot achieve the goal of a peaceful resolution.

In Libya the international community and al-Khatib worked against each other. Like in Yemen, the mediator was dispatched without a clear mandate. Resolution 1970 served as a reference for the mediator but actually made no mention of the mediation. This is not necessarily a constraint, as it allows the mediator to carve out his or her own role. But in the case of Libya it became a problem, as the Security Council never made a clear commitment to al-Khatib's mediation as the sole track or specified his exact mandate. This meant that support for his mission was unclear and that he was competing with other mediation tracks. In Syria, while Annan and Brahim"s efforts constituted the sole mediation track, the Security Council was in open disagreement, with the West supporting only political transition and Russia seeking a power-sharing agreement.[27]

Predefined End Results

Like a lack of unified political support, conditions that preconfigure the desired end results of mediation undermine the work of mediators. In Yemen, Benomar was able to adapt his role to the context before a mandate was forged. An exploratory engagement helped him build relationships between the parties, and the absence of a mandate actually provided the flexibility to do this. Benomar's proactive interpretation of the secretary-general's good offices is an interesting model that merits consideration in other contexts.

On the contrary, little leeway was given to the mediators in the other two cases. In Syria the fact that the opposition and Western members of the Security Council treated the end result—political transition—as a precondition for negotiation has been particularly problematic. Annan and Brahimi sought the relaxation of this precondition, but in vain. Libya was a similar case, where the NTC's

27 Having a single mediation track is a feature of Annan's mediation style. In his intervention in the conflict in Kenya in 2008 he had also insisted on exclusivity as mediator. See Call, "UN Mediation and the Politics of Transition after Constitutional Crises," p. 9.

insistence that Qaddafi step down, the Security Council's referral to the ICC at the onset of al-Khatib's mediation effort, and the NATO campaign that followed did not help the mediator's task.

IMPARTIALITY AND INCLUSIVITY

Partial Impartiality

A direct consequence of preconditions is the loss of the mediator's impartiality. It was not some deficit in the personalities of the mediators in these cases that cost them their impartiality, but rather the limitations imposed by the mandating powers. The mediators were engaged in facilitating not reconciliation but a power transition in which the government was expected to exit and the opposition to benefit. Mediators could only avoid a zero-sum game by negotiating some guarantees for the rulers. In this context, in which mediators cannot maintain their impartiality, the danger is that they are perceived—by the ruling authority in particular—as attempting to legitimize a change of regime.

Syria is the clearest example of this, with the opposition and Western powers making the desired end result—the ousting of the regime—as a precondition for negotiations. The mediators' double-hat as UN and Arab League envoys also complicated their efforts to look impartial, given the anti-Assad position of the LAS. Security Council Resolution 1973, which mandated al-Khatib to find a peaceful solution to the Libyan conflict, also authorized the NATO-led military intervention in the country. Though al-Khatib himself might have been perceived as impartial, this undoubtedly compromised his mediation efforts and caused the regime to associate the UN with the NATO intervention. Yemen was the exception, as the absence of an initial mandate provided Benomar a certain distance from great powers' interests. Benomar managed to separate his role from that of the Security Council—at least for a while—while at times also using the council as a tool for coercive power. Based on his experience, the Security Council should be careful not to micromanage political transitions with requests that limit mediation options but should also offer vigorous support when sought by the mediator.

At the same time, the lack of impartiality was not the ultimate explanation for why mediators in Libya and Syria failed to reach a negotiated solution: "Mediators must be perceived as having an interest in achieving an outcome acceptable to both sides and as being not so partial as to preclude such an achievement.… [T]he question for the parties is not whether the mediator is objective but whether it can provide an acceptable outcome."[28] In particular, when it comes to power transitions—as opposed to reconciliation, where more evenhandedness is arguably required—mediators without enough coercive power need to make the prospect of an exit from power sufficiently attractive to the government. But in doing so, they will not be perceived as impartial to the interests of the rulers.

Limited Inclusivity

The tendency is to think that mediation processes should be as inclusive as possible. In Syria the mediators focused on the external circle of players—particularly the US-Russian relationship and key regional powers such as Iran—but failed to make progress. Instead, they should have focused more on the primary actors in the conflict. Although positions were locked in, the mediators should have devoted more effort to bringing together opposition groups and searching for common interests beyond stated positions. Thus, the Syrian regime was crucially absent from the Geneva I Conference. Brahimi did not engage in shuttle diplomacy during the Geneva II Conference and perhaps threw in the towel too early. But the challenge was huge, as the mediators in Syria had limited options and no means to impose costs on the warring parties without the unified support of external powers. In Libya al-Khatib did carry messages from one side to the other—though perhaps not as much as he could have—but under such negative conditions and with so little time that he was unable to gain traction. In Yemen, Benomar was unable to bring in a delegation from the southern movement that was representative enough.

However, inclusivity is not a question of including the largest number of actors possible. A mediation process should be considered inclusive enough when it does not exclude parties that could disrupt an agreement from the outside or include

28 Zartman and Touval, "International Mediation," p. 444.

parties that could prevent an agreement internally. In the post-Qaddafi phase, the vacuum of power was such that the UN envoys struggled to find a credible leadership with which to engage. Given the fierce competition among Libyan opposition groups, a less inclusive and more technocratic process to draft a new constitution before holding legislative elections might arguably have worked better than the path established by the NTC.

Moreover, for peace processes to endure, they should also include those who did not take up arms but were working for peace. This is not only a sound argument but is also corroborated by data. Research shows that when women have been able to influence such processes, an agreement was almost always reached and was more likely to be implemented.[29] While Yemen is ultimately not a success story, Benomar's efforts to make the transition inclusive, particularly of women and youth, are to be noted. His team drew upon UN norms and standards to overcome Yemeni misgivings about the inclusion of women in the NDC, and the NDC ended up including 30 percent women and 20 percent youth. Thus Benomar reached out beyond the traditional power holders and warring parties to ordinary people demonstrating in the squares asking for change. However, the impact of their inclusion on bringing about a change of regime was limited, and the process as a whole remained centered on elites.

ENTRY AND CONSENT

Unfavorable Entry

In Syria the UN, in particular Annan, is often faulted for having been late to the conflict. As soon as the conflict began to escalate militarily, the conviction grew among the parties that they could overcome each other by force of arms, making Brahimi's mediation almost futile. NATO's intervention in Libya convinced the Syrian opposition that they could also obtain international support to defeat the Assad regime. Though NATO did not intervene, the support of regional powers helped all sides believe military victory was foreseeable. In other words, an earlier entry might not have mattered since the conflict was not ripe for mediation, and any strategy for ripening it was weak. Despite the attempts by Annan and Brahimi to urge a sense of ripeness, stressing the high costs of conflict and the impossibility of a military solution, the warring parties still perceived they could win without mediation.

Libya is a good example where early entry did not improve the chances of mediation, in part because of a lack of consent. Qaddafi never empowered his senior officials to negotiate a political transition, while the NTC agreed to negotiate only upon the departure of the regime. In Yemen, on the other hand, the mediator entered just at the right time and made himself indispensable to the transition.

Exploratory Engagement

Exploratory engagements can serve to develop more favorable entry points and ripeness for mediation. The Yemen case is an archetypal example of successful proactive engagement using the secretary-general's good offices prior to receiving a Security Council mandate. It illustrates the benefit of sending a low-key team to establish contact with the actors on the ground in order to get a direct perspective on the conflict and the UN's possible role. This provides opportunities for analytical depth in exploring idiosyncrasies in the country that could be magnified during a political transition and affect peacemaking strategies. This approach also helps to identify a political space for the UN and build relationships with key stakeholders. Exploratory engagement should be viewed as a model meriting replication in future contexts that appear to be falling into violent conflict. The secretary-general should also use his or her prerogative of "preventive diplomacy" to pursue such low-key engagements in political transitions.[30]

STRATEGY

Cease-fire Dilemma

There is no general answer regarding the use of cease-fires as conflict management tools. Cease-fires were at the forefront of the strategies to manage conflict in Libya. Al-Khatib's mandate was to look for a cease-fire to end violence. He eventually introduced the idea of a political transition,

29 O'Reilly, Ó Súilleabháin, and Paffenholz, "Reimagining Peacemaking."

30 See UN Secretary-General, *Preventive Diplomacy: Delivering Results*, UN Doc. S/2011/552, August 26, 2011; and the subsequent endorsement by the UN Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2011/18, September 22, 2011.

because he was aware that a cease-fire without a possible resolution could have provoked a protracted stalemate, which would have only further split the country.

In fact, cease-fires rarely hold without parallel progress toward a political solution to the conflict. In Syria, both mediators used cease-fires in an effort to build confidence among the parties, but these were not their focus.[31] In Yemen, Benomar also focused on the political process rather than negotiating a cease-fire, mainly because he was reluctant to get involved with the conflict that was then brewing in the north. However, this was a decision that came back to bite him, because in the end the Houthi coup became the central challenge to the peaceful transition, right up to his departure. Hence a cease-fire might have been more beneficial than an overall attempt to resolve the conflict.

Given the entrenched positions of the warring parties in all three conflicts and the political impossibility of finding compromises between major external powers, the mediators could have made more liberal use of cease-fires, both as entry strategies and to relieve civilians from the miseries of war. While this strategy is not risk-free, it can increase trust among the warring parties and provide a space for conflict resolution. But it can also create a stalemate that further entrenches parties' positions, as was the case in Libya. Therefore, if used as more than a way to provide humanitarian relief, cease-fires should be underpinned by a longer-term strategy beyond violence reduction.

LEVERAGE

Leveraging Multilateral Organizations

Because of the complex nature of multilateral bodies like the UN—whose interests are a composite of their member states' interests—the leverage of mediators seems to depend on several factors: (1) how important it is to the conflict parties to have a multilateral, rather than state-based, stamp of approval; (2) the mediator's ability to satisfy the organization's member states; and (3) the mediator's capacity to move his or her sometimes cumbersome organization along.[32] Internal disagreements are therefore one of the biggest threats to multilateral mediation efforts, which the mediator often solves by relying on a smaller, more determined group of member states to push the process forward.

Limited Leverage

Even this last option of relying on a smaller group of member states was not available in the cases of Libya and Syria. In some ways, Annan and Brahimi were in a privileged position, enjoying high levels of prestige and a monopoly over the mediation track, something al-Khatib could not count on in Libya. However, the divisions in the Security Council removed all possible coercive power over the Assad regime. Al-Khatib's leverage was actively undermined by multiple negotiations and the NATO-led air campaign. Short of coercive power, the mediators in Syria and Libya tried to appeal to the humanitarian costs of conflict and to convincing powerful regional and international sponsors to push for a solution, rather than supporting their proxy group on the ground, but the parties did not budge. On the contrary, Benomar, who also operated in a fragmented mediation environment—at least at the beginning of his mandate—was able to leverage the power of the Security Council most successfully.

Insider Knowledge and Process Management Skills as Leverage

Benomar's knowledge of the system and its bureaucratic mechanisms even enabled him, in one instance, to delay a Security Council presentation to allow a set of actors to make more tangible progress that he could then report on. Al-Khatib, who was new to the UN system, could not navigate the intricate multilateral bureaucracy with the same effectiveness. His so-called expert power was therefore rather limited, especially compared to the other mediators.

On top of knowledge of the UN system, in political transitions characterized by dialogue among multiple actors at multiple levels (local, regional, and international)—as in Yemen—mediators also need to be skilled in dialogue facilitation, information management, communication strategies, and

31 Political science research has indeed shown that cease-fires can help build trust among parties and alter the warring actors' calculation of the benefits of fighting versus talking. See Madhav Joshi and J. Michael Quinn, "Is the Sum Greater Than the Parts? The Terms of Civil War Peace Agreements and the Commitment Problem Revisited," *Negotiation Journal* 31, no. 1 (January 2015).

32 For more on multiparty mediation, see Chester A. Crocker, Fen O. Hampson, and Pamela Aall, *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: USIP, 1999), pp. 11–12.

technical coordination mechanisms. This points to the need to give senior diplomats empowered deputies, whose skills traditionally include relationship building and institutional coordination.

Conclusion

This paper has drawn a set of lessons from the UN's first attempts at mediation in Libya, Syria, and Yemen after the Arab uprisings. However, there are two important caveats. First, the context in which these mediations took place had a definitive impact on the success or failure of diplomatic efforts; it is often difficult to disentangle the individual mediator's responsibility for a particular outcome from the broader circumstances.

Second, caution should be exercised when trying to apply these lessons to other political transitions and mediations more generally. Though these mediations share certain basic characteristics—they all took place in the Middle East during broadly similar processes of political transition—the specificity of each context affected the mediations in wildly different ways. Independent variables, such as the local and geopolitical milieus and the level of violence, varied from one case to the other and greatly limited the mediators' capacity to bring about change. The complexity of these conflicts notwithstanding, it is necessary to learn from the efforts to resolve them, both as part of ongoing mediation efforts in all three countries and in considering how to respond to any future conflicts with similar characteristics.

Annex: Mediation Timelines

MEDIATION IN LIBYA

2011

February 15th	Libyans take to the streets in Benghazi
February 22nd	Qaddafi gives a speech in which he urges a violent showdown
	Arab League suspends Libya's membership
February 25th	Human Rights Council calls for dispatching an independent international commission of inquiry into human rights violations
February 26th	Security Council Resolution 1970 refers the situation in Libya to the International Criminal Court (ICC) and applies an arms embargo
February 27th	Revolutionary leadership in Benghazi forms the National Transitional Council (NTC)
March 3rd	Abdelelah al-Khatib is first approached by the UN secretary-general
March 7th	Gulf Cooperation Council (GCC) requests Security Council to enforce no-fly zone over Libya
	Al-Khatib is officially appointed as UN mediator in Libya
March 10th	France is the first country to recognize the NTC
March 13th	Al-Khatib makes first visit to Tripoli
March 17th	Qaddafi's columns converge on Benghazi
	Security Council introduces Resolution 1973 authorizing member states to take all necessary measures to protect civilians, paving the way for the NATO military intervention
March 19th	Multi-state coalition begins military intervention in Libya, ostensibly to implement Security Council Resolution 1973
March 25th	AU releases first road map proposal for Libya, calling for a cease-fire, humanitarian access, dialogue between the parties, an inclusive transition period, and political reforms
March 29th	First meeting of the Libya Contact Group takes place (attended by al-Khatib but not the AU)
March 30th	Al-Khatib returns to Tripoli, where the regime is more willing to discuss a cease-fire and accepts the AU road map, and al-Khatib introduces the idea of a political transition
April 1st	Al-Khatib meets the NTC chairman in Benghazi
April 7th	Turkey releases road map calling for cease-fire, humanitarian access, and transition to constitutional government

April 10th	African delegation meets Qaddafi
Mid-April	Al-Khatib returns to Tripoli to continue discussions on cease-fire and push for transition
April 26th	Ian Martin is appointed special adviser to coordinate UN post-conflict planning for Libya
April 30th	NATO bombs Qaddafi's family home and kills one of his sons
	UN offices are ransacked
End of April	Al-Khatib puts forward proposal for power sharing
May 5th	Second Contact Group meeting takes place in Rome, and Mahmud Jibril presents the NTC road map
Early June	NTC chairman tells al-Khatib that Qaddafi could stay in Libya but under UN supervision (this offer is rescinded in July)
June 9th	Third Contact Group meeting takes place in Abu Dhabi
June 27th	ICC issues arrest warrant for Qaddafi, his son Saif al-Islam, and Head of Military Intelligence Abdullah al-Senussi
July 15th	Fourth Contact Group meeting takes place in Istanbul, at which al-Khatib's mediation role is confirmed
	NTC becomes more assertive due to recognition and legitimacy
August 3rd	NTC issues Constitutional Declaration
August 20th	Tripoli falls
	Al-Khatib resigns
Early September	Head of the UN Support Mission in Libya (UNSMIL), Ian Martin, arrives in the country
October 20th	Qaddafi is killed
2012	
March	UNSMIL puts forward comprehensive one-year proposal for the mission that addresses security sector reform
July	First election for Libyan General National Congress (GNC) is held
October	Tarek Mitri succeeds Ian Martin as head of UNSMIL
2014	
June	Libyans elect Council of Deputies to replace GNC
2015	
December	Libyan Political Agreement sets the basis for Government of National Accord

MEDIATION IN SYRIA

2011

March	Growing protests against the Assad regime are met with violent repression
May	EU and US impose sanctions on senior Syrian officials
July 10th	Syrian officials announce national dialogue
August 18th	US and European leaders call on Assad to resign
August 23rd	Syrian National Council, the first opposition coalition, is formed
October 4th	Russia and China veto UN Security Council resolution threatening sanctions against Syria
November 12th	League of Arab States (LAS) suspends Syrian membership
November 27th	LAS approve sanctions against Syria
December 19th	LAS establishes monitoring mission for Syria

2012

January 28th	LAS suspends monitoring mission due to rising violence
February 4th	Russia and China veto Security Council resolution threatening sanctions and calling for Assad to step down
February 16th	General Assembly Resolution 66/253 provides the mandate for UN intervention in the Syrian conflict, calling for a Syrian-led political transition to a democratic, pluralistic political system
February 23rd	Kofi Annan is appointed joint UN-LAS special envoy
March 16th	Annan proposes a six-point plan, which is endorsed by the Security Council and the government of Syria
April 3rd	Syrian troops begin withdrawing from population centers in accordance with six-point plan
April 12th	Cease-fire between government and Syrian National Council enters into effect
April 21st	Security Council Resolution 2043 approves creation of UN Supervision Mission in Syria (UNSMIS)
May 25th	More than 100 people are killed in a massacre near the town of Houla, for which UNSMIS blame pro-Assad forces
June 12th	UN official declares the conflict a full-scale civil war
June 16th	UNSMIS suspends its activities due to increasing violence
June 30th	Action Group for Syria issues Geneva Communiqué in a meeting later referred to as the Geneva I Conference
July 19th	Russia and China veto Security Council resolution threatening sanctions

August 2nd	Annan resigns as special envoy
August 17th	Lakhdar Brahimi is appointed joint UN-LAS special envoy
October 24th	Four-day cease-fire marking Eid al-Adha is brokered, taking effect on October 26th
November 11th	Syrian National Coalition is formed under pressure to make the Syrian National Council more inclusive
December 6th	Brahimi convenes meeting with US secretary of state and Russian foreign minister in Dublin
December 9th	Brahimi convenes meeting with Russian deputy foreign minister and US deputy secretary of state in Geneva; they meet again in Geneva on January 11, 2013

2013

April 18th	Security Council reaches agreement and issues non-binding statement condemning violence
May 7th	US secretary of state and Russian foreign minister meet in Moscow, agreeing to jointly push for a transitional government
September 27th	Security Council adopts Resolution 2118, requiring Syria to destroy its chemical weapons and endorsing the Geneva Communiqué

2014

January 22nd	First round of Geneva II Conference begins
February 15th	Second round of Geneva II Conference ends
May 13th	Brahimi resigns as special envoy
May 22nd	Russia and China veto Security Council resolution referring Syria to the International Criminal Court (ICC)
June 3rd	Assad wins a third seven-year term in presidential elections

MEDIATION IN YEMEN

2011

January	Demonstrations against the regime begin in Taiz and Sanaa
	President Ali Abdullah Saleh promises not to extend his presidency in 2013 or to hand over power to his son
March 18th	Government snipers kill more than fifty demonstrators as demonstrations grow in intensity
April	Jamal Benomar is appointed as the secretary-general's special adviser on Yemen and makes his first visit to the country
June 3rd	Saleh is injured in an attack on the presidential compound and is later flown to Saudi Arabia, returning home in September

September 24th	Security Council issues a statement urging an end to violence and implementation of a "Yemeni-led process of political transition, on the basis of the Gulf Cooperation Council [GCC] Initiative"
October 21st	Security Council Resolution 2014 urges Saleh's departure
November 23rd	President Saleh agrees to hand over power to his deputy, Abd Rabbu Mansour Hadi
December 10th	National unity government with a prime minister from the opposition is sworn in

2012

February 25th	Hadi is sworn in as president the day after winning a single-candidate election

2013

March 18th	National Dialogue Conference (NDC) launches with 565 participants
September 18th	NDC continues, despite reaching the end of its official time frame

2014

January 21st	NDC ends with an agreement after ten months of deliberation
February 10th	Presidential panel gives approval for Yemen to become a federation of six regions as part of its political transition
September 2nd	President Hadi dismisses his government and promises to review a controversial fuel price rise following two weeks of anti-government protests in which Houthi rebels are heavily involved
September 21st	Houthi militants, seizing on growing discontentment with talks the group claims are not inclusive, begin taking control of Yemen's capital, Sanaa

2015

January 5th	Houthis reject the draft constitution proposed by government
January 20th	As talks on the constitution break down, Houthis seize the presidential palace
January 23rd	President Hadi and his cabinet resign in protest, and Hadi is placed under house arrest
February 6th	Houthis appoint presidential council to replace President Hadi
February 21st	Hadi flees to the southern city of Aden and rescinds his resignation
March	Houthi rebels start to advance toward southern Yemen, and President Hadi flees Aden
	Saudi-led coalition of Gulf Arab states launches air strikes against Houthi targets and imposes naval blockade
April 15th	Benomar steps down

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