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Enhancing Global and Regional Mechanisms for Conflict Management and Resolution

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ABSTRACT

In this paper I provide an overview of the global perspectives on conflict management and conflict resolution and the international and regional efforts to address them. In this regard, I begin with some general and theoretical observations followed by a synopsis of three case studies (Cyprus, Darfur/Sudan and Myanmar), each one chosen from three regions (Europe, Africa and Asia) and based on my direct involvement in helping to resolve them. I then make some concluding remarks and recommendations on enhancing the mechanisms for conflict management and resolution.

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Prof Gambari was appointed Minister of Foreign Affairs of Nigeria 1984-1985 and served as Nigeria's Permanent Representative to the United Nations from 1990-1999. He joined the UN as Under-Secretary-General and Special Advisor to the Secretary-General on Africa from 1999-2005, during which period he was also the UNSG's Special Representative to Angola. He became Under-Secretary-General and Head of the UN Department of Political Affairs (2005-2007) and also served as UNSG's Special Envoy on Cyprus, Zimbabwe and Myanmar. Ambassador Gambari was Joint Special Representative of the African Union-United Nations Hybrid Operation in Darfur in 2010 and was Joint Chief Mediator in Sudan in 2011.

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Enhancing Global and Regional Mechanisms for Conflict Management and Resolution

I. Global Context and General Observations Concerning Conflict Management and Conflict Resolution

1. The United Nations (UN) – to which almost all countries belong – is premised on the concept of collective security. The idea is that a threat to peace anywhere should be considered a threat to peace everywhere and should be met with collective response based on global solidarity. In reality, however, the record of international community in conflict management and conflict resolution is mixed. On the positive side, there has been a 40 per cent decline in violent conflicts since 1992, according to a recent Human Security Report. The report attributes this, in part, to the efforts made by UN peace-making. Indeed, since the end of the Cold War, more conflicts have ended through negotiations than ever before, with the UN being called upon to engage in all continents.

2. We need to better understand the reasons why and adapt our strategies and capacities in order to produce negotiated and durable solutions. We need to recognise that the nature of conflicts has changed: the root causes are broader and the actors are more varied. In this regard, three changes stand out clearly: (i) there are now more intra-state conflicts than inter-state conflicts; (ii) we now have more non-state actors involved in conflicts; and (iii) the root causes are broader and deeper when there are more non-state actors involved.

   The starting point should be to understand and address the root causes of conflict. This includes domestic variables and economic and social factors, as well as critical elements, such as who the parties are, the degree of political will to resolve the conflict and the external dynamics that may positively or negatively affect any resolution effort.

3. We must also address the question of why efforts fail, what lessons can be drawn and the various approaches to conflict management and resolution. Both in academia and among diplomats, there are choices and preferred approaches. What then is it that makes a conflict seemingly intractable and mediation fails? Aside from the fact that parties to a conflict adopt a "zero-sum" game, there is also the tendency to prescribe a "one size fits all" solution. Most conflicts, however, feature "complex interactions of different forces, with each requiring well-designed structures that are purposely oriented to the needs of the specific situation." Furthermore, there is the issue of dealing with spoilers in a peace process -

   a. The spoilers in a peace process

      Spoilers are actors, real or potential, whether leaders of parties or movements, within or outside of a peace process, which constitute themselves as deliberate obstacles to peaceful settlement of disputes/conflicts and employ violence to achieve their objectives. Nonetheless, we must address some relevant questions: Is

the term "spoiler" ascriptive or earned? Are spoilers born or made depending on given circumstances? Do all parties to conflicts have the capacity to become spoilers? Are spoilers home grown or externally induced or both? Can the spoiler of today become partners of tomorrow's peace processes?

b. Approach to managing spoilers

For the UN, there is hardly the luxury of not talking to or engaging spoilers in the peace processes in which the organisation is involved. In any case, how does one try to obtain change of behaviour of spoilers without engagement? The real issue for the UN is what kind of engagement is most appropriate or capable of providing deliverables at specific stages of a particular peace process. In this regard, and with the caveat below, I endorse Steadman's[1] broad categories of engaging spoilers:

i. The Inducement or Carrots strategy

This strategy consists of accepting all the demands of a spoiler in exchange for concessions in the peace process. These demands can include recognition or legitimacy, physical protection by UN troops, economic or political benefits. The Inducement approach is the easiest strategy to implement. Unfortunately, when used improperly it can exacerbate the situation, as in Angola in 1992 when custodians permitted the National Union for the Total Independence of Angola (UNITA) to play a continued role in the negotiation despite resuming war. On the other hand, in Cyprus, the design of the UN Peace Plan 2004 and the 8th of July Agreement were aimed at inducing the two communities there to stay engaged in the peace process.

ii. The Socialisation strategy

This strategy entails the establishment by custodians of a set of norms for acceptable behaviour in order for spoilers to be allowed into the peace process. It consists of sets of carrots and sticks to reward or punish spoilers based on their behaviour in relation to established norms. For the Socialisation strategy to work, norms, which should be fair and realistic, must be clearly established, communicated to all stakeholders and remain consistent over time. The management of the Mozambique National Resistance (RENAMO) in Mozambique was a success, while the strategy has shown its limits with Hamas, in Palestine, although it is maybe too early to judge, and this also assuming that Hamas is considered as a spoiler.

iii. The Coercion or Stick strategy

[1] *Stephen John Steadman 1997 Spoiler: Problems in Peace Processes, International Security 22*

This strategy relies on the threat or reality of punishment. This approach includes coercive diplomacy, the use of force (e.g. NATO air "withdrawal" strategy), and the "departing train" strategy which entails the assertion that the peace process will proceed forward regardless of whether the spoilers join or not. The coercion strategy requires active measures to protect the parties of peace and the ability of spoilers to deter the process. The "withdrawal" strategy should be implemented with care as it can lead to disaster as illustrated by the hasty withdrawal of the United Nations Assistance Mission for Rwanda and the tragedy of the Rwandan genocide. In other words, there should be no exit of UN Peace-keeping Operations without a clear strategy.

c. Type of spoilers in relation to their ultimate objectives

- *Limited spoilers*: who seek recognition, redress of grievance, a just revenue or power sharing framework;
- *Total spoilers*: who pursue absolute victory in a zero-sum game, all or nothing approach (Hutu extremists Coalition for the Defence of the Republic [CDR] in Rwanda, who seek extermination of Tutsis)
- *Greedy spoilers*: who seek to maximise gains, but largely opportunistic (Jonas Savimbi, Angola)

Note, however, those spoilers can move up or down these categories depending on the situation in the peace processes and their respective capabilities.

d. Standing of the spoiler

Is the spoiler the leading force or driven by the followers? If the former, a change in leadership may provide opportunity to steer the group through negotiations. If the latter (e.g. President Habyarimana was held hostage by the elements of CDR followers), it would be more difficult to effect change through a transition in leadership as the driving force is embedded within the organisation.

e. Number of spoilers

Where there are multiple spoilers, each need to be managed differently although managing one effectively may inadvertently strengthen another. For example, the Security Council sanctions against UNITA weakened the organisation while strengthening the People's Movement for the Liberation of Angola (MPLA) both politically and militarily. A further complication is where there are two main parties to the peace process and each perceives the other as the spoiler (e.g. Mehmet Talat of the Turkish Cypriots and Tassos Papadopoulos of the Greek Cypriots).

f. Location of spoiler in a peace process

The spoiler can be inside or outside the peace agreement or process and they tend to use different tactics to undermine or derail the process, e.g. Khmer Rouge in

Cambodia who signed the Paris Peace Accords as an insider but refused to demobilise and boycotted elections and the Revolutionary United Front [RUF] in Sierra Leone after the Lome Accord. CDR in Rwanda was an outsider force while some consider Syria, whose support for Hezbollah and others may have undermined reconciliation effort in Lebanon, as an outside spoiler.

4. Africa has the most developed regional organisation in the developing world for conflict resolution and peace-keeping. It is the African Union (AU), established in 2003 as a successor to the Organisation of African Unity (OAU) which came into being in 1963, almost 50 years ago. The AU has a Peace and Security Council, the Department of Peace and Security headed by a Commission working with (not under) the Chairperson of the African Union Commission. The current occupant of the position is Madame Nkosazana Dlamini-Zuma, ex-wife of President Zuma of South Africa and the first woman to do so. There is also the development of an African Stand-by Force, the deployment of peace-keeping/peace-enforcement mission in Somalia and a joint AU/UN Peace-Keeping Mission in Darfur. The latter is the largest international peace-keeping force with about 30,000 military police and civilian personnel and the most expensive with an annual budget of between US$1.5 billion and US$1.7 billion. Finally, there is the Panel of the Wise, consisting of some former presidents—all of these constituting what is called the AU Peace and Security Architecture. The Panel was created in 2002, became operational in 2008 and has sub-regional counterparts. Indeed at its second retreat with similar sub-regional mechanisms just concluded in Addis Ababa (11-12 April 2013), a decision was made to formally establish a continental Panel of the Wise called PANWISE.

   There is no Asia-wide regional organisation comparable to the AU, but there is the Association of Southeast Asian Nations (ASEAN) which seems to be hesitant about developing a peace-keeping let along peace-enforcement capability.

5. There is a nexus between peace, security, development and human rights and democratisation and this is discussed in seminal reports by two UN Secretaries-General. One is by Boutros Boutros-Ghali, “An Agenda for Peace” followed by his “Agenda for Development.” According to Boutros-Ghali, first, there can be no development without peace. Second, there can be no durable peace without sustainable development. Kofi Annan argued in the report “In Larger Freedom” that there will be neither durable peace nor sustainable development without respect for human rights and democratisation. More specifically, most conflicts are caused by exclusion and could only be resolved by the politics of inclusion (power sharing, wealth sharing, rule of law and justice).

II. Synopsis of Three Case Studies in Conflict Management and Conflict Resolution from Three Continents

1. Cyprus

Cyprus is one of the longest running conflicts in the dossier of the UN since the outbreak of hostilities in 1963. There have been both a UN Peace-keeping Operation

deployed there since 1964 as well as the Secretary-General's Good Offices Mission Role in the island after 1974. The latter was encouraged by the Security Council following division of the country into two hostile camps of Greek Cypriots and Turkish Cypriots—with the presence of Turkish troops in Cyprus.

The admission of a divided country, Cyprus, as a full member of the European Union has been a complicating factor in seeking a resolution of the conflict. Nonetheless, the EU has a vote in facilitating the peaceful settlement. Meanwhile, the UN has remained a key third part—continuously seeking a formula which would lead to a bi-zonal, bi-communal, federal state (UN Plan of 2004 known as the "Annan Plan" and the 8 July, 2006 Agreement called the "Gambari Plan").

Unfortunately, each community in Cyprus regarded the other as the spoiler in the peace process. There is also seemingly no sense of urgency in resolving the conflict in part because of the low-level of violence in the conflict. And, as the Cyprus problem has been compared to "a padlock requiring four keys, held respectively by the Greek Cypriots, the Turkish Cypriots, Greece and Turkey", a strategy of "outside-in" consultations is vital. In the words of a former Special Envoy, Alvaro de Soto, who handled the dossier on behalf of UN Secretary-General Kofi Annan, the history of attempts to overcome the division of Cyprus can be measured in false dawns. One or another leader could always be relied upon to thwart the effort and yell "no!" and support from either Ankara or Athens would go missing ("Another False Dawn, Op-Ed, *International Herald Tribune*, 28 March, 2008).

In fact, the biggest effort and perhaps the most comprehensive plan to resolve the conflict, presented by the UN to the parties which also had the blessing of the European Union, was approved by the Turkish Cypriots but turned down by the Greek Cypriots in separate referendums on April 2004.

2. Myanmar

Since 1993, in the absence of consensus among key interested countries on how to best deal with the issues of grave human rights abuses and democracy deficits, the UN Secretary-General had opted for a low-key approach. In this regard, he had designated Special Envoys/Special Advisers to do the heavy lifting in the process.[2] However, the latters' efforts had been hampered by the difficulties encountered in bridging the gap between the Government and the Opposition—with each seeing the other as the main obstacle to peace and progress.

It was therefore incumbent on the Special Envoys to try to mobilise support of neighbouring and other relevant countries to influence the Government of Myanmar to make progress in its Seven Steps Road Map towards democracy and to deliver tangible results in addressing the country's multi-dimensional problems (human

[2] I was the third and, according to a recent study, may arguably be "third time lucky" (Anna Magnusson and Morten B. Pedersen, *A Good Office? Twenty Years of UN Mediation in Myanmar*, International Peace Institute, New York, 2013).

rights; forced labour; child soldiers; humanitarian access and delay in achieving Millennium Development Goals; etc.)

The failure of past approaches in managing or resolving the conflict such as isolation, economic sanctions and Security Council Resolutions made the Good Offices Role of the UN Secretary-General even more critical. Nonetheless, the efforts had been daunting largely because of difficulties in retaining trust and confidence of both parties and interested countries.

In pursuing the Secretary-General's Good Offices Role in Myanmar as the last Special Envoy, there were four main principles which guided my efforts. The first was that the Secretary-General's Good Offices was a process and not an event. Second was that, given the complexities of the Myanmar conflict, our approach should not be reduced to a single issue, for example, freedom for Aung San Suu Kyi however important a priority that may have been. Third, engagement largely with the Government and to an extent the Opposition cannot be an end in itself; there must be progress defined in terms of concrete results. The fourth and final principle is engagement with all those both inside and outside the country, who can contribute to addressing Myanmar's challenges.

In addition to these principles, and with support from ASEAN, China, India, Japan and some others, I worked tirelessly to bring the Government and the Opposition leaders together to commence a political process. I incurred the wrath of exiled groups in Thailand, London and the United States and some key members of the Security Council in urging the National League for Democracy and its leadership to participate in the elections, the fifth and crucial step in the regime's Seven Steps Road Map, despite their shortcomings. I was convinced then and proved right subsequently that without the elections, there was no real chance of the release of Aung San Suu Kyi and the resolution of the political deadlock in Myanmar. The rest is now history.

3. <u>Darfur/Sudan</u>

The AU High-Level Panel on Darfur, led by former President Thebo Mbeki of South Africa, has defined the Darfur conflict as "Sudan's crisis in Darfur." In doing so, the Panel stated that "the roots of the Darfur crisis lie in the history of neglect of the Sudanese peripheries, dating from colonial times and continuing during the years of Sudan independence." Hence, the conflict should not be seen simplistically as Arabs versus Africans or Christians versus Muslims. Rather, and especially following the separation of South Sudan from the rest of the country in July 2011, the root cause of the Darfurian conflict is about inequality in access to resources (especially water) and to power (largely concentrated in Khartoum) and to economic opportunities.

Following the escalation of the conflict and the resulting humanitarian crisis in 2003-2004, the international community in general and the AU in particular got engaged first by arranging ceasefire arrangements and second, the deployment of a contingent of military observers and protection force. This marked the beginning of the AU Mission in Sudan (AMIS) which helped to stabilise the situation on the ground.

Unfortunately, this was not followed by a Comprehensive Peace Agreement as a basis for sustainable peace and development in Darfur.

Furthermore, the challenges on the ground (including protection of the civilian population; delivery of humanitarian assistance to over 2 million internally displaced persons and 300,000 refugees and the absence of an all-inclusive and comprehensive peace agreement) were beyond the capacity of AMIS, despite some support from international partners. Yet, the Government of Sudan was not prepared to accept a traditional UN Peace-keeping Operation for Darfur. After protracted negotiations, the AU/UN Hybrid Mission was finally established and called UNAMID—perhaps the highest form of collaboration between a global and regional organisation in the area of peace and security. UNAMID took over from AMIS on 1 January 2008.

Although many challenges remain, including, especially, persuading non-signatory parties to join the peace process, the situation in Darfur in 2013 is vastly different from that in the early period of the conflict. The signing of the Doha Document for Peace in Darfur (DDPD) on 14 July 2011 between the Government of Sudan and one of the armed movements, Liberation and Justice Movement, is a significant milestone. It is widely regarded as the best document for addressing the root causes of the conflict in Darfur. Only last week on 6 April 2013, a break-away group from the main armed movement, Justice and Equality Movement, signed on to the DDPD in Doha. Moreover, as provided for the in the DDPD, a Darfur Regional Authority was established and inaugurated on 8 February 2012 with powers devolved from Khartoum. And an International Donor Conference on Reconstruction and Development in Darfur was held in Doha on 7-8 April 2012 where over US$3 billion were pledged for several projects in Darfur.

III. Concluding Thoughts/Recommendations

In his Report on Enhancing Mediation and Its Support Activities (S/2009/189 of 8 April 2009), the UN Secretary-General made important recommendations which are relevant to our discussion today. These include the need for experienced and knowledgeable mediators and support teams; sufficient resources to help parties design and pursue processes which address root causes of conflicts and achieve agreements which lead to durable peace and the need for building capacities for mediation at the local, national and regional levels while promoting coherent partnerships between the UN, regional and sub-regional organisations, Member States and NGOs.

I would like to end by highlighting some of these observations and adding a few other recommendations:

1. Peace and Justice

- The first challenge lies in the increased demands on the UN to both facilitate the negotiation of peace agreements and establish accountability mechanisms. This has led us to examine the relationship between the UN and the International Criminal

Court (ICC), and the interaction between UN representatives and persons indicted by the ICC.

- While in the long run, peace and justice are mutually reinforcing, in the short run there are often tensions between these two essential goals. As former UN Secretary-General Kofi Annan stated before the Security Council in 2003, *"We should know that there cannot be real peace without justice, yet the relentless pursuit of justice may sometimes be an obstacle to peace. If we insist, at all times and in all places, on punishing those who are guilty of extreme violations of human rights, it may be difficult or even impossible to stop the bloodshed and save innocent civilians. If we always and everywhere insist on uncompromising standards of justice, a delicate peace may not survive. But equally, if we ignore the demands of justice simply to secure agreement, the foundations of that agreement will be fragile, and we will set bad precedents."*

- To help manage these tensions, the Secretariat has come to the following conclusions:

  - On the relationship between peace and justice: there is no sustainable peace without justice—although they can be sequenced in time.
  - The UN does not recognize amnesty for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.
  - On the UN-ICC relationship: while the ICC is independent of the UN, the UN supports the Court and avoids any action likely to undermine its authority.
  - Contacts between UN representatives and persons holding positions of authority in their country who have been indicted by the ICC should be limited to what is strictly required for carrying out UN mandated activities.

2. <u>Implementation agreements</u>

- A second challenge is the need to factor implementation arrangements into the mediation process. The UN is often asked to help the parties implement agreements that were reached without our involvement, that sometimes go against fundamental UN principles, and, moreover, that offer no practical possibilities for implementation.

- For example, an agreement may hold unrealistic expectations of international support, or a time-table which neither party can manage. As a general rule, those institutions which are expected to support implementation should also be present, at least as an observer, during the negotiations.

3. <u>Women's participation</u>

- A third challenge is women's inclusion in the negotiation and mediation process, and not just civil society participation. The UN, like other governmental and intergovernmental bodies, has too few women engaged in these tasks. If we are to

practise what we preach, then we must lead by example. Those of us involved in mediation must all assist in rectifying this.

4. Exercising leverage

- A fourth challenge is the appropriate exercise of leverage in support of peace-making and conflict prevention. A lot has been written about sticks and carrots. I would draw attention to three types of leverage that are sometimes undervalued and therefore underutilised.

    - The first is the leverage which accrues when a mediator builds a relationship of trust with the parties, so that they will have sufficient confidence to ask for advice and be amenable to accept the mediator's suggestions. Mediators need to be prepared to invest personally in building such relationships, which takes time.

    - The second is the leverage that comes with being able to mobilise impartial technical expertise on some of the issues being negotiated.

    - While peace processes are fundamentally political in nature, technical advice can sometimes help to find a way out of an impasse, not least by giving the parties a common professional language or set of concepts to work with.

    - A third form of leverage is what has been called "enabling resources," which can help a party to carry out its part of the bargain. A classic example is the assistance to a guerrilla army to transform itself into an effective political party.

5. Practical suggestions for the future, especially in dealing with spoilers in a peace process

a. Institutionalise spoiler awareness within preparations of envoys.
b. Ensure necessary capacity within the envoy's teams to continuously re-assess the nature and type of spoilers as well as their capacities and motivations.
c. On the ground, improve information exchange within the UN System and between UN agencies and NGOs to better understand motivations behind spoilers, assess their activities and evaluate any changes in their nature and style.

6. Promoting cohesion among mediators and good officers

- A fifth and final challenge is the proliferation of actors in the mediation arena. Overall this is a positive development.

- While the UN is the best-placed to succeed in some cases, in other situations one of our partners, such as the AU, European Union or ASEAN may have a comparative advantage.

- Under Chapter 8 of the Charter, the UN encourages regional organisation to assist in areas of peace and security. Also, certain processes are sometimes best handled by domestic actors, NGOs and institutions such as the Church, or the King of Saudi Arabia, can also be engaged in these tasks (e.g. Sudan, Somalia).

- What is essential, however—and this is the challenge—is that in each case we all unify behind a chief mediator, in order to prevent “forum shopping” by the parties, who are often adept at playing one off against another.

- The Chief Mediator should be tough but humble and very patient. He/She should meticulously respect the parties to conflict/s. Furthermore, the Chief Mediator should recognise his/her limitations and know when to walk away if the peace process comes to a dead-end or when the trust and confidence of the parties and key interested parties have evaporated.

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