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Capturing UN Preventive Diplomacy Success: How and Why Does It Work?

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Executive Summary

This paper presents the findings and recommendations of a research project entitled *Capturing UN Preventive Diplomacy Success: How and Why Does It Work?* The project was led by the Centre for Policy Research at the UN University,[1] in collaboration with the UN Department of Political Affairs and with support from the UK Permanent Mission to the UN.

The aims of the project were to deepen the UN's understanding of successful preventive diplomacy; produce a framework for assessing preventive diplomacy; and contribute to improved planning of preventive diplomacy missions. Primary research was conducted through six in-depth case studies on UN preventive diplomacy: Guinea (2008-10); Lebanon (2011-17); Malawi (2011-12); Nigeria (2015); Sudan (2010-11); and Yemen (2011).

The project defined preventive diplomacy as *diplomatic action taken to prevent conflicts from becoming violent and/or to prevent conflicts with low-level violence from spreading or escalating into large-scale violence*. It focused on both the immediate results of diplomatic interventions and the interventions' links to longer-term peace sustainability.

The project developed a conceptual framework that provides a general explanation for how and why UN preventive diplomacy succeeds. The framework has three components: the logic of successful preventive diplomacy, which addresses the question of how the preventive diplomacy was successful; the critical success factors, which addresses the question of why UN preventive diplomacy was successful; and the sustainability of successful outcomes.

The logic of successful preventive diplomacy

Successful preventive diplomacy prompts a shift from a volatile and escalatory conflict dynamic to a dynamic of containment and de-escalation. This shift results from the decisions and actions of three categories of actors: the conflict parties (i.e. those with the power to decide whether to escalate to large-scale violence in a given setting); the preventive diplomacy interveners that endeavor to influence and support the conflict parties' decisions in a non-violent direction; and other actors with influence over the conflict parties.

In order to comprehend the reasons for success in a given case, it is necessary to investigate all of these categories, which constitute the engine room of preventive diplomacy. It should be stressed, however, that the *primary decision-making actors are the conflict parties*. It is they, and not the preventive diplomacy actors, that determine whether violence breaks out, escalates, subsides or is avoided.

Where violence is imminent, preventive diplomacy can help the parties to back down and to manage or resolve their disputes in a non-violent and face-saving manner. It is successful when it enables the conflict parties to find a *way out* of the escalatory dynamic and to recalibrate their cost-benefit analyses in favor of a non-violent course of action.

Critical success factors

Six critical success factors emerged from the project case studies:

1) The conflict parties had not yet decided to resort to large-scale violence. This created the potential for successful diplomatic interventions.
2) The parties consented to preventive diplomacy by the UN. Where consent was not forthcoming at the outset, it had to be won by the UN. Alternatively, the UN at times deferred to a regional organization that took the lead.
3) There was a high level of international and regional cooperation and unity. The main dynamics in this regard were that the UN Security Council was united; key international and regional actors supported UN leadership on preventive diplomacy; and/or UN preventive diplomacy was undertaken in partnership or coordination with other international actors.
4) International leverage was used effectively. This was especially true of soft leverage, which included the UN Secretary-General's Good Offices exercised through an envoy; a unified stance by the international community; and the deployment of UN resources and technical expertise to support prevention efforts. Our cases did not reveal a clear pattern regarding coercive forms of leverage.
5) The UN envoy had the right set of attributes and skills. This often included deep knowledge of the conflict and the parties, a regional or cultural affinity with the parties, and skills in communication and persuasion.
6) There was good internal UN coordination and cooperation. The UN Country Team and the UN regional offices are crucial partners in preventive diplomacy efforts by envoys.

Sustainability

Preventive diplomacy is a form of operational conflict prevention rather than structural conflict prevention. It takes place in moments of acute crisis where the risk of large-scale violence is imminent, and it focuses more on the escalatory dynamics than on the structural causes of the conflict.

The relatively narrow focus of preventive diplomacy does not detract from its importance. If successful, it prevents the outbreak of large-scale violence and can create political space for attending to the requisite structural reforms.

However, the outcome of successful short-term diplomatic interventions may be unsustainable in the medium- to long-

term if the structural causes of violence are not addressed. In some of our cases short-term preventive diplomacy was linked to structural prevention, such as through efforts to address authoritarianism, political and socio-economic grievances, electoral reform, security sector reform, and a lack of inclusion in governance.

Our cases also identified the importance of institutionalizing operational prevention. Where there is an ongoing risk of large-scale violence, operational prevention should be viewed as a continuous rather than a short-term function. Our cases show that this can be done in various ways at national, regional and international levels.

Policy Recommendations

From the case studies, we developed recommendations, which have varying practical implications at different levels of the organization (e.g. the Security Council, the Secretary-General, the Department of Political Affairs, the envoy and his/her team, etc). The five areas of recommendations are:

1) **Professionalization and preparation:** continue to professionalize preventive diplomacy; develop a planning tool for preventive diplomacy; link preventive diplomacy planning to the broader UN system; and incorporate the views of the conflict parties in assessments.
2) **Preventive diplomacy strategies:** adopt a flexible approach to mandates; develop strategies based on the proven success factors; identify the roles and responsibilities of the UN and other actors at an early stage; and support domestic prevention actors and mechanisms.
3) **Preventive diplomacy tactics:** keep the Security Council informed and united; share the preventive diplomacy burden with regional bodies and other entities; engage all the conflict actors; build trust with the conflict parties; and develop an appropriate public communication strategy.
4) **UN resources:** take advantage of the human and other resources available in the UN system, including the relevant UN country team and regional office; invest in the regional offices; and break down the economic/political divisions at the regional level.
5) **Sustaining peace:** link preventive diplomacy to structural prevention; contribute to building operational and structural prevention capacities at international, regional and national levels; understand subnational/local dynamics; and develop guidance on sustainability.

1. Introduction

1.1 Purpose and scope of paper

This paper presents the principal findings and recommendations of a research project entitled *Capturing UN Preventive Diplomacy Success: How and Why Does It Work?* The project was led by the Centre for Policy Research at the United Nations University, in collaboration with the UN Department of Political Affairs (DPA) and with support from the UK Permanent Mission to the UN. The paper was based on field- and desk-based case studies, an in-depth literature review, interviews with UN officials and experts on preventive diplomacy, and a consultative workshop with UN officials and experts in January 2018.

This introductory section presents the policy context, rationale, overview of the project, definition of preventive diplomacy, and research questions. Section 2 presents a conceptual framework for understanding how preventive diplomacy works, identifies the critical success factors and addresses the challenge of sustaining peace; this section also highlights key findings on preventive diplomacy from the work of other analysts. Section 3 illustrates the framework and findings via three case study synopses. Section 4 provides a set of policy recommendations drawn from the case studies and wider research.

1.2 Policy context

From its inception the UN has undertaken and promoted preventive diplomacy in conflict situations.[2] Over the past ten years, DPA has dedicated significant resources to improving the preventive diplomatic capacities of the UN, including the creation of the Mediation Support Unit, the Stand-By Team of Senior Mediation Advisers, three regional political offices, and increased reporting on preventive diplomacy. More recently, and pointing to the value of preventive diplomacy in addressing the risks of violent conflict worldwide, Secretary-General António Guterres has called for a "surge in diplomacy for peace."[3] Politically-driven efforts to prevent conflict are at the heart of the Secretary-General's vision and the major reform initiatives in recent years.[4]

At the same time, UN reform is designed to make "sustaining peace" central to the Organization's efforts, bridging conflict prevention through peacemaking and on to post-conflict recovery.[5] Grounded in the principle of inclusive national ownership, the concept of sustaining peace requires that all interventions look beyond a narrow focus on cessation of hostilities and work to address the root causes of violent conflict.[6] This requires breaking down longstanding silos within the UN, making the political, development, and human rights pillars work more cohesively to prevent violent conflict.[7] Any surge in preventive diplomacy will need to support these broader objectives of sustaining peace and work across the entire Organization.

1.3 Rationale for the research project

The High-Level Independent Panel on Peace Operations stated emphatically that "the international community is failing at preventing conflict."[8] Similarly, a recent World Bank/UN report noted that violent conflict is surging after

decades of decline, putting the international community's commitments to sustainable development at risk.[9] Secretary-General Guterres has observed that "our most serious shortcoming – and here I refer to the entire international community – is our inability to prevent crises."[10]

While the UN and international actors have certainly failed in key moments, we should not overlook the many cases of successful conflict prevention, in which the UN has often played a key role. When violence is averted, the result is less dramatic and visible, and less likely to be reported. In contrast, civil wars in places like Syria and South Sudan are a dramatic daily reminder of the costs of failed prevention. We seem to take successful conflict prevention for granted, focusing instead on the human suffering playing out in the unsuccessful cases.

DPA conducts in-depth reviews of its conflict prevention activities. However, these nuanced and sensitive case analyses have not been transformed into evidence-backed tools or institutional learning.[11] Despite having been involved in a wide array of conflict prevention interventions with mixed outcomes, the UN has failed to assess its preventive diplomacy experiences in a comparative and systematic way.[12] As a result, it has not built a rigorous knowledge base or repertoire of good practice for preventive diplomacy, limiting the ability of the Organization to improve over time or put in place more effective planning processes.

The present project seeks to address this shortcoming by evaluating cases where the UN played a positive preventive diplomacy role, and by drawing general lessons about what works in a range of settings. The rationale for the focus on successful cases is the assumption that the dynamics and causes of success are not as well understood as those of failure, and that useful lessons can be drawn from positive experiences.[13]

1.4 Project overview

The aims of the project are to deepen the UN's understanding of how early diplomatic action works to prevent violent conflict; provide a basis for more effective preventive diplomacy; produce a sound and user-friendly framework to assess preventive diplomacy; and contribute to improved planning of preventive diplomacy missions. The project has four related deliverables: (1) six in-depth case studies on UN preventive diplomacy; (2) the present policy paper synthesizing the findings of the case studies and building a conceptual framework for successful preventive diplomacy; (3) an assessment framework for evaluating preventive diplomacy interventions; and (4) a proposed planning tool for preventive diplomacy.

The case studies were selected as they all faced a high risk of imminent violence, where UN diplomacy played a positive role in preventing escalation to large-scale violence. The case studies were Guinea (2008-10); Lebanon (2011-17); Malawi (2011-12); Nigeria (2015); Sudan (2010-11); and Yemen (2011).[14] To ensure a broad range of experiences, the project also drew on existing DPA case studies,[15] external reports on other conflict prevention settings, and a January 2018 expert workshop convened by UNU-CPR.

A distinctive feature of the research for this project was UNU-CPR's strong collaboration with DPA and the field missions involved, which provided the researchers with access to confidential UN documents and ready access to high-level UN officials involved in the interventions. On this basis, the project has been designed for immediate relevance and uptake by the UN and key member states/partners involved in preventive diplomacy.

1.5 Methodological challenges

The project faced two major methodological challenges. The first was the difficulty of determining the timeframe for the case studies. In many cases, longstanding tensions in a country reached a boiling point where widespread violence appeared likely, and the function of preventive diplomacy was to quickly intervene to help the parties de-escalate. In some settings the de-escalation appeared to "stick," and even to address some of the underlying root causes of conflict; in others there was serious violence in a later period. For example, in the Yemen case the 2011 diplomatic intervention almost certainly prevented major violence at the time, but two years later the country became mired in some of the worst violence in the world today. The extent to which the case studies can burden preventive diplomacy with sustained peace was one of the most difficult challenges facing this project, particularly given the policy context described above and the wide-ranging academic debate about what contributes to enduring peace in fragile contexts.[16]

Second, the cases frequently presented settings where the UN was merely one of many preventive actors, including major bilateral players, regional organizations, and domestic actors. In these circumstances it was difficult to determine precisely what impact the UN interventions had made to the key decision-making by the conflict actors.[17] Was the positive outcome due to the efforts of all of the interveners, or only some of them, or none at all? It is also possible for the conflict actors themselves resolve a crisis with little external influence. It may therefore be difficult to determine the degree to which a positive outcome is attributable to the UN. In such situations, it may make more sense to think of the UN's contribution to change, rather than attribution for success.

Our emphasis on decision-making by the conflict parties offers a way to understand conflict dynamics without unnaturally placing the UN or other external players in the center of the process. The cases suggest that conflict actors take decisions for widely different reasons, and often the mixture of factors that drive a specific decision are difficult to identify perfectly. Understanding this requires triangulation of the observations and findings of the research or assessment. This cannot be

determined simply by interviewing UN diplomats. It is also necessary to make every effort to ascertain the views of the conflict parties and/or individuals that have a deep and accurate knowledge of the conflict parties' decisions.[18]
The discussion below grapples with these challenges and seeks to develop a viable, realistic lens through which to understand the UN's role in preventive diplomacy. The approach is designed to situate preventive diplomacy within the broader reform agenda of the UN, including Sustaining Peace and reforms to the peace and security architecture.

1.6 Defining preventive diplomacy

UN Secretary-General Boutros Boutros-Ghali defined preventive diplomacy as "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur."[19] The focus on conflict per se may be misleading, though, since many societies experience conflict that is not destructive or violent. Similarly, there are societies suffering from serious and widespread violence that do not fall neatly into the term "conflict."[20] Rather than focus solely on the term "conflict," it is more relevant to consider violence to be the central issue of concern, examining situations where the risk of widespread violence is acute.[21]

This project has therefore defined preventive diplomacy *as diplomatic action taken to prevent conflicts from becoming violent and/or to prevent conflicts with low-level violence from spreading or escalating into large-scale violence*. Following this definition, the project focused on settings where violence appeared imminent, or was already present at a low-level, and there was a well-founded apprehension of widespread, large-scale violence. Put colloquially, the challenge of preventive diplomacy in such situations is to "nip potentially violent conflict in the bud" or to "prevent the small fire from spreading or becoming a large fire."

1.7 Research questions

The immediate question raised by the above definition is whether preventive diplomacy succeeded in its goal: Was large-scale violence averted? If large-scale violence broke out and/or spread, there is a strong case to say that the preventive diplomacy failed. However, this does not necessarily mean that the UN interventions were flawed and should not be repeated. Evaluative questions can still be raised about the quality and relative effectiveness of those interventions.

If, on the other hand, the situation de-escalated and large-scale violence was averted, an argument can be made that preventive diplomacy may have contributed to the positive outcome. The questions then concern the causes of the de-escalation and the extent to which the UN interventions contributed to the outcome. These questions are at the heart of the case studies and are the subject of the Assessment Framework developed through this project.[22]

A further, equally important question arises in relation to positive outcomes: Was the prevention sustained beyond the immediate crisis? This question is obviously important because successful prevention may be short-lived. The importance of the question has been heightened by the recent UN resolutions and statements on "sustaining peace."[23]

The UN Security Council resolution on sustaining peace and the subsequent World Bank/UN Prevention Study argue that long-term prevention of violent conflict is achieved by addressing root causes and building inclusive, nationally-owned peace processes.[24] Similarly, the General Assembly has required that UN mediation be founded on the principle of inclusivity, thus requiring an approach to preventive diplomacy focused on root causes.[25]

This points to an inherent tension within the definition of preventive diplomacy, and how to define success. On one hand, preventive diplomacy must be seen through a narrow lens and often a short time-frame. If the immediate risk of widespread violence is reduced, the intervention can in some sense be called a success. There are strong arguments, from our case studies and elsewhere, that a break in the escalatory cycle can have an important impact, and open the door to other calming efforts.[26] There is also a persuasive point that preventive diplomacy should not be burdened with the full weight of sustainable peace—envoys are often called into a growing crisis with a mandate to broker a quick de-escalation, not necessarily build the foundations for sustained peace.

However, given the UN's policy prerogatives to treat conflict prevention in a holistic and cross-pillar manner, this project examines *whether the immediate preventive intervention is linked to longer-term sustainability*. This can take many forms. The intervention itself can work to address the more deeply-rooted societal issues driving the risk of violent conflict; the intervention can be linked to structures and capacities that persist beyond the immediate crisis; or the intervention can be considered within a broader strategy of conflict prevention aimed at structural transformation.

In this paper we explore the relationship between preventive diplomacy, which tends to be seen as reactive, short-term interventions in the immediate crisis moment, and the challenge of peace sustainability and long-term prevention by addressing the root causes of violent conflict (c/f section 2.4). This establishes two criteria for success: (1) preventing widespread violence that appears imminent, and (2) linking the intervention to longer-term sustained peace. It suggests that there are no bright lines between success and failure, that there will always be a range of other lenses through which to define an outcome. But within this approach, there is scope to draw lessons from positive outcomes, to determine which interventions work best, and to identify how the UN has contributed to a reduction in the risk of large-scale violence.

2. Conceptual Framework and Research Findings

2.1 Introduction

UN preventive diplomacy takes place across a wide range of conflict settings, and the reasons for success in one case may differ greatly from another. However, based on a comparison of cases, this paper proposes a conceptual framework that provides a general explanation for how and why UN preventive diplomacy succeeds.

The framework has three components:

1) **The logic of successful preventive diplomacy.** This component addresses the question of how the preventive diplomacy was successful. It focuses on the actions and decisions of the conflict parties and the actions taken by preventive diplomacy interveners to influence the parties' decisions in a non-violent direction. It situates the UN within the wider context of external interventions and assesses the extent to which the decisions of the conflict actors can be attributed to the UN.
2) **Critical success factors.**[27] This component addresses the question of why UN preventive diplomacy was successful. While some of this analysis may relate to existing conditions on the ground, the component focuses on issues that are primarily under the control of the conflict parties (e.g. the decision to resort to violence), as well as those that are under the control of the UN (e.g. the appointment of an envoy, and the approach taken).
3) **Sustainability of successful outcomes.** This component addresses the question of whether the positive outcome was of a short-term nature or sustained. It looks at whether and how preventive diplomacy interventions were linked to longer-term processes, structures and capacities.

The rest of this section discusses the conceptual framework. Section 3 presents three case synopses to illustrate the framework.

2.2 The logic of successful preventive diplomacy

Successful preventive diplomacy prompts a shift from a volatile and escalatory conflict dynamic to a dynamic of containment and de-escalation. This shift results from the decisions and actions of three categories of actors: the conflict parties (i.e. those with the power to decide whether to escalate to large-scale violence in a given setting); the preventive diplomacy interveners that endeavor to influence and support the conflict parties' decisions in a non-violent direction; and other actors with influence over the conflict parties.[28]

In order to comprehend the reasons for success in a given case, it is therefore necessary to investigate the conflict parties' decisions and the reasons for their decisions; the interventions of preventive diplomacy actors; and any influential actions taken by other actors. This is the *engine room* of preventive diplomacy. We cannot understand successful preventive diplomacy without going into the engine room.

Although the literature on preventive diplomacy tends to concentrate on the role of the diplomatic interveners,[29] it should be stressed that the *primary decision-making actors are the conflict parties*. It is the conflict parties, not the preventive diplomacy actors, that determine whether violence breaks out, escalates, subsides or is avoided.

A vital implication of this point is that preventive diplomacy actors must have a very good understanding of the conflict parties' perspectives on violence and non-violent courses of action. In general, our cases suggest that a conflict party's perspective on violence tends to be based on a mixture of rational, normative and emotional considerations. The rational considerations entail an assessment of the comparative costs and benefits of alternative courses of action. The normative considerations relate primarily to ethical views on violence, and the emotional dynamics of high intensity conflict include enmity, hatred, suspicion and demonization.[30] Depending on their political orientation, different conflict parties, and factions and leaders within the parties, may place different weight on these considerations.

Moving beyond a strict "rational actor" framework, this approach acknowledges that individuals operate in structural and institutional contexts of power; conflict actors are influenced by underlying economic relations (who controls wealth and property), social norms (identity politics, race, gender, ethnicity) and ideology (values, beliefs), all of which combine with major impact on how decisions are made.[31] Our case studies also indicate that the conflict parties may be internally divided in their deliberations on the way forward, with moderates (or pragmatists) and hardliners (or ideologues) adopting different positions regarding the use of force.

Large-scale violence usually has a strong instrumental dimension: it is a means to an end. Notwithstanding the importance of the structural causes of violent conflict, the dominant dynamics in cases where there is an imminent risk of large-scale violence are "the calculations by parties to the conflict of the purposes served by political violence."[32] These dynamics are "the purposeful actions of political actors who actively create violent conflict" to serve their domestic political agendas.[33] The Carnegie Commission on Preventing Deadly Conflict argued similarly that "mass violence invariably results from the deliberately violent response of determined leaders and their groups to a wide range of social, economic and political conditions that provide the environment for violent conflict, but usually do not independently spawn violence."[34]

In situations where violence is present or imminent, it is possible that one or more of the conflict parties defuses the crisis without much influence from preventive diplomacy actors. But an escalatory dynamic – characterized by action-and-reaction, growing polarization, intense mistrust, inflammatory threats and mutual demonization – militates

against this. It creates an *inherent risk of progression towards greater violence*. In addition to the instrumental purposes served by violence, the escalatory dynamic has its own momentum. It heightens tension, reduces the space for the parties to back down without losing face or an advantageous position, and thereby increases the risk of violence.

The function of preventive diplomacy is precisely to help the parties to back down and to manage or resolve their disputes in a non-violent and face-saving manner. In short, the essential logic of preventive diplomacy is that it helps the conflict parties to find a *way out* of the escalatory dynamic and to recalibrate their cost-benefit analyses in favor of a non-violent course of action.

UN preventive diplomacy endeavors to prevent large-scale violence through a number of different types of intervention.[35] In our cases, the following types of intervention were most prominent:

- **Undertaking good offices.** This entailed attempting to persuade the leaders of the conflict parties to refrain from violence, facilitating dialogue between them, encouraging them to respect agreements they had previously consented to and, in some instances, mediating a negotiated agreement (c/f section 3).
- **Support for domestic and regional prevention.** The UN provided political and technical support to official and non-governmental domestic actors engaged in conflict prevention, as well as to prevention efforts by regional organizations (c/f section 2.4).
- **International coordination.** The UN sought to coordinate the conflict prevention efforts and harmonize the positions of other international actors, including regional organizations, members of the UN Security Council and neighboring states. This constituted a compelling form of pressure in its own right and often prevented the conflict parties from playing off one international actor against another (c/f section 2.3.3).

A particularly noteworthy feature of our cases is that UN preventive diplomacy takes place on an increasingly crowded field. Often the UN works alongside (and sometimes in competition with) a wide range of international, regional and national actors engaged in conflict prevention work. Sometimes, too, the UN is a relatively minor player, helping to support regional initiatives, or work alongside a major bilateral partner.

2.3 Critical success factors

Whereas the logic of successful UN preventive diplomacy explains how preventive diplomacy works, our case studies indicate a number of critical success factors that explain why it works in certain circumstances. Although every case is unique, six success factors are common across our cases: (1) the conflict parties have not yet decided to resort to large-scale violence; (2) the parties consent to preventive diplomacy by the UN; (3) there is a high level of international cooperation and unity; (4) international leverage is used effectively; (5) the UN envoy has the right set of attributes and skills; and (6) there is good internal UN coordination and cooperation. Each of these factors is discussed below. Thereafter we highlight key findings on preventive diplomacy from the work of other analysts.

2.3.1 Conflict parties have not decided to resort to large-scale violence

UN preventive diplomacy depends on the conflict parties not having decided to resort to large-scale violence. Rather, they are weighing up whether violence will help them achieve their aims (and they may have already resorted to low intensity violence); they may be engaged in an internal debate in this regard; and the escalatory dynamic may be moving them towards violence, even if this is not their firm intention. In such situations, de-escalation is possible and the UN envoy has something to work with. But if one or more of the conflict parties has already made an irrevocable decision to engage in large-scale violence, there may be little, if any, space for preventive diplomacy.

In short, the *need* for preventive diplomacy arises from the fact that the conflict parties are contemplating large-scale violence and are locked in an escalatory dynamic that has its own momentum, and the *potential* for preventive diplomacy arises from the fact that the parties have not decided to resort to large-scale violence. They are standing at the edge of the abyss and can still pull back. The challenge of preventive diplomacy lies in taking advantage of the potential to shift the parties' decisions in favor of non-violent courses of action. To do this, preventive diplomacy interveners must develop appropriate strategies based on the wide range of considerations that inform the deliberations of each of the parties.

2.3.2 Conflict parties consent to UN preventive diplomacy

UN preventive diplomacy can only be successful if it has the consent of the conflict parties. More specifically, the parties must consent to preventive diplomacy; they must consent to preventive diplomacy by the UN (as opposed to preventive diplomacy by another actor); and they must accept and have confidence in the UN envoy.

The parties' consent to preventive diplomacy by the UN can derive from a range of factors. These include the UN's long-standing engagement in peacemaking and conflict management in a country (e.g. UNSCOL in Lebanon);[36] the UN's engagement in humanitarian relief (e.g. in relation to the Boko Haram crisis in Nigeria); the reputation of a UN envoy and the relations of trust he or she has built with the conflict parties over a period of time (e.g. Nigeria and southern Sudan); the deployment of 'elder statesmen' that are respected by the parties;[37] and idiosyncratic factors, like the personal relationship between the UN Secretary-General and

a country's permanent representative to the UN (e.g. Malawi). There is persuasive evidence that the regional political offices of the UN—such as the UN Office in West Africa and the Sahel (UNOWAS)—have developed relationships and knowledge that foster consent in a range of conflicts.[38]

Consent for a UN role can also arise due to external factors beyond the UN's control. For example, in 1993 the Burundian government refused the UN envoy entry into the country until a major reprisal attack prompted international pressure for an intervention.[39] A massacre in Guinea in 2009 similarly triggered international outrage and a change in the government's willingness to accept a UN role.

In some instances, the UN is able to secure the consent of the parties relatively quickly and easily. In the Malawi case, for example, both the government and the civil society opposition groups were receptive to UN engagement at the outset. This was also the case in the Nigerian elections of 2015. Other such cases include the conflict in eastern Democratic Republic of the Congo (DRC) in 2008, where the governments of both the DRC and Rwanda were receptive to a mediation role by the UN envoy.[40]

In other instances, the parties do not consent immediately to UN engagement. The UN then has two principal options. The first is for the organization to refrain from playing the primary preventive diplomacy role and instead support a regional body or some other actor that is able to play the primary role. The UN's support for the AU's prevention efforts in the southern Sudan referendum is an example of this (c/f section 3.2).

The second option is for the UN to patiently build relations and trust with the conflict parties until they become receptive to a preventive diplomacy role for the organization. Among our cases, Yemen provides a good example of this – the UN envoy was able to gradually build trust and consent with the parties through intensive in-country consultations over time (c/f section 3.3).

Although the emphasis here is on the consent of all the conflict parties to preventive diplomacy by the UN, two qualifications are in order: the consent of the host government is especially important because of the principles of sovereignty and non-interference in domestic affairs, which lie at the heart of the UN system; and in some instances consent from only one of the parties may be sufficient to lead to unilateral moves that enable de-escalation.

Across our cases, the UN envoy concentrated on the conflict parties, being those parties that were either involved in low level violence or threatening to become involved in violence. The parties included the government (in all cases); political leaders (Nigeria, southern Sudan and Yemen); civil society groups (Yemen, Malawi and Nigeria); and commanders of armed groups (Lebanon and Yemen). Focusing on these parties reflects the core function of preventive diplomacy, namely to prevent the imminent decision to resort to large-scale violence. The question that arises is whether, in certain circumstances, this focus on conflict actors is too narrow in terms of the broader challenge of peace sustainability. For example, Guinea in 2010 underscores that one peaceful presidential election does not necessarily translate into sustained stability (c/f Section 2.4).

2.3.3 International cooperation and unity

Across the case studies, a factor contributing strongly to the success of UN preventive diplomacy was unity among the relevant international actors, which included regional bodies, neighboring states and major powers. The main dynamics in this regard were that the UN Security Council was united; key international actors supported UN leadership on preventive diplomacy; and/or UN preventive diplomacy was undertaken in partnership or coordination with other international actors.

International unity generated political and strategic synergy by drawing on the respective assets and resources of different international actors; it led to a strong, coherent and consistent message to the conflict parties; it constituted a compelling form of pressure on them; and it narrowed the space for the parties to resort to violence. In the 2015 Nigerian elections, for example, there was a unified international and regional position that the political parties should refrain from violence and accept the outcome of the vote. Similarly, the united position of the AU on the southern Sudan referendum, backed by the UN Security Council, bolstered pressure on President Bashir to accept the referendum and its outcome. In Yemen in 2011, the Gulf Cooperation Council's united position on the need for President Saleh to step down, endorsed by the Security Council, reduced his ability to be defiant.

By contrast, in other cases, such as Syria and the South Sudan civil war in 2013, divisions within the Security Council and within the respective regions militated against effective preventive diplomacy by the UN and other actors. In the absence of international and regional unity, there is a danger that the UN's preventive diplomacy will be undermined by partisan moves by other international actors or by rival preventive diplomacy initiatives that work at cross-purposes and enable the conflict parties to exploit the differences among international actors.

Mobilizing and maintaining international unity has been one of the most important components of UN preventive diplomacy. In many instances the UN does this behind the scenes, helping to coordinate common messaging, convening events where others are the center of attention, and building unified positions amongst external actors. This was the case in Lebanon, where the UN established the International Support Group to maintain Security Council unity on Lebanon during the Syria crisis. It was also demonstrated when the UN convened a high-level meeting ahead of the southern Sudan

referendum, bringing together influential heads of state, the AU and the Security Council. During the 2015 elections in Nigeria, the UN played a key role in ensuring that the international community applied soft but firm pressure on political parties to avoid violence and ensure acceptance of the election results.

2.3.4 International leverage

The term "leverage" covers a wide range of dissimilar strategies, from coercive measures like use of force and sanctions to softer measures like financial incentives and persuasion.[41] In line with the above logic of successful preventive diplomacy, we use a broad definition focused on *the means by which the UN is able to influence the decision-making of the conflict actors*. The UN may have significant leverage merely by its presence, if the parties are receptive; conversely, even the tough approaches by the UN may have little influence over actors who are compelled by other factors.[42] Ultimately, leverage is a relational concept, describing the extent to which one actor can influence the other; as such, it is highly context- and actor-specific. It is therefore difficult to draw firm conclusions about what does and does not work. Nevertheless, some general observations can be made on the basis of our case research.

First, at the soft end of the range, our cases suggest that preventive diplomacy by a senior UN official can itself be a form of diplomatic pressure that commands the attention of the parties.[43] In the Malawi crisis of 2011, for example, the risk of further violence was high at the moment of the UN's intervention, but the low-key approach of the UN envoy provided the parties with "space for tempers to go down," and as such significantly influenced their decision-making. UN envoys speak with the authority of the Secretary-General and, potentially if not explicitly, with the authority of the Security Council. As discussed above, it is also clear from our cases that a unified stance by the international community constitutes a strong form of pressure on the conflict parties (section 2.3.3).

Second, our cases indicate that the deployment of UN resources and technical expertise can constitute soft leverage in support of UN diplomacy. For example, the UN funded and deployed experts to support the national dialogue in Malawi; it funded and deployed experts to backstop UN-brokered talks in Yemen in 2011; funded and supported the National Peace Committee and the Independent National Electoral Commission during the 2015 elections in Nigeria; supported the national elections in Sudan, which contributed to the successful referendum for southern Sudan; and provided substantial resources to Lebanese institutions as part of the refugee response plan, giving the UN greater leverage to curb escalatory rhetoric by Lebanese politicians. In varying degrees, the use of funds and technical support enhanced the UN's influence on the decision-making of the key actors.

Third, our cases do not reveal a clear pattern regarding coercive forms of leverage. In both the Malawi and Nigeria cases, the UN envoys deliberately pursued a non-threatening approach and believe that their soft diplomacy would have been undermined rather than enhanced by a tougher approach or by Security Council involvement. In other cases, the UN envoy gained leverage by holding a "stick" in the background. In Yemen, the Security Council supported the negotiated settlement reached by the UN envoy, but also threatened "further measures" against any party that undermined it.[44] But while the joint UN-AU-ECOWAS mediation in Burkina Faso in 2014 appeared to gain leverage via the AU's threat of large scale sanctions against the regime,[45]our Guinea case study indicates that AU sanctions in 2010 may have entrenched the military junta's position. At the most coercive end of the spectrum, the joint UN/AU mediation efforts on The Gambia in 2017 were significantly bolstered by the decision of ECOWAS to temporarily take over the capital with military forces.[46]

Fourth, nor do our cases reveal a consistent pattern regarding international pressure in response to human rights violations. In the Malawi case, some UN officials were of the view that a more public UN stance against the human rights abuses and killing of civilians by the police would have been counter-productive, reducing leverage over the government.[47] The UN envoy felt similarly in the case of the Nigerians elections in 2015, preferring to express criticism privately.[48] In the southern Sudan referendum case, the UN envoy engaged with President Bashir on a regular basis despite the ICC arrest warrant against him. In contrast, following a massacre in Guinea in 2009, it appears that the threat of an ICC process against President Camara may have helped secure his agreement to set up a commission of inquiry, a key step in the mediation process.[49]

In the peer review process for this policy paper, some UN officials felt that a clear public position by the UN in favor of human rights accountability was necessary to safeguard the impartiality and principles of the UN. In Nepal in 2003, for example, the UN appeared to gain leverage by stressing the need for human rights accountability. However, other former and current envoys have suggested that an overly critical public stance on human rights can feed domestic fears that the UN is interfering in domestic affairs, and even exhibiting "neo-colonialist tendencies." While this difference of views was not resolved by our research, it underscores the need to consider and plan for how human rights may impact the public/private messaging of the envoy and/or the relationship with the parties and the population.

Fifth, the UN sometimes deploys its resources most effectively in support of other actors' diplomatic efforts. This was partially the case in the southern Sudan referendum process, where the UN envoy facilitated a shift of the bulk of the post-referendum arrangements to the AU, largely taking on a third-party support role for himself. This did not diminish the

UN's leverage, but rather allowed the UN more effectively to combine forces with the AU on key issues. Joint approaches where the UN works with a regional actor—such as the UN-AU-ECOWAS effort in Burkina Faso in 2014, and the joint work with the AU and ECOWAS in Guinea in 2009-10 — are often useful in overcoming sovereignty barriers and adding pressure on the parties.[50]

2.3.5 Attributes, skills and approach of the envoy

In preventive diplomacy, the attributes, skills and approach of the leading diplomats are obviously important. Our cases indicate that the selection of an appropriate envoy—one suited to the given situation and constellation of actors—is crucial and that the following attributes and skills are especially significant determinants of success:

- **Knowledge and relationships:** Where the UN envoy and his/her team have a deep understanding of the conflict setting, dynamics and parties, they are able to more effectively engage on the ground and develop a fine-tuned approach to different conflict actors. The envoy's pre-existing relationships with the conflict actors and members of the conflict-affected society are also beneficial.[51] Often, the UN Country Team provides an important resource in this regard, offering well developed relationships and capacities in-country to the UN envoy. In recent years, these capacities have been boosted by the creation of UN regional political offices, which are sometimes the launching pad for preventive diplomacy interventions.[52]
- **Affinity with the parties:** In a number of cases, the fact that the envoy hailed from the region, spoke a local language or had a shared religion with the parties positively impacted the UN's engagement. For example, the UN envoy to Malawi was from the region; the envoy for Yemen was from the Arabic-speaking world; and the envoy working on the southern Sudan referendum was from Eritrea. In these cases, the affinity heightened the parties' trust in the envoy, reduced suspicion of his/her agenda and enabled the envoy to speak frankly to the parties. This can be very important in overcoming domestic concerns about potential infringements of sovereignty.
- **Communication, coordination, and persuasion skills:** UN envoys tend to be highly experienced diplomats who have acquired a depth of experience and expertise from years in the field and at UN Headquarters. In our cases of successful preventive diplomacy, three skills in particular stood out: the ability to communicate effectively with diverse actors, including governments, political parties, security services and civil society; the ability to play an effective coordinating and harmonizing role at international and regional levels; and the ability to develop strategies and arguments that help shift the conflict parties' deliberations away from large-scale violence.[53]
- **International coordination:** Some of the most effective interventions by the UN have entailed harmonizing the positions of international actors and coordinating their efforts. This entails patient and continuous work behind the scenes and may include playing a supportive role to other actors in the lead of preventive diplomacy, rather than seeking the limelight.
- **Discretion:** Many of our cases underscore the importance of adopting a non-threatening, discreet posture, avoiding public criticism of conflict parties, and emphasizing national ownership in the process of determining the resolution of disputes.[54] Even if it is necessary in some instances for international actors to express criticism of a party, the envoy might only do this privately so as not to prejudice the party's consent for the preventive diplomacy mission.

Although the role and attributes of UN envoys are critical to the success of preventive diplomacy, it is worth emphasizing that the envoys do not work in isolation from the rest of the UN system. They are supported by other UN officials, departments and entities in numerous political, technical and organizational ways. As discussed below, internal UN coordination and cooperation is a "force multiplier" and this is true also of the UN's ability to harness a wide range of actors in a conflict situation. The active support of the top UN leadership is especially important. In addition, the envoy's arrival in a conflict country is often preceded by a long-standing UN presence in that country. While agreeing with the mantra of "hire the right envoy," we would therefore add "attached to the right team, supported by the right strategy, and with the right resources."

2.3.6 Internal UN coordination and cooperation

While most of the literature on preventive diplomacy focuses on the role of the envoy, UN interventions are a team effort involving an array of UN officials, entities and support structures. This is particularly the case when regional dynamics in intra-state conflict have required engagement across state boundaries, involving regional offices and partnerships with regional organizations. During the 2009-10 crisis in Guinea, for example, UNOWA deployed a UN envoy who then joined an UN-AU-ECOWAS mediation team, with lines of support running to New York, Dakar and Addis, and with engagement by DPA, UNDP and the UN Country Team in Guinea. Developing an effective strategy in this context was as much a matter of coordination among these entities as it was engagement with the conflict parties.

Our cases indicate three ways in which coordination can increase the chances of success in preventive diplomacy:

- **Presence in-country and/or the region:** Many

preventive engagements take place in non-mission settings, where the UN is represented by a development-focused Country Team. In several of our cases, this in-country field presence was a crucial partner for the UN preventive intervention, contributing early warning, knowledge of the conflict setting, and important relationships well ahead of the envoy's arrival. The establishment of regional political offices in West Africa, Central Africa and Central Asia has added to this presence in and near potential conflict zones.[55]

- **Additional leverage:** As indicated by our case studies on Lebanon, southern Sudan and Nigeria, existing UN development projects and/or technical support to key processes like elections are often entry points and force multipliers for preventive diplomacy engagement. Where the UN has succeeded in leveraging these assets, it has been through a common strategic approach among UN entities.
- **Creating international/regional unity:** One of the common themes of successful preventive diplomacy has been the unified position of international and regional players. While an envoy can do some of this heavy lifting, our cases highlight the important role played by the broader UN system in amplifying the message of unity and bringing key member states on board. Structured relationships, such as the UN Office to the African Union and the regionally based offices, have helped build stronger coordination.

2.3.7 Findings from other work on preventive diplomacy

Our project did primary research on six cases, focusing principally on the UN, and reviewed a wide variety of secondary cases where the UN had some role to play. Our findings are largely consistent with those that appear in the published literature on preventive diplomacy by a range of international organizations. In order to complement our UN-focused findings, it is helpful to note here some of the general conclusions and recommendations derived from this literature.

Eileen Babbitt draws the following lessons from comparative research on preventive diplomacy by intergovernmental organizations (IGOs):

- The mandate of an IGO is important in conferring on the organization the authority to engage a potentially violent conflict in a timely manner, and it can also offer flexibility in terms of the sources of conflict it is able to address. Prevention efforts can be undermined if mandates limit either timing or flexibility in ways that preclude early engagement.
- Operational prevention by an IGO is most likely to succeed if one of two conditions is present: either the intervention is requested, and the conflict parties therefore are willing to seek agreement; or the IGO has enough leverage to entice or threaten the parties into a deal. If neither of these conditions is present, the chances of preventing violence are small.
- Norms can be a useful basis for influence, reminding parties of their common values or to appeal to "good citizenship" more broadly. They can also facilitate face-saving, allowing governments in particular to make concessions in the interests of 'good norms' rather than in response to pressure or demands from opponents.
- For both short term and longer-term prevention, the IGO must employ a high standard of professional skill in mediation and diplomacy. Among other things, this means being impartial; appreciating the importance of inclusion and knowing how to operationalize it; being creative in generating options; and designing a problem-solving approach that incorporates the interests of all parties.
- The most sustainable prevention occurs when the relationship between disputant groups is not only improved, but is also incorporated in domestic laws and/or institutions that guarantee its continuation.[56]

In addition, Michael Lund conducted a valuable review of the preventive diplomacy literature. A verbatim summary of recommendations from his review is as follows: act at an early stage, that is before a triggering event; be swift and decisive, not equivocal and vacillating; use talented, influential international diplomats who command local respect; convince the parties that the third parties are committed to a peaceful and fair solution, and oppose the use of force by any side; use a combination of responses, such as carrots and sticks, implemented more or less coherently; provide support and reinforcement to moderate leaders and coalitions that display nonviolent and cooperative behavior; build local networks that address the various drivers of the conflict, but avoid obvious favoritism and imbalances; if necessary to deter actors from using violence, use credible threat of the use of force or other penalties such as targeted sanctions; neutralize potential external supporters of one side or the other, such as neighboring countries with kin groups to those in a conflict; work through legitimate local institutions to build them up; involve regional organizations or regional powers, but do not necessarily act entirely through them; and involve major powers that can provide credible guarantees, but use UN or other multi-lateral channels to ensure legitimacy.[57]

2.4 Sustainability

The risk of large-scale violence in a given country derives from both escalatory conflict dynamics and the structural conditions that put the country at risk of large-scale violence. In general, the structural risk conditions include authoritarianism, repression, human rights abuses, weak state institutions, inequality, and marginalization and discrimination based on ethnicity, religion or some other form of identity.[58] Our

cases support the findings of the World Bank/UN Prevention report, that "exclusion from access to power, opportunity and security creates fertile ground for mobilization to violence, especially in areas of weak state capacity or legitimacy."[59] In any particular case some of these conditions, or others not listed here, may be especially prominent.

Preventive diplomacy is a form of operational conflict prevention rather than structural conflict prevention.[60] It focuses more on the escalatory dynamics than on the structural conditions. It takes place in moments of acute crisis, where the risk of large-scale violence is imminent. Often there is a clear trigger for the crisis—a contested election, a leader who refuses to step down or an external shock to a fragile society. In these situations, preventive diplomacy aims to prevent a conflict from becoming violent and/or to prevent a conflict with low-level violence from spreading or escalating into large-scale violence (c/f section 1.5). It does this by attempting to shift the decision-making calculations of the conflict actors away from violence (c/f section 2.2). The aims, methods and timeframe of preventive diplomacy are thus different from those of long-term structural reform.

The relatively narrow focus of preventive diplomacy does not detract from its importance. A comparison of successful and failed cases of preventive diplomacy highlights the vital role of preventive diplomacy in preventing situations of imminent or low-level violence from escalating into catastrophic large-scale violence. Since successful preventive diplomacy defuses tension and leads to de-escalation, it can also create political space for attending to the requisite structural reforms. [61]

Notwithstanding the relatively narrow focus of preventive diplomacy, however, the outcome of successful short-term diplomatic interventions may be unsustainable in the medium- to long-term if the structural causes of violence are not addressed. Given the UN's emphasis on sustaining peace, it is therefore necessary to consider how short-term preventive diplomacy can be linked to longer-term prevention efforts. In doing so, care should be taken to not overburden preventive diplomacy with the full weight of sustainable peace.[62]

Our cases indicate two ways in which preventive diplomacy has been linked to longer-term prevention, discussed below.

2.4.1 Linking preventive diplomacy to structural prevention

Ideally, even the most crisis-driven intervention should be planned within a "comprehensive approach to sustaining peace,"[63] which looks at the longer arc of governance, development and socio-economic equality for a country. At a minimum, preventive diplomacy should be sufficiently embedded in this broader analysis and strategy to ensure that the intervention does not feed or exacerbate the structural conditions. More ambitiously, it should be explicitly linked to initiatives that address the structural causes of crisis and large-scale violence. In our cases, this was done in the following ways:

- In Malawi, the initial UN preventive diplomacy intervention in 2011 led to a UN-facilitated national dialogue that was intended to address the political and socio-economic grievances that had given rise to violence and created the risk of further violence.
- In Yemen, the UN preventive diplomacy in 2011 led to an agreement that addressed the structural problems of authoritarianism, clientelism and exclusivity: it entailed the resignation of President Saleh, who had been in office for over thirty years; the holding of elections; and, through the elections, confirmation of a consensus candidate as the new president. While the subsequent descent into war in Yemen underscores the limitations of this process, the intervention was designed to address both immediate conflict prevention and longer-term sustainability.
- Prior the elections in Nigeria in 2015, the UN supported the efforts of the government and the Independent National Electoral Commission to reform the electoral system. The objectives were to increase the efficiency and transparency of the system, reduce the potential for fraud and other misconduct, and thereby enhance the prospect of free, fair and credible elections.
- The political negotiations around the southern Sudan referendum and post-referendum arrangements were complemented by the deployment of a new UN peace operation in South Sudan, mandated to help address some of the problems relating to governance, underdevelopment and rule of law that had driven conflict risks previously.
- The 2010 Ouagadougou Agreement between the conflict parties in Guinea contained explicit security sector reform provisions, which were a key demand of the opposition and a signal that the UN would support improvements to the security services.

It is easy to speak of the principle of inclusivity, but in practice the UN often faces difficult decisions that may limit its ability to be both effective and fully inclusive. Frequently, a crisis emerges between a government and an opposition movement and/or an armed group, meaning the UN focus is necessarily on those with the power to affect the immediate risk of violence. But the resulting deals often elide the large portions of society not represented in the process. And while there is widespread agreement on the need to enhance the meaningful participation of youth and women in decision-making generally, in practice there is not always apparent opportunity to do so in the crisis management moment itself.[64]

2.4.2 Institutionalized Operational Prevention

The conventional view of preventive diplomacy is that it is

a short-term intervention intended to reduce the imminent risk of violence.[65] Ideally, as noted above, such interventions should be accompanied or followed by efforts to address the structural causes of violence. But in some countries at risk of violence there may be little political space for this and, in any event, structural prevention is a long-term endeavor.[66] Where the structural risk factors are present and there is consequently an ongoing risk of violence, preventive diplomacy and other forms of operational prevention should be *institutionalized*. They should be viewed as continuous rather than short-term functions. Our cases indicate that this can take different international and domestic forms:

- In Malawi, the UN-facilitated national dialogue was not only a forum for structural prevention. It also played a preventive diplomacy role over several months, helping to defuse the crisis and ease political tension between the government and civil society. In the longer term, the national dialogue laid the seed for the development of a national peace architecture and the government's adoption of a national peace policy in 2017, supported by the UN. The peace architecture and national peace policy are themselves domestic forms of institutionalizing operational prevention.
- In the lead-up to the southern Sudan referendum in 2010, the UN and the AU worked closely together to ensure that both parties allowed the referendum to take place. One key step in this was to shift critical post-referendum arrangements to a separate forum, led by the AU and supported by the UN. Following the referendum, this AU-led process continued, with the UN supporting it. While there has been serious and widespread violence in South Sudan since the referendum, the continuous activity of the AU and UN on North-South issues has helped prevent violence between Sudan and South Sudan.
- Shortly before the 2015 elections in Nigeria, the National Peace Committee (NPC), comprising eminent leaders from civil society and the religious sector, was established as an ad-hoc forum to prevent violence and reduce electoral tensions between political parties. The risk of large-scale violence in Nigeria remains high in relation to the next election and more generally. The NPC is therefore in the process of becoming a permanent body, possibly with statutory status. This move to institutionalize domestic preventive diplomacy was encouraged and is supported by the UN.
- In Lebanon, the Office of the UN Special Coordinator for Lebanon (UNSCOL) was set up in the wake of the 2006 Israeli-Lebanese war to help reduce the risk of further hostilities and normalize relations between the two countries. UNSCOL has played an ongoing preventive diplomacy role not only on these issues but also with respect to risks of violence in Lebanon as a result of the war in neighboring Syria. As such, the initial envoy-led preventive diplomacy of the UN has been institutionalized and expanded over time to address a broader range of risks.

While not strictly institutionalized, there is also a wide range of international groupings that can help preventive diplomacy have a more lasting impact. These include groups of friends,[67] international support groups,[68] regional frameworks,[69] and others. As the International Crisis Group has argued, the use of "framework diplomacy"[70] can provide important leverage to prevention efforts, and in some cases maintaining the framework can support and solidify the immediate gains. There are also cases—such as the multi-year Lebanon Crisis Response Plan—where diplomacy can help increase donor engagement in longer-term funding arrangements for countries in crisis. In contrast, where international cohesion cannot be maintained—such as the disintegration of the GCC in Yemen in 2012-13—the fragile peace can quickly disappear.

3. Case Synopses

This section presents synopses of three of our case studies—Malawi, southern Sudan and Yemen—with the aim of illustrating the preceding discussion on the logic of successful preventive diplomacy and the critical factors for success.

3.1 Synopsis of Malawi case study

In 2011, Malawi was in the midst of a growing crisis, characterized by authoritarianism, repression, corruption and deteriorating economic conditions. Mounting tension between the government and civil society culminated in mass demonstrations that were met by police force. In July 2011 twenty people were killed, 58 were injured, over 270 were arrested, and property was looted and damaged. The conflict escalated further as President Mutharika and civil leaders issued combative threats. The protest leaders demanded that the government address the grievances raised in a civil society petition or face more demonstrations in the form of a vigil. It was widely feared that the vigil would lead to violence.

In response to the crisis, the UN Secretary-General sent an Envoy to Malawi. The Envoy brokered an agreement between the government and civil society, in terms of which the two sides would engage in a national dialogue focused on the petition and civil society would postpone the vigil. The UN then facilitated the national dialogue. Both the agreement and the national dialogue served the function of preventive diplomacy, helping to de-escalate the conflict and avert violence. However, the national dialogue ultimately failed to solve any of the structural causes of the crisis.

The UN goals were to defuse the crisis, prevent violence and promote dialogue as a means of addressing the political and economic problems. To this end, the Envoy met separately with representatives of civil society and the government,

had a meeting with President Mutharika, and then facilitated a meeting between the two sides. Thereafter, the national dialogue commenced and continued for eight months. A further strategic goal of the UN was to ensure throughout that SADC supported its efforts.

The logic of the successful preventive diplomacy had the following elements:

- The conflict parties had not yet decided to resort to further violence. Rather, there were moderates in both parties who wished to avoid violence, and a debate between moderates and hardliners was underway in this regard. This gave the Envoy something to work with. He was able to present arguments and ideas that bolstered the position of the moderates and influenced the debate in favor of a non-violent course of action.
- The UN proposal for a national dialogue offered actual or potential benefits to all the conflict parties and provided them with a way out of the crisis without any of them losing face. Many civil society leaders were convinced that the dialogue, especially if facilitated by the UN, would be able to address their grievances. They were therefore willing to postpone the vigil. The postponement, being a de-escalatory and conciliatory move, made it easier for Mutharika to back down and accept the national dialogue.
- Aside from the substance of the national dialogue, the *process* of dialogue was de-escalatory. It implied mutual recognition and respect by the two sides, which was vital given the acrimonious and combative rhetoric and preceding violence.

The critical success factors were as follows:

- **Disposition of the conflict parties.** As noted above, there were members of both the civil society and government sectors who wanted to avoid further violence. Had this not been the case, or had the hardliners prevailed over the moderates, the preventive diplomacy probably would have failed. The preventive diplomacy thus took advantage of an existing potential for de-escalation.
- **Acceptability of the UN and UN Envoy.** Both the government and civil society regarded the UN as a neutral and credible arbiter and were willing for it to facilitate the national dialogue. They also viewed the UN Envoy favorably because he was a citizen from a neighboring state.
- **Approach of the UN Envoy.** The Envoy earned the trust of the conflict parties by listening carefully to them and expressing an empathetic appreciation of their concerns and needs. He was firm in advocating a non-violent course of action but refrained from bullying, lecturing or scolding the parties. He constantly asserted the importance of national ownership, insisting that decisions on the way forward lay with Malawians and not the UN.
- **Absence of public UN criticism.** The UN did not criticize the Malawi government publicly for the police shootings and the growing authoritarianism and human rights abuses. Although UN officials raised these issues privately with Mutharika, public criticism by the UN probably would probably have caused Mutharika to reject UN engagement.
- **International support and communication.** SADC and the donor community in Malawi backed the UN's efforts and were happy for the UN to take the lead on preventive diplomacy. The AU did not seek to get involved. Consequently, the UN role was not challenged by any rival preventive diplomacy initiatives.

3.2 Synopsis of southern Sudan referendum case study

In 2005, after a twenty-year civil war, the Sudanese government and the Sudan People's Liberation Movement (SPLM) signed the Comprehensive Peace Agreement. While this agreement envisaged the unity of Sudan, it also provided for a referendum at the end of a six-year period, enabling the people of southern Sudan to choose independence or unity. As the CPA entered its final year in 2010, it was clear that many of its key provisions had not been fully implemented. Relations between the two sides were volatile, and the vast majority of the southern population was preparing to vote for secession.

In the year leading up to the January 2011 independence referendum, there was growing alarm that the referendum could be a catalyst for a return to war. Uncertainty over Khartoum's willingness to allow the referendum to take place or recognize its result remained high, while the AU member states were not united on the question of secession. The lack of a clear roadmap for how the parties would negotiate post-referendum arrangements meant that both parties appeared willing to approach the brink of war to gain their objectives. In late 2010 major states warned of a "ticking time bomb" around the referendum, and internal UN assessments feared that a contested referendum could trigger a "descent into widespread instability."

Yet in the days running up to the referendum, President Omar al Bashir travelled to Juba and publicly promised to "congratulate and celebrate" should the southern people choose secession. This all but guaranteed that South Sudan would become an independent country within months. Khartoum's decision to accept the referendum played a direct and crucial role in stopping a return to war.

This shift from an extremely high risk of violent conflict to relative calm was partly due to intensive diplomatic efforts by a range of actors, including the SRSG of the UN Mission in Sudan (UNMIS), the AU, and key member states. Khartoum's

decision to accept the outcome of the referendum was in part the result of steps taken to reassure Bashir and his ruling party that the referendum would not spell economic or political ruin for them, and that there would be an impartially-led process to resolve post-referendum issues between Khartoum and Juba. The UN played a direct role in this in several ways, including support to the election process in Sudan in 2010; establishing an independent panel to oversee the referendum; coordinating messaging about the referendum with the AU and other key actors; and direct diplomacy with Bashir and his inner circle. Much of this took place behind the scenes, but there is strong evidence that it played a role in the positive outcome.

The logic of the successful preventive diplomacy is as follows:

- Both Khartoum and the SPLM were acutely aware of the costs of a return to war. Ultimately, the costs of trying to prevent or reject the referendum appeared too high for Khartoum, and Bashir took the crucial decision to support the referendum.
- Bashir and his party received significant assurances from key member states and the AU that Sudan's political and economic stability would not be imperiled by the referendum.
- Issues that could have derailed or delayed the referendum were placed in a separate forum for conflict management and resolution, namely the AUHIP-led negotiation process on post-referendum arrangements.

The critical success factors were as follows:

- While there had been a long history of violence between the parties and both sides maintained a strong military posture, neither side appeared ready to provoke outright hostilities in the lead-up to the referendum.
- There was an agreed framework led by the AU for resolving the key post-referendum issues, which assured both sides that they would not lose out and allowed the referendum preparations to proceed.
- The UN SRSG was trusted sufficiently by both parties to help bridge differences and give meaningful assurances.
- The UN approach protected the impartial role of the SRSG and allowed the UN to support other processes like the AU-led one on post-referendum arrangements.
- There was a unified message in support of the referendum by the UN, AU and key member states, reinforced by good relations between the UN/AU and the conflict actors.

3.3 Synopsis of Yemen case

The Yemeni youth uprising began in January 2011, with a small gathering of students peacefully demonstrating their solidarity with the protesters in Tunisia. Within the next few weeks the ranks of the protest movement swelled from dozens to hundreds, while broadening and diversifying its goals. The movement united around a set of demands that included a call for Yemeni President Ali Abdullah Saleh, who had held power for 33 years, to step down.

Saleh's regime used a range of tactics to defuse the momentum of the protests. However, neither Saleh's sticks nor his carrots reduced their ranks. Events took a significant turn when government snipers shot live ammunition at unarmed protesters, killing around fifty people and injuring hundreds. As the protests swelled, Ali Mohsin, Saleh's childhood friend and trusted army general, publicly resigned. This dramatically shifted Saleh's assessment of his position. He worried that the general's action would trigger mass resignations from the military and lead to its disintegration. Judging that the odds were stacking up against him, Saleh agreed in principle to step down. This prompted the start of negotiations on the terms of his departure.
Over the course of the next months, the Gulf Cooperation Council (GCC), in collaboration with representatives of the P5 and the EU, assisted Yemeni parties in drafting what became known as the GCC Initiative. This agreement held that in exchange for stepping down, Saleh and his associates would be granted immunity for deeds carried out while in office. However, the agreement lacked an implementation plan and there was thus no clear vision for a post-Saleh Yemen.

In April 2011 the UN sent a Special Advisor, Jamal Benomar, to Yemen. After his first two trips he felt that the UN's added value lay in helping develop an implementation plan and in ensuring that the plan incorporated the views of both the elite parties at the negotiating table and those without a voice at the table (such the Houthis, the Southerners and the youth leading the protest movement). Months of consultations followed, in which Benomar gained a reputation as someone who could and would speak with all of the key constituencies, including those in the streets.

Benomar kept the UN Security Council constantly appraised of the situation and pressed them to engage with the situation in Yemen. In October 2011 the Council passed Resolution 2014 (2011), which urged the parties to comply with the terms of the GCC Initiative as well as with the terms of the implementation agreement drafted by the parties with the UN's assistance. There was also talk of 'further action' by the Council, should the parties fail to sign a peace deal.

In November 2011 Saleh finally agreed to direct and time-bound talks. The most likely reasons for this included: a fear of Security Council sanctions; a recognition that he could not win militarily; pressure from the U.S. and Saudi Arabia to step down; and an impression that support from some members of his base was wavering. Benomar oversaw and helped facilitate these talks, which concluded with the signing of a

transition deal. Three months later, after successful national elections, Saleh complied with the deal by ceding power to his deputy. Despite the dire prediction of imminent violent conflict in the first half of 2011, Yemen's center held, enabling the first largely peaceful and more or less voluntary transfer of power in the context of the Arab Spring.

In light of the way events have turned out in Yemen, some commentators have sought to peg current troubles on how the 2011 talks were handled. Given the state of affairs in Yemen today, their critiques bear examining. The first critique argues that a lack of inclusivity in the 2011 talks "sowed the seeds" for the later conflict. Three key constituencies were not party to the November 2011 agreement: representatives of civil society (including both leaders of the youth and women's movements), representatives of the Houthis, and representatives of Hiraak. These three groups were, however, promised seats at the National Dialogue Conference that would follow Saleh's resignation and form the basis for decisions about what form a future Yemeni state would take. Some critics argue that these groups' exclusion from the 2011 Agreement was one of the reasons for the eventual role some of them played as spoilers in Yemen's political transition process.[71] These voices contend that efforts should have been made to include these key constituents at the negotiation table in 2011 and thereby ensure their grievances were concurrently rather than subsequently addressed.[72]

This "hindsight" critique is an important one to consider, in light of the importance of both the northern territories and the southern question in the current conflict. However, international journalists, Yemeni commentators, Yemeni party members, close advisers to Saleh, foreign diplomats based in Yemen, and senior UN officials consulted for this study emphasized how hard it was to coax even the "formal" political parties (GPC and JMP) to sign a common document in 2011, *despite* their overlapping interests, shared stake in the existing governing structures, and personal ties. Many present in Yemen at the time argue that it is highly unlikely to imagine that these parties would have come to an agreement if even more constituencies, with even more divergent goals, fewer overlapping interests, and fewer personal ties would have taken seats at the same table. And if the parties had not succeeded in signing the agreement, most Yemen watchers predict that the country would have collapsed into civil war in 2011. Thus, arguments that holding off for a more inclusive agreement in 2011 would necessarily have reduced the likelihood of civil war in 2015, must be weighed against arguments that absent the elite deal stuck in 2011, Yemen would have collapsed into civil war four years sooner.

The logic of the successful preventive diplomacy in 2011 had the following elements:

- The UN's mediation efforts between April and November 2011 influenced key actors' decisions away from violence and towards a negotiated settlement. The UN team did this by convincing parties to remain at the table when they wanted to walk out, and by reduced uncertainty through helping develop a roadmap for the months following the signing of the peace agreement. The roadmap, in turn, created the basis on which the parties could begin direct talks.
- The UN team also chose to build on rather than diverge from the existing GCC Initiative, which enabled Saleh to 'exit with dignity' despite international pressure to condemn any plan that included immunity for Saleh.
- The relationships that UN team built with constituencies outside the negotiation room in 2011 enabled the mediator's team to persuade these parties that any of their concerns that were not addressed in the peace deal could later be addressed during the subsequent national dialogue process.

The critical success factors include the following:

- **Disposition of the negotiating parties.** The conflict parties were not only well known to each other but, at least at the elite level, had a number of overlapping interests and long histories of both collaboration and tension. They wanted 'an honorable way out of the standoff' and were reluctant to risk all-out violence to achieve their goals.
- **Early action.** The UN Secretary-General sent an envoy to Yemen within just a few weeks of the outbreak of violence. There was no designated role for the UN in the GCC mediation at this stage, but the mediator used the space to first understand the situation and then advise on where the UN was most needed.
- **Well-suited mediator.** Jamal Benomar had a well-matched profile for this job. He and his team had the appropriate combination of experience and background to inspire a sense of trust with divergent stakeholders in Yemen.
- **Receptivity to the UN.** The UN's ability to build relationships of trust with the Yemeni regime and diverse stakeholders gave it an advantage over the U.S. and the Saudis. The UN was able to influence conflict actors by engaging broadly and showing its value to all sides.
- **Support from UN HQ.** The UN mediator benefited from strong support from senior management in DPA and the EOSG.
- **Security Council unity.** The UN Security Council was generally united in its approach towards Yemen.

4. Policy Recommendations

Based on the preceding analysis of what works in preventive diplomacy, in this section we make recommendations that

would enable the UN to build on its positive experiences and better engage in future crises. These recommendations, which have different practical implications at different levels of the organization (e.g. the Security Council, the Secretary-General, the Department of Political Affairs, the envoy and his/her team, etc), are as follows:

4.1 Professionalization and preparation

- **Continue to professionalize preventive diplomacy.** The UN has made major strides when it comes to professionalizing mediation capacities within the system, and the cases in this study underscore the resultant positive impact. Continued professionalization, including by broadening the roster of envoys specializing in preventive diplomacy, would be helpful. Additionally, enhancing the standing support capacities for mediation to include dedicated expertise in analysis, planning and communication would bolster future support teams for envoys.
- **Develop a planning tool for preventive diplomacy.** Preventive diplomacy is greatly enhanced by good planning, based on solid analysis of the structural risk factors, the immediate triggers and the deliberations of the conflict parties. Planning should identify the full range of UN resources and entities that could support diplomatic interventions to maximum advantage. DPA should invest in a dedicated planning process for preventive diplomacy.
- **Link planning for preventive diplomacy to the broader UN system.** While preventive diplomacy is often conducted under tight time constraints, an effort should be made to link the UN's political planning with other planning processes, including by the UN Country Team, the World Bank and national planning efforts. Understanding how a political process could be supported by longer-term plans to address the root causes of violent conflict (or indeed could impact ongoing support to national institutions) is crucial if preventive diplomacy is to be sustainable.
- **Assessment methodology.** Assessments of preventive diplomacy initiatives should not be based solely on interviewing UN diplomats and partners. It is also necessary to incorporate the views of the conflict parties and/or individuals that have good knowledge of the conflict parties' decisions.

4.2 Preventive diplomacy strategies

- **Adopt a flexible approach to mandating.** As with peace operations, our cases show that preventive diplomacy tends to benefit from early "scoping" mandates, followed by more specific mandates tailored to the situation. The added benefit of a broad initial mandate is that it seems to allay sovereignty concerns and may keep expectations more realistic from the outset. Whether driven by the Security Council, the Secretary-General, or the Secretariat, flexible approaches to mandating that allow for low-profile initial consultations should be considered.
- **Develop strategies based on proven success factors.** Strategies for preventive diplomacy should cover the key success factors identified in this report, including how to (1) build and maintain the consent of the conflict parties; (2) ensure continuous international unity, especially within the Security Council and at the regional level; (3) apply a soft approach to leverage, with coercive threats and action to be considered only as a last resort; (4) promote human rights in manner appropriate to the situation and the requirements of preventive diplomacy; (5) endeavor to engage with all the conflict parties, regardless of their positions, and with other relevant stakeholders; and (6) link the immediate engagement with longer-term conflict prevention capacities in country.
- **Identify roles and responsibilities.** Early identification of which UN, national, regional or international actors are best placed to take on specific tasks is crucial to success. In some cases, these roles may shift over time—e.g. if issues around consent require that some tasks be shifted from the UN to a regional body—but initial clarity on roles will also foster unity of approach. Willingness to let a non-UN entity visibly lead has resulted in positive outcomes in several cases.
- **Support domestic prevention.** Domestic capacities for prevention are frequently effective or have the potential to be effective. A UN strategy should therefore prioritize national level actors and institutions wherever possible. Throughout its engagement, the UN can make a valuable contribution to sustaining peace by providing political, technical and financial support to domestic actors engaged in conflict prevention. These actors include both official bodies and non-governmental organizations.

4.3 Preventive diplomacy tactics

- **Keep the Council informed, united.** UN envoys may have little direct leverage over the conflict parties, but a unified Security Council is frequently a key to success. Envoys who dedicate the time and effort to cultivating and maintaining a united Security Council have a higher chance of success.
- **Share the burden.** UN envoys may be most effective when some key tasks (and credit) are shifted to other entities, which could be regional bodies. Appreciating the UN's comparative advantages and disadvantages should be part of the pre-intervention

analysis, and is crucial to remaining relevant and effective throughout an engagement.

- **Talk to everyone.** Envoys must endeavor to engage all the conflict actors, regardless of their positions and ideologies. It also necessary to engage with other domestic actors, both governmental and non-governmental, and this should include, where possible, political parties and women's, youth and religious groups.
- **Build trust.** Envoys must build trust with all the conflict parties as a basis for giving frank advice to the parties' leaders, to be taken seriously when the envoys propose face-saving alternatives to violence, and to have credibility when they facilitate communication between the parties.
- **Public communication.** Public communication is a tool that is often overlooked when envoys are trying to keep a low profile. Yet even the most discreet negotiations still need a communications strategy, and maintaining the UN's impartiality while managing expectations often requires pro-active steps.

4.4 UN resources

- **Take advantage of UN resources.** UN envoys engaged in preventive diplomacy should maximize the human and other resources that reside in the relevant UN country team or regional office, many of which already possess a key set of trusted relationships with domestic actors. Envoys should work closely with the Resident Coordinator; identify local capacities that can help build a good knowledge base and contacts; and leverage existing UN development projects and/or technical support as entry points and force multipliers for preventive diplomacy.
- **Invest in the regional offices.** The UN's regional offices can play a crucial role in anticipating conflict risks, responding quickly, providing strong expertise, and establishing relationships. Providing these offices with greater analytic capacities, and with more full-time staff who can do "pre-mediation" activities like confidence-building and creating space for informal dialogue, will strengthen this positive role.
- **Break down the economic/political divisions at the regional level.** The risk of violent conflict is often driven by socio-economic factors, but the UN's response is too often a strictly political one. This divide is mirrored in the UN's structures, where economic commissions are generally siloed from political offices, and where political planning is divorced from political-economic analysis.[73] Breaking down this divide and using the substantial economic expertise and knowledge as a tool in diplomacy will help address this shortcoming.

4.5 Sustaining peace

- **Link preventive diplomacy to structural prevention.** Preventive diplomacy should be planned in the context of a comprehensive approach to sustaining peace. At the least, it should avoid exacerbating the structural conditions. At best, it should be linked to initiatives that address the structural causes of crisis and large-scale violence. The key UN agents for structural prevention on the ground are Resident Coordinators—the cases show that strong coordination between envoys and RCs can pay off.
- **Contribute to building operational and structural prevention capacities.** The long-term success of a preventive diplomatic intervention often depends on the continued existence of conflict prevention capacities at the local, national and regional levels. Both structural and operational prevention capacities may be required. Supporting national dialogues, national reform processes and international, regional or national operational prevention institutions is crucial to sustaining peace. The UN should incorporate this mindset from the outset of a preventive diplomatic intervention.
- **Understand subnational/local dynamics.** Our cases demonstrate that subnational and local dynamics are often crucial in determining the success of a process, and certainly critical in ensuring its sustainment beyond the immediate crisis. And while it is not always possible to build local capacities during a quick diplomatic intervention, building an understanding of how local dynamics might interact with the political effort and subsequent implementation of political agreements is important.
- **Develop guidance on sustainability.** The UN could usefully develop policy guidance on how to link preventive diplomacy to sustainable peace, taking account of the particular aims, imperatives and timeframes of both areas.

Endnotes

Cover Image: Afghanistan Observes 2007 International Peace Day. UN Photo/ Helena Mulkerns.

1 This project was conducted jointly between the Centre for Policy Research along with Dr. Laurie Nathan, Visiting Fellow at the Kroc Institute for International Peace Studies, and João Honwana, former Director in the UN Department of Political Affairs.

2 See, e.g.: "Preventive Diplomacy: Delivering Results." Report of the Secretary-General, S/2011/552, 26 August 2011. See also: "An Agenda for Peace: Preventive diplomacy, peace-making and peace-keeping" (A/47/277 - S/24111), 17 June 1992.

3 Secretary-General, in First Address to Security Council Since Taking Office, Sets Restoring Trust, Preventing Crises as United Nations Priorities, SC/12673, 10 January 2017.

4 See: "Uniting Our Strengths for Peace – Politics, Partnership and People." Report of the High-Level Independent Panel on United Nations Peace Operations. 16 June 2015, para 61. ("there is an unassailable logic in investing early and adequately to prevent the onset of an armed conflict. Such investment would prevent the need for much larger investments in the ambulances and triage at the bottom of the cliff after many thousands of lives, even hundreds of thousands of lives, have been lost and billions of dollars spent on, and lost to, war").

5 "The Challenge of Sustaining Peace." Report of the Advisory Group of Experts. 29 June 2015, p.8.

6 Over the past decade, major international development actors have increasingly viewed political settlements as the way to address the challenges facing good governance and state fragility. Political settlements have in fact become the "framing concept" for various development agencies to understand their work in fragile, conflict-affected states. Preventive diplomacy, focused on reaching political settlements in conflict settings, should thus be considered within this literature. See, e.g.: DiJohn, Jonathan and James Putzel. "Political Settlements, Issues Paper." Governance and Social Development Resource Centre, International Development Department, University of Birmingham. 2009.; See also, Khan, Mushtaq. "Political Settlements and the Governance of Growth-Enhancing Institutions." (Unpublished), 2010, available at eprints.soas.ac.uk/9968/.

7 Secretary-General, in First Address to Security Council Since Taking Office, Sets Restoring Trust, Preventing Crises as United Nations Priorities, SC/12673, 10 January 2017.

8 "Uniting Our Strengths for Peace – Politics, Partnership and People." 2015, para 16.

9 "Pathways to Peace: Inclusive Approaches to Preventing Violent Conflict." World Bank/UN. 2017, available at openknowledge.worldbank.org/handle/10986/28337.

10 "Secretary-General-Designate António Guterres." Remarks to the General Assembly on Taking the Oath of Office," speech by the UN Secretary-General on 12 December 2016, available at www.un.org/sg/en/content/sg/speeches/2016-12-12/secretary-general-designate-ant%C3%B3nio-guterres-oath-office-speech.

11 In 2011 the Center on International Cooperation was commissioned to provide an assessment framework for preventive diplomacy, upon which basis some case studies were carried out. The CPR-led project builds on some of this work—and indeed drew on CIC's expertise during the peer review process—but was developed in part due to a sense within DPA that a less onerous framework for such assessments was likely to generate more of the analysis needed for institutional learning.

12 See: "Preventive Diplomacy: Delivering Results." Report of the Secretary-General, S/2011/552, 26 August 2011. UN Secretary-General Ban Ki-moon described the challenge as follows: 'We know when preventive diplomacy is effective, but proving this empirically is difficult. Our existing assessment frameworks are not well-suited to the complex realities we find on the ground, and important political outcomes can be hard to quantify…. Quiet diplomacy lives on in the oral tradition of the United Nations, of regional organizations or of a council of elders, but its intricacies are rarely committed to paper. However, in an era of budgetary hardship and scrutiny from treasuries and voters alike, we must improve our ability to monitor outcomes, measure impact, present hard evidence that prevention works and communicate."

13 The research will not be complete, however, until the theory and findings are also tested in relation to cases of failed preventive diplomacy. UNU-CPR has proposed a follow-on set of research where the Assessment Framework developed in the course of this project would be applied to a range of cases, including some considered "failures" for the UN.

14 For the Lebanon and Nigeria case studies, the project partners conducted field-based research.

15 This project considered internal UN material covering: Burkina Faso, Guinea, Gabon, eastern Democratic Republic of Congo, Kyrgyzstan, Nepal, Syria, Kenya, Colombia, Burundi, and others.

16 See, e.g.: Wagner, Robert. "The Causes of Peace." Stop the Killing: How Civil Wars End, edited by Roy Licklider. New York University Press, 2003, pp. 235–268. (arguing that civil wars ending in negotiated settlements are more likely to result in renewed violent conflict than those ending in decisive victory); see also: Quinn, J Michael et al. "Sustaining the peace: Determinants of civil war recurrence," International Interactions. Vol. 33, 2007, pp.167–193. (arguing that conflicts ending in rebel victory tend to hold more than those where rebels lose, in part because post-war stability relies on the legitimacy of the victor in the eyes of the population); see also: OECD. "From power struggles to Sustainable Peace: Understanding

Political Settlements." 2011. (noting that peace negotiators "are faced with only modest incentives to adopt a long-term perspective").

17 See, e.g.: Cramer, Christopher, "Homo Economicus Goes to War: Methodological Individualism, Rational Choice and the Political Economy of War." World Development. Vol. 30, 2002, pp. 1845–1864. (pointing to the problem of oversimplification of findings in conflict settings); see also, Call, Charles, Why Peace Fails: The Causes and Prevention of Civil War Recurrence. Georgetown University Press, 2012. (noting that complex social phenomena like legitimacy and social inclusion tend to be measured through crude proxies, rather than methodologically sound approaches).

18 Drawing definitive conclusions based on limited datasets is also a difficulty facing researchers in this field. See, e.g.: Charles Call's 2012 study on why peace agreements fail, which draws on 28 cases of war recurrence. Call himself acknowledges that "few people would take an experimental drug that has been tested on only twenty-eight people." Call, C. 2012.

19 "An Agenda for Peace: Preventive diplomacy, peace-making and peace-keeping." 1992.

20 See, e.g.: OECD. "States of Fragility Report: Understanding Violence." 2016, available at www.oecd.org/dac/states-of-fragility-2016-9789264267213-en.htm. (examining a range of violence that does not fall easily into the term "conflict," and describing the ways in which deeply embedded forms of violence can permeate a society).

21 This project recognizes that there are also a wide range of different forms of violence in the preventive diplomacy context. For example, "competitive violence" arises in disputes over political power and resources, whereas "permissive violence" tends to arise where the state is unable to monopolize control over force in a setting. While it is beyond the scope of this study to delve into these forms of violence, it is worth noting that a differentiated approach to different forms of violence will help the initial analysis of risks. See unpublished literature review by Patrick Meehan for DFID's Stabilisation Unit, "What are the key factors that affect the security and sustaining of an initial deal to reduce levels of armed conflict?"

22 Questions about measuring causality and attribution are also the subject of major conflict resolution debates in academia. Some pieces on this subject include: Cramer, Christopher et al. "Evidence Synthesis: What interventions have been effective in preventing or mitigating armed violence in developing and middle-income countries?" Department for International Development. 2016.; Hartzell, Caroline et al. "Stabilizing the Peace after Civil War: An Investigation of Some Key Variables." International Organization. Vol. 55, 2011, pp.183-208.

23 UN Security Council Resolution 2282 (2016); UN General Assembly Resolution 70/262 (2016); UN, "Peacebuilding and Sustaining Peace: Report of the Secretary-General." UN document. A/72/707-S/2018/43, 2018.

24 UN Security Council Resolution 2282 (2016); see also: "Pathways to Peace: Inclusive Approaches to Preventing Violent Conflict." p. 217.

25 Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, A/RES/68/303 (2014).

26 See: Day, Adam and Alexandra Pichler Fong. "Diplomacy and Good Offices in the Prevention of Conflict." A Thematic Paper for the World Bank/UN Study on Conflict Prevention. August 2017.

27 Our case studies also considered the factors that inhibit and militate against success. This component would be more prominent if the case sample included instances of failed preventive diplomacy.

28 This final category includes domestic actors (e.g. the National Peace Committee during the Nigerian elections in 2015) and external actors with direct influence (e.g.Tehran's influence over Hizbullah in the Lebanon case study).

29 This approach differs from other approaches to preventive diplomacy, which focuses more on the external intervention. However, as described in the Assessment Framework developed in this project, that approach unrealistically places the external intervention at the heart of the decision-making process, whereas our case studies demonstrate that this is hardly ever the case.

30 E.g.: Nathan, Laurie. "The Four Horsemen of the Apocalypse: The Structural Causes of Crisis and Violence in Africa." Peace and Change. Vol. 25, No.2, 2000, pp.188–207.

31 Hudson, David and Adrian Leftwich. "From Political Economy to Political Analysis." DLP Research Paper. DLP. Vol. 25, 2014. We also drew from an unpublished literature review by Patrick Meehan for DFID's Stabilisation Unit, "What are the key factors that affect the security and sustaining of an initial deal to reduce levels of armed conflict?" (on file with authors).

32 Jentleson, Bruce. "Preventive Diplomacy: A Conceptual and Analytic Framework." Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World, edited by Bruce Jentleson. Carnegie Commission on Preventing Deadly Conflict. 2000, pg.7.

33 Quoted in Jentleson, "Preventive Diplomacy." 2000, pg. 7.

34 Carnegie Commission on Preventing Deadly Conflict. Preventing Deadly Conflict. Final Report. Carnegie Corporation. 2007, pg. 39.

35 In UN reports on preventive diplomacy, these interventions are listed as fact-finding missions; visits by special envoys to sensitive regions; the exercise of the Secretary-General's good offices; and the establishment of groups of friends of the Secretary-General in different regions, composed of a few closely interested Member States. See, for example, United Nations. "Prevention of Armed Conflict. Report of the Secretary-General", UN document. A/55/985–S/2001/574, 2001, para 76.

36 E.g. the UN's deep investment and peacekeeping presence in Lebanon enabled UNSCOL to work with key conflict parties. Similarly, in the 2009 crisis in Sierra Leone, the presence of a peacekeeping operation that was delivering a wide range of services in-country was seen to help the UN play a role in brokering a positive outcome. In contrast, however, in DRC today, the presence of a massive peacekeeping operation, huge UN development and state-building projects, and enormous humanitarian relief together has not combined to offer the UN a direct entry point into the political negotiations.
37 The use of elder statesmen can be seen in Guinea, Burkina Faso and eastern DRC. See, Day, A and Pichler Fong, A. August 2017.
38 The use of regional offices is discussed in "Preventive Diplomacy: Delivering Results," Report of the Secretary-General, S/2011/552, 26 August 2011; see also, Day, A and Pichler Fong, A. August 2017.
39 This project consulted internal UN documents for this case study.
40 For a description of other cases, see, Day, A and Pichler Fong, A. August 2017.
41 E.g., Zartman, William and Saadia Touval. "International Mediation." Leashing the Dogs of War: Conflict Management in a Divided World, edited by Chester Crocker, Fen Hampson and Pamela Aall. US Institute for Peace. 2007, pp. 437-454.
42 The Assessment Framework produced in this project contains a detailed methodology for addressing this difficulty of causality in preventive diplomacy.
43 A paradigmatic example of this "quiet diplomacy" is Ralph Bunche's negotiation of Bahrain's independence from the UK, "a textbook example of settling a dispute by quiet diplomacy before it degenerated into conflict." Urquhart, Brian. Ralph Bunche: An American Odyssey. Norton, 1998.
44 S/RES/2014, 2011.
45 Internal UN assessment of Burkina Faso case. See also, www.bbc.com/news/world-africa-29948773.
46 Maclean, Ruth. "Troops enter the Gambia after Adama Barrow is inaugurated in Senegal." The Guardian. 19 January 2017, www.theguardian.com/world/2017/jan/19/new-gambian-leader-adama-barrow-sworn-in-at-ceremony-in-senegal.
47 Interviews conducted for the case study on Malawi.
48 Interview conducted for the case study on Nigeria.
49 Day, A and Pichler Fong, A. August 2017.
50 "The Role of External Actors in the DRC Crisis." Africa Center for Strategic Studies. 12 January 2017, africacenter.org/spotlight/role-external-actors-drc-congo-crisis-sadc-au-icglr-un-eu/.
51 For example, it was cited as a positive practice that Special Envoy Said Djinnit conducted 45 missions to Conakry to meet with stakeholders during the Guinea crisis in 2009. For other examples, see, Day, A and Pichler Fong, A. August 2017.
52 E.g.: When SRSG Chambas was deployed to Burkina Faso during the crisis there, he could draw on existing expertise in UNOWA, and maintain more of a presence on the ground as well.
53 It should be noted, however, that the peer review process for this paper cautioned against placing too much emphasis on the persona of the mediator.
54 The positive impact of discretion was highlighted in the Malawi, Yemen, southern Sudan and Nigeria cases.
55 "Preventive Diplomacy: Delivering Results." Report of the Secretary-General, S/2011/552, 26 August 2011.
56 Babbitt, Eileen. "Preventive Diplomacy by Intergovernmental Organizations: Learning from Practice." International Negotiation. Vol. 17, No. 3, 2012, pp. 349 – 388 at pp. 351-2.
57 Lund, Michael. "Conflict Prevention: Theory in Pursuit of Policy and Practice." 2009. See also Chesterman, Simon. Secretary or General? 2007, pp.100; Gowan, Richard et al. "Back to Basics: the UN and crisis diplomacy in an age of strategy uncertainty." Center on International Cooperation. 2010.; Lund, Michael. Preventing Violent Conflicts: A Strategy for Preventive Diplomacy. United States Institute of Peace. 1996.
58 United Nations. "Prevention of Armed Conflict." 2001.; Nathan, L. "The Four Horsemen of the Apocalypse." 2000.
59 "Pathways to Peace: Inclusive Approaches to Preventing Violent Conflict." 2017.
60 The UN distinguishes between operational prevention (actions taken to prevent the proximate outbreak of conflict or limit its escalation); structural prevention (actions taken to target underlying causes of conflict such as socio-economic inequality, ethnic discrimination and lack of participatory politics); and systemic prevention (actions taken to address cross-border threats such as the spread of diseases and climate change). See: UN Security Council. "Can the Security Council Prevent Conflict?" Research Report No. 1, 2017; Carnegie Commission on Preventing Deadly Conflict. Preventing Deadly Conflict.; Annan, Kofi. "Toward a Culture of Prevention: Statements by the Secretary-General of the United Nations." Carnegie Commission on Preventing Deadly Conflict, 1999.; Lund, Preventing Violent Conflicts.
61 See: Day, A and Pichler Fong, A. August 2017.
62 See, e.g.: Gowan et al. 2010. (arguing for a limited approach to preventive diplomacy because "structural prevention can risk slipping into ever more over-ambitious goals and rhetoric, becoming a reform program for states and societies at high risk of violence").
63 S/RES/2282, 2016.
64 On the importance of inclusion, see "Pathways to Peace: Inclusive Approaches to Preventing Violent Conflict." 2017;

see also "UN Guidance on Gender and Inclusive Mediating Strategies." 2004, available at peacemaker.un.org/sites/peacemaker.un.org/files/1.%20English%20-GIMS.pdf.

65 For example: United Nations. "Prevention of Armed Conflict." 2001, para 8.

66 See, e.g.: OECD. "States of Fragility Report: Understanding Violence." 2016.; see also, World Development Report 2011.

67 See: Whitfield, Teresa. "Working with Groups of Friends." United States Institute of Peace, 2010.

68 E.g.: The International Support Group for Lebanon (described in the Lebanon case study).

69 E.g.: The Peace and Security Cooperation Framework set up to maintain regional coherence on security threats in eastern Congo.

70 "Seizing the Moment: From Early Warning to Early Action." Crisis Group Special Report N°2, 22 June 2016.

71 But Security Council unanimity on Yemen was not a given. As one source recalled: "Saleh was smart. He had tried to play the Council members off each other – appealing to Russia, to China and then even to the regional blocks of states to protect his hold on power. But it didn't work because we kept the Russians and the Chinese briefed all along. There were no surprises. And they were smart. They came to understand that Yemen would not become another [case of Council overreach in] Libya." So Saleh's attempts to pit usual adversaries against each other ultimately failed.

72 "How Yemen's Post-2011 Transitional Phase Ended in War."19 May 2016.

73 For example, the Economic and Social Commission for West Asia (ESCWA) was not involved directly in any of the conflict-prevention work mentioned in the Lebanon case study, despite much of it being in the socio-economic sphere. Similarly, the UN Economic Commission for Africa (ECA) is based in Addis, with sub-regional offices in Niger, Rwanda, Cameroon and elsewhere. In none of the African cases researched was the ECA involved in the strategic planning, despite nearly every case involving a socio-economic aspect to the conflict.

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UN Preventive Diplomacy in the 2008-10 Crisis in Guinea

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Introduction

On 28 September 2009, large crowds gathered in Guinea's capital, Conakry, to protest the decision of the ruling military junta to stand in national elections. Security forces close to the junta charged the stadium where the protestors had gathered, killing 150 unarmed civilians and injuring hundreds more. This massacre, coming less than one year after a military coup had rocked the already fragile country, pushed Guinea to the brink of civil war.[1]

Seen as a threshold moment, the September 2009 massacre led to an immediate intensification of international diplomatic efforts, including by the UN, led by UN Special Representative Said Djinnit, who travelled to Guinea 45 times in the 2009-10 period to help regional partners mediate between the junta and the opposition coalition. The UN's efforts—including mediation, assistance to the political transition and elections, and coordination of regional and international actors—culminated in the December 2010 inauguration of the first democratically-elected president of Guinea and a dramatic reduction in the risks facing the country. While Guinea continues to face major challenges, and the deeper causes of instability in the country are far from fully addressed, a widely-feared violent crisis was averted in 2009-10.

This case study assesses the UN's role in addressing the imminent risks of violent conflict in Guinea and in helping the Guinean leaders establish the conditions for peaceful political transition in the country. It focuses most intensely on the period between the December 2008 military coup and the 2010 agreement to hold national elections, though it also touches upon the UN's efforts to support the elections themselves. Within this timeframe, the study examines the UN's influence on the decision-making of the key conflict actors in an effort to evaluate the impact of the UN's preventive diplomacy. How the UN adapted its strategy and approach and how it coordinated with other actors to gain leverage over the main decision-makers, are questions at the heart of this study.

This case study is the first to utilize an Assessment Framework for Preventive Diplomacy developed by the Centre for Policy Research in 2018. It is organized around the six core questions of the Framework: (1) What were the major factors contributing to an imminent risk of violent conflict? (2) What influenced the decision-making of the key conflict actors at the crisis moment? (3) What is the most likely scenario that could have taken place absent external intervention, including by the UN? (4) To what extent can the outcome be attributed to the UN's engagement? (5) What enabled and/or inhibited the UN's capacity to contribute to preventing violence? And (6) To what extent was the prevention effort linked to addressing longer-term structural causes of violence? Together, these lines of inquiry trace the contours of the UN's role in helping to prevent violent conflict in Guinea, and provide lessons about what works well in preventive diplomacy.

1. Context Analysis—*What were the major factors contributing to an imminent risk of violent conflict in Guinea?*

Rags and Riches

Guinea is both extraordinarily rich and staggeringly poor. With newly-discovered oil reserves and the largest source of aluminium ore in the world, the country was nonetheless near the bottom of the Human Development Index in 2008.[2] Huge socio-economic inequalities and underdevelopment were the result of 52 years of authoritarian rule following Guinea's independence, leaving the country deeply affected by widespread corruption, weak state institutions, and severe limitations on political space and civil society.[3] After 24 years in power, President Lansana Conté had exploited ethnic divisions to maintain his grip on power, pitting the four major ethnic groups of Guinea against each other and limiting any efforts to create meaningful political parties, all while building an opaque and often brutal security apparatus around the presidency.[4]

Throughout 2008 an economic downturn meant that already desperate living conditions worsened dramatically for everyday citizens. Less than 40 per cent of the Conakry population had access to piped water, while wages fell far short of rising costs of rice and fuel. Public discontent over the government's mismanagement of the country's natural resources began to gather momentum, and several protests resulted in violent clashes between civilians and the state security services. Protests were also partially driven by political discontent, as President Conté continued to stall on the legislative elections that had been delayed since 2002.

The 2008 Coup: A Destabilizing Moment

President Conté's natural death on 22 December 2008 was followed hours later by a bloodless military coup, led by Captain Moussa Dadis Camara and a group of officers calling themselves the National Council for Democracy and Development (CNDD). Within Guinea, the coup was initially greeted with optimism, as many saw the end of the Conté era as an opportunity to put in place democratic institutions and improve the highly corrupt, ineffective governance institutions. Anti-corruption actions, such as arresting the former president's son on drug trafficking charges, were seen as evidence that the CNDD meant to bring positive change to Guinea.[5]

SRSG Said Djinnit, head of the Dakar-based UN Office for West Africa (UNOWA), travelled to Guinea on 3 January 2010, the first of about 45 such missions he would undertake over the next two years. He reported that "considerable confusion" reigned in the country but also relayed what he considered to be fairly encouraging discussions with Captain Camara, whom he pushed to take the shortest possible path to elections. In his meetings with the UNCT, including

the World Bank, the overriding sentiment was that, while the CNDD was not trusted—and was in fact suspected of harbouring both alleged drug traffickers and perpetrators of human rights abuses—there was no other option than to work with the new regime, given that it was the only actor able to instil the order and discipline needed to restore the democratic process.

In the months following the coup, public euphoria quickly dissipated as Camara dissolved the government, suspended the constitution, and cracked down on any opposition activity.[6] The situation in the streets of Conakry followed a similarly negative trend: political opponents were questioned and arbitrarily detained, militias began forming along ethnic lines, and soldiers ran rampant in many parts of Conakry.[7] A growing opposition coalition—calling itself the *Forces Vives*—began calling for an end to military rule and for a democratic process in Guinea.

At the regional and international levels, condemnation of the coup was swift and harsh. Guinea was immediately suspended from the African Union (AU), the Economic Community of West African States (ECOWAS) soon followed suit and suspended Guinea, while the UN Secretary-General issued a—more muted—statement calling for a "peaceful and democratic transfer of power."[8] On 30 January 2009, on the margins of an AU summit meeting in Addis, the AU and ECOWAS formed the International Contact Group for Guinea, with active support and participation from the UN, aimed at facilitating a transition to democratic rule and to head off the growing risks of further violence in Guinea.[9]

The Contact Group scored an early success in January when Camara publicly committed to holding elections within the year, and further committed that he would not run in them.[10] This was the major demand of the opposition groups and should have paved the way to a peaceful transition of power. However, it became increasingly clear that Camara was preparing to renege on his promise and, in off-the-cuff remarks in April 2009, he indicated that he might resign from the military and stand for office in the elections. In August, Camara dramatically broke his earlier commitment, announcing on public radio that he planned to run for the presidency (he formally informed the Contact Group of the same in early September). Across the country, divisions between his supporters and opponents reached what SRSG Djinnit called "a great and potentially explosive divide,"[11] driving up the risk of widespread violence.

All indicators were trending negatively for Conakry. Strong economic decline—not helped by the AU's imposition of sanctions against the junta following Camara's announcement on elections—meant already dire living conditions worsened. Human rights violations by junta-affiliated groups rose significantly too, with *Forces Vives* members regularly complaining of harassment, abuses and ethnically-targeted arrests by Camara's forces.[12] And reports of mobilization along ethnic lines raised serious warnings amongst international experts about the stability of the country.[13] Conditions conducive to serious violence in Guinea were all coalescing.

The September 2009 Massacre

On 28 September 2009, the day of Guinea's independence, large crowds gathered in Conakry stadium to peacefully protest the junta leaders' decision to stand in the elections, in defiance of an order banning demonstrations. Security forces close to the junta charged the stadium and opened fire, killing 150 unarmed protestors. An estimated 1,200 people were severely injured amidst reports of rapes and other atrocities.[14] With many political leaders injured or under arrest,[15] any space for dialogue between the CNDD and the *Forces Vives* seemed to have vanished, and the risk of imminent, widespread violence rose dramatically.

While the massacre was the worst moment in the 2008-10 period, it also triggered a step-change in international and regional engagement, and ultimately opened the door for greater pressure to be placed on the junta leadership. In the immediate aftermath of the massacre, the AU, in cooperation with ECOWAS and the Contact Group, imposed harsher sanctions against Camara, his inner circle, and the Prime Minister.[16] Major bilateral actors, including the US and France, also imposed sanctions.[17] Soon after, the Security Council despatched an ASG-level envoy on an exploratory mission to Guinea, following which it established an International Commission of Inquiry into the massacre.[18] Camara, reportedly concerned at the possibility of future ICC action against him, reluctantly accepted the Commission, while also forming a national-level one to investigate the incident.[19]

Preventive Diplomacy Begins in Earnest

The massacre also caused a rapid increase in preventive diplomatic action. Days after 28 September, AU, ECOWAS and UN envoys[20] met with President Blaise Compaoré of Burkina Faso in Ouagadougou and jointly devised a strategy to bring the parties back into mediation and put in place the conditions for democratic transition. This AU-ECOWAS-UN troika, in which Compaoré was quickly designated the ECOWAS envoy, became the core mediation group, bringing together members of the CNDD and *Forces Vives* in Ouagadougou in November 2009 and leading several rounds of subsequent negotiations.

Initially, however, the positions of the two sides seemed unbridgeable. Many members of the *Forces Vives* were still wearing bandages from the 28 September incident when they first met with the mediation team to communicate the conditions for their participation in further talks. And the opposition's conditions were bold: the immediate departure of Camara, establishment of an international interposition force to protect the population from the junta and allied security forces, establishment of a commission of inquiry, and an arms embargo on the CNDD. For its part, the CNDD

rejected any transitional arrangements it would not lead, refused the call not to stand in future elections, and abruptly rejected the demand for Camara's immediate departure.

Early efforts to find common ground failed. After several negotiation rounds, President Compaoré presented a draft agreement to the two sides that attempted to meet their respective needs: Camara would be retained as president and head of a transitional council that would steer the country towards elections, and members of the CNDD—including Camara—could stand in the elections if they resigned four months prior to the vote. These concessions to the CNDD were seen at the time as necessary to keep the junta in the talks, but they triggered an immediate rejection by the *Forces Vives*, a threat to pull out of the talks, and public commentary casting doubt on Compaoré's impartiality. Several subsequent rounds of talks failed to bridge these differences of views, and it appeared the international troika had suffered a serious setback in its standing with the *Forces Vives* by potentially conceding too much to the CNDD.

A New Opening: Camara Leaves Guinea

On 3 December 2009, an assassination attempt against Camara by his aide de camp, Lieutenant "Toumba" Diakité, radically changed the equation of power in Guinea, with a profound impact on the mediation effort. Toumba, who had led the troops involved in the 28 September massacre, had become convinced that Camara would shift sole blame on him via the International Commission of Inquiry and the national inquiry process. These fears were heightened when the junta arrested some of Toumba's troops on suspicion of plotting a coup. When, on 3 December, Toumba visited Camara to request the release of the alleged plotters, the discussion reportedly degenerated into an exchange of fire in which Camara sustained a gunshot to the head. Using an aircraft supplied by President Compaoré, Camara was evacuated to Morocco for medical treatment, while Toumba and his allies went into hiding.

Camara's departure was immediately viewed as an opening for the mediation effort, despite the heightened sense of insecurity following the assassination attempt. When deputy leader of the junta, General Sekouba Konaté, assumed leadership of the CNDD he openly opposed Camara's participation in the elections, acceding to the core demand of the opposition. His standing with *Forces Vives* was also strengthened by the fact that he reportedly had been away from Conakry on the day of the massacre, and by his repeated statements that he wished to relinquish power as soon as possible.

For its part, the *Forces Vives* responded with a much more conciliatory position, publicly stating that they would work with General Konaté as the head of the transition process. This was a departure from its previous position against participation of any CNDD member in the transition and allowed the negotiations to proceed. *Forces Vives* was soon rewarded when, on 6 January 2010, Konaté stated on national television that he was ready to name a prime minister from the opposition to lead a transitional government of national unity. The positions of the parties had quite suddenly become much closer, in large part due to the absence of Camara.

A Diplomatic Breakthrough: The Ouagadougou Declaration of January 2010

The success of the mediation effort hinged in large part on solidifying the positive momentum caused by Camara's departure from Guinea and transforming the public commitments of both sides into a concrete agreement. These priorities were suddenly put at risk when, on 12 January 2010, Camara unexpectedly arrived in Ouagadougou ahead of a planned visit there by General Konaté.[21] Camara initially insisted upon returning to Guinea and on resuming leadership of the CNDD on the ground. Konaté reportedly threatened to resign if this were to happen, and a heated debate took place between the two camps.

However, supported by the mediation and witnessed by President Compaoré, Konaté and Camara signed a joint declaration with the *Forces Vives* on 15 January under which Camara would stay in Burkina Faso for a six-month "recovery period." During this period, Konaté would lead the transition within Guinea, to be followed by a new prime minister designated by the *Forces Vives* and the establishment of a National Council for the Transition.[22] Critically, the joint statement clearly indicated that CNDD members would not be eligible to stand for elections. This was the blueprint for a return to constitutional order in Guinea, and signalled the true start of the transition process, with presidential elections now explicitly foreseen within six months. Interestingly, it was primarily mediation *within* the CNDD members itself that was necessary to reach this breakthrough.

The path to the elections after the Ouagadougou Declaration was not always a smooth one. In fact, just hours after signing the declaration Camara again insisted upon return to Guinea with Konaté, only be dissuaded after strong interventions by SRSG Djinnit and Liberian President Johnson Sirleaf.[23] But overall, the momentum towards the elections appeared now too strong to stop. By spring 2010, the core institutions of the transition had been set up, a national unity government established, and a new prime minister chosen by the *Forces Vives*. Presidential elections were scheduled for June, and pledges of international assistance began to grow. The US and France restored bilateral assistance, while the EU eased many of the harsher sanctions on Guinea.[24] Security in Conakry gradually improved, with monitors reporting a significant reduction in human rights abuses and more disciplined behaviour by the security services. The imminent risk of widespread violence that rose following the 28 September massacre appeared to have retreated.[25]

From "On Track" to "Fragile"— Guinea's Elections Stutter Forward

Internally, however, the UN was becoming increasingly worried that the elections themselves could be a renewed trigger for violence. SRSG Djinnit's reporting had switched from referring to the transition as "on track" to calling the process "fragile," while international experts warned that ethnicity and group affiliation was being manipulated in dangerous ways ahead of the polls.[26] Tensions between the political parties and amongst the leaders of the transitional institutions were growing, and there was alarm in some quarters that the interim prime minister might attempt to hold on to power beyond the 27 June poll date. In another worrying sign, President Konaté warned that elements of the army might attempt to disrupt the transition process, amidst reports that armed elements sympathetic to Camara were mobilizing in his home region. With continued poverty, high unemployment and no sign of economic improvements, these conditions were in many ways similar to those preceding the 28 September massacre.

Three days prior to the poll, on 24 June 2010, violent clashes between rival political parties outside of Conakry raised alarms again and triggered an urgent visit by SRSG Djinnit, ECOWAS Commissioner Gbeho and AU Special Envoy Ibrahima Fall. This group met with President Konaté who agreed to their recommendation to issue a public call for calm ahead of the elections. This he did, standing alongside a range of political leaders and the president of the Transitional Commission, all of whom expressed the same message of calm and unity in front of the press.

The peaceful conduct of elections on 27 June 2010 appeared to significantly reduce the risks of further violence in Guinea. International observers endorsed the poll, while the five main contenders expressed initial confidence in the process in private meetings with SRSG Djinnit. Yet in the days following the poll, claims by political leaders alleging large-scale fraud led to a delay in the release of provisional results, fuelling suspicions amongst the population that the results were being manipulated. When the results were eventually released, no candidate had won an outright majority and a run-off was required.[27] This ushered in an extremely dangerous period for Guinea, as a three-month delay in the holding of the run-off meant frequent opportunities for further crises.

While the elections period is not the main focus of this case study, it is worth noting the crucial role that the core mediation group—and in particular SRSG Djinnit—played in keeping the major players positively engaged through the run-off. On several occasions, and in the face of accusations of having manipulated the elections, President Konaté threatened to resign, an act that would have surely thrown the country back into turmoil. And there were moments of actual violence as well, including an 11 September 2010 clash between supporters of rival candidates in Conakry that left one dead and more than 50 injured. As described below, the efforts of the mediation to garner strong public calls for calm by all political leaders appeared to play an important role in preventing greater escalation.[28]

Indeed, even after the run-off took place in relative calm in November 2010, both parties alleged widespread malpractice, and the loser—Cellou Diallo—refused to accept the results. Violent demonstrations by Diallo's supporters from 15-16 November were met with heavy-handed response by the security services, resulting in 10 dead and more than 300 injured.[29] Worryingly, the demonstrations had a distinctly ethnic element to them, as Diallo hailed from the only major ethnic group not to have ever held the presidency and generated large numbers of protestors from his group. Only after Diallo publicly agreed to abide by the ruling of the Supreme Court—which upheld the election results on 17 November—did the risk of more widespread violence truly subside. And on 22 December 2010, Alpha Condé was sworn in as Guinea's first democratically elected leader.

2. Causal Analysis—*What influenced the decision-making of the key conflict actors at the crisis moment?*

The 2009-10 crisis in Guinea centred around two main conflict actors: the CNDD leadership (Camara and Konaté) and the *Forces Vives* opposition leadership. While other political factions and groups on the ground played important roles, it was the clear ability of these two principal parties to escalate or de-escalate that places them at the centre of the preventive diplomacy effort. This section examines the core interests of each party and describes the factors that most directly impacted their decision-making through the key crisis moments.

Dadis Camara—An Unstable Interlocutor

Captain Dadis Camara rose to power hours after the death of President Conte and was initially seen as a "consensual and unifying factor in Guinea."[30] His early decisions to hold high officials accountable for corruption were held up as evidence of his desire to improve the governance capacities of Guinea, as were his early commitments to transition to civilian rule. But it quickly became clear that Camara was interested in one thing alone: remaining in power. By early May 2009, the Contact Group met and agreed that Camara was in fact "an unstable interlocutor, whose commitment to the transition was no longer trusted."[31] This was made clear on repeated occasions, including in December 2010 when he attempted to override his party' demands and return to Guinea.

Most of Camara's actions can be seen through the lens of his desire to maintain power at almost any cost. Efforts to broker a deal in which he would stand aside and allow a transitional government to oversee the transition process were absolute non-starters for the CNDD while he was heading it. His 19 August 2009 public announcement that he was planning to stand for election—defying earlier

commitments—is clear evidence of his drive for the same kind of autocratic dictatorship he had replaced. And even his apparent conciliatory actions, such as the agreement to allow the International Commission of Inquiry into Guinea, were in fact driven by a mistaken understanding that he would face ICC liability if he did not permit the Commission (ironically, it was the Commission itself that later recommended ICC involvement).[32]

As such, Camara appeared relatively impervious to external forms of coercion and inducement. For instance, in October 2009, the AU imposed direct sanctions on Camara and his close associates, in part punitively for his role in the September massacre, but also to pressure a more constructive position on the transition. According to the UN, however, this only prompted an "entrenching of the CNDD position," while reports soon circulated that the junta was actively thwarting the arms embargoes by hiring thousands of ex-combatants from Sierra Leone and Liberia.[33]

In fact, Camara overwhelmingly played an obstructionist role to the attempts to ward off further violence following the September massacre, and the talks made almost no progress while he remained at the helm in Conakry. The most important factor that influenced his role in the crisis was not diplomacy, but the bullet that nearly killed him on 3 December 2009, taking him temporarily out of the picture. After that, the international approach appeared largely focused on keeping him out of the way, in which SRSG Djinnit's successful persuasive effort to keep him from returning to Guinea after the Ouagadougou declaration in January 2010 appeared crucial.

General Sekouba Konaté—Catapulted into a Leadership Role

The window for preventive diplomacy opened significantly when Konaté took control of the CNDD in December 2009. First and foremost, he was not Camara: he was not seen by most as the orchestrator of the 28 September massacre of opposition activists, and his early approach was to acknowledge the need for a transition to civilian rule and for the CNDD to be kept out of the presidential elections.

Konaté also appeared much more susceptible to external persuasion and was clearly interested in being seen as the person who delivered the transition for Guinea. For example, during the disputes following the elections, Konaté threatened to resign on several occasions, citing the accusations of his meddling as unacceptable. But following entreaties by the Secretary-General, SRSG Djinnit and AU Chairperson Ping, during which the UN suggested Konaté could be "a hero of the transition," he agreed to stay on.[34] Similarly, he quickly acceded to Compaoré's proposals about the transition process during the January 2010 Ouagadougou process, something Camara had resisted strongly.

There is evidence too that Konaté was influenced by bilateral and regional actors. As defence minister under President Conté, he had been instrumental in awarding government contracts for major Western companies, including offshore oil exploration by US companies.[35] And he had a long history and important connections with rebel and militia groups in neighbouring Liberia and Sierra Leone. This may have made Konaté more open to discussions with a broader range of actors, but it also made him a dangerous conflict actor: following the 28 September massacre there were widespread reports that he using his longstanding connections with rebel groups in Liberia and Sierra Leone to recruit additional mercenaries into the CNDD-affiliated ranks. Keeping him focused on the benefits of engagement with the mediation was thus crucial for the process itself, and also to avoid further mobilization in the peripheries.

The Forces Vives—Some Flexibility, Some Redlines

The *Forces Vives* coalition of opposition groups formed following the 2008 coup and grew out of the growing disenchantment with how the junta was governing Guinea. As such, its overriding interest was to put in place meaningful processes to transition out of military rule and hold national elections. Following more than 50 years under autocratic rule, the group fundamentally distrusted the CNDD's promises about elections, and had two main redlines: elections had to have a clear timeline, and the CNDD could not be part of them. Within those constraints, the *Forces Vives* showed a significant amount of flexibility, allowing Konaté to serve as interim president, among other concessions.

However, it is important to keep in mind two other characteristics of the *Forces Vives*. The first is that the 28 September massacre was directed at their supporters and their leadership. *Forces Vives* leaders came to October 2009 talks still bandaged from wounds received at the hands of the junta's security services. While the group was willing to make some concessions on the transition process, they demanded meaningful investigations and anti-impunity measures. The establishment of the International Commission of Inquiry therefore met an important need for the group and appeared to give it a sense that they could rely upon the international community for support. The role of justice in giving the UN some leverage and influence is an important one in this case.

The second point is that the *Forces Vives* was not a monolithic entity: it was a loose coalition of different groups unified by the idea of ending military rule. Different ethnic groups, factions and interests were represented in the group, and it was often a challenge of the negotiation process to help the leadership address the many voices that arose during the talks. In this, the *Forces Vives* was often reliant on the international mediation, which worked behind the scenes to help the group's leadership reach common positions and "pitch" them internally to their different constituencies. This may have made the *Forces Vives* more amenable to compromise, but it also meant an additional challenge of not allowing the group to agree to something that might cause an internal divide (e.g. allowing Konaté to lead the transition).

What Prevented Widespread Violence in Guinea?

Following the 28 September massacre, the risk of much more widespread violence appeared very real. But several factors came together to prompt both sides to walk away from violence and eventually agree to the January 2010 Ouagadougou commitments, setting the stage for peaceful elections. Taking into account the above interests and positions of the conflict actors, the main factors were:

- Camara's absence from Guinea at a key moment in the negotiations. As soon as he was replaced by Konaté, the mediation process had a new opportunity to make progress.

- United international and regional pressure, in particular on Konaté but also the *Forces Vives*, to move forward on a transition process. As mentioned above, both appeared to be influenced by the messaging of the UN, AU and ECOWAS, especially in the lead up to the Ouagadougou agreement, but also through the elections process itself.

- Meaningful justice/anti-impunity processes (including the International Commission of Inquiry and eventually the ICC), which reassured the *Forces Vives* that their concerns would be addressed, but also appeared to influence the CNDD leadership to allow more international engagement in Guinea.

- Strong, respected mediators—including SRSG Djinnit, AU Special Envoy Fall and the regional powerhouse President Compaoré—who were able to speak with authority to both sides.

- While not definitive, it appears that the AU's decision to sanction the junta may have contributed to its early decision to seek international acceptance, including by appointing a civilian PM, which was a constructive step for the mediation.

- Positions of major bilateral donors, which had sanctioned Guinea following the 28 September massacre but who appeared poised to provide assistance to the country if a deal could be reached.[36]

- Logistical and financial support to the transition process, which assured both sides that the elections would take place and eliminated the risk that delays would cause a breakdown in relations. Support to the SSR process was also seen by some experts as important.

Taken together, these factors opened a path away from violence for the conflict actors and allowed them to agree a way forward on the transition process. The next section briefly addresses what would have happened absent an international intervention, including by the UN.

3. Counterfactual—*What is the most likely scenario absent external intervention, including by the UN?*

The 28 September massacre offers a glimpse into Guinea's trajectory absent international intervention. It showed the junta as willing to direct its security services against unarmed civilians, killing dozens and beating, raping and abusing hundreds more. It also triggered the complete suspension of talks between the ruling CNDD and the *Forces Vives*, leaving the parties with no forum or willingness to talk directly with each other. While the UN, AU and ECOWAS had been engaged with the parties ahead of the massacre, the event triggered a much more concerted and direct engagement by the international community, including the deployment of the Commission of Inquiry, imposition of sanctions, a far higher pace of high-level visits, and increased scrutiny by international and regional actors.

Without this intervention, it appears extremely likely that the 28 September massacre would have led to much more widespread violence, in particular by the junta-affiliated security services against opposition groups. Reports from the time indicate that the junta leadership was actively recruiting militia members from neighbouring Liberia and Sierra Leone, while within Guinea there were credible indications that ethnic groups had begun mobilizing outside of Conakry. While it is possible that the junta could have quelled these groups and held on to power, the deep socio-economic dissatisfaction, increasingly coherent coalition of opposition groups, and total lack of trust in the institutions of state almost certainly would have precipitated further violence, and on a larger scale.

The international intervention was very much a joint effort, co-led by the AU, UN and ECOWAS. In this, President Compaoré played an especially important role, hosting the most important meetings in Ouagadougou, and providing support at key moments (e.g the aircraft that flew Camara out of Guinea following the assassination attempt). The US and France, beyond their role on the Security Council, placed important pressure on the parties by pushing for the commission of inquiry into the 28 September massacre.[37] Less visible, countries like China and Russia with large investments in the bauxite extraction businesses in Guinea, may have exerted pressure on the junta to take a constructive approach through the crisis.

Taken together, this effort appears to have delivered important results, offering the junta a path away from further violence while reassuring both sides that the mediation process would address their core needs. Without this, it is highly likely that the violence would have spread and intensified following the 28 September massacre. In the elections period too, without the concerted international support, monitoring, and ultimate validation of the process, the likelihood of more widespread violence would have been far greater. The next section describes in more detail the UN's specific roles in helping to deliver this outcome.

4. The UN's Roles—*To what extent can the outcome be attributed to the UN's engagement?*

When the UN works in close collaboration with other actors—such as the case with the joint UN/AU/ECOWAS group working on Guinea—it can be difficult to disaggregate the UN's specific impact on conflict prevention.[38] This is still more the case where the UN's role is largely one of support and coordination, rather than delivery of a distinct outcome. Nonetheless, looking more closely at the different roles played by the UN, and in particular the ways in which SRSG Djinnit was able to impact the political process, there is a strong case to conclude that the UN contributed meaningfully and positively to the outcome.

From Early Warning to In-Country Presence

SRSG Djinnit and the UN more generally were engaged on Guinea well before the 28 September massacre. In fact, a joint UN-ECOWAS mission to Guinea in July 2008, prior to the military coup, found that "there are many signs to justify concern that the country is drifting closer to civil war than it was in January 2007."[39] This early engagement with the crisis was made more efficient by the presence and support of the UN's regional office UNOWA. In fact, UNOWA's longstanding presence in the region—since 2002—meant the UN already had a track record of preventive diplomacy in other relevant settings, including alongside ECOWAS. While difficult to prove, there was a sense among some experts that this was helpful in allowing the UN to be an early, credible voice of alarm, and also to establish relationships with the key parties. The active work of the UN Resident Coordinator's Office in Conakry too helped build strong relationships with key actors on the ground.[40] And Djinnit's frequent visits to Guinea, which increased after the September massacre, meant that he was well-positioned to help broker talks when the opportunity arose.[41]

Beyond the early warning role, the UN decided in June 2010 to base a senior mediation advisor from UNOWA permanently in Conakry. This was followed by President Compaoré's decision to appoint a special representative based in Guinea, both of whom were funded by the UN Peacebuilding Fund. Having a constant presence in Conakry meant that the mediation kept its finger on the pulse of the parties and the situation, and was able to act quickly to events on the ground at a very volatile time. It also helped maintain the mediation's legitimacy: rather than seen as an outside entity "parachuting" in, the in-country presence of mediation-related personnel at a senior level appeared to reassure the parties.

Keeping the Junta Engaged

The AU's reaction to Camara's announcement on the presidency was punitive, moving the situation quickly towards sanctions and isolating approaches. Following the 28 September massacre, the AU and ECOWAS took even more direct steps to punish and isolate the junta, while the EU imposed embargoes on the country and the US put in place travel bans on key junta leaders.[42] Amidst widespread calls for the junta leadership to face justice for the massacre, and a newly opened ICC investigation into the matter, Camara and his group were increasingly isolated.

In this context, there was a role for the UN in playing a more moderate, bridging role with the junta in particular. For example, in the wake of strident condemnations by the AU and ECOWAS of Camara's intention to stand in the election, the UN Secretary-General issued a far more moderate statement, merely calling for a "peaceful and democratic transfer of power."[43] Nor did the UN impose sanctions on Guinea during the crisis (though this may have had more to do with internal Security Council dynamics than a concerted effort to take a moderate line on the junta). While the UN did lead the commission of inquiry into the massacre, it did so with the consent of Camara himself.

The effect was that the UN appeared to keep the junta leadership from becoming too isolated. As the above analysis demonstrated, the AU's sanctions did not seem to influence the CNDD meaningfully, other than perhaps to make it even more stubborn in its positions. In contrast, SRSG Djinnit's concerted efforts to keep lines of communication open and maintain direct contact—more than 45 visits to Guinea during the crisis period—helped keep the junta engaged in the talks.

Broadening the Buy-In

During the negotiations, the UN (both the mediation and the Country Team) took active steps to include actors from Guinean society outside the elite political and military leadership. This included regular meetings with women's organizations, direct support to civil society platforms and local dialogues, and mobilization of funding for peacebuilding initiatives at local level in many parts of the country.[44] Support by the UN Resident Coordinator's office for women's participation in elections monitoring is another example of broadening participation.[45]

Importantly, the mediation included security sector reform as a confidence-building measure in the negotiations in Ouagadougou. This had two positive impacts: it reassured the armed forces that they would receive continued support through and after the transition, and it also reassured the *Forces Vives* that the transition would be focused on improving the conduct of the security services. This latter point was especially relevant for the broader population, many of whom had suffered at the hands of the army in the 28 September massacre.

Building and Maintaining Unity

Because SRSG Djinnit was already heading UNOWA before

the 2009 crisis broke out, the UN was positioned early to build and coordinate the mediation effort. Under SRSG Djinnit's leadership, the early mediation efforts were brought together, including the development of joint messaging across the UN, AU and ECOWAS. Following the appointment of President Compaoré to lead the ECOWAS effort, SRSG Djinnit moved into a more supportive and advisory role, proposing mediation strategies to the group and providing reports from their team in Conakry. Part of keeping the mediation well-coordinated and coherent was logistical too: UN flights between Ouagadougou and Conakry were crucial in allowing the mediation frequent contact with the parties and in connecting the mediation teams at key moments.[46]

Delivering Justice

It was the UN that despatched an ASG-level official to Guinea to scope out a possible International Commission of Inquiry following the 28 September massacre, and the UN Security Council that eventually authorized the Commission. The launching of the Commission appeared to increase pressure on the CNDD and accentuate the cracks already visible in the ruling junta. It met one of *Forces Vives*' key demands regarding accountability for the massacre, and also laid the groundwork for further post-conflict justice measures to address the impunity problem in Guinea. As such, the UN's approach to justice sent an important message that events like the massacre would not be allowed to go unnoticed by the international community; this may have constrained further violence.

There are potential longer-term impacts of the transitional justice measures (described below), but it is worth pointing out here that the Commission's work contributed to the ICC's eventual indictment of Camara for his role in the September 2009 massacre, sending a strong message about accountability to the Guinean population.[47]

Technical Support to the Elections

The UN provided significant technical and logistical support to the national elections process, deploying additional staff and experts through the electoral period. This was in addition to significant logistical and financial support to the mediation process itself, and also more than USD 12 million to support the broader implementation of the Ouagadougou Accord. This financial and technical support was instrumental in the eventual conduct of the elections. As SRSG Djinnit wrote during the run-off elections, "the sense prevails that the technical requirements are generally met and that there is room for no more excuses or further delay."[48] And delay was a major risk factor for the overall process, as the US representative said at the time, "if the presidential election does not take place on 27 June 2010, it will never occur." Especially facing reluctant—and even at times obstructionist—political officials, the technical support eliminated a key risk of delay in the elections.

Moral Pressure/Acceptance

There were key moments when President Konaté appeared ready to resign the interim presidency, an event which would have put the entire transition process in jeopardy and thrown the situation into a much riskier phase. In these moments, SRSG Djinnit appeared able to appeal to Konaté's desire to be seen as a saviour to Guinea, and to offer public praise as an inducement to positive actions. For example, in October 2010, when Konaté threatened to resign in the face of allegations of electoral fraud, SRSG Djinnit conveyed the Secretary-General's "strong support of Konate as a hero of the transition and plea to him not to abandon his country during the final stretch of the process."[49]

More generally, there was a role for the UN in publicizing both the positive and negative actions taken by the parties. The Commission of Inquiry's findings on culpability for the 28 September massacre was one such moment.[50] Equally, the Security Council's welcome of the 15 January Ouagadougou Agreement sent a strong positive signal to the parties that they would be rewarded for their constructive positions, bolstered by the almost immediate restoration of bilateral aid by the US and France.[51]

The UN Contribution to Preventing Violence

Each of the above roles and contributions of the UN, by itself, likely did not play a determinative role in preventing escalation into more widespread violence during the crisis period. However, taken together, they indicate that the UN was able to help provide the conflict actors with the space to resolve the core issues driving the risks at the time, leverage (through moral authority and via coordinated international approaches) to push the parties towards more constructive negotiating positions, and concrete assurances that the key interests and demands of the parties would be met. In this, the UN's provision of financial, logistical and advisory support played a clearly positive role in delivering the outcome.

5. Success Factors—What enabled and/or inhibited the UN's capacity to contribute to preventing violence?

While the above section argues that the UN did play an important preventive role, this section asks what enabled and/or inhibited that role, and what steps the UN took to increase its impact on the situation.

Access and Relationships

The UN's pre-existing presence in the region, SRSG Djinnit's frequent travel to Conakry and Ouagadougou, and the decision to establish a permanent mediation presence in Guinea all combined to give the UN very strong access and relationships with the parties. This was especially important as the AU and ECOWAS took steps to isolate the junta, meaning

the UN could play a crucial bridging role.

The personal characteristics of SRSG Djinnit were a clear positive element in this regard. Beyond his status as an accomplished diplomat in the region, his previous role as Peace and Security Commissioner for the AU and his central role in development the AU's Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government meant that he was easily able to work alongside AU and ECOWAS envoys and provide meaningful advice to all involved.

Willingness of the Parties to Accept a UN Role

While the CNDD was sometimes reluctant for the mediation to intervene, overall both sides showed a clear willingness for the UN presence and activities in Guinea. Perhaps the strongest evidence of this was Camara's consent for the UN-led Commission of Inquiry into the September massacre—while in part motivated by his own concerns about the ICC, it also showed a relatively strong readiness to accept international involvement in the crisis. Other steps too, such as the readiness of both *Forces Vives* and CNDD to travel to Ouagadougou for talks, the acceptance of the UN mediation's permanent presence in Conakry, and the acceptance of the joint UN/AU/ECOWAS proposal in January 2010, all evidence a willingness for the UN to play a role. It is worth highlighting that this too may well have related to SRSG Djinnit's personal standing in the region, as well as that of UNOWA, which by that point had becomes part of the sub-regional peace and security architecture.

Unity Regionally and Internationally

The creation of the International Contact Group for Guinea was an important step that consolidated and maintained international/regional unity through the crisis. This unity was not always a given—in fact, behind the scenes in the AU there were widely disparate positions on how to deal with Guinea.[52] But in terms of the approach to the mediation, the public messaging that came out of the Security Council, the African Union and ECOWAS was well-coordinated and unified. Even on the fairly contentious issues of transitional justice and the ICC, there was general unanimity in the need for an international inquiry and accountability. Overall, the message of the international and regional entities was clear and forceful: there will be public rewards for constructive behavior—e.g. removal of sanctions, restoration of bilateral aid, support to security sector reform—and penalties for obstructive or dangerous actions.

Diplomacy Plus Dollars

The UN's ability to provide significant funding and other support to the mediation process should not be underestimated. UN flights transported the parties and the mediation in and out of Conakry, UN funds supported the establishment of permanent mediation presences in Conakry, UN logistical and technical support contributed directly to timely, credible elections. In fact, UN support was more crucial than in many other situations, because the post-coup severance of relationship by major bilateral donors meant that often the UN was the only available source of funds.

In this context, the support of the Resident Coordinator system and the Peacebuilding Fund (PBF) were significant. The RC raised USD 12.8 million between 2007-10, roughly USD 15 million in 2011, and the Peacebuilding Commission generate more than USD 48 million for SSR, national reconciliation and jobs for youth and women in the wake of the Ouagadougou agreement of January 2010.[53] These funds significantly boosted implementation of the political agreement between the parties, and also showed a good faith effort by the international community to reward the parties for their agreement.

Pure Chance

While the above analysis has made a case for a wide range of factors that helped the UN play a role in preventing widespread violence in the 2009-10 crisis period, chance was perhaps the most important of all. The assassination attempt against Camara that triggered his flight from the country opened the door to a mediation process that had otherwise hit a dead end. At the time of the assassination attempt, the parties' positions were apparently unbridgeable, and there is a real possibility that the situation would have devolved into violence.

However, the fact that the UN was present, had established relationships, had a strong standing in country, and had built the necessary frameworks for diplomacy (the Contact Group) meant that when the unpredictable moment arose, the UN was ready to act.

6. Sustainability—*How was the prevention effort linked to addressing longer-term structural causes of violence?*

Less than a year after the election of Alpha Condé to the presidency of Guinea, international warnings of the risks of renewed violence sounded remarkably similar to those leading up to the 2009 crisis. In the wake of another attempted military coup on the presidency in July 2011, International Crisis Group warned that rising tensions ahead of legislative elections could spark inter-ethnic violence. Early in his tenure, President Condé had taken several worrying decisions, appointing former junta leaders to key positions, releasing members of Camara's inner circle widely considered to have blood on their hands, and taking very few concrete actions to implement the ambitious security sector reform process for the more than 45,000 member army.[54] Perhaps most worrying, Crisis Group argued that the 2010 elections process "gave new impetus to the idea that Guinea's history

is a struggle between its four major ethno-regional blocs." [55]

Economically, while some positive steps were taken to increase regulatory controls, curb corruption, and address the ballooning costs of basic goods in the wake of the inflation during the crisis, in 2011 experts warned of a "looming economic disaster."[56] Subsequent economic shocks—driven by the Ebola crisis and the drop in costs of commodities—meant that Guinea suffered further downturns in living standards and development through 2014 and 2015.[57] The 2016 decision of the multinational corporation Rio Tinto to abandon its $20 billion extraction project in Guinea put 50,000 jobs at risk and sent a strong signal that Guinea's political instability was impacting its economic future. Given that economic conditions were a major trigger of the 2009 crisis, these developments are worrying.

Politically, the hoped-for transition towards open, pluralistic, peaceful elections has been far from ideal. More than two years after President Condé took power, hotly contested legislative elections led to violent street protests and results still disputed by a large number of opposition parties. The 2015 presidential elections too, in which Condé narrowly won a second term, were marred by further violence, with EU observers citing "massive deficiencies" in the process.[58] Even as of the writing of this study, local elections in February 2018 triggered serious violence in Conakry and beyond, resulting in multiple deaths and a widespread strike by opposition groups and their allies.[59]

It would be unrealistic to burden the 2009-10 preventive diplomatic engagement with all of these negative trends in Guinea today. In fact, the above analysis indicates that the UN took meaningful steps to ensure that the elite bargain of January 2010 was more than just a band-aid: the inclusion of SSR, and the funding of programs to improve the inclusion of women and youth in the implementation of the agreement, both evidence an attempt to link the short-term agreement with longer-term sustainability.

One of the potential issues to consider is the extent to which the Ouagadougou agreement may have missed the ethnic and the socio-economic dimensions of the conflict in Guinea. In fact, the arrangements of the 2010 elections could have had the unintended consequence of hardening inter-ethnic fault lines, potentially pushing voters more solidly into their own ethnic blocs.[60] Similarly, while it was laudable to have included SSR in the Ouagadougou agreement, reform of the security services was clearly insufficient to address the widespread problems of corruption, inequality and rising costs of living in Guinea. Again, while it is unrealistic to demand that the mediation should have comprehensively addressed these issues, the question of how better to tie the political activity with these underlying drivers of conflict is something to consider in future interventions.

7. Conclusions/Recommendations

As with many cases of preventive diplomacy, it is difficult to claim that the intervention in Guinea was a success, especially as Conakry continues to suffer from the same kind of politically- and ethnically-driven violence that drove the country into crisis in 2009. However, as the above analysis has demonstrated, some of the UN's approaches and activities did work well in heading off the imminent risk of widespread violence at the time and should be considered for future interventions.

1) ***UNOWA(S) Works:*** In terms of its early warning, access and continuous support to the mediation, UNOWA played a crucial role in ensuring an effective UN intervention. Of note was the deployment of a UNOWA-affiliated senior mediation adviser to Conakry on a permanent basis. UNOWA has since been renamed UNOWAS, in recognition of its broader role on the Sahel. Continuing to consider how the preventive capacities of UNOWAS could be strengthened, including via dedicated mediation capacities, is worth considering in the future. And comparing the UNOWAS experience to those regional centres that have not enjoyed as many successes might also be useful.

2) ***Transitional Justice Can Work:*** In some of the other cases considered elsewhere, there was an apparent tension between the need to uphold human rights standards while also maintaining good relations and access to the parties.[61] The Guinea case is a clear example where the targeted use of justice tools—the International Commission of Inquiry, the ICC and bilateral sanctions linked to human rights violations—did not appear to negatively impact the UN's access or standing with the parties. In contrast, there is a compelling argument that bold justice approaches helped, gave leverage to the mediation, and assured the opposition parties that their concerns would be addressed. [62]

3) ***Strategic Coordination Builds Leverage:*** The early, strong, and effective coordination of UN, AU and ECOWAS throughout the mediation stands out as a key factor in the success of the process. In this context, the formation of the International Contact Group for Guinea was also important, allowing the mediation to feed a broader influential group, and sending a strong message that the international community remained engaged on the issue. The above analysis also shows the utility of coordination between the mediation and the efforts of the UNCT on the ground, the latter of which raised significant funds to support the Ouagadougou Agreement.

4) ***The Economy Isn't a Side Issue:*** Popular discontent leading to the 2009 crisis was driven by an economic downturn that meant Guineans were unable to afford fuel and rice, a situation they (rightly) blamed on corruption and poor governance. While the transitional arrangements put in place by the January 2010 Ouagadougou Agreement were crucial

in setting the course for political change, in the years that have followed the economy has continued to suffer. Some of that results from external shocks—the Ebola crisis and the international commodities market—but it also raises the question how to tie political agreements more concretely to economic governance reforms. Having a strong sense of the socio-economic drivers of conflict, and trying to build stronger connections between the short-term political processes and longer-term structural support (especially by the World Bank), is an area for further reflection by the Organization.

5) ***SSR Needs Sustained Efforts:*** It was a significant breakthrough that the mediation included security sector reform in the 2010 Ouagadougou Agreement, one that gave some reassurances to both sides. But as became evident in the period following the crisis, broad commitment to SSR does not necessarily translate into improvements on the ground. Thinking through how to link a political level agreement on reform to more concrete plans and capacities, may be an important area of further thought for the UN.

6) ***Luck Matters:*** The assassination attempt against Camara was a dangerous moment, but an extraordinary stroke of luck for Guinea's trajectory in 2009. An event like that cannot be planned for. But the UN's regional presence and its strong, capable leadership at the time meant it was able to respond when the opportunity arose. The UN should consider how early planning for preventive diplomacy could complement these approaches, making the Organization even more responsive in future crises.

7) ***National Agency:*** There were a range of moments when national actors took brave decisions for the best interest of their country. Days after suffering at the hands of the security services, the willingness of the ***Forces Vives*** to meet face to face with the junta was admirable. National media actors who proactively broadcast the leaders' messages of peace ahead of the elections went against the approach of many media agencies worldwide to drum up fears and divisions. And women's groups that mobilized for peace often did so across longstanding ethnic and social divides. This case study is focused on the role of the international community, but ultimately it was the bravery and difficult decisions of the Guineans themselves that got them through the crisis.

Endnotes

Cover Image: Said Djinnit, Special Representative for West Africa briefs on Elections in Guinea and Niger. UN Photo/ Devra Berkowitz

* Sascha Pichler Fong is the UN Peace and Development Advisor in Eritrea, and previously served as the Team Leader of the Policy Planning Unit in the UN Department of Political Affairs; Adam Day is the Senior Policy Adviser at the Centre for Policy Research at UN University. The research included a literature review, use of internal DPA documents, interviews conducted with key experts, and direct feedback from DPA. The views expressed in this study are those of the authors and do not necessarily reflect the views of the United Nations.

1 A previous joint UN-ECOWAS mission to Guinea in July 2008 had found that "there are many signs to justify concern that the country is drifting closer to civil war than it was in January 2007."

2 http://hdr.undp.org/sites/default/files/reports/268/hdr_20072008_en_complete.pdf.

3 Kikolar, Naomi, "Guinea: An Overlooked Case of the Responsibility to Prevent in Practice," in Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention, Edited by Serena K. Sharma and Jennifer M. Welsh, Oxford University Press, 2015. For a broader description of the colonial impact upon Guinea's socio-economic sphere, see also Arandel, Derick, et al, "Reducing fragility through strengthening local governance in Guinea," Third World Quarterly, June 2015, page 989 et seq.

4 For a more thorough discussion of ethnic identify in Guinea, see Bah, Mamadou Diouma, "Stability in Deeply Divided Societies: Escaping Ethnic-based Armed Conflict in Guinea, African Identities, February 2016, page 299.

5 The decision to appoint a civilian Prime Minister, Mr. Kabiné Komara, on 30 December was similarly seen as evidence of Camara's commitment to civilian rule.

6 Call, Charles, "UN Mediation and the Politics of Transition after Constitutional Crises," IPI, 2009. See also, International Crisis Group, 'Guinea: The Transition Has Only Just Begun', Africa Briefing, No. 58, 5 March 2009.

7 Institute for Security Studies, 'Country Analysis: Republic of Guinea', Peace and Security Council Report, No. 13 (Addis Ababa: Institute for Security Studies, 2010), p. 17; see also, Kikolar, Naomi, "Guinea: An Overlooked Case of the Responsibility to Prevent in Practice," in Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention, Edited by Serena K. Sharma and Jennifer M. Welsh, Oxford University Press, 2015. See also, Security Council Report, 'Update Report No. 3: Peace Consolidation in West Africa Guinea', 11 January 2010. Available at: <http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-5717287.php?print=true>;

8 https://news.un.org/en/story/2012/01/400052-guinea-bissau-ban-calls-proper-transfer-power-after-leaders-death.

9 Full membership of the Contact Group was the UN, the European Union (EU), the African Members of the UN Security Council, la Francophonie, and the Mano River Union. See, UNSC, 'Letter Dated 11 March 2009 from the Permanent Representative of Burkina Faso', S/2009/104, 12 March 2009. Available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Coup%20S%202009%20140.pdf>. See also United Nations Department of Political Affairs, 'Guinea'. Available at: <http://www.un.org/wcm/content/site/undpa/main/activities_by_region/africa/guinea>.

10 The New York Times, 'Coup Leaders in Guinea Agree to Hold Election in 2009', 5 January 2009. Available at: <http://www.nytimes.com/2009/01/05/world/africa/05iht-06guinea.19098198.html>.

11 Internal DPA report on Guinea intervention (on file).

12 Kikolar, Naomi, "Guinea: An Overlooked Case of the Responsibility to Prevent in Practice," in Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention, Edited by Serena K. Sharma and Jennifer M. Welsh, Oxford University Press, 2015.

13 Crisis Group, "Guinea: Military Rule Must End," Africa Briefing N°66, 16 October 2009, available at https://www.crisisgroup.org/africa/west-africa/guinea/guinea-military-rule-must-end. See also, Kikolar, Naomi, "Guinea: An Overlooked Case of the Responsibility to Prevent in Practice," in Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention, Edited by Serena K. Sharma and Jennifer M. Welsh, Oxford University Press, 2015.

14 Human Rights Watch, 'Guinea: September 28 Massacre Was Premeditated', 27 October 2009. Available at: <http://www.hrw.org/news/2009/10/27/guinea-september-28-massacre-was-premeditated>; Human Rights Watch, Guinea: Stadium Massacre, Rape Likely Crimes Against Humanity, 2009 https://www.hrw.org/news/2009/12/17/guinea-stadium-massacre-rape-likely-crimes-against-humanity; see also, Report of the Secretary-General on the United Nations Office for West Africa, S/2009/682.

15 Including former UN SRSG Francois Fall, who was arrested.

16 The sanctions regime included visa bans, travel restrictions and the freezing of assets.

17 https://www.reuters.com/article/idUSLT440627.

18 Despite a concern voiced by Russia regarding a perceived lack of clarity on the process for setting up the Commission, and a statement from Colonel Qaddafi, then Chair of the AU, opposing the UN's initiative, the ICI was welcomed by the AU Peace and Security Council, ECOWAS Heads of State, and the UN Security Council, as well as Guineans themselves.

The Secretary-General then established the commission of inquiry into the events, led by the Office of the High Commissioner for Human Rights (OHCHR) with the support of the Department of Political Affairs and the Office of Legal Affairs.

19 According to some experts within DPA, it was the threat of possible action by the International Criminal Court (ICC) further down the road coupled, possibly with a lack of understanding of international accountability mechanisms, which spurred Dadis Camara into accepting the Commission.

20 SRSG Djinnit, Dr. Chambas of ECOWAS and Mr. Fall of the AU.

21 In fact, Camara thought he had been flying to Conakry when Compaoré apparently arranged for the flight to be diverted to Ouagadougou.

22 http://www.un.org/press/en/2010/sc9863.doc.htm.

23 President Sirleaf's intervention was not publicized, but according to internal DPA documents played a role in convincing Camara not to travel to Guinea.

24 Call, Charles, "UN Mediation and the Politics of Transition after Constitutional Crises," IPI, 2009.

25 Secretary-General's Report on the UN Office in West Africa, S/2009/682.

26 Kikolar, Naomi, "Guinea: An Overlooked Case of the Responsibility to Prevent in Practice," in Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention, Edited by Serena K. Sharma and Jennifer M. Welsh, Oxford University Press, 2015.

27 The results were former Prime Minister Cellou Dalein Diallo of Union des Forces Democratiques de Guineee (UFDG) in first place with 44 % of the vote, followed by veteran opposition leader Alpha Condé of the Rassemblement du Peuple Guineen (RPG) with 18 %, and Sidya Toure of Union des Forces Republicaines (UFR) with 13 %.

28 At Djinnit's initiative, the Contact Group received the two presidential candidates on Friday, 5 November, who agreed to publicly commit to a peaceful election and call on their supporters to refrain from violence.

29 https://www.theguardian.com/world/2010/nov/16/guinea-violence-election-alpha-conde.

30 Internal DPA document.

31 Ibid.

32 According to some experts within DPA, it was the threat of possible action by the International Criminal Court (ICC) further down the road coupled, possibly with a lack of understanding of international accountability mechanisms, which spurred Dadis Camara into accepting the Commission.

33 Crisis Group, "Guinea: Military Rule Must End," Africa Briefing N°66, 16 October 2009, available at https://www.crisisgroup.org/africa/west-africa/guinea/guinea-military-rule-must-end.

34 Internal DPA document.

35 Crisis Group, "Guinea: Military Rule Must End," Africa Briefing N°66, 16 October 2009, available at https://www.crisisgroup.org/africa/west-africa/guinea/guinea-military-rule-must-end.

36 For example, the US and France restored bilateral assistance immediately after the Ouagadougou agreement, and the EU dropped some of the harsher sanctions on Guinea.

37 Fabienne Hara, "Preventive Diplomacy in Africa: Adapting to New Realities," International Crisis Group, available at https://www.crisisgroup.org/africa/preventive-diplomacy-africa-adapting-new-realities.

38 See the Centre for Policy Research's Assessment Framework, discussing the difficulties of attribution in complex mediation settings.

39 Internal DPA document.

40 See Centre for Policy Research case study on Resident Coordinator-led prevention in Guinea.

41 As Fabienne Hara notes in her International Crisis Group article 'Preventive Diplomacy in Africa: Adapting to New Realities,' UNOWA played an important role in supporting the preventive mediation efforts. Available at https://www.crisisgroup.org/africa/preventive-diplomacy-africa-adapting-new-realities.

42 https://www.reuters.com/article/idUSLT440627

43 http://www.un.org/press/en/2010/sc9863.doc.htm.

44 Call, Charles, "UN Mediation and the Politics of Transition after Constitutional Crises," IPI, 2009.

45 See Centre for Policy Research forthcoming case study on Resident Coordinator-led prevention in Guinea (on file).

46 See, Preventive Diplomacy: Delivering Results, SG Report, available at http://www.un.org/undpa/sites/www.un.org.undpa/files/SG%20Report%20on%20Preventive%20Diplomacy.pdf ("When the Security Council forms a common vision for addressing a situation of concern, as it did in the case of Guinea's constitutional crisis in 2009 and 2010 and the Southern Sudan 2011 independence referendum, it has proven its effectiveness in generating political momentum and engaging with key interlocutors in pursuit of a common strategy.").

See also, Call, Charles, "UN Mediation and the Politics of Transition after Constitutional Crises," IPI, 2009. "The UN played an important role in facilitating the mediation efforts until the appointment by ECOWAS of President Compaoré, whom Mr. Djinnit then played an active and key role in supporting. Mr. Djinnit and his staff proposed mediation strategies to the other mediators, keeping them informed of developments, calling them frequently, picking them up with the UN airplane that proved crucial for his work, and ensuring the support of the diplomatic community for a united regional-subregion-

al-UN effort."

47 https://www.reuters.com/article/us-guinea-politics/guineas-ex-junta-leader-indicted-over-stadium-massacre-idUSKCN0P-J05G20150709

48 Internal DPA document.

49 Ibid.

50 https://www.un.org/ruleoflaw/blog/document/report-of-the-international-commission-of-inquiry-mandated-to-establish-the-facts-and-circumstances-of-the-events-of-28-september-2009-in-guinea/.

51 http://www.un.org/press/en/2010/sc9863.doc.htm

52 International Crisis Group, Guinea: Putting the Transition Back on Track, Africa Report N°178 – 23 September 2011.

53 Evaluation du portefeuille de projets du fonds de consolidation de la paix en Guinee, Contrat no. PD/CO183/16, Transtec, 13 Juillet 2017.

54 International Crisis Group, Guinea: Putting the Transition Back on Track, Africa Report N°178 – 23 September 2011.

55 Ibid.

56 Ibid.

57 http://www.worldbank.org/en/country/guinea/overview.

58 https://www.economist.com/news/middle-east-and-africa/21673650-things-could-turn-nasty-after-disputed-poll-fingers-crossed-guinea.

59 https://www.crisisgroup.org/crisiswatch/february-2018#guinea.

60 International Crisis Group, "Guinea: A Way Out of the Election Quagmire," available at https://www.crisisgroup.org/africa/west-africa/guinea/guinea-way-out-election-quagmire.

61 See, e.g., the Centre for Policy Research case study on the southern Sudan referendum, which discusses how the ICC warrant acted to isolate Khartoum from international engagement.

62 Camara was indicted by the ICC. https://news.un.org/en/story/2015/07/503822-un-envoy-welcomes-indictment-former-guinean-leader-over-2009-stadium-deaths.

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Firefighting on Multiple Fronts:
Preventive Diplomacy in Lebanon through the Syria Crisis (2011-17)

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Introduction

This case study on preventive diplomacy in Lebanon contributes to the "Capturing UN Prevention Success Stories" project by the Centre for Policy Research.[1] The purpose of the study is to describe the moments in Lebanon over the past six years where the risks of an outbreak of serious violence appeared highest, identify the factors that contributed to a reduction of that risk, and analyse the UN's political role in helping to de-escalate the situation. The following analysis is based on a desk review of existing literature, internal UN documents related to Lebanon and the region, and interviews with senior UN and Lebanese officials during an eight-day field visit to Lebanon.[2]

The *first section* will examine the evolving risk landscape in Lebanon between 2011 and late 2017, focusing on the factors that increased the risk to the country's stability and/or violent conflict. It will look at how the war in Syria drove regional dynamics affecting Lebanon, security developments within and along the borders, political and sectarian fault lines, and the growing impact of the refugee crisis on the socio-economic fabric of the country.

The *second section* will build on this context and identify three specific moments where the potential for conflict grew rapidly, but where key actors took decisions that de-escalated the immediate situation. It will examine the motivations of those actors who held the ability to drive the situation towards or away from violence, what factors influenced their decisions at the time, and why the immediate risk of conflict receded. How the UN played a role in influencing the actors away from conflict is the key question in each case.

The *third section* briefly considers the risk of escalation surrounding the Syrian refugee presence in Lebanon, in particular the potential for the xenophobic rhetoric to spill over into violent conflict.[3] The UN's approach to supporting Lebanon, and the ways in which the humanitarian aid was used politically to curb the risks of conflict, are considered in terms of how they played a role in supporting the preventive diplomatic efforts.

The *fourth section* touches upon a key question facing many preventive diplomatic activities, but one especially important in the Lebanese context: How did the short-term interventions interact with the longer-term risks facing the country, particularly those involving the political/military group Hizbullah?

The *concluding section* looks more broadly at the UN's political role in addressing the conflict risks in Lebanon, with a view to identifying common factors that contributed to success. Analysing the UN's strategies, objectives and tactics in the immediate crisis management phase in particular, the study will identify the key characteristics that allowed the UN to contribute to conflict prevention. Lessons from this case study will contribute to a policy paper that will draw from the five other case studies in this project.

A caveat: Unlike the majority of country case studies carried out as part of this project—which tend to examine a single incident or crisis—the Lebanon case examines a series of moments where the risk of an outbreak of violence rose and then fell. Rather than evaluate a single UN intervention, therefore, this study examines whether, and if so how, the UN worked to put out several fires over time, all flaring up in one way or another from the impact of the Syrian war. Many of these fires continue to burn, and several interlocutors in Lebanon suggested the country was again entering a period of heightened risk. While it may be therefore difficult to assess the sustainability of some of the conflict prevention engagements in this context, they nonetheless offer important lessons for the UN's approach to preventive diplomacy globally, and for the Secretary-General's organizational reform agenda.

I. The Risk Landscape of Lebanon During the Syria Crisis

Among Syria's neighbours, Lebanon has been uniquely susceptible to spill-over effects from the Syrian war that has raged for the past seven years. This is in part because of the deep historical ties between Lebanon and Syria—the former was considered part of "Greater Syria" during the Ottoman Empire—and the profound social and economic relationships between the two countries. For nearly 30 years, Syria maintained troops on Lebanese soil,[4] and until the war in Syria broke out in March 2011, Lebanon's labour market hosted roughly 300,000 Syrian nationals every year, with free movement between the two countries. At the outset of the war, Lebanon's trajectory was largely thought of as contingent on Syria's, with many international commentators suggesting that the small country would rapidly become swallowed up by the violence as it spread across Syria and beyond.[5]

Lebanon's susceptibility to the Syrian war also derives from the country's internal divisions and weak state structures. Composed of 18 official religious sects, carefully balanced across the legislative and executive branches, the Lebanese political system is acutely sensitive to even the smallest shifts in power. In fact, the Taef Accords that ended the Lebanese civil war not only enshrined strict religious balance, but rendered the entire political system extraordinarily prone to paralysis, as the most important political decisions over government formation and the presidency need to be reached by consensus. Weak by design, the Lebanese political arrangement thus operates more as a modality for ensuring accommodation amongst religious groups than an effective system for delivering basic governance and services to the people of Lebanon.

The Lebanese state was placed under staggering pressure by the Syrian war, as more than 1.5 million Syrian—overwhelmingly Sunni—refugees poured into the country from 2011 to 2015.[6] By the end of 2015, one in four people in Lebanon was a Syrian national, posing not only one of the worst humanitarian crises the region has ever seen, but also incredible strains on Lebanese institutions. The Syria crisis also triggered a massive economic downturn in Lebanon as export and tourism were

effectively halted, contributing to more than $13 billion in losses to the Lebanese GDP and soaring unemployment amongst both the Lebanese and the Syrian populations.[7] With resentment running high in many Lebanese communities, and no real end in sight to the Syrian conflict, the refugee crisis in Lebanon has prompted a rapid growth in xenophobia and fears of confessional imbalance, creating fertile conditions for escalation into violence and radicalisation that continue to this day.

Risks along Lebanon's borders rose rapidly from 2011 too, as battles in western Syria frequently resulted in cross-border shelling, incursions and even the temporary takeover of a Lebanese border town by extremist groups from Syria in 2014.[8] The rise of jihadi groups in Syria, including Jabhat Al Nusra and the Islamic State in Iraq and the Levant (ISIL), added to the risk profile for Lebanon, particularly as some groups established a presence within Lebanese territory, often in close proximity to areas controlled by the Shia political/military organization Hizbullah.[9] The Lebanese Armed Forces (LAF), already strained as it dealt with sporadic rounds of violence and spates of terrorist attacks across the country, was forced to spread itself even more thinly in the face of this threat, with risks that Hizbullah might fill the vacuum, take over key aspects of the battle against extremist groups from Syria and more deeply embed itself in the Lebanese state.

Over the course of the war in Syria, Hizbullah's military involvement in support of the Assad regime became deeper, more visible, and more of a polarizing element of the Lebanese political landscape.[10] While the Lebanese government—of which Hizbullah is a member—formally adopted a "policy of disassociation" from the Syrian conflict,[11] Hizbullah's involvement in Syria nonetheless grew over time. From fairly limited operations in towns along the Lebanon-Syria border in 2012, to a 2013 announcement by the group's leader Hassan Nasrallah that it was engaged across Syria in support of Assad, the group rapidly became one of the key players in the Syria war.[12] This played directly into the already inflamed sectarian tensions within Lebanon, and certainly contributed to a spike in terrorist attacks in Shia neighbourhoods in 2012-2014. And today, with Hizbullah firmly entrenched in Syria and no apparent desire to leave, the group has become more of a regional player than ever, making Lebanon's stability even more tied to events beyond its borders.

Hizbullah's presence in Syria also altered the risk profile of the stand-off across the Blue Line, the temporary UN-administered boundary separating Lebanon and Israel.[13] Since the 2000 withdrawal of Israeli troops from southern Lebanon, the Blue Line has remained a potential flashpoint for violence. Occasional flare ups, usually driven by local incidents along Blue Line, carry with them the potential for massive escalation, as both Hizbullah and the Israeli Defence Forces engage in dangerous exchanges. But with Hizbullah increasingly committed to military presence in Syria, and Israel actively seeking to disrupt any transfers of weaponry to Hizbullah there, the risk of miscalculation has at times reached the brink of open war.

The conflict in Syria has also driven a deepening of regional tensions, with implications for Lebanon. Over time, key regional actors—most importantly Saudi Arabia and Iran, but also Turkey, Qatar and others—became more deeply invested in their proxies within Syria, funnelling arms and other support to the groups on the ground. Fuelled by this support, the violence swelled, displacing millions of Syrians from their homes and drawing the battle lines increasingly on sectarian grounds. Lebanese internal dynamics mirrored these regional divides, as alliances between the Lebanese political leadership and their respective regional patrons led to governmental paralysis, heightened rhetoric along sectarian lines, and a growing risk that the delicate confessional balance could give way to violent conflict. Regional discord also threatened to undermine the fragile unity within the international community—and the Security Council in particular—over the need to protect Lebanon from the worst effects of the war in Syria. Protecting that unity and ensuring that the regional consensus to support Lebanon was maintained despite other divisions became an overriding priority for the UN and Lebanon.

In the context of these proliferating risks to Lebanon's stability, the Lebanese political leadership remained paralyzed for much of the war in Syria.[14] In fact, the two major political blocs have been defined by their opposing positions on Syria. The 14 March bloc (composed of the Sunni-dominated Future Movement, the Christian-led Lebanese Forces and Kataeb, and several other groups) was born of the anti-Syrian regime sentiment following the assassination of Rafiq Hariri in 2005. Similarly, the 8 March bloc is principally founded upon the alliance between the Maronite Free Patriotic Movement and Hizbullah, and their agreement to adopt a pro-Syrian regime stance. For nearly two-and-a-half years, the Syrian war kept these two blocs at a stalemate, preventing any agreement on a president. This in turn meant that the government remained largely stuck, unable to take critical decisions on security, the economy, and responses to the refugee crisis. When incidents did occur, such as terrorist attacks in Beirut during 2013-2014 or incursions across the Lebanon-Syria border in Arsal in 2014, the beleaguered government often struggled to respond quickly, leaving open the possibility that relatively localized issues could spread quickly. And as the needs of both the vulnerable Lebanese and Syrian populations of the country soared, the government's paralysis and inability to deliver became itself a potential source of conflict.

However, the Lebanese system has proven remarkably resilient to these threats, "defying gravity" despite the many predictions that the country would fall apart.[15] In fact, the paralysis of the political sphere in some sense may have helped keep major escalations at bay: with few moving pieces and all parties awaiting an outcome in Syria, the Lebanese system managed to avoid the kinds of rapid transformations that could have triggered conflict.[16] This aversion to large-scale violence derives in part from the relatively recent civil war in Lebanon and the living memories of the costs to all communities. As

one political leader stated, "it is preventive history more than anything that constrains violence here," the sense across Lebanese society that the country's history is too recent to allow for another war now.[17] Even at its most divisive, the Lebanese political system comprises leaders who wish to avoid internal strife, and are unwilling to mobilize their followers towards violence. As the following sections look more closely at specific instances where risks spiked, this deeply embedded reluctance to escalate should be kept in mind, and preventive diplomacy can often be seen as an effort to consolidate and bolster the underlying desire of the Lebanese to avoid violent conflict.

Hizbullah's role too can be seen as a form of containment of internal violence. On the one hand, Hizbullah's growing role in Syria heightened tensions within Lebanon, adding to the already simmering sectarian divisions within the country. And their alleged role in political assassinations is a longstanding dividing line within the country. On the other, Hizbullah's predominance within Lebanon has at times acted as a hedge against escalation by keeping all other groups in check (though of course it is Hizbullah's willingness to use violence that constitutes this check). "Hizbullah's clear domination of Lebanon, its open willingness to use force to maintain power, this had a restraining effect on other communities, and it kept the street clear," one politician stated.[18] After demonstrating its ability to hold the street in the 2008 crisis, and displaying enormous relative military advantage in Lebanon, Hizbullah could largely dictate the course of the crises described below. Underlying the success of many of the efforts to de-escalate volatile situations over the past six years is the fact that Hizbullah, stretched in Syria, has wished to avoid disruptions at home.

The UN's engagement in Lebanon took place in this highly uncertain context, as the Syrian conflict spilled more and more dangerously into the country. With the UN peacekeeping operation (UNIFIL) densely populating southern Lebanon,[19] a Special Political Mission (UNSCOL) based in Beirut,[20] and 25 UN agencies operating in the small country, Lebanon already had a strong UN presence in country before the Syria crisis. This increased dramatically over the initial years of the war, with UN agencies quickly ramping up their presence to respond to the growing needs of refugees and the huge impact of the crisis on Lebanon's infrastructure and economy.[21] Politically too, the UN deepened its engagement, forming the International Support Group for Lebanon in 2013, increasing its contact with regional players, and trying to build a strong international consensus to protect the country from the Syrian storm. As the following analysis shows, the risks to Lebanon are far from over. But there have been moments where the UN's political engagement has helped to tip the balance in favour of de-escalation and influenced the key actors away from the many brinks of violence.

II. Three Key Crisis Moments

While the current situation in Lebanon is relatively calm, there have been moments over the past six years when many experts predicted the country might well descend into violent conflict or state collapse.[22] These moments took place against the backdrop of a two-year period in which the Lebanese leadership could not agree a president of the country, a vacancy which kept the government dangerously paralyzed, limited the state's capacity to respond at critical moments, and played into the already deep divisions within the country. No single event stands out as the moment when the country was most at risk, given that most of the threats were in some way connected to each other; however, these cases underline some of the most important kinds of risks confronted by Lebanon, and how the UN played a political role in preventing escalation.

"The First Test for Lebanon": The Assassination of Wissam al Hassan (October 2012)

Background

Lebanon has a long history of political assassinations, the most high-profile being the 2005 killing of then Prime Minister Rafiq Hariri, which triggered a massive crisis in the country and resulted in the eventual withdrawal of Syrian troops from Lebanon.[23] On 19 October 2012, during the months when the Syria crisis was just beginning to spill over into Lebanon in earnest, Beirut was shaken by a massive explosion that killed Brigadier-General Wissam al Hassan and eight others.

General Hassan was Head of the Information Branch of the Internal Security Forces (ISF), responsible for investigating domestic and external terrorism, and he was one of the highest profile Sunni leaders associated with the anti-Assad "14 March" political bloc.[24] His branch had been directly involved in uncovering ties between Hizbullah and the assassination of Prime Minister Hariri in 2005, and was actively pursuing a case against the former Information Minister for alleged conspiracy with Damascus to carry out terrorist bombings in Lebanon.[25] The implication was thus very clear to members of his political bloc: Bashar Assad and his allies in Lebanon had killed General Hassan, just as they had killed Hariri and dozens of other political opponents in the past.[26]

The killing triggered widespread demonstrations in Beirut and elsewhere, prompting sporadic outbursts of violence and confrontations between protestors and the security services.[27] Seven people were killed in the northern city of Tripoli, while protestors tried to storm the Government's building in Beirut during the 21 October funeral for General Hassan.[28] Highly inflamed rhetoric from the 14 March leadership—which accused Damascus of openly fomenting instability in Lebanon[29]—spread into broader calls for Prime Minister Mikati's resignation because he was perceived to be sympathetic to Assad,[30] and the withdrawal of the 14 March bloc from engagement with the Government. "This government is responsible for the assassination of Hassan," former PM Fouad Siniora announced, in a call to his supporters to use the street to pressure the government.[31]

In the immediate aftermath of the killing, the Office of the

UN Special Coordinator for Lebanon (UNSCOL) warned UN Headquarters that the risk of further serious incidents remained high, while the Secretary-General called the attack part of a "deliberate attempt to destabilize Lebanon."[32] Derek Plumbly, the UN Special Coordinator for Lebanon at the time, called this the "first test" for Lebanon" in the context of the war in Syria, and considered it one of the riskiest moments for the country during his time there.[33]

De-Escalation

Nonetheless, within days, the street violence had subsided, the 14 March leadership had called an end to the protests, while President Michel Sleiman had launched consultations across the Lebanese political spectrum for a way forward.[34] And though the opposition continued to call for Prime Minister Mikati's resignation before they would dialogue with the Government, the risk of open violence quickly receded.

It is important to note that this assassination took place near the beginning of the war in Syria, when there was a sense among the anti-Assad parties in Lebanon that regional dynamics were shifting in their favour. This was particularly the case for the Sunnis of Lebanon, who saw the tide of the Syria war flowing against Assad at that time. As one expert wrote, the pressure on Assad was "emboldening Sunnis in neighbouring Lebanon to escalate their opposition to Hizbullah," with some Sunni leadership in Lebanon predicting the imminent demise of Hizbullah and its allies.[35] The street violence that followed the assassination of General Hassan can be seen in this light, as anti-Assad factions in Lebanon looked to press their advantage in the street. In fact, some analysts suggested that the assassination could have provoked a much harder push to topple the Mikati government, bringing the possibility of direct confrontation with Hizbullah and much more serious violence into play.[36] And as a whole, the incident certainly demonstrates the willingness of Assad's allies within Lebanon to take a highly destabilizing act to protect their own positions in the country.[37] As such, domestic political constraints on conflict may not have been sufficient to prevent escalation.

In fact, many analysts—including Lebanese politicians and UN officials directly involved—attribute the rapid reduction in tensions in large part to the united position of the international community in favour of the Mikati government. In a joint statement issued three days after the assassination, the P-5 ambassadors and the Office of the UN Special Coordinator for Lebanon (UNSCOL) expressed unified support for the Government, and called on all parties to preserve national unity.[38] Even according to some of the 14 March leadership, UN and P-5 support for Mikati was a "tipping point" that kept Mikati from resigning, and saved his Government.[39] UNSCOL at the time told UN Headquarters that Mikati had been "visibly buoyed by the international reaction," which contributed to little appetite on the part of the public to mobilize on the streets.[40] Others noted that international support to the Mikati government "killed any leverage to push harder against Hizbullah."[41]

It is unclear whether the fall of the Mikati government would have in itself provoked more widespread violence at the time, but many interlocutors believe it would have dramatically increased the risk of open confrontation involving Hizbullah and their opponents in the streets, as had happened when the group was pressured in 2008.[42] "We didn't know whether things would hold or not, and we didn't know how people would react," said the Special Coordinator for Lebanon (SCL), Derek Plumbly.[43] Shoring up the Government was thus seen as the quickest path to reduce the risk.

The UN's Role: Unify International Support to the State

UNSCOL's decision to bring the international community together in support of the Mikati government in the aftermath of the assassination was not an easy one. The calls for Mikati to resign were loud, and the 14 March bloc was pressing its advantage in the street. Expressing support for the Government risked being seen as partial, and meddling in the country's internal political affairs.[44] Immediately after the assassination SCL Plumbly convened a meeting of the P5 ambassadors during which all agreed that it was critical to shore up the Lebanese state, in line with the UN's mandate in country. This decision was strongly and immediately supported by the Department of Political Affairs (DPA) in New York, the Under-Secretary General of which had long experience in the Middle East in his national capacity with the US Government.[45] In UNSCOL's view "the intent was to steady the ship … it would have been a more dangerous moment if the government had fallen then."[46] The ambassadors agreed with the UN's point that addressing the immediate risks associated with government collapse, including further street violence, or even a broader destabilizing moment as happened in 2008, was the priority. Following the agreement amongst the P-5 ambassadors and the UN, UNSCOL issued a joint statement on the group's behalf which built on a prior Council condemnation of the killing,[47] but, importantly, also explicitly supported the Government. Achieving agreement amongst the P-5 was particularly tricky, given that Najib Mikati was a member of the 8 March political alliance, which was not generally supported by the P-3 members of the Security Council (given Hizbullah's presence in the bloc).

And it appeared to work: interlocutors across the political spectrum and within the international community agree that the united position of the UN and the P-5 in support of the government staved off almost certain collapse of the Mikati government. "Without the UN's action to show the P-5 support of Mikati, his government was doomed."[48] While some have pointed to this as a negative in the longer run—noting that this may have emboldened Hizbullah, and that Mikati's eventual resignation in March 2013 happened at a time when it was still harder to form a government[49]—several senior interlocutors stated that the action prevented a possible descent into more violence at that specific moment.[50] The UN, as the convenor of this group, consolidated and publicised the Security Council's consensus.

The Wissam al Hassan crisis was a precursor to the 2013 establishment of the International Support Group for Lebanon, a standing group of P-5 plus other key actors designed to maintain international unity on Lebanon and advocate for support to the country as it faced increasing risks from the Syria conflict. The October 2012 intervention may have been controversial, but showed that the UN could rally the international community, and that this could have a direct impact on the decisions of the country's leaders. Importantly, it showed the receptivity of the Lebanese system to international messaging in favour of state institutions, a theme that runs throughout this study.

"They Are Stretching the Rules of the Game": Risk of Israeli-Lebanon Confrontation Spreads Beyond the Blue Line[51]

Background

Lebanon and Israel are formally at a state of war, with no official contact, and only a UN-administered Blue Line separating the two countries. With Hizbullah allegedly maintaining a large weapons arsenal pointed at Israel, almost daily overflights by Israeli aircraft above Lebanese territory, frequent incursions and Blue Line violations, and a lack of agreement on several key Blue Line areas, the risk of escalation between the countries along the Blue Line is essentially a constant. Resolution 1701 was established in the wake of the 2006 war between Israel and Lebanon to manage these risks, address contested border issues, gradually reduce the threat posed by Hizbullah's weapons in South Lebanon, and work towards eventual normalization of relations between the countries.

Over time, both Hizbullah and the Israeli Defense Forces have evolved implicit "rules of the game" for the Blue Line area that have allowed for relative calm and the ability to walk down from potential escalatory moments. Small violations, such as the crossing of the Blue Line by unarmed Lebanese citizens, have generally been met with only complaints by the Israeli side, or occasional temporary detentions. More serious incidents, including rockets fired across the Blue Line from alleged Hizbullah locations in southern Lebanon, tend to result in retaliatory fire from the Israeli side and a period of heightened rhetoric, but even these are typically contained and dealt with through UNIFIL's "tripartite mechanism" involving military officials from Israel, Lebanon and the UN.[52]

There have been exceptions to this constraint, most notably Hizbullah's abduction of two Israeli soldiers in 2006, which rapidly escalated into a brutal war that cost more than 1,200 lives and resulted in the destruction of much of southern Lebanon.[53] But even that moment was subsequently characterized by Hizbullah Secretary-General Hassan Nasrallah as a regrettable miscalculation by Hizbullah rather than an intention to start a war.[54] In fact, ever since the 2006 war, there has been a clear, and relatively well-publicised, position by both Israel and Hizbullah: neither wishes to provoke an all-out confrontation across the Blue Line, though both sides reserved the right to retaliate when provoked themselves. The risk, therefore, has remained one of potential miscalculation by either side, and the goal of the UN has thus largely focused on preventing such miscalculation.[55] In fact, Security Council resolution 1701 was established in the wake of the war and mandated UNIFIL with the task of helping the parties avoid another return to violent conflict.

Hizbullah's growing presence in Syria, however, muddied the rules of the game, and created a heightened risk of each side misreading the other. From 2012 Hizbullah steadily increased its involvement in the fighting in Syria, building a visible ground presence on the Syrian side of the Syria-Lebanon border, openly participating in fighting near the contested Golan Heights area between Syria and Israel, and eventually deploying fighters across all of the major battle zones in Syria.[56] Behind this was a clear motivation for both Hizbullah and Iran: maintaining control of the key corridors of Syria that would allow for continued weapons transfers from Iran to Hizbullah into Lebanon.

Israel had been keenly aware of Hizbullah's growing reach within Syria, and frequently reported to the UN that arms transfers to Hizbullah within Syria constituted a "red line."[57] In June 2014, Israel warned UNSCOL and others in the international community that Hizbullah had been emboldened by their victories in Syria and more willing to take risks vis-à-vis Israel.[58] And Israeli officials were concerned that Hizbullah was "stretching the rules of the game in South Lebanon and the Golan."[59] Regardless of the truth of these claims, the Israeli perception was very real, and was driving Israel to increase its presence and take a more active posture along the Blue Line area. Particularly near disputed areas along the Line, increased Israeli presence is often seen by Lebanese actors as a provocation, driving up the risk of confrontation.

In fact, Israel too appeared willing to stretch the established rules in order to enforce its own position on weapons transfers to Hizbullah in Syria. On several occasions in late 2014 and early 2015, air strikes near Damascus—allegedly by Israeli aircraft—destroyed apparent weapons convoys headed towards Lebanon. For several months, this bombing campaign appeared to fall within a new rule of the game—"what happens in Syria stays in Syria"—as Hizbullah did not react to strikes in Syria with any action across the Blue Line.[60] But on 18 January 2015, an Israeli airstrike on a convoy near the Golan Heights killed six Hizbullah members, including the well-known Hizbullah official Jihad Moughniyeh, and a high-ranking Iranian officer.[61]

At this point "the [Hizbullah] support base was screaming for revenge and Hizbullah had to do something."[62] The established rules governing the Blue Line did not clearly apply, what happened in Syria was no longer necessarily going to stay there, and risk of miscalculation immediately rose.[63] Only days later, Hizbullah launched several anti-tank guided missiles from the Shab'a Farms area into an Israeli military convoy south of the Blue Line, killing two Israeli soldiers and injuring several others.[64] The IDF returned fire into Lebanon,

which in turn triggered the firing of several rockets from the Lebanese side into Israel.[65]

Hizbullah's attack from Shab'a Farms caught most actors by surprise—in fact, "UNIFIL's view was that Hizbullah was more likely to retaliate from Golan."[66] By reacting to an event in Syria from within Lebanon,[67] Hizbullah had placed the rules of the game into question, and potentially brought Lebanon into play. According to the UNIFIL leadership, this was "the highest risk moment where all of us thought this could lead us straight back into a war like 2006."[68]

The Threat Spikes and then Recedes

However, within days of the exchange of fire across the Blue Line, the situation had de-escalated, with both sides privately acknowledging that the risk of violent conflict had receded. For its part, Hizbullah was clear in its communications with the UN that its attack was a direct response to the killing in the Golan, and they stressed that their action from Shab'a Farms was a signal that they did not wish to open another front with Israel on the Syrian side of the border. In calls with UNSCOL, Hizbullah officials made clear that they considered the cycle of violence closed.[69] In calls with Tehran too, the UN received assurances that Iran did not wish the incident to escalate and would pass messages to their allies in Lebanon accordingly.

For its part, Israel also stressed that they did not wish escalation beyond the commonly understood tit-for-tat between the two sides. An Israeli security official told UNSCOL that it was in Israel's interest to keep Lebanon isolated from the Syria situation, and stressed that Israeli concerns about Hizbullah's presence on the Golan should be taken care of on the Golan.[70] But following the round of violence, Israel gave a clear message to UNSCOL: Lebanon and Israel had come very close to war on 28 January; if more soldiers had been killed the Israeli system very likely would have been forced to escalate.[71]

The decision by both sides not to escalate thus seems to have resulted in part from a rapid clarification of positions by both sides, a difficult task given that Israel and Lebanon are formally at a state of war and have no official contact outside of UNIFIL's tripartite meetings. In the hours that followed Hizbullah's 28 January attack, it was not clear whether Israel might escalate, and it was not immediately apparent what signal was being sent by either side. The risk thus arose from the possibility of misreading the other side. And the action to contain that risk, therefore, was one of bridging the communications gap between the two sides.

The UN's Shuttle Diplomacy Role

One advantage the UN had from the outset of this incident was the established procedures and structures for dealing with tensions across the Blue Line, from the existing good relationships with key military and political officials in Israel and Lebanon to the longstanding tripartite structure administered by UNIFIL on the ground. The strategy in this instance, as in previous moments of escalation along the Blue Line, was to contain the rhetoric, provide time for UNIFIL to do its verification and tripartite work on the ground, and ensure that all sides knew the intentions of the others. As the UNIFIL leadership noted, "the UN achieves leverage through impartial clarification of the facts and positions, which gives space for the leadership to walk back from conflict."[72]

At a political level, UNSCOL's role was first and foremost one of ensuring that all sides understood the positions of the others, and did not make false assumptions about the readiness of the other side to escalate. Immediately after Hizbullah's strike on 28 January, SCL Sigrid Kaag placed calls to the Deputy Foreign Minister of Iran in Tehran, senior officials within Hizbullah, senior military officials in the Israeli Defense Forces and the Ministry of Foreign Affairs, the Lebanese Prime Minister and key international ambassadors in Beirut. The central purpose of these calls was to limit the risk of miscalculation by directly hearing all parties' positions, and then ensuring that both Hizbullah and Israel understood that neither side wished to escalate the conflict.

One of UNSCOL's goals was to help create sufficient political space for UNIFIL to do its work on the ground and across the Blue Line. In all of the calls, the Special Coordinator stressed the need to avoid further action and public rhetoric until UNIFIL had verified the events on the ground, and her contact with UNIFIL during this period was hourly. At this time, UNIFIL convened an emergency tripartite meeting—the only venue where the Israeli and Lebanese army officials communicate directly—in which both Lebanon and Israel affirmed their desire to avoid escalation. Though of course Hizbullah was not present at these meetings, the messaging from both sides was clear, and established a common understanding of each country's official position. UNIFIL too was able to pass messages directly to both Hizbullah and the IDF, echoing the positions by all parties that none wanted war.[73] Within hours of the tripartite meeting, and following the calls by UNSCOL, the message from all sides was clear: no one wished to provoke violent conflict.

There is agreement amongst all of the key actors on both sides of the Blue Line that this model worked to help prevent violent conflict in January 2015, and has succeeded more generally to head off other escalatory moments in recent years.[74] Israeli officials subsequently thanked the Special Coordinator for having relayed messages to Hizbullah and Tehran, and were clear that UNIFIL's role via the tripartite mechanism was critical in helping to de-escalate. Similarly, Hizbullah pointed to the importance of being able to relay messages directly to Israel on their desire to avoid conflict, as did Tehran.

In fact, all sides pointed to the existence of resolution 1701 itself as a hedge against conflict. Resolution 1701 has universal buy-in on both sides of the Blue Line, though different interpretations and emphases. Hizbullah—and many

political leaders in Lebanon—agreed to the resolution in 2006 as a reaffirmation of Lebanon's right to be free of Israeli occupation and interference.[75] Other Lebanese leadership see resolution 1701 more in terms of its mandate to remove non-state arms from South Lebanon. Israel is of course focused on the mandate to keep South Lebanon free of Hizbullah's weapons, and has couched its actions across the Blue Line as responses to military threats from Hizbullah. "Resolution 1701 has something for everyone," one commentator pointed out.[76] And rightly or wrongly, in the case of the incidents of January 2015, both Hizbullah and Israel felt able to couch their own actions as compliant with 1701,[77] thus giving both sides a narrative that led away from escalation.

The role of UNIFIL was decisive in this case, and in many others over the past six years. "UNIFIL's presence along the Blue Line provides both sides a reason to de-escalate: both sides can point to the mission as the reason not to react, and the reason to wait until the facts are known."[78] UNIFIL acts as the "credible, impartial reference point that allows the facts to work against conflict escalation."[79] And crucially, UNIFIL engages with the military leadership of Lebanon and Israel, with those actors most directly concerned with the immediacy of the decision to escalate (and potentially less swayed by the domestic political pressures in their respective capitals). With more than 100 tripartite meetings held since 2006, the mission's constant interaction with the Israeli and Lebanese sides plays a "sacred role of conflict prevention along the Blue Line."[80] And as some analysts pointed out, the presence of large numbers of international troops also acts as a bulwark against violent conflict where the troops might be caught in the middle, raising the stakes of any decision to escalate.[81] While there are longer-term issues related to Blue Line risks identified in the fourth section of this report, this crisis offers evidence that the UN structure and approach with the political and military actors helped to prevent escalation.

The Arsal Flashpoint: Sealing Off Lebanon from Syria

Background

Lebanon and Syria share a 360-kilometre, largely un-demarcated border, with a long tradition of free movement between the two countries.[82] Damascus has historically lashed out at Lebanon across this border when it felt under pressure, and many of the Sunni communities of northeastern Lebanon hold a deep sense of solidarity with the Sunni opposition in Syria as they confront the Assad regime. As the fighting in Syria swelled towards the Lebanese border in 2012-2013, these border communities were increasingly at risk of being drawn into the conflict and/or targeted by the Syrian army.[83] At the same time, an increase in terrorist attacks within Lebanon fuelled fears in many Lebanese communities that extremist elements were infiltrating the country, including within the refugee population that had quickly surged to more than one million people.[84] The Lebanese Armed Forces (LAF), already stretched in many other parts of the country, struggled to secure the key border areas, and when it did respond risked being drawn in on sectarian grounds.

The border town of Arsal has been emblematic of the risks along the Lebanon-Syria border, a flashpoint for serious violence over the past six years, and continues to be a dangerous area today. A Sunni-dominated town within a Shiite governorate in the Bekaa valley, Arsal has historically lived at the mercy of heavy-handed approaches by the Syrian security services, and remains closely linked to the Sunni communities just across the border in Syria. Arsal also bore more refugees per capita than any other town in Lebanon during the height of the refugee flows, quadrupling its population in the first three years of the war. From the outset of the Syrian war, Arsal thus formed a natural focal point for border conflict, a potential rear-base for Syrian opposition groups, and a clear target for those wishing to blame the Sunni community for aiding extremism in Lebanon.[85]

In June 2013, Arsal was drawn further into the Syrian storm, as military victories by Hizbullah and the Syrian army in the Qusayr area of Syria pushed elements of the armed opposition into the border region with Lebanon. Arsal and its mountainous environs quickly became an important safe haven for Syrian armed groups retreating from battles across the border, bringing militants directly alongside densely populated refugee camps. Hizbullah's open participation in the fighting in Syria also drove animosity towards the Shiite communities of Lebanon to new highs, and terrorist attacks in Shiite neighbourhoods spiked at this time.[86] Many commentators pointed towards Arsal as a key flow-through point for those wishing to bring explosive devices into Lebanon, and as the Syrian army and Hizbullah gradually took control of the Qalamoun Mountains along the border, the pressures on Arsal mounted.[87]

In August 2014, after a series of incidents in the town, the crisis in Arsal reached a climax as roughly 700 militants associated with Al Nusra and ISIL attacked and temporarily held the town, taking hostages and repelling the LAF for several days. Widespread reports that Syrian refugees in Arsal had joined Nusra and ISIL's ranks during the attack fuelled deepened suspicions towards the refugee population across the country, and increasingly xenophobic statements by members of the Lebanese leadership.[88] Arsal and its dangerous mountainous environs had become Lebanon's "most significant security challenge."[89] Within the UN, it was clear that the threat posed by extremists to Lebanese civilians, the LAF and the sovereignty of Lebanon was very real.

The Decision to Deploy the LAF to Arsal

The decision to deploy the LAF to Arsal in the wake of the extremist takeover was not an easy one for the beleaguered Prime Minister Tamam Salam and his Government. At the time, the impasse over the presidency was complete, and the Government's ability to take major decisions required

consensus amongst factions that included Hizbullah and its allies, as well as Sunni-led parties that did not necessarily want the LAF to become embroiled in a fight on the side of Hizbullah against ISIL and Nusra.[90] The absence of a president was especially important in this case, as the president was the designated commander in chief of the army. Prime Minister Salam, without the full powers of the presidency, therefore needed to reach a common position amongst his cabinet on the deployment of up to 2,000 soldiers to Arsal.

Complicating this decision still further was Arsal itself, a Sunni town within a Shia enclave only kilometres from the Syrian border, thus a potentially dangerous place to dramatically increase the presence of armed forces that would by necessity be targeting Sunnis. With the extremists holding LAF hostages, reports that refugees from the nearby camps had joined the ranks of ISIL, and Hizbullah active in the area, a decision to deploy the LAF was a risky and complex one. "Tamam Salam was in a particularly weak position to make decisions that would run the army up against Sunni groups—he was a Sunni himself, and overseeing a Government that had very divided views on how to approach Syria. He often felt he didn't have enough leverage on his own to take these kinds of decisions."[91]

But following an emergency meeting of his Government, and with its full support, PM Salam announced in August 2014 that the LAF would deploy robustly into Arsal, and stay to ensure the extremist actors were forced to withdraw.[92] Speaking from outside Lebanon, the Sunni leader Saad Hariri voiced support for this decision, indicating that the LAF had to "liberate Arsal from the militants."[93] These statements were made in the face of Lebanon's Muslim Clerics Association, which had called on Sunnis to protest the army's deployment to Arsal.[94]

For its part, Hizbullah also faced a difficult decision. On one hand, Hizbullah could support the decision of the LAF to deploy, thus expressing solidarity with the state in the face of an extremist threat, but also potentially removing a key argument of the group that Hizbullah was needed to prevent the extremist threat from Syria.[95] On the other, Hizbullah could ramp up its own deployment, undermine the army, and try to push ISIL and Nusra out on its own. At that moment in August 2014, Hizbullah chose to support the LAF, expressly calling for the army's deployment to Arsal. In fact, a senior Hizbullah cleric issued a caution, "to those who would threaten to divide the army and leave it, we say: Lebanon and the Bekaa are not Mosul."[96]

This unified support for LAF from key Sunni and Shia sides was the cover needed for the Prime Minister to instruct the army to deploy heavily to Arsal and begin to drive the extremist elements out of Lebanon. [97] The operation largely succeeded, and the ISIL and Nusra elements fled from Arsal, allowing the army and security services to re-establish control in the town. The deployment did not eradicate the longer-term threat, nor did it resolve the potentially explosive issue of Hizbullah's involvement in the fighting along the border areas.[98] However, at that critical moment in August 2014, the common message of support for the LAF from the Government, Hizbullah and the Sunni leadership, headed off one of the most dangerous moments where the war in Syria could have spilled far more directly into Lebanon.

Unifying Around the Lebanese Army: The Role of UN Political Messaging

The UN played a small, but arguably important role in facilitating a common position in favour of the LAF's central role in Lebanon generally, and in Arsal in particular. This began in September 2013, when UNSCOL and UNHQ decided to dedicate a separate "LAF support" track to the International Support Group for Lebanon (ISG), with the express purpose of coalescing international positions in favour of the Lebanese state against the risks that violence in Arsal and elsewhere posed to the country.[99] Throughout 2013 and early 2014, in the lead up to the Arsal moment, the UN-led ISG supported meetings specifically to increase donor contributions to the LAF,[100] and consistently advocated for greater political support to the army as the key state institution in Lebanon.[101]

In this regard, the ISG was set up in large part to bolster the Government, allowing Prime Minister Tamam Salam to take difficult decisions, such as deploying the LAF. "The ISG messaging was about empowering Tamam Salam,"[102] said SCL Plumbly, referring to giving the Prime Minister a sense that he had enough international support to make difficult national decisions despite his fractured Government.[103] Privately with UNSCOL, and in group settings with international diplomats, Prime Minister Salam acknowledged the positive impact of the ISG on his ability to corral the various factions in his Government, and he referred to the positive role of the ISG in garnering broad support for the LAF.[104] Certainly the ISG had established a consistent and very public position that the LAF was the sole state institution authorized to address the national security issues of Lebanon, and the participation of Lebanon in the ISG gave Prime Minister Salam a positive reference point for the decision to deploy the army to Arsal.

It is difficult to measure the direct impact of the political messaging on the decision to deploy the LAF to Arsal in August 2014, and still more difficult to assess whether the strong international position on the Lebanese state affected Hizbullah's decision-making at the time. Indeed, Hizbullah's later decisions to engage more directly in the Arsal area may run against any argument that the UN directly affected the group's calculation.[105] But at a time when Prime Minister Salam faced near total paralysis in the ability of his Government to take state-level decisions, the unified position of the ISG does seem to have strengthened his hand to bring the political leadership together and take a decision to de-escalate the very dangerous situation along the border. As the SCL Plumbly describes, the ISG in this case was an example of "political theatre, where the public symbol of

unity was important against potential violence, and to allow key decisions to be made."[106]

III. Fear and Loathing in Lebanon: The UN's Role in Addressing Real and Perceived Risks from the Syrian Refugee Crisis

Background

"The Syrians are a cancer that has spread across Lebanon; they will kill us if we don't send them back."[107] Such negative perceptions about the Syrian refugees are increasingly widespread amongst the Lebanese political leadership, and there have been repeated calls from many quarters to push out the "existential threat"[108] posed by the enormous refugee population in country.[109] In fact, there is a widespread view within and outside the UN that "at any moment, the animosity towards the refugees could spill over into violent conflict."[110] Addressing this threat is not strictly the purview of preventive diplomacy, but a brief examination of how the UN built a strategy around assisting Lebanese and Syrian communities, and how that approach was used to gain political leverage, does provide an important element to the preventive diplomacy story for Lebanon.

Indeed, the sheer numbers facing Lebanon are staggering. After six years of the war in Syria, Lebanon has hosted up to 1.5 million Syrians who fled the conflict, along with more than 30,000 Palestine refugees from Syria and a pre-existing population of more than 275,000 Palestine refugees.[111] In a country of only 3.5 million nationals, the influx of Syrians to Lebanon was the equivalent of Europe receiving roughly 170 million refugees in a three-year period.[112]

The impact of the war in Syria on the Lebanese socio-economic sphere has been dramatic, as unemployment has doubled since 2011 to more than 34 per cent, while one-third of young Lebanese are unable to find work.[113] It is estimated that 170,000 Lebanese were pushed into poverty in 2013 alone, pressing the numbers of Lebanese in poverty well above one million today.[114] Massive losses in trade and tourism—driven largely by the blockage of export routes and the decision by the Gulf Cooperation Council to restrict travel to Lebanon—left key sectors of the Lebanese economy in tatters. Overall, the growth of the economy fell off heavily, with debt augmenting to 141 per cent of GDP, and losses to the economy estimated at more than $13 billion between 2012 and 2017.[115]

There has been a strong tendency among the political leadership of Lebanon to lay the blame for Lebanon's economic downturn on the Syrian refugee population, part of a broader effort to stigmatize the refugees and lay the groundwork for their return to Syria. The dominant narrative has been that the Syrian refugees are competing for Lebanese jobs, leeching off the highly subsidized basic services in country, and undermining the fragile confessional balance in Lebanon.[116] The perception that the Syrians have benefited disproportionately from international assistance heightened the sense of threat within Lebanese communities, while reports of isolated incidents involving Syrian refugees tend to drive much more expansive fears.[117] A statement by a senior military official captures this inflammatory rhetoric: "Refugee camps are hotbeds for terrorists . . . they constitute a genuine risk to Lebanon's stability."[118]

This xenophobic narrative intentionally distorts the real impact of the refugee crisis, most of which is not due to the refugee presence at all. In fact, the economic losses suffered by Lebanon are overwhelmingly driven by the breakdown of international trade and the lack of tourism from the Gulf, not the presence of the refugees.[119] The negative economic impact of the refugees themselves comes largely from the fact that the Lebanese state subsidizes electricity and some other basic services: a growth in population has added to the costs of these subsidies, and has strained already overstretched infrastructure and waste removal services. But Lebanese politicians tend to (intentionally) conflate these costs with the broader economic downturn, rather than consider them separately.[120]

Similarly, despite the political rhetoric linking Syrian refugees to insecurity, there is strong evidence that the Syrian refugee population has not significantly increased security risks or crime; instead, the overwhelming majority of the refugees have endured appalling conditions without resort to crime or violence. While there is no reliable source that indicates a meaningful increase in violent crime or attacks by Syrian nationals in Lebanon,[121] there is a clear increase in the perceptions amongst Lebanese citizens as to the threat posed by Syrians, with more than 60 per cent feeling "not safe at all" in Lebanon, and roughly 75 per cent attributing their feeling of insecurity to the Syrian refugee presence.[122] Lebanese politicians, benefiting from a xenophobic platform to garner support from an increasingly fearful population, have fed this distorted narrative.[123] "This has contributed to an incredibly tense situation with refugees in every community in Lebanon, where any small incident, could flare up…getting very quickly into physical violence between the communities."[124]

Why Hasn't the Refugee Issue Exploded?

The public rhetoric about the risks of conflict associated with the Syrian refugee presence is highly inflamed, and Lebanese and Syrian communities rub up against each other in every village in Lebanon.[125] The risks of serious violence appear to many experts overwhelmingly high. Yet, for six years there has been no serious or widespread violence. Why?

An important reason is the historical proximity and recent experience many Lebanese have with their Syrian neighbours. Indeed, during the 2006 Israel/Lebanon war, tens of thousands of Lebanese citizens fled to Syria where they were welcomed and housed.[126] This sense of reciprocal hospitality should not

be underestimated. Nor should the previously mentioned "war fatigue" of the Lebanese population: while a growing proportion of Lebanese do fear for their safety, there is also an overriding reluctance to go back to violent conflict.[127] Again, there is a built-in resistance to violent conflict within Lebanese society, despite its deep divisions.

However, there has been another important factor in limiting potential violence between the Syrian and Lebanese communities in Lebanon: the fact that *UN support has been intentionally and visibly channelled to both Lebanese and Syrian communities*, and this has helped to curb the willingness of the Lebanese leadership and the population to take the kinds of actions that might provoke violent conflict. Under the Lebanon Crisis Response Plan (LCRP), aid is not directed at Syrian refugees per se, but is rather allocated based on "vulnerability," a term which does not distinguish on the basis of nationality. Money is thus provided directly to vulnerable Lebanese citizens alongside Syrian refugees. In addition, the LCRP prioritizes support to local and national institutional capacity, diverting large sums of money into the Lebanese institutions and infrastructure most negatively affected by the refugee presence.[128] This was a strategic decision by the UN leadership in Lebanon near the outset of the Lebanese crisis, one which took into account the enormous burdens already facing the country, the history of refugees in Lebanon, and the fact that support would need to be delivered outside of a camp setting, across a wide range of communities.[129]

In fact the LCRP has operated in large part as an economic boon for Lebanon: in the past six years it has generated a 1.3 per cent GDP boost for the country, providing more than $2 billion in humanitarian aid since the start of the crisis.[130] Roughly 45 per cent of the aid delivered is in the form of cash, spent by Syrian refugees in Lebanese markets, while nearly 15 per cent is spent on rents to Lebanese landlords.[131] Even the claim that the Syrian refugees are part of a "fierce competition" for jobs is a distortion: overwhelmingly the refugee population has only participated in the agricultural and infrastructure labour markets (as up to 300,000 Syrians did in Lebanon prior to the war) and harsh government restrictions on their right to work have limited any real ability to compete for the range of jobs being sought by the Lebanese.[132] In fact, the UN's support to Lebanon as a result of the Syria crisis created and sustained more than 22,000 jobs in 2016 alone, while 10,000 new teaching positions for Lebanese nationals have been created via the UN's support to second-shifts in public schools.[133]

Leveraging the Money into Messages

While much of the above UN activities can be considered more in terms of structural prevention than preventive diplomacy, there were instances where the UN was able to leverage the LCRP's dual Lebanese/Syrian approach into political engagement aimed at reducing some of the most immediate risks of violent conflict. Looking briefly at some of these moments and their impact on the decisions of the Lebanese leadership, there is a case for considering such approaches broadly within the preventive diplomacy range of engagement.[134]

Importantly, UNSCOL took an early decision to include Lebanon in the core participants of the ISG, meaning that the Government would be invested in the international messages produced by the high-level meetings. When the UN held a ministerial conference, therefore, it was an opportunity to show united support for Lebanon and meet the Government's demands for increased donor support via the LCRP, but also a forum to pressure the leadership politically to take a less dangerous line on refugees. For example, in the lead up to a 2016 donor conference in London, the UN quietly placed implicit conditionalities on the support package to Lebanon, pushing for the Government to end discriminatory policies on the Syrians' right to employment in Lebanon. According to UNHCR, this pressure "clearly resulted in better policies by the government" and reduced some of the most dangerous pressures at the time.[135] The fact that the UN was providing a tangible benefit to the Lebanese economy and socio-economic sphere does appear to have given the UN political leverage push for these policy shifts with the Government.[136]

There has also been a concerted push to change public opinions in Lebanon about refugees, with some measurable success. UNHCR recorded a "significant downturn in inflammatory rhetoric" about Syrian refugees following a UN information campaign in 2015 that highlighted the benefits of the UN support to Lebanese communities.[137] Importantly, this campaign was combined with direct engagement with the key political leadership of Lebanon, many of whom had openly expressed xenophobic, anti-Syrian rhetoric.[138] While it is difficult to attribute a shift in rhetoric directly to the information campaign, it does suggest that politically-driven public information supported by the kind of tangible benefits provided by the LCRP can help to defuse public fears, or at least correct the distortions put out by some of the Lebanese leadership.

The UN's contribution to preventing violent conflict between Syrian and Lebanese communities in Lebanon may be difficult to measure, but the decision to channel aid to both communities did provide the UN with a key point of leverage to push Lebanon's leaders away from some of the more divisive and dangerous decisions. And the simple fact that the Lebanese communities have benefited in clear ways has surely prevented the risk of much broader violence. As the current head of UNHCR in Lebanon noted, "The support we gave to Lebanese communities, and the way the UN let them know they were benefitting, this helped keep tensions tamped down, so when an incident did happen, it didn't escalate so quickly."[139]

IV. An Umbrella for a Yellow Elephant: Managing Short- and Long-Term Risks in Lebanon

Lebanon has survived an extraordinary set of crises over the past six years, "defying gravity" according to many who follow the Middle East. The extent to which UN diplomatic engagement may have helped Lebanon stay afloat is difficult to measure, and views of interlocutors interviewed ranged from "no impact whatsoever" to "without UNSCOL Lebanon would be underwater." This case study has made an argument that at key watershed moments the UN has played a limited but important role in providing the parties with a path away from the brink, acknowledging that most of the time they were looking for a reason to avoid conflict anyway.

Faced with high risks of imminent violence, the UN has often been confronted with a dilemma: How to address the immediate danger of violence without contributing to longer-term hazards for the country? In heading off a crisis, the UN may help prevent the immediate risk, but that may be at cost to the country in terms of addressing the deeper tectonic rifts. The UN could even play a role in deepening them. As SCL Kaag points out, "there is an important role in keeping the leadership aware of the risks that are creeping up on them, holding them to account for the longer-term issues in the country."[140]

No issue is more important in this context than the role of Hizbullah in Lebanon. This case study has thus far considered Hizbullah partially in terms of its positive role, its reluctance to precipitate conflict across the Blue Line, and its double-edged role in shoring up the security threats to the country. But there is another story running in parallel, one where Hizbullah has been able to gradually entrench itself into the Lebanese system, allegedly assassinate opposition politicians with impunity, set up parallel security systems in defiance of the Lebanese state, and erode the international standing of Lebanon.[141] "Hizbullah's overwhelming military dominance and readiness to use terrorism domestically, along with the total failure of any state response against the group, keeps a dangerous lid on the situation while gradually leaving the state less and less viable."[142]

Crucially, Hizbullah reportedly has been able to bring tens of thousands of new weapons into Lebanon since 2006, including strategic ground-to-ground missiles that can allegedly fly from northern Lebanon to any location in Israel.[143] According to a wide range of Israeli officials, this constitutes an existential threat to Israel, making war between Israel and Lebanon an inevitability. Israeli officials often blame the UN for this, sometimes calling 1701 "a total failure…an eight year umbrella under which Hizbullah could build up its arsenal."[144] In this view, Hizbullah is "the yellow elephant in the room," the source of risk so overwhelmingly large, it tends to be ignored in favour of smaller, more manageable issues.[145] Heading off an incident along the Blue Line may feel like a victory, but according to many in Israel, that victory masks a looming defeat for prevention.

SCL Plumbly acknowledged this dilemma, and suggested that part of the answer lay in politically implicating Hizbullah. "The goal with Hizbullah is to engage them in a way to make them constructive players in Lebanon, acknowledge their political strength, but use it to gradually inhibit their ability to escalate conflict. By having more and more to lose, Hizbullah will gradually become tied down by their own political investment, like the silk threads of the Lilliputians."[146] On one hand, these threads may already be accumulating, as Hizbullah has become increasingly invested in the workings of Government, and has been a constructive player in some of Lebanon's political developments over recent years.[147] But with an increasingly regional role in Syria, the potential to dominate in Lebanon, and few checks on its power from the Lebanese state, it is unclear whether the silk threads will hold, and even less clear what might contain the risk of war across the Blue Line if Israel decides that the threats have grown too great.[148] Indeed, recent developments—where PM Hariri resigned and left Lebanon after alleging a plot to assassinate him—are an indication of the serious disruptive potential for Hizbullah and its allies.

It is beyond the scope of this paper to take on questions of Lebanon's longer-term stability. But as the SCL Kaag said, "part of the conflict prevention role of the UN in Lebanon is to flag the future threats, to understand how what we're doing now might contribute to the creeping risk facing this country."[149] Over the past six years, UNSCOL has done more than just flag the threats: the Mission has worked with UNIFIL to try to broker progress on Blue Line demarcation and contested areas as an attempt to build confidence between Israel and Lebanon; there has been a quiet effort too to see if the parties are ready to resolve the longstanding dispute over the maritime boundary separating Israel and Lebanon's exclusive economic zone; and both UNIFIL and UNSCOL have constantly crossed between Israel and Lebanon, looking for opportunities to build a more constructive relationship between the two countries. Domestically too, recent initiatives by UNSCOL have been calibrated at the longer-term threats to Lebanon, such as the recently approved nationally-led Preventing Violent Extremism Strategy, and the Integrated Strategic Framework. Finding a balance between the crisis management and the longer-term threats is a challenge that will continue to confront Lebanon well beyond the end of the war in Syria.

V. Conclusions: Key Factors for Successful Preventive Diplomacy in Lebanon

The above analysis makes the case for a UN political role that has managed to nudge key actors away from conflict at critical watershed moments, sometimes by making innovative use of the leverage available at the time, sometimes by helping to unify those actors who wish to de-escalate. Importantly, the approach of this case study has been to situate the UN's

actions within the context of the key stakeholders, an attempt to show the UN's influence as compared to the other drivers towards and away from conflict. The UN is far from the most important player in Lebanon, and sometimes its contribution to conflict prevention has been a quite limited one. From these experiences, some broader observations about the UN's preventive role in Lebanon can be drawn.

1. Unity as an Enabling Tool for Prevention

Even at the most dangerous moments in the past six years in Lebanon, there has been general consensus that no Lebanese party wished to push the country back into violent conflict. The most serious risks of escalation therefore have tended to arise when events moved quickly, potentially outrunning the ability of the key domestic actors to contain them.[150] This was the case in the assassination of General Hassan, where the street protests and broader feeling that the war in Syria might play to one side's advantage could have resulted in more widespread violence. Other crises too—such as in Arsal in 2014 or the Blue Line in 2015—have risked growing into violent conflict despite the interests of the Lebanese leadership, the regional powers and the international community in protecting the country. The risk profile of Lebanon is often more about miscalculation than spoilers.

Where the UN has played a most visible role in helping to prevent escalation in Lebanon, it has been in fostering a unified position, most importantly within the Security Council, but also within the Lebanese political leadership.[151] "The main value of the ISG," according to SCL Plumbly, "has been to maximize Security Council cohesion, helping to create the sense that there is a united position on keeping Lebanon out of the regional dynamics and preventing escalation."[152] This unity can have an immediate impact in a country like Lebanon—such as when it served to prevent the fall of the Mikati Government following the assassination of General Hassan—and it also serves as a reference point when key actors in Lebanon risk division along political or sectarian lines. "Maintaining a unified international position amongst the Council members helped the Lebanese leaders hold the line and take decisions at crisis points."[153]

The establishment of the ISG was essentially geared at maintaining such unity, and is an example of what experts have called "framework diplomacy."[154] The ISG served an important purpose, providing political support to a beleaguered government in Lebanon at critical moments, while also keeping donor attention focused on the country through a sustained period. It also helped to ward against the possibility that members of the Security Council might be partial or biased in their approach to Lebanon, thus building a more legitimate basis for international messaging.

At the same time, while SCL Kaag recognises the value of the ISG, she has also cautioned against overreliance on it: "The ISG was good for its purpose and directly helped international consensus, but we also need the Lebanese to take ownership of their own decisions, to realise there is no protective umbrella over this country."[155] According to this view, there is a risk that an unqualified supportive approach could give the Lebanese leadership too many reassurances, allowing them to avoid key decisions (such as agreeing a president) in the hopes that the international and regional actors will eventually come to their aid. Looking at how a structure like the ISG can balance support and also continue to encourage constructive decision-making is a lesson from the Lebanese experience. As of the finalization of this report in late 2017, the news that PM Hariri had resigned and left Lebanon—alleging a plot to assassinate him—the relevance of the ISG appears to have reasserted itself. While it is beyond the scope of this report to evaluate this ongoing UN-led effort, it is worth pointing to the moments described above where the ISG played a positive role at moments of crisis as evidence that it may well do so again now.

2. Nudge Them Down a Ladder: Elusive Leverage and the Importance of the Personal

There are widely differing views about the extent to which the UN has been able to influence the key powerbrokers within Lebanon and across the Blue Line. Several experts pointed to moments when the UN appeared able to "nudge" Hizbullah away from a more dangerous position, particularly when the group was keen to pass a message to the Israeli side.[156] Members of the Israeli government also appeared to use the UN's messaging to try to influence their own leadership away from bellicose positions, though it was less clear how much this impacted Israeli foreign policy.[157] This quiet influence appears to have borne fruit in the January 2015 incident described above, where the Special Coordinator's and UNIFIL's message-passing helped clarify Israeli and Hizbullah's positions, connect the dots between regional capitals, and allow both parties to walk back from a dangerous brink. That said, the messages were just one piece of the broader calculation by both sides about whether to escalate, and several interlocutors noted that the number of casualties was what ultimately drove decision-making in Tel Aviv.

Personal relationships matter when it comes to this kind of soft leverage. SCL Plumbly highlighted the constant engagement with all of the political actors of Lebanon, "placing them under the international microscope, making sure they felt important personally, but also knew we were all watching."[158] And both SCLs Kaag and Plumbly underscored the importance of building personal trust and confidence of key leaders, "so when the crisis happens they turn to the UN and trust what we say."[159] This personal trust and reliance is evidenced by the frequent requests by former Prime Minister Tamam Salam to discuss messaging and approaches vis-à-vis the Arsal and the refugee crises with both SCLs.[160]

At the same time, many Lebanese and UN officials cautioned against too broad a reading of the UN's political role in the

country. "The UN did not directly affect our political process," said one official from the Prime Minister's office, speaking of the multi-year negotiation to agree on the presidency. Others within and outside the UN generally agree: the scope for the UN to influence key actors to address the kinds of conflict risks above is a quite limited one, and should be described more in terms of "coaxing," "nudging," "trying to persuade," rather than the exercise of hard leverage.[161] Where the UN appears to play its most constructive role is thus to offer the actors a ladder down away from conflict, one which most of them wish to use, but which is not always available in the moment of the crisis. Rather than think in terms of hard leverage, the Lebanon case offers more examples of the UN offering small opportunities and spaces for key actors to move away from the escalatory moment.

And in terms of influence, it was far from clear from the Lebanon example that the UN was able to nudge the regional players. While there were limited instances where passing messages was deemed important—such as to and from Tehran during the January 2015—there was no consensus that the UN was able to actively participate in or help influence regional actors. The ISG may have helped provide a positive reference point for the region, but evidence of influence was difficult to determine.[162] SCL Kaag has suggested that the Lebanon experience could be used to revisit a more regional approach to preventive diplomacy, potentially by mandating an envoy to address a broader set of transnational issues around the Syria/Iraq conflicts.[163]

3. Politics, Peacekeeping and Prevention: the UNIFIL/ UNSCOL Model

There are few places in the world where a Special Political Mission and a Peacekeeping Operation are deployed together.[164] There are some persuasive arguments for consolidating the two UN presences into one, and several interlocutors spoke of a lack of coherent direction bringing the two missions together.[165] At a time when the UN is undergoing a reform effort focused on coherent approaches to conflict prevention, there may be scope to reassess how these missions work together.

However, the January 2015 crisis along the Blue Line does demonstrate how a peacekeeping operation and a political mission can operate together effectively to prevent escalation. In fact, there are some clear benefits to the current model. UNIFIL, with the densest deployment of peacekeepers in the world and decades-long presence on the ground, "has a high degree of credibility with the parties, the ability to provide an impartial version of events, and a proven record of working directly at the operational level to de-escalate."[166] This work finds a useful complement in the political and regional level engagement of UNSCOL, as messages from Tehran, Tel Aviv, Beirut and Washington can all bolster the ground-level efforts to walk the parties away from conflict. As the January 2015 incident demonstrated, there was real value in combining the high-level political messages with the groundwork to clarify and reduce tensions on the ground.

In Lebanon the UN plays a crucial bridging role amongst actors who would otherwise have no official contact. There is no formal channel connecting Hizbullah and Israel,[167] though arguably this is the most important point at which miscalculation could lead to more widespread conflict. "The UN's open channel with Hizbullah, the ability to keep the group engaged at crisis moments, this in itself has value."[168] And though the UN has far less clout with Israel than the US or other key bilateral actors, restrictions on Western countries' ability to contact Hizbullah means the UN is placed at the centre. In this context, being a credible, impartial player is more important than ever. The UNIFIL leadership spoke of maintaining credibility with the parties on both sides of the Blue Line as an overriding priority, while SCL Kaag frequently spoke of the critical need in a prevention context to be seen as telling "the real story of what is happening, what risks are present for all sides."[169] The use of UNIFIL and UNSCOL together may contribute to the impact of that narrative.[170]

4. Money Helps Diplomacy Walk the Talk

One of the most crucial decisions of the UN was to channel the enormous funds of the Lebanon Crisis Response Plan towards vulnerable communities, rather than just Syrian refugees. This created a tangible benefit to Lebanon, bolstering the overall economy and injecting cash into the Lebanese communities most likely to feel the impact of the Syria crisis. And the above case provides some evidence that political messaging plus money can play a role in de-escalating tensions and pushing Lebanese leaders to take less dangerous decisions than they would have done otherwise.[171]

However, there are limits to the ability of funds to offset the deepening resentment and fears in many Lebanese communities. SCL Plumbly in fact suggested that the money "wasn't enough or fast enough to curb the rhetoric" of the harder line Lebanese politicians.[172] And even in late 2017, very local incidents have given rise to collective expulsion of refugees from Lebanese towns, and calls by some Lebanese leaders for the forcible removal of refugees from Lebanon entirely.[173]

In fact, the sense of desperation among both the Lebanese and Syrian communities may be worsening, as the war in Syria appears to have no viable political process, and thus no realistic prospect that the refugees will be able to return home soon. "The lack of a peace process in Syria is what is driving the risks of conflict against the refugee population in Lebanon, they all need a sense that at some point the Syrians will be able to go home."[174] In this respect, massive funding to Lebanon cuts both ways: it alleviates some of the immediate pressures on the Lebanese communities, but it may also contribute to a feeling that the Syrian refugee presence may become permanent. Managing the messaging around the

relief effort is thus one of the most important challenges for the political leadership of the UN in a country like Lebanon.

5. Flexible Interpretations of Political Mandates: The Importance of Space to Innovate

"We succeeded in turning 1701 into everything related to Lebanon's stability."[175] The ability to flexibly interpret the UN's mandate in Lebanon has been a key to achieving leverage and relevance at some of the riskiest moments over the past six years. Whereas resolution 1701 was largely set up in the aftermath of the Israel/Lebanon war to manage risks across the Blue Line, the overflow of the Syria conflict meant that the UN increasingly interpreted the mandate to address a much broader set of issues related to Lebanon's stability and security, and tried to position itself to have impact on some of the deeper issues of governance and state authority underlying the risks to the country. From the establishment of the International Support Group for Lebanon, to convening ministerial meetings in support of the Lebanese Army, to more recent efforts to build a broader Integrated Strategic Framework with the Government, "it is about using the mandate to gain entry and leverage with the key actors, being active and creating positive reference points."[176] In all of the above crisis moments, the willingness of the UN leadership in country to look beyond the strict letter of the Security Council mandate and try to support its underlying intention seemed central.

To foster this flexibility, SCL Kaag has referred to positive, empowering role played by UNHQ, which she described as "being supportive and available, but giving us scope to do our work without micromanagement."[177] Both former SCLs interviewed stressed the positive impact of having a USG of DPA who was intimately familiar with the Middle East, capable of providing insight and guidance when needed, but also comfortable in allowing the political mission to innovate and act entrepreneurially with the mandate on the ground. In fact, the common element to all of the above successful moments for the UN in Lebanon has been creativity, the ability to see when a small opportunity presents itself to help push the conflict actors away from the brink.

Endnotes

Cover Image: Secretary-General Meets UNFIL, LAF and ISG Representitives. UN Photo/ Mark Garten.

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1 This project is being conducted jointly as between the Centre for Policy Research along with Dr. Laurie Nathan, Visiting Fellow at the Kroc Institute for International Peace Studies, and Joao Honwana, former Director at the UN Department of Political Affairs. The findings of this case study are those of the author alone and do not necessarily represent those of the United Nations.

2 The author of this case study was serving with the UN Special Coordinator's Office for Lebanon (UNSCOL) from March 2012 through December 2015, and has also drawn on notes from this period.

3 While not strictly a case of preventive diplomacy, the story of the Syrian refugee presence in Lebanon is perhaps the most critical in terms of Lebanon's risk profile during the past six years. Every interlocutor during the field visit to Lebanon stressed the importance of the Syrian refugee question when discussing the risk profile of the country. The extent to which the UN was able to address the immediate needs of the Syrian refugees, while also allaying widespread fears amongst the Lebanese communities, is integral to the UN's politically-led efforts to prevent conflict in Lebanon.

4 Syria entered Lebanon in 1976 as part of an Arab peacekeeping force during the Lebanese civil war, and only withdrew in April 2005. See, http://www.nytimes.com/2005/04/26/international/middleeast/syrian-troops-leave-lebanon-after-29year-occupation.html?_r=0

5 Salem, Paul, "Can Lebanon Survive the Syria Crisis?" Carnegie Papers, December 2012, available at: http://carnegie-mec.org/2012/12/11/can-lebanon-survive-syrian-crisis-pub-50298.

6 Lebanon Crisis Response Plan, 2015, available at: data.unhcr.org/syrianrefugees/download.php?id=10181. Even before the Syria crisis, Lebanon was still recovering from the 2006 war, and suffered high unemployment, poor infrastructure, and an economy largely dependent upon tourism from the Gulf countries.

7 World Bank (December 2012), Republic of Lebanon: Good Jobs Needed: The Role of Macro, Investment, Education, Labour and Social Protection Policies ("Miles"), Report no. 76008-LB.

8 S/2014/784 (5 November 2014).

9 Hizbullah is an Iranian-sponsored Shia group founded during the Lebanese civil war in the 1980s. Its original purpose was to expel Israeli forces from South Lebanon, and to defend Lebanon from Israel. Particularly following the 2000 Israeli withdrawal from South Lebanon, Hizbullah has built a powerful arsenal, both in South Lebanon but also in the Bekaa Valley in eastern Lebanon. As early as 1992, Hizbullah has also developed a political platform, running in local and national elections, and forming alliances with Shia and Christian parties. During the period covered by this case study, Hizbullah was a member of government (both Mikati's and Salam's).

10 NB: there are widespread reports of other Lebanese actors' involvement in the conflict in Syria as well. See, e.g. http://www.aljazeera.com/indepth/features/2014/02/lebanese-sunnis-fighting-holy-war-syria-201421394828913798.html.

11 http://www.dailystar.com.lb/News/Politics/2012/Jul-23/181620-lebanon-adopts-dissociation-policy-at-arab-league-meet-on-syria.ashx.

12 http://www.nytimes.com/2013/05/26/world/middleeast/syrian-army-and-hezbollah-step-up-raids-on-rebels.html.

13 The Blue Line between Lebanon and Israel is a temporary marker put in place in 2000 by the UN to measure the withdrawal of Israel Defense Forces from southern Lebanon. The unresolved areas of the Blue Line—most notably the Israeli-occupied town of Ghajar and the disputed Shab'a Farms, which extends into the un-demarcated border area between Lebanon, Syria and Israel—have served as a constant reference point for Hizbullah's claim of Israeli occupation of Lebanese territory. The land just north of the Blue Line in Lebanon, a Shia-dominated area considered the heartland of Hizbullah, has also served as the staging ground for Hizbullah's actions into Israel. Israel asserts that the area is home to large numbers of Hizbullah's weapons. The Blue Line is thus the most likely area for potential escalation between Hizbullah and Israel.

14 This report was drafted immediately before PM Hariri's surprise resignation and exit from Lebanon. Where possible, updates reflecting this dynamic have been inserted, but this new phase of Lebanon's political landscape is not thoroughly considered here.

15 Lebanon Crisis Response Plan, 2015-16 ("the legendary ability of Lebanon to defy gravity should not be a reason to loosen support"), available at data.unhcr.org/syrianrefugees/download.php?id=1018; see also, Salem, Paul, "Can Lebanon Survive the Syria Crisis?" Carnegie Papers, December 2012, available at: http://carnegie-mec.org/2012/12/11/can-lebanon-survive-syrian-crisis-pub-50298.

16 Some interlocutors, including with UNSCOL, suggested that there was an unspoken agreement amongst key regional players to keep Lebanon "frozen" during the Syria crisis. As evidence of this, they point to the current upheavals—the resignation of PM Hariri—as indicative of a "thawing," which could pose immediate risks to the country's stability.

17 Interview with Office of Prime Minister Hariri, 4 October 2017.
18 Interview with Office of Prime Minister Hariri, 4 October 2017; interview with Professor Karim Makdisi, American University of Beirut, 3 October 2017, Beirut. Many Lebanese interlocutors, even those deeply opposed to Hizbullah, acknowledge that the group's preponderant presence in Lebanon and proven willingness to use force to achieve objectives has at times prevented an escalation of conflict in the country. In the case of the assassination of Wissam al Hassan, for example, one 14 March official said the street protests were contained "because we were all scared of Hizbullah." This, while also pointing to Hizbullah as the culprit in the assassination. And in the case of the crisis in Arsal, there is a widespread view that Hizbullah played a key role in preventing the extremist groups from spreading further into Lebanon. Even in the crisis moments along the Blue Line, the UN and others have frequently cited Hizbullah's desire to avoid open conflict with Israel as a key factor in avoiding escalation. Interviews in Beirut, 3-8 October, 2017.
19 Resolution 1706 (2006) enlarged UNIFIL's mandate and troop levels beyond those of earlier resolutions (425 and 426).
20 In a letter to the Lebanese Prime Minister on 08 February 2007, the United Nations Secretary General announced his intention to appoint a Special Coordinator for Lebanon. The position was originally established in the year 2000, based on the Secretary-General's report to the Security Council, dated 20 July 2000 (S/2000/718) which expressed the intention to appoint a senior official to be based in Beirut to help coordinate United Nations activities with regard to Southern Lebanon. Subsequently, the title of the post was changed to Personal Representative of the Secretary-General for Lebanon and then to Special Coordinator for Lebanon. In his letter, the Secretary General mandates his Special Coordinator to represent him on all political and coordination aspects of the work of the United Nations in Lebanon.
21 Kelley, Ninette, "Responding to a Refugee Influx: Lessons from Lebanon," Journal on Migration and Human Security, 2017.
22 Salem, Paul, "Can Lebanon Survive the Syria Crisis?" Carnegie Papers, December 2012, available at: http://carnegie-mec.org/2012/12/11/can-lebanon-survive-syrian-crisis-pub-50298; International Crisis Group, "A Precarious Balancing Act: Lebanon and the Syria Crisis," November 2012; see also, Shashank Joshi, "Lebanon risks being torn apart by Syrian conflict," BBC News, 24 October 2012, available at http://www.bbc.com/news/world-middle-east-20054560.
23 See UN Security Council statements on assassination of Rafiq Hariri, available at, http://www.un.org/press/en/2005/sc8310.doc.htm; http://www.un.org/press/en/2005/sc8543.doc.htm.
24 Though some commentators have also pointed to the possibility that he had mixed allegiances, including possible ties to the Hariri assassination itself. See, https://latitude.blogs.nytimes.com/2012/10/22/the-many-faces-of-wissam-al-hassan/?mcubz=1.
25 See, e.g., https://latitude.blogs.nytimes.com/2012/10/22/the-many-faces-of-wissam-al-hassan/?mcubz=1; see also, https://www.theguardian.com/world/2012/oct/19/lebanon-divide-assassination-security-chief.
26 Interviews with 14 March officials 3-5 October, 2017.
27 S/2012/837, para 10.
28 Ibid, para 11.
29 https://www.theguardian.com/world/2012/oct/19/lebanon-divide-assassination-security-chief
30 Prime Minister Mikati was not strictly aligned with Damascus he was a member of the 8 March political bloc, and he was seen by 14 March as sympathetic to Assad. Interview with PM Hariri's office, 5 October 2017;
31 http://edition.cnn.com/2012/10/21/world/meast/lebanon-beirut-violence/index.html
32 S/2012/837, para 60.
33 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.
34 S/2012/837, para 11.
35 Nicholas Blanford, "Rebel Gains In Syria Embolden Lebanese Sunnis," Christian Science Monitor, 3 December 2012, available at https://www.csmonitor.com/World/Middle-East/2012/1203/Rebel-gains-in-Syria-embolden-Lebanese-Sunnis.
36 Interview with former UN Special Coordinator for Lebanon, 28 September 2017; interview with 14 March official, Beirut, 3 October 2017.
37 UNSCOL highlighted the importance of a balanced analysis of the risks of escalation here, noting that the 14 March protests were one factor, but that the assassination itself demonstrated a willingness of pro-Assad elements to take a destabilizing course of action.
38 Statement of UN Special Coordinator for Lebanon Derek Plumbly and P5 Ambassadors following Meeting with H.E. President Michel Sleiman, 22 October 2012, available at https://unscol.unmissions.org/sites/default/files/old_dnn/SCL%20Plumbly%20and%20P5-President%20Sleiman%20%2822%2010%2012%29.pdf; see also https://unscol.unmissions.org/sites/default/files/old_dnn/SC%20press%20statement%2019%20October%202012.pdf
39 In fact, 14 March considers this a deeply negative outcome for Lebanon in the long term. One 14 March senior official who was involved in the process said, "the worst thing that happened was the UN saving the Mikati government; it led to Hariri leaving and the lack of a government's approach to refugees." Interview in Beirut, 3 October 2017.
40 Author's notes, November 2012.
41 Interview with 14 March official, Beirut, 3 October 2017; this point also supported by interview with UNSCOL, 4 October, 2017.

42 Interview with former UN Special Coordinator for Lebanon, 28 September 2017. It is worth noting here for background that in 2008, following a 17-month political crisis and widespread sit-ins across the country, the government moved to shut down Hizbullah's control of the telecommunications network, and remove its presence at the airport and environs. This sparked violent conflict in the streets of Beirut, as pro-Hizbullah groups occupied parts of West Beirut, during which at least 11 people were killed. Violence spread well beyond Beirut as well, and was only contained by the army after several days of open fighting. The Doha Agreement that followed was considered a victory for Hizbullah and its allies, as it provided for a veto-power for opposition in government, and an electoral law seen by many to favor 8 March.
43 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.
44 Indeed UNSCOL faced harsh criticism from the 14 March leadership on this count. Author's notes from October to November 2012, in which repeated meetings with 14 March officials included reference to the UN/P-5 statement in support of the Mikati government.
45 In all interviews with UNSCOL and DPA staff, USG Feltman's deep experience in the region was cited as an extremely valuable and important resource for UNSCOL's work in Lebanon.
46 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.
47 Security Council Press Statement on Lebanon, available at, http://www.un.org/press/en/2012/sc10799.doc.htm.
48 Interview with 14 March official, Beirut, 3 October, 2017; interview with UNSCOL staff, Beirut, 5 October 2017.
49 Interview with 14 March official, 3 October, 2017; also supported in interview with office of Prime Minister Hariri, 4 October, 2017.
50 Interview with former UN Special Coordinator for Lebanon, 28 September 2017; author's notes from November 2012 (recording meeting with P-5 ambassadors in which there was general agreement that a serious situation had been averted by the Mikati government staying on).
51 NB: The author travelled to Israel throughout 2012-2015 as an UNSCOL official and was present for dozens of meetings with Israeli officials during which many of the country's concerns and positions were privately described in detail. For the purposes of this report, only those positions that were also made public by the Israeli government are provided.
52 UNIFIL's tripartite mechanism is a structure whereby UNIFIL convenes Israeli and Lebanese military officials in UNIFIL's premises along the Blue Line. UNIFIL convenes these meetings on a regular basis to try to move forward on Blue Line demarcation, resolve the occupation of the town of Ghajar, address Blue Line violations and other related issues. UNIFIL also convenes the tripartite in an ad hoc fashion to address particular incidents along the Blue Line.
53 Another example was the August 2010 killing of an Israeli officer during a dispute over a tree cutting process being undertaken by the IDF, which resulted in severe retaliatory fire by the IDF and the death of three Lebanese soldiers. https://www.theguardian.com/world/2010/aug/04/lebanon-israel-tree-border-clash.
54 "You ask me, if I had known on July 11 ... that the operation would lead to such a war, would I do it? I say no, absolutely not." https://www.theguardian.com/world/2006/aug/28/syria.israel.
55 S/2015/147 (27 February 2015) para 67.
56 Hizbullah's public statements matched these deployments, from the early 2012 announcement that the group was merely defending Lebanese interests along the border areas, to the 2013 pronouncement by Hassan Nasrallah that Hizbullah was fully and actively engaged in supporting Assad's broader fight in Syria. http://www.nytimes.com/2013/05/26/world/middleeast/syrian-army-and-hezbollah-step-up-raids-on-rebels.html?mcubz=3; http://www.al-monitor.com/pulse/originals/2013/05/hassan-nasrallah-speech-hezbollah-syria.html.
57 As early as 2013, some in the Israeli military and foreign affairs ministry expressed concerns that Hizbullah might be building new weapons installations in Syria, pointed at Israel. See, http://www.al-monitor.com/pulse/originals/2017/07/syria-south-ceasefire-israel-hezbollah-confrontation.html; see also, https://www.haaretz.com/israel-news/.premium-1.639425.
58 See, e.g., Amos Harel, "Israel Faces Military Dilemma as Hezbollah Amasses Weapons, Haaretz, 2 March 2014, available at https://www.haaretz.com/israel-news/.premium-1.576910; see also, https://www.algemeiner.com/2014/11/04/hezbollah-threats-to-israel-emboldened-by-improved-american-iranian-ties-expert-says/; http://www.timesofisrael.com/hezbollah-missiles-can-now-hit-anywhere-in-israel/?fb_comment_id=1430145387221226_158844#f2238490901414;
59 Author's notes, June 2014. This point is supported by public Israeli statements and news sources. See, e.g., Amos Harel, "Israel Faces Military Dilemma as Hezbollah Amasses Weapons, Haaretz, 2 March 2014, available at https://www.haaretz.com/israel-news/.premium-1.576910; see also, https://www.algemeiner.com/2014/11/04/hezbollah-threats-to-israel-emboldened-by-improved-american-iranian-ties-expert-says/; http://www.timesofisrael.com/hezbollah-missiles-can-now-hit-anywhere-in-israel/?fb_comment_id=1430145387221226_158844#f2238490901414;
60 Nick Blanford interview 4 October 2017.
61 S/2015/147, para 2. See also, https://www.theguardian.com/world/2015/jan/18/israel-helicopter-strike-syria-kills-hezbollah;
62 Interview with Nick Blanford, Christian Science Monitor, 4 October 2017.
63 In fact, the Israeli airstrike itself may have been a miscalculation, as there were immediately rumours that Israel had been unaware of the presence of the Iranian official in the convoy. https://www.theguardian.com/world/2015/jan/20/israel-

unaware-killed-iranian-general-hezbollah-convoy-syria.
64 S/2015/147, para 2.
65 Ibid.
66 Interview, UNIFIL, 3 October 2017, Beirut; interview Nicholas Blanford, 4 October 2014 ("we all thought that what happens in Syria stays in Syria, and that Hizbullah would only retaliate from the Golan since the Israeli strikes were there").
67 Though it is worth flagging that the attack took place in the disputed Sheb'a Farms area, which Hizbullah has consistently argued is part of Lebanon. UNSCOL noted that the decision to attack from Sheb'a could also be viewed as reasserting the rules of the game, to avoid opening a new Syrian front with Israel.
68 Interview, UNIFIL, 3 October 2017, Beirut.
69 Author's notes, 27 January 2015.
70 Author's notes, June 2015.
71 Ibid.
72 Interview, UNIFIL, 3 October 2017, Beirut.
73 Ibid.
74 Interview with former UN Special Coordinator for Lebanon, 28 September 2017; also Interview, UNIFIL, 3 October 2017, Beirut.
75 It is worth emphasizing that Hizbullah is not a "party" to 1701 per se, but in the lead up to resolution 1701 the Lebanese political leadership consulted Hizbullah given the critical importance of their buy-in to the mandate.
76 Though UNSCOL also pointed out that this universal acceptance of 1701 has allowed for selective interpretation of what is important within the resolution, and when it is violated, potentially undermining its ability to deliver on the mandate.
77 Hizbullah (and to a lesser extent the Lebanese government) has in the past indicated that attacks in the Shab'a Farms area do not constitute Blue Line violations, as Shab'a is not demarcated. While the UN disputes this openly, and it clearly is a violation of 1701 to attack across Shab'a area, the ambiguity about the Shab'a Farms may offer a sort of safety valve for Hizbullah to justify its actions across the Blue Line without facing too much domestic backlash.
78 Interview, UNIFIL, 3 October 2017, Beirut.
79 Interview, UNIFIL, 3 October 2017, Beirut. Interview with Professor Karim Makdisi, American University of Beirut, 3 October 2017, Beirut.
80 Interview with Prime Ministier Hariri's office, 4 October 2017. This quote echoed elsewhere. See, e.g. Interview with Professor Karim Makdisi, American University of Beirut, 3 October 2017, Beirut (UNIFIL has played an important justification for not escalating").
81 Interview with former Chief Political UNSCOL, 28 September 2017 (UNIFIL is the "largest, best armed human shield in the world"); interview with Professor Karim Makdisi, American University of Beirut, 3 October 2017, Beirut (UNIFIL plays an "important human shield function").
82 International Crisis Group, "A Precarious Balancing Act: Lebanon and the Syria Crisis," November 2012.
83 E.g. S/2014/438 (26 June 2014) para 4.
84 S/2014/130 (26 February 2014) para 3.
85 "Arsal in the Crosshairs: The Predicament of a Small Lebanese Border Town," International Crisis Group, 23 February 2016.
86 Interview with former UN Special Coordinator for Lebanon, 28 September 2017 ("The really bad period was when they were fighting in Qusayr, Hizbullah, this could spread within Lebanon. The spectacle of Hz breaking with disassociation, going across the border, with communities linked across the border.").
87 Blanford, Nicholas, "The Lebanese Armed Forces and Hezbollah's Competing Summer Offensives Against Sunni Militants," Combating Terrorism Center, available at, https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants.
88 See, "Arsal in the Crosshairs: The Predicament of a Small Lebanese Border Town," International Crisis Group, 23 February 2016; Blanford, Nicholas, "The Lebanese Armed Forces and Hezbollah's Competing Summer Offensives Against Sunni Militants," Combating Terrorism Center, available at, https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants.
89 Blanford, Nicholas, "The Lebanese Armed Forces and Hezbollah's Competing Summer Offensives Against Sunni Militants," Combating Terrorism Center, available at, https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants.
90 There is a common understanding amongst the Lebanese political leadership that, absent a president, the Prime Minister government will only take major decisions by consensus.
91 Interview, Beirut, 4 October, 2017. Author's notes from September 2014.
92 https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants; see also, http://america.aljazeera.com/articles/2014/8/4/lebanon-syria-spillover.html;
93 http://www.reuters.com/article/us-lebanon-security-arsal/lebanese-army-advances-in-border-battle-with-islamists-

idUSKBN0G40MV20140804

94 http://www.reuters.com/article/us-lebanon-security-arsal/lebanese-army-advances-in-border-battle-with-islamists-idUSKBN0G40MV20140804.

95 Hassan Nasrallah's early declarations about Hizbullah's role in Syria had focused on its role in securing the Lebanese border from extremists, and protecting Lebanese citizens in border towns.

96 http://www.reuters.com/article/us-lebanon-security-arsal/lebanese-army-advances-in-border-battle-with-islamists-idUSKBN0G40MV20140804.

97 S/2014/784, para 6; see also, Blanford, Nicholas, "The Lebanese Armed Forces and Hezbollah's Competing Summer Offensives Against Sunni Militants," Combating Terrorism Center, available at, https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants.

98 In fact the LAF, according to many reports, has subsequently coordinated with Hizbullah to push the extremist groups out of the mountains surrounding Arsal, and in the summer of 2017 Hizbullah launched its own attacks unilaterally in the Arsal area. Blanford, Nicholas, "The Lebanese Armed Forces and Hezbollah's Competing Summer Offensives Against Sunni Militants," Combating Terrorism Center, available at, https://ctc.usma.edu/posts/the-lebanese-armed-forces-and-hezbollahs-competing-summer-offensives-against-sunni-militants.

99 https://unscol.unmissions.org/sites/default/files/isg_inaugural_meeting_25_09_13.pdf.

100 http://www.esteri.it/mae/en/sala_stampa/archivionotizie/approfondimenti/20140614_libconfmin.html.

101 https://unscol.unmissions.org/chairpersons-summary-statement-behalf-international-support-group-lebanon.

102 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

103 Interview with former UN Special Coordinator for Lebanon, 28 September 2017. Though not covered in this report, the ability of the LAF to deploy to Tripoli, where successive rounds of violence have caused hundreds of deaths in the past six years, was also very important in this context.

104 Statement of Prime Minister Tammam Salam at the International Support Group for Lebanon, 26 September, 2014, available at: https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/statement_by_h.e._mr._tammam_salam_at_the_meeting_of_the_international_support_group_for_lebanon_september_26_2014.pdf

105 UNSCOL pointed to the LAF operations in 2017, which were done in coordination with Hizbullah in an increasingly open fashion, as additional evidence of the complexity of the issue, and in making definitive statements about the impact of UN messaging.

106 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

107 Interview with Lebanese political party official, 3 October, 2017.

108 See, e.g. Foreign Minister Gebran Bassil's statement available at https://www.middleeastobserver.org/2016/06/11/lebanon-syrian-refugees-are-threat-against-us/ (Gebran Bassil said on Friday "the heavy displacement to Lebanon forms an existential threat to it,"); see also Future Movement MP statement at https://now.mmedia.me/lb/en/archive/future-mp-syrian-refugees-existential-threat-to-lebanon ("The presence of Syrian refugees in Lebanon is an actual and real threat to society and [the country in general]… it is an existential threat"). Even this year, Lebanese Prime Minister Saad Hariri has warned that Lebanon was close to a "breaking point" from the impact of the Syrian refugees in the country available at http://in.reuters.com/article/mideast-crisis-syria-lebanon-idINKBN1722JK. See also, Shashank Joshi, "Lebanon risks being torn apart by Syrian conflict," BBC News, 24 October 2012, available at http://www.bbc.com/news/world-middle-east-20054560; see also, http://blogs.worldbank.org/arabvoices/spillovers-syrian-crisis-stretching-lebanon-breaking-point;

109 For example, during the field visit a rape of a Lebanese woman, allegedly by a Syrian national, was characterized by political actors interviewed as "proof that they are all dangerous," and "exactly the reason why they all need to be sent home as soon as possible, regardless of whether it's voluntary." Interviews, Beirut, 3-4 October 2017. See also, https://www.washingtonpost.com/world/middle_east/all-lebanon-is-against-them-a-rape-murder-sours-a-country-on-its-syrian-refugees/2017/10/10/afa13010-a792-11e7-9a98-07140d2eed02_story.html?utm_term=.4b0a2afa59c5.

110 Interview with UNHCR, 3 October 2017. This view was repeated by several Lebanese politicians and is described here: https://www.washingtonpost.com/world/middle_east/all-lebanon-is-against-them-a-rape-murder-sours-a-country-on-its-syrian-refugees/2017/10/10/afa13010-a792-11e7-9a98-07140d2eed02_story.html?utm_term=.4b0a2afa59c5.

111 Lebanon Crisis Response Plan 2017-2020, available at https://reliefweb.int/sites/reliefweb.int/files/resources/2017_2020_LCRP_ENG-1.pdf. Note that number has receded in recent year because of border controls etc.

112 Kelley, Ninette, "Responding to a Refugee Influx: Lessons from Lebanon," Journal on Migration and Human Security, 2017.

113 United Nations. Lebanon Crisis Response Plan 2015-2016. United Nations; 2014. Available from: http://reliefweb.int/sites/reliefweb.int/files/ resources/2015-2016_Lebanon_CRP_EN.pdf. Cherri, Zeinab, "The Lebanese–Syrian crisis: impact of influx of Syrian refugees to an already weak state," Risk Management and Healthcare Policy, 20 July 2016.

114 http://www.worldbank.org/en/news/feature/2013/09/24/lebanon-bears-the-brunt-of-the-economic-and-social-spillovers-of-the-syrian-conflict.

115 World Bank (December 2012), Republic of Lebanon: Good Jobs Needed: The Role of Macro, Investment, Education, Labor and Social Protection Policies ("Miles"), Report no. 76008-LB.
116 See, e.g. http://unesdoc.unesco.org/images/0024/002459/245954e.pdf.
117 http://unesdoc.unesco.org/images/0024/002459/245954e.pdf.
118 "Arsal in the Crosshairs: The Predicament of a Small Lebanese Border Town," International Crisis Group, 23 February 2016.
119 Impact of Humanitarian Aid on the Lebanese Economy, UNHCR, 2015; see also, World Bank (December 2012), Republic of Lebanon: Good Jobs Needed: The Role of Macro, Investment, Education, Labor and Social Protection Policies ("Miles"), Report no. 76008-LB.
120 In interviews with Lebanese politicians in Beirut, there was a consistent talking point that the refugees were the cause of the 1.3 billion dollar economic downturn, and that the refugee population had created both the GDP losses and the high unemployment rates.
121 http://www.international-alert.org/blog/syrians-security-threat-lebanon-fears-vs-reality; International Alert, Security Threat Perceptions in Lebanon, 2014, available at…; https://www.washingtonpost.com/news/monkey-cage/wp/2017/01/30/i-interviewed-300-syrian-refugees-they-are-far-from-a-security-threat/?utm_term=.37481c1299ed.
122 Ibid.
123 For example by misusing increased crime rates due to the rise in arrests of Syrians who do not possess the correct papers, or using intra-Syrian crime rates to show increased risk to Lebanese citizens. International Alert, Security Threat Perceptions in Lebanon, 2014, available at…; https://www.washingtonpost.com/news/monkey-cage/wp/2017/01/30/i-interviewed-300-syrian-refugees-they-are-far-from-a-security-threat/?utm_term=.37481c1299ed. See also, ARK Regular Perception Surveys on Social Tensions throughout Lebanon Wave II: Interim Results [draft, on file with author].
124 Interview with UNHCR, 3 October 2017.
125 https://now.mmedia.me/lb/en/lebanonnews/bassil-warns-against-syrian-refugees-demographic-political-threat; https://www.al-monitor.com/pulse/originals/2016/07/al-qaa-bombings-syrian-refugees-lebanon-reactions.html; https://raseef22.com/en/life/2017/05/24/10-things-lebanese-people-like-blame-syrian-refugees/;
126 http://articles.latimes.com/2006/aug/02/world/fg-refugees2; see also http://www.npr.org/templates/story/story.php?storyId=5637384; https://www.theguardian.com/world/2006/jul/24/israel.syria2
127 ARK Regular Perception Surveys on Social Tensions throughout Lebanon Wave II: Interim Results.
128 http://www.un.org.lb/library/assets/LCRP_QA-124515.pdf
129 United Nations. Lebanon Crisis Response Plan 2015-2016. United Nations; 2014. Available from: http://reliefweb.int/sites/reliefweb.int/files/ resources/2015-2016_Lebanon_CRP_EN.pdf.
130 Impact of Humanitarian Aid on the Lebanese Economy, UNHCR, 2015.
131 Ibid.
132 Interview with UNDP, 5 October 2017.
133 Ibid.
134 And indeed the Policy Paper for this project advocates less of a clear line between preventive diplomacy and structural prevention, looking instead to align all interventions with the Sustaining Peace approach.
135 Interview with UNHCR, 3 October 2017.
136 Interview with UK embassy, 4 October 2017 ("the massive funding by the LCRP did help to curb the political rhetoric against the refugees"); Interview with UNDP, 5 October 2017 ("the tangible benefits through the LCRP allowed for more constructive political messaging by the leadership in Lebanon"); Interview with DSCL/RC/HC, 3 October 2017 ("The LCRP has succeeded in being seen as support not just for refugees, but for all Lebanon; this has helped the overall atmosphere");
137 Interview with UNHCR, 3 October 2017.
138 http://time.com/67365/influx-of-syrian-refugees-fans-xenophobia-in-lebanon/;
139 Interview with UNHCR, 3 October 2017. Following the initial drafting of this report, UNHCR reportedly initiated another public information campaign, including by outreach to key international stakeholders. The impact of this campaign is yet to be measured.
140 Interview with UN Special Coordinator for Lebanon, 6 September 2017.
141 Interview with former Chief Political UNSCOL, 28 September 2017.
142 Ibid.
143 See, e.g. https://www.economist.com/news/middle-east-and-africa/21726109-israel-fears-increasing-strength-party-god-hizbullahs-armoury; https://www.nytimes.com/2017/08/29/world/middleeast/iran-missiles-lebanon-israel-.html?_r=0; https://www.csmonitor.com/World/Middle-East/2017/0425/Hezbollah-s-defiant-signal-to-Israel-Lebanon-and-the-UN.
144 Author's meetings with Israeli officials in 2015.
145 Author's meetings with Israeli officials in 2015. It should be noted that the Israeli private perspectives matches the public statements of Israel. See, e.g. http://www.timesofisrael.com/hezbollah-missiles-can-now-hit-anywhere-in-israel/?fb_

comment_id=1430145387221226_158844#f2238490901414; http://www.newsweek.com/netanyahu-warns-irans-three-tentacles-terror-congress-speech-311091; https://www.theguardian.com/world/2017/nov/11/israel-leadership-talks-up-another-war-with-hezbollah-lebanon.

146 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

147 For example, Hizbullah's public support for the LAF's deployment to Arsal in the above example.

148 Indeed, during the field visit to Lebanon, a recurrent fear expressed by experts was that the US administration had emboldened Israel to take a proactive stance in Hizbullah as part of a more general effort to curb Iran's influence in the region. This is well beyond the scope of this paper, but is flagged as an indication of the continuing risks.

149 Interview with UN Special Coordinator for Lebanon, 6 September 2017.

150 See the Policy Paper section referring to the "escalatory dynamics of conflict."

151 https://cpr.unu.edu/diplomacy-and-good-offices-in-the-prevention-of-conflict.html

152 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

153 Ibid.

154 Richard Gowan et al., "Back to Basics: The UN and Crisis Diplomacy in an Age of Strategic Uncertainty", New York University Center on International Cooperation, July 2010.

155 Interview with UN Special Coordinator for Lebanon, 6 September 2017.

156 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

157 Ibid.

158 Ibid.

159 Interview with former UN Special Coordinator for Lebanon, 28 September 2017. Interview with UN Special Coordinator for Lebanon, 6 September 2017.

160 However, there may be diminishing returns on this personal leverage: both Special Coordinators who served during the Syria crisis noted that, after roughly three years, "the trust and knowledge we build over time can erode, and we need to think of refreshing the relationships with a transition to keep the leverage going." Interview with UN Special Coordinator for Lebanon, 6 September 2017. Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

161 These terms were the most commonly used in interviews in Beirut, and also with the former Special Coordinator for Lebanon.

162 In fact, the attempts to encourage Saudi Arabia and Iran into the periphery of the ISG were unsuccessful.

163 Interview with UN Special Coordinator for Lebanon, 6 September 2017.

164 UNDOF provides one such example, though the political work of UNSCO alongside it appears far less connected to the day to day issues as the UNIFIL/UNSCOL relationship.

165 Interview with former Chief Political UNSCOL, 28 September 2017 ("I think there was opportunity for the UN to play a substantially larger role. But for that opportunity to have been more effective, the political department of UNIFIL should have been under UNSCOL. UNSCOL should have been in charge of everything UNIFIL did, would have given us much greater leverage"). Other interviews with UN staff in Beirut pointed to a "cognitive dissonance" between the two missions, and an incompatibility between the immediate goals of UNIFIL along the Blue Line and the need for the UN as a whole to address the deeper issues of stability in the country, including those related to Hizbullah's arms.

166 Interview, UNIFIL, 3 October 2017, Beirut.

167 There are unconfirmed reports that informal and indirect channels are open, though these are not necessarily conducive to the kind of de-escalation described in this paper.

168 Interview with UNHCR, 3 October 2017.

169 Interview with UN Special Coordinator for Lebanon, 6 September 2017.

170 It should also be noted that there has been an envoy tasked with resolution 1559, more directly tasked with reporting on Hizbullah, and with a tendency to speak more openly about Hizbullah's arms. While this is part of the political messaging of the UN, it did not appear to play a major role in the UN's preventive diplomatic efforts in the cases described in this report, and has thus not been included in any detail.

171 Interview with UNHCR, 3 October 2017.

172 Interview with former UN Special Coordinator for Lebanon, 28 September 2017.

173 https://www.washingtonpost.com/world/middle_east/all-lebanon-is-against-them-a-rape-murder-sours-a-country-on-its-syrian-refugees/2017/10/10/afa13010-a792-11e7-9a98-07140d2eed02_story.html?utm_term=.4b0a2afa59c5

174 Interview with UN Special Coordinator for Lebanon, 6 September 2017.

175 Ibid.

176 Ibid.

177 Ibid.

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UN Preventive Diplomacy and Facilitation of Dialogue in Malawi (2011-12)

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Introduction

This case study examines the UN's preventive diplomacy aimed at containing and defusing the political crisis in Malawi that culminated in mass demonstrations by civil society organizations in several cities and the killing of 20 people by police in July 2011. The scale of the fatalities and injuries was shocking and without precedent in the history of the country. The conflict appeared set to escalate, with further violence anticipated.

In response to the crisis, the UN Secretary-General sent an Envoy to Malawi. The Envoy brokered an agreement between the government and civil society, which shifted the conflict dynamic from escalation to de-escalation and averted the anticipated violence. The agreement entailed a commitment by government and civil society organizations to participate in a national dialogue that focused on popular grievances and demands. The national dialogue, which took place between August 2011 and March 2012, was facilitated by the UN. It served the function of preventive diplomacy, defusing the crisis and preventing further violence, but failed to address the grievances and the causes of the crisis.

The case study has been prepared for the research project on 'Capturing UN Conflict Prevention Success Stories: When, How and Why Does It Work?', housed at the Center for Policy Research at the UN University. The study is based on a review of the published and unpublished material cited in this paper and on interviews with key interlocutors (Appendix 1).

The case study is organized as follows: section 2 covers the political background and conflict dynamics; section 3 describes the decision by the conflict parties to shift from an escalatory conflict trajectory to de-escalation; section 4 explores the preventive diplomacy undertaken by the UN Envoy; section 5 examines the national dialogue facilitated by the UN; and section 6 concludes by presenting theoretical reflections on preventive diplomacy.

1. Conflict Dynamics

Political background

The demonstrations that took place in July 2011 were organized by the Human Rights Consultative Committee, comprised of 80 human rights and civil society organizations that included university students, academics, workers, community-based groups and religious bodies. The protests were a culmination of growing tension between civil society and the government, marked by mounting popular anger at President Bingu wa Mutharika. Socio-economic conditions had been deteriorating for several years. The most severe problems included a lack of fuel, shortages of medicines and drugs, and high prices for basic food commodities.[1] The President and his cabinet were perceived to be indifferent to the plight of citizens. This perception was reinforced by profligate spending, most notably the purchase of a private jet for the President and a fleet of Mercedes vehicles for the cabinet and senior officials.

President Mutharika was also becoming increasingly authoritarian and repressive. Intolerant of criticism and opposition, he had banned public demonstrations over fuel shortages, warning citizens they should not to be 'inspired by Egypt'.[2] The government had used teargas to disperse protesting students and closed Chancellor College following these protests. It was also targeting critical newspapers and censoring articles. Shortly before the demonstrations in July 2011, Parliament had enacted legislation that increased police powers and curbed press freedom.

The July demonstrations thus took place in a context of shrinking space for lawful political dissent. In the months preceding the demonstrations, civil society leaders made several attempts to meet President Mutharika to discuss the popular grievances. These efforts failed to generate any meaningful dialogue with, or action by, the government.[3] When civil society met with the President shortly before the demonstrations, the acrimonious discussion 'went nowhere' and ended with Mutharika saying 'let's meet on the streets!'.[4]

Violence and escalation

On 20 and 21 July 2011 thousands of people took to the streets in several cities in Malawi in order to demonstrate against 'bad economic and democratic governance'.[5] The security forces used live ammunition to disperse them. Twenty civilians were killed, 58 were injured, over 270 were arrested, and there was extensive looting and damage to property. The deadly use of force by the police was attributable, at least in part, to a lack of police expertise in non-lethal crowd management.[6]

The protesters delivered a 20-point petition to the government.[7] Their demands were a mixture of political and socio-economic issues, some of which related to recent events and others to deeper structural problems. They included access to forex; importation of fuel; replacement of the top management of the electricity and water boards; investigation of corruption and the 'unexplained wealth' of cabinet ministers and public servants; review of the penal code; local council elections; the dismissal of university lecturers; 'inequitable and politicized' use of public broadcasters; executive disregard of court rulings; provision of essential drugs to hospitals and clinics; raising the minimum wage; and instituting a social protection system.

President Mutharika showed no inclination to take these concerns seriously. He denounced the demonstrators as 'thieves' and 'looters' and accused the organizers of plotting a coup.[8] In a speech to police officers on 22 July, he singled out six civil society activists by name and warned them, 'If you go back to the streets, I will smoke you out'.[9] Some of these

activists, fearing for their lives, went into hiding.[10]

Civil society leaders responded to the killing of protesters and the government's refusal to acknowledge the popular grievances by issuing an ultimatum, demanding that the government address the concerns raised in the petition within a month or face further street protests in the form of a vigil on 17 August. Militant civil society leaders threatened to meet state violence with violence of their own, declaring that 'if they kill us, we kill them'.[11]

In short, the conflict dynamic was dangerously escalatory. The public rhetoric of both the government and the protest leaders was highly confrontational and combative. Of greatest concern in this regard, the vigil planned for 17 August was expected to lead to further violence and deaths. The police chief in Lilongwe urged civil society leaders to cancel the event, warning that the police 'had no capacity to run it peacefully'.[12] There were also rumors that the government had hired Zimbabwean mercenaries who would be unleashed on the demonstrators.[13]

De-escalation

As the political situation in Malawi deteriorated, the UN Secretary-General appointed a senior official in the UN Department of Political Affairs (DPA), Joao Honwana, as his Envoy to that country.[14] In terms of his mandate, the Envoy had two main objectives: 'First, to help lower political tensions in the country and help prevent the repetition, on 17 August, of the violent demonstration of 20 July; and second, to explore a possible UN role in promoting constructive dialogue among Malawian stakeholders'.[15]

On arriving in Malawi, the Envoy met separately with representatives of civil society and the government. After the meeting the Envoy, the civil society groups decided to postpone the vigil planned for 17 August (section 4). Thereafter the Envoy met with government officials and with the President (section 4). On 16 August he facilitated a meeting between the representatives of the parties, leading to an agreement on the way forward. As expressed in a joint statement, the government and civil society agreed to participate in a national dialogue facilitated by the UN, with the 20-point petition serving as the agenda. The joint statement also announced that the vigil would be postponed for a month.

Thereafter the UN Secretary-General appointed the Director-General of the UN Office at Nairobi, Sahle-Work Zewde, as the UN Facilitator for the national dialogue. The dialogue had several meetings and was concluded in March 2012 (section 5). Tensions continued to simmer but the vigil did not take place and there was no recurrence of large-scale violence during the period of the dialogue or subsequently. In April 2012 another major step towards de-escalation occurred when President Mutharika died in office and was replaced by Vice-President Joyce Banda, who had previously been a civil society activist and was still seen by civil society as sympathetic to their concerns.[16]

There is consensus among the UN officials and the Malawians interviewed for this case study that the UN interventions were crucial in de-escalating the crisis but did not make any meaningful contribution to addressing the structural causes of the crisis. The structural problems persist to the present day. The discussion below presents the reasons for the de-escalation and an analysis of the UN's interventions.

2. Decision-Making by the Conflict Actors

Although the public rhetoric after the July demonstrations was confrontational and escalatory, there were moderate elements in both the government and civil society sectors that wanted to avoid further violence. A number of prominent religious leaders, who enjoyed considerable moral authority, were advocating strongly against renewed street protests. The civil society groups that had organized the demonstrations were themselves divided on whether to go ahead with the vigil. Many activists were traumatized and demoralized by the violence that had erupted in July; there was a visceral sense of shock and horror at having witnessed, at first hand or through the media, dead and injured people.[17] Some felt that the protest leaders had contributed indirectly to the violence through poor organization of the demonstrations.[18]

An influential minority within civil society wanted the vigil to be cancelled because of the prospect of another round of violence and fatalities. Even if the event was better planned than the July demonstrations had been, the risk of violence was high. When civil society leaders met with senior police officers to discuss arrangements for ensuring that the vigil proceeded peacefully, the police indicated that they could not guarantee this because they run out of rubber bullets and might therefore have to use live ammunition.[19]

In addition to the religious, humanitarian and emotional concerns about violence, the positions taken by different civil society groupings were based on political and strategic considerations. The moderates were convinced that another round of mass protests would not have any positive outcome: the protests would not lead to either the fall of the government or progress in tackling the popular grievances.[20] On the other hand, the national dialogue proposed by the UN Envoy had 'the potential to generate sustainable solutions' if it focused on the issues covered in the 20-point petition.[21] From the perspective of the moderates, civil society therefore had little realistic option but to 'swallow our pride and back down'.[22]

By contrast, the hardliners in civil society insisted that trying to talk to Mutharika was an 'exercise in futility' and that mass action in the streets was required to 'bring down the government' or at least get the government to take civil society's demands seriously.[23] The militants were prepared to make the ultimate sacrifice, proclaiming that 'if some of us

have to die, so be it'.[24]

The government officials with whom the UNSG Envoy met indicated that, as representatives of the state, they felt a sense of responsibility for the deaths and injuries that had occurred in July and they seemed determined to avoid a recurrence of the violence.[25] They understood that the presence and messages of the Envoy, representing the UN Secretary-General, reflected the international community's refusal to tolerate further state violence. This emboldened them to raise constructive ideas and explore peaceful avenues, in contrast to the combative posture of President Mutharika. At the end of July members of the government had asked the Council for Non-Governmental Organisations in Malawi to convince the more hardline civil society leaders to negotiate with the government instead of returning to the streets.[26]

President Mutharika was resistant to talking to civil society. He had been emboldened by his landslide electoral victory in 2009, which induced a sense of arrogance and imperviousness. He was also extremely agitated by the 'regime change agenda' of certain civil society groups that were funded by foreign donors.[27] His stance was 'either you go or I go, and I was democratically elected'.[28]

Nevertheless, Mutharika knew that the civil society groups were not strong enough to overthrow the government and this made them less threatening. Based on a rational cost-benefit analysis, the national dialogue proposed by the UNSG Envoy was an attractive option.[29] Consenting to participate in talks with civil society would make the President look good in the eyes of citizens. It would also ease tensions with the Western donors on whom Malawi was dependent; these donors were becoming increasingly frustrated with corruption and authoritarianism. In any event, there were no political or other costs associated with the dialogue. Viewed pragmatically, if not cynically, the dialogue would yield public relations gains for the government without exacting a price.[30] A continuation of the violence, on the other hand, would harm the country's international reputation and further damage its relations with the donors.

Mutharika was apparently advised by President Mugabe to reject the diplomatic initiative of the UN Secretary-General on the grounds that accepting it would raise the risk of more intrusive interventions by the UN Security Council.[31] Mutharika rejected this advice and accepted a role for the UN. Notwithstanding his concerns about the Security Council, he had confidence in Secretary-General Ban Ki-Moon.[32] He may well have preferred the preventive diplomacy action to have been led by the African Union (AU) or the Southern African Development Community (SADC).[33] Neither of these bodies, however, had made any move to get involved in the crisis. Mutharika was therefore unable to select the multinational intervener of his choice.

The role of the UNSG Envoy in influencing the decisions of the President and civil society organizations is discussed in section 4 below.

3. Examining the UN Preventive Diplomacy

Entry point for UN intervention

The day after the deadly protests in July 2011, the Permanent Representative of Malawi to the UN in New York met with the UN Secretary-General to discuss the crisis. This appears to have been done at the Permanent Representative's personal initiative, and he had direct access to Ban Ki-moon because they were golfing partners.[34] The Permanent Representative subsequently convinced President Mutharika that the UN Secretary-General could help the government and civil society resolve their differences.[35] He highlighted the UN's recent mediation work in Kenya and other African countries. On 27 July the Secretary-General informed the Malawi government that the UN was willing to assist with fostering political dialogue and would deploy a UNSG Envoy to Malawi to meet with relevant actors and explore a role for the UN.[36]

Dynamics of preventive diplomacy

Following the initiative taken by the Permanent Representative of Malawi to the UN, the UN Secretary-General appointed Honwana as his Envoy to Malawi. On arriving in Malawi the Envoy met first with Richard Dictus, the UN Resident Coordinator (UNRC) and UNDP Resident Representative, in order to get advice and a reading of the situation. The UN diplomatic intervention and subsequent facilitation of the national dialogue relied throughout on the analysis and insights of the UNRC.[37]

At the suggestion of the UNRC, and in light of the atmosphere of intense suspicion and mistrust, the UNSG Envoy decided to meet separately with the civil society and government delegations. Bringing them together in the same venue would only generate a heated exchange of accusations and recriminations.

At the meeting with civil society, it was evident that the protest organizers, while united in their opposition to Mutharika and his government, represented a wide range of constituencies that had different opinions on the way forward. At the start of the meeting, a vocal and articulate minority expressed vehement opposition to postponing the vigil. They argued that the President had repeatedly refused to engage in dialogue and would only be moved by the 'power of the street'.[38] Other civil society members, initially less forceful, were open to searching for a non-violent solution to the crisis (section 3). As the meeting proceeded, the moderates, encouraged by the Envoy, became more assertive and ultimately persuaded their radical colleagues.

Although the civil society members were in a combative mood, most of them also evinced a measure of discomfort and reluctance regarding the forthcoming vigil. They were fearful of the prospect of further violence, which they claimed

was profoundly unsettling and alien to the religious and peace-loving culture of Malawi. The Envoy sought to leverage these feelings and ambiguity, 'reinforcing and amplifying the voices of reason'.[39] He affirmed the right of Malawians to demonstrate peacefully but urged the organizers to do everything in their power to prevent the eruption of further violence. He argued that this was the only way they could exercise their rights as citizens while adhering to the peaceful tenets of their religion.

Some of the militant leaders challenged the Envoy's argument, charging that a non-violent approach would simply remove the pressure on the government and ensure the perpetuation of the status quo. The Envoy responded by talking about the massive loss of life and immense destruction caused by the civil war in his own country, Mozambique. The 'sons and daughters of poor Mozambicans had killed other sons and daughters of poor Mozambicans', with over a million deaths, before the Frelimo government and Renamo finally entered into peace talks in 1990.[40] They came to realize that what united them was more important than what divided them and they accepted they would have to make compromises to ensure a peaceful future.

The Envoy concluded that civil society leaders in Malawi had two strategic options, which would entail radically different trajectories but end with the same outcome. They could remain intransigent, refuse to enter into dialogue with the government and pursue confrontations that might take them down the path to war; eventually, after great destruction had been wrought, the war would be terminated through a negotiated agreement. Alternatively, they could 'give peace a chance' and seek immediately to find a negotiated solution to the crisis.[41]

After a heated debate, first with the Envoy present and then among themselves, the protest leaders agreed to support the non-violent option. They offered to postpone the vigil by a month, subject to two conditions: the government had to formally acknowledge their 20-point petition and it had to consent to participate in a UN-facilitated national dialogue. The organizers also demanded that the President refrain from berating and insulting them. The conditional position adopted by civil society provided the Envoy with a basis for facilitating indirect negotiations with the government.

The Envoy took the compromise position to the government delegation. None of its members were agitating for repressive action against the civil society organizations and leaders. On the contrary, they were keen to prevent further violence (section 3). They welcomed the postponement of the vigil and undertook to persuade the President to accept a UN-facilitated dialogue that focused on the 20-point petition. They undertook to refrain from making harsh statements and to rapidly respond to the petition.

Both sides wanted the Envoy to facilitate a face-to-face meeting in order to formalize the agreement and initiate discussion on the details of the national dialogue process. At this meeting, held on 16 August, the Envoy stressed that he was both a representative of the UN Secretary-General and a Mozambican.[42] Malawians were his brothers and sisters. Recalling his participation in the national liberation struggle in Mozambique, he noted that he had spent time in Blantyre with other Mozambican nationalists in the early 1970s. He therefore had personal experience of the generosity and solidarity of the Malawian people and felt honoured to now have an opportunity to contribute to resolving Malawi's crisis. The meeting ended with the parties collectively endorsing the national dialogue.

On 17 August the Envoy was received by President Mutharika, who regretted the loss of life during the July protest but compared his government's actions with those of British Prime Minister David Cameron when street protests and riots had posed a similar challenge to law and order in the United Kingdom in early August 2011.[43] Mutharika accused the demonstration leaders of being criminals, maintained that certain opposition parties were trying to take advantage of the demonstrations in order to effect regime change, and held that the hostile media were part of these unconstitutional efforts. He reiterated his determination to 'smoke out' the troublemakers.[44]

In response, the Envoy played on the notion of the President as the 'father of the nation'. In that capacity, the President was expected to show wisdom and patience with all his 'children', even those that were 'unruly and disobedient', and he had a responsibility to educate and protect them.[45]

Mutharika ultimately agreed to engage in dialogue with civil society on the basis of a pragmatic cost-benefit assessment (section 3). He explained to the Envoy that his 'magnanimity' in being willing to talk to the 'scoundrels' was due to his concern that further demonstrations could result in more unrest, looting and other criminal activities.[46] He worried that the country's poorly trained and poorly equipped police might not be able to handle the situation and that the government might consequently be compelled to deploy the army to maintain law and order. He ended by expressing hope that the UN would continue to facilitate the search for a durable solution to Malawi's problems.

The Envoy believed that these encouraging outcomes were extremely fragile and could easily be reversed by the actions of either side. It was therefore essential for the UN to maintain the positive momentum and act with a sense of urgency. Although the Envoy was well equipped to serve as the facilitator of the national dialogue, UN Headquarters insisted that his duties in New York were more important.[47] Consequently, the Envoy requested the UNRC, as a stopgap measure, to immediately begin the process of facilitating discussion on the agenda and procedural aspects of the national dialogue. This would give UN Headquarters time to identify and deploy an external UN facilitator for the dialogue.

The logic of successful preventive diplomacy

The UN preventive diplomacy took place in the context of deep popular dissatisfaction and frustration with governance and economic conditions, an initial round of protests and violence, an escalatory conflict dynamic and the imminent prospect of further violence. The preventive diplomacy succeeded in defusing the immediate crisis and averting another bout of violence. The logic of this process of de-escalation had the following elements:

- Both the government and civil society sectors were divided between moderate and hardline elements that wanted to pursue different courses of action. The UNSG Envoy was able to present arguments and ideas that bolstered the position of the moderates and helped to sway the internal debates in their favor.

- The UN's proposal for a national dialogue offered actual or potential benefits to all the conflict parties and provided them with a way out of the crisis without any of them losing face.

- More specifically, the majority of civil society leaders were convinced that a UN facilitated dialogue focusing on the 20-point petition was an acceptable means of addressing popular grievances and demands (section 3). They were therefore willing to postpone the August vigil. Postponing rather than cancelling the event was a face-saving action and provided civil society with an 'escape route' if the national dialogue proved unsatisfactory. The postponement, being a de-escalatory and conciliatory move, also made it easier for President Mutharika to accept the national dialogue.

- Aside from the substance of the national dialogue, both sides believed that the *process* of dialogue would help to contain, manage and mitigate the tension between the government and civil society. The dialogue implied mutual recognition and respect by the two sides, which was essential given the acrimonious recriminations and combative rhetoric after the July violence.

- The prospect of UN facilitation also raised civil society's confidence that the dialogue would be meaningful and lead to real change. The UN was thus perceived to be 'a kind of guarantor of positive change'.[48] Without the UN playing this role, civil society would probably not have agreed to enter into talks with the government.[49]

Having explained the logic of the preventive diplomacy, we can now set out the main factors that contributed to its success:

Moderate elements in the conflict parties

As discussed above, there were members of both the government and the civil society organizations that wanted to avoid further violence (section 3). Had this not been the case, or had the hardliners prevailed over the moderates in the internal deliberations of the government or civil society, it is possible, and perhaps likely, that the UN preventive diplomacy would have failed.[50] In other words, the preventive diplomacy took advantage of an *existing potential for de-escalation*.

Acceptability of the UN

Both the government and civil society regarded the UN as a neutral and credible arbiter and were willing for it to serve as the facilitator of the national dialogue.[51] Although Mutharika was perturbed by the possibility of UN Security Council engagement, he was receptive to the 'good offices' overture of the UN Secretary-General.[52] As noted earlier, he may have preferred the AU or SADC on the grounds that they were African and less intrusive than the UN (section 3). Nevertheless, the Office of the UN Secretary-General had the advantage that, unlike the African organizations, it had 'no interests in the fight'.[53]

The collective confidence that the UN was an appropriate institution to play preventive diplomacy and dialogue facilitation roles remained constant throughout the process. There was one minor exception: some civil society members were unhappy about the UNRC serving as the interim UN facilitator because he was perceived to be too close to the government.[54] This arrangement was only temporary, however, and the concerns did not have a lasting impact.[55]

Acceptability of the UN Envoy

The conflict parties expressed appreciation that the UN Secretary-General had sent an envoy to help them address the crisis in Malawi.[56] They were especially pleased that the Envoy was from the region, 'a neighbor and a friend', who understood their culture and history.[57] An envoy from another region would not have been able to grasp the nuances and 'read the signs' of Malawi.[58]

Approach of the UN Envoy

At the strategic level, the UN's overarching goal was to help the government and civil society organizations to engage in dialogue and address their pressing political and economic problems without resort to violence.[59] The goal did not encompass the promotion of UN positions on the substantive issues under debate; the agenda of the dialogue 'was to be determined by Malawians and not the UN'.[60]

Also at the strategic level, it was essential that the UN ensured that SADC supported its efforts. Immediately after the Envoy was appointed, he contacted the Executive Secretary

of SADC to inform him of the UN initiative. The Executive Secretary said that the regional body was willing to hold back while the UN took the lead.[61] Given SADC's sensitivity to external interventions in Southern Africa, the Envoy assured the Executive Secretary that he would consult and report regularly to SADC (see further below).

Since Malawi is not a country of any geo-strategic significance and the level of violence was relatively low, there was no engagement by the major powers in the conflict or its resolution. The most important foreign state actors were the donors that supported Malawi. The UNRC kept the donors briefed on the preventive diplomacy and national dialogue developments. The donors were supportive and did not seek to influence the process. From their perspective, a dialogue between government and civil society, facilitated by the UN, was entirely positive.[62]

At the tactical level, the Envoy sought to earn the trust of the conflict parties by showing respect, listening carefully to their interventions and often paraphrasing their remarks in order to indicate an empathetic understanding of their concerns, needs and aspirations.[63] He was firm in advocating a non-violent approach but refrained from bullying, lecturing or scolding the parties. He constantly asserted the importance of national ownership, insisting that decisions on the way forward lay with the conflict parties and not the UN.[64] The civil society leaders appreciated, in particular, his frank personal comments about the Mozambican civil war, which made the prospect of large-scale violence in Malawi 'real and not hypothetical'.[65]

International support and communication

As noted above, SADC and the donor community in Malawi backed the UN's efforts. According to a SADC official, the regional body was willing to 'join hands and collaborate with the UN, rather than run a parallel initiative of their own'.[66] SADC in fact appeared to be quite happy for the UN to take the lead: several of the region's heads of state regarded President Mutharika as partly or largely to blame for the Malawi crisis and this made it difficult for them to get involved.[67] It was also relevant that Mutharika had accepted the UN Secretary-General's offer of assistance. Moreover, civil society was sceptical of engagement by SADC, believing that the organization would favour the government.[68] At a personal level, it was helpful that the UNSG Envoy and the SADC Executive Secretary were both Mozambicans.[69]

In relation to both the preventive diplomacy and the national dialogue facilitation, the UN ensured that there was good information-sharing and coordination with key international actors. The UNSG Envoy, at the outset, discussed his mandate and impending visit to Malawi with the SADC Executive Secretary; DPA used its liaison office in Gaborone to regularly brief the SADC Secretariat on the national dialogue; the UN Facilitator briefed the AU and SADC regularly; and, in Malawi, the UNRC and the UN Facilitator continuously briefed the in-country donor coordination mechanism.[70]

Absence of rival mediation initiatives

The UN preventive diplomacy and national dialogue facilitation were not challenged by any competing mediation or crisis management initiatives launched by other external or domestic actors. As noted above, SADC accepted that the UN would facilitate the dialogue. There was apparently no contemplation of the AU intervening diplomatically.[71] Traditional peace brokers from Malawi civil society were perceived to have chosen sides and therefore could not play an impartial role.[72]

Absence of public UN criticism

UN officials involved in the preventive diplomacy and national dialogue believe that another factor relevant to success was the absence of public criticism by the UN regarding the police shootings and, more broadly, the growing authoritarianism and human rights abuses of the Malawi government.[73] UN officials did raise these issues privately with Mutharika. Public criticism by the UN, on the other hand, would probably have caused the President to reject the UN's offer to help defuse the crisis.

4. Examining the National Dialogue

The national dialogue began on 25 August 2011. The UNRC facilitated preparatory meetings with the aim of forging consensus on the composition of the government and civil society delegations and on the guiding principles, rules of procedures and agenda for the talks. This early work helped to establish a sense of parity between the government and civil society delegations, enabled the two sides to articulate their respective positions, compelled each side to hear their opponents' views, and laid the ground-rules for the dialogue that followed.[74]

On 7 September the UN Secretary-General appointed Ms Zewde as the UN Facilitator for the dialogue, and she started her work in-country in late September. The dialogue process continued intermittently over the next six months before its last meeting was held on 24 March 2012. A report on the results of the process was presented to President Banda on 17 June 2012. Throughout the process, DPA provided political guidance and expertise in process design and UNDP provided administrative and logistical support.

Achievements and limitations

The national dialogue contributed to defusing tension between the government and civil society, particularly during the initial phase of the process. According to one interlocutor, it 'provided a platform for the parties to talk to each other and thereby scale down the conflict'.[75] It did not, however, address the root causes of the crisis.[76] In fact, it did not lead to any major decisions or the resolution of any major issues.[77]

The process was significant 'more because it happened than because of what it achieved'.[78] It turned out to be an exercise in crisis containment and de-escalation rather than one of conflict resolution or transformation. In short, the national dialogue was a form of preventive diplomacy and not a form of structural conflict prevention.

Because the national dialogue made no substantive progress, tension between the government and civil society continued to simmer throughout the period of the talks. In mid-September 2011 the civil society delegation staged a temporary withdrawal after the office of a civil society leader was torched.79 In February 2012 civil society again withdrew, threatening the government with further demonstrations since only three of the 20 agenda items had been discussed at that stage. Hardline elements in civil society concluded that the dialogue had killed any chance of building a popular movement that could have dislodged Mutharika; they claimed that greater gains would have been made through street action but acknowledged that this would probably have led to more bloodshed, which they felt was a necessary price to pay.80

Whereas the preventive diplomacy and national dialogue provided a short-term calming of the tension, in the medium-term this was attained primarily when President Mutharika died in February 2012 and was replaced by Vice President Banda, who was more democratically oriented and had an affinity with civil society. In the long-term, the national dialogue laid the seed for a consultative process on the establishment of a national peace architecture. Supported by UNDP, this process led to the government's adoption of a National Peace Policy in 2017.81

Explaining the limitations of the national dialogue[82]

Composition and mandate of the delegations

The composition of the government and civil society delegations to the national dialogue was not conducive to making progress on the 20-point petition. The government delegation comprised a number of religious leaders and a single cabinet minister. Since the civil society delegation was also made up of leaders from the non-governmental sector, the dialogue appeared to be 'just non-state actors discussing among themselves'.[83] Political parties were not represented in the process.

The government team did not have the authority to make decisions. All provisional decisions that were made in the national dialogue forum had to be referred to the President for approval, which repeatedly delayed the discussions for several weeks, and the President often overturned the positions adopted by the government delegation. In effect, civil society was talking not so much to the government as to its intermediaries.

The civil society team experienced its own challenges. It was obliged to caucus extensively with leaders and members who were not participating directly in the talks and this led to protracted consultations and erratic decision-making. Questions were also raised about whether the team was sufficiently representative of civil society.

Inappropriate process

The national dialogue suffered from a number of procedural deficiencies. It consisted of periodic meetings at which most of the participants lacked the necessary technical expertise to discuss complex issues such as commodity prices, fuel shortages, the lack of foreign exchange and institutional weaknesses in the health sector. This expertise was not made available consistently through the secondment of experts to the dialogue forum, and there were no direct links between the dialogue and the relevant deliberations and decision-making processes in government and parliament. Consequently, the national dialogue was entirely ill suited to making decisions and solving problems on matters that were politically, financially and technically complicated.

Lack of continuity and sustained presence in the UN facilitation

The UN preventive diplomacy and dialogue facilitation suffered from a lack of continuity and sustained presence. The lead UN role shifted from DPA to UNDP and then to UNON; the UN Facilitator travelled intermittently to Malawi from Nairobi, where she was based, and then only for periods of a few days; and DPA political affairs officers from the region shuttled into and out of Malawi on a part-time basis.[84] The lack of continuity was unsettling for the parties and inhibited developing personal relationships with key actors, generating momentum and building domestic confidence in the national dialogue. It also reduced the seriousness with which President Mutharika took the process.[85]

In terms of internal UN dynamics, there was generally good coordination between DPA, UNDP and UNON. An exception in this regard was a lack of clarity upfront between DPA, UNDP and UNON on their respective financial contributions; this generated friction, especially between DPA and UNDP Malawi, and created a perception that DPA was not willing to foot the bill for an initiative it had launched.[86]

Absence of political will

By far the most important reason for the national dialogue's failure to make progress on substantive issues was the fact that President Mutharika was not committed to a serious dialogue. This was evident from the composition of the government delegation, the delegation's lack of decision-making authority and the government's generally desultory approach to the process. Mutharika failed even to 'make decisions that were easy to make and did not require big allocations of funds'.[87]

In the absence of the requisite political will at the highest level, it was obviously impossible for the dialogue to address meaningfully the problems of authoritarianism, corruption, abuse of power and other structural causes of the crisis. From the perspective of the government, the national dialogue was useful in reducing tension with civil society and defusing popular militancy. For some civil society leaders, it just 'dilly-dallying', a 'waste of time' and a matter of 'co-opting civil society'.[88]

UN response to the deficiencies

The deficiencies with the national dialogue were apparent to the UN from the early phase of the process.89 The UN made some effort to improve the process but to no avail. For example, the UN Facilitator suggested to President Mutharika that the composition of the government delegation should be upgraded but he was unwilling to do this.90 In internal discussions at UN Headquarters in New York, DPA officials expressed a keen interest to work with SADC in addressing the root causes of the crisis, provided that the Malawian government was open to this. That never happened and DPA never pursued the matter further.

5. Conclusion

This final section draws conclusions and contributes to inductive theory-building. An explanation for *why* and *how* UN preventive diplomacy succeeded in Malawi can be constructed on the basis of a conceptual framework that has the following elements: the logic of successful preventive diplomacy; the necessary conditions for success; the enabling conditions for success; and the sustainability of successful diplomacy. This framework provides a basis for explaining and predicting success in preventive diplomacy.

Preventive diplomacy in Malawi entailed a shift from an escalatory dynamic to a dynamic of containment and de-escalation. This shift resulted from the actions and decisions of two categories of actors: decisions made by the conflict parties; and actions taken by the UN with the aim of influencing and supporting these decisions in a non-violent direction. In order to comprehend the reasons for success, it is therefore necessary to focus not only on the role of the UN but also on the parties. This is the *engine room* of preventive diplomacy. We cannot understand successful preventive diplomacy without going into the engine room.

At the early stage of a violent or potentially violent conflict, it is possible that one or more of the conflict parties defuses the crisis without third party intervention. But an escalatory dynamic – characterized by, inter alia, action-and-reaction, growing polarization, intense mistrust, inflammatory threats and mutual demonization – creates an i*nherent risk of progression towards greater violence*. The escalatory dynamic has its own momentum, heightening tension, limiting the space for the parties to back down without losing face and thereby increasing the risk of violence. The function of third party preventive diplomacy is precisely to help the conflict parties to back down and resolve their disputes in a non-violent and face-saving manner. The essential logic is that the diplomatic intervention offers the parties a *way out* of the escalation.

The details of the logic of successful preventive diplomacy differ from one case to another. In the Malawi case, the logic can be summarized as follows:

- The presence of the UN Envoy – as a representative of the UN Secretary-General and, implicitly, the international community – commanded the attention of the parties and interrupted the escalatory dynamic.

- The Envoy was able to facilitate negotiations on crisis abatement because the conflict parties viewed him as an authoritative, impartial and trusted intermediary.

- The Envoy was able to reinforce and amplify the voice of government and civil society moderates who wanted to avoid further violence.

- The proposal to embark on a UN-facilitated national dialogue provided the parties with a de-escalatory and face-saving approach that would potentially enable them to address the grievances that had provoked violence and seemed likely to provoke further violence. As the UNSG Envoy to Malawi put it, the preventive diplomacy provided the government and civil society groups 'with a ladder to climb down without losing face.[91]

What conditions made this de-escalation possible? A distinction can be drawn between necessary conditions and enabling conditions for success, the former being *essential* for de-escalation and the latter being conducive to de-escalation. In the Malawi case, there were two necessary conditions: all the conflict parties accepted the UN as a third party intermediary; and the conflict parties had not yet decided to resort to further violence. If either of these conditions had been absent, the preventive diplomacy would probably have failed.

In situations where one or more of the conflict parties has made an irrevocable decision to resort to high intensity violence, there may be little if any space for preventive diplomacy. Put differently, extreme violence entails severe risks and costs for the perpetrators as well as their targets. Resorting to extreme violence is thus not a decision taken lightly. It occurs when a particular threshold of anger, frustration and enmity has been reached, and an escalatory dynamic may drive one or more of the conflict parties towards that threshold. In Malawi the parties had not reached this threshold, making it possible for the UN to influence their deliberations in favor of a non-

violent option.

As discussed in section 5, the enabling conditions for success in Malawi were as follows: the willingness of the sub-regional body, SADC, to accept that the UN would be responsible for the preventive diplomacy and national dialogue facilitation; the absence of any rival prevention or mediation initiative by other organizations; the absence of public criticism by the UN of any of the conflict parties; the personal style of the UNSG Envoy, which relied on political and moral persuasion rather than lecturing, scolding or bullying the parties; and the Envoy's affinity with the conflict parties as a citizen of a neighboring country.

We would expect the necessary and enabling conditions for success to differ from one case to another. We also appreciate that the distinction between necessary and enabling conditions may be blurred. Nevertheless, the distinction may be useful when analyzing cases in order to develop a more comprehensive general understanding of successful preventive diplomacy.

In assessing whether the Malawi case was a success, a distinction should be drawn between preventive diplomacy and structural conflict prevention. Structural prevention aims to prevent violent conflict by addressing the root causes through medium- to long-term political, socio-economic and institutional measures. Preventive diplomacy, on the other hand, entails diplomatic efforts to contain and de-escalate a violent or potentially violent conflict at an early stage. The aim is to prevent a 'small fire from becoming a big fire', to 'nip a violent conflict in the bud'. Preventive diplomacy is successful when it achieves this, even if it does not lead or contribute to structural prevention. By this standard, the UN preventive diplomacy in Malawi was successful.

In many instances, however, preventive diplomacy may be necessary but not sufficient. It may succeed in the short-term but do nothing to mitigate the risk of violence in the medium- to long-term. Consequently, an important question is whether preventive diplomacy in a given case was linked to or followed by efforts at structural prevention. This was indeed the case in Malawi, where the UN preventive diplomacy was tied to a UN-facilitated national dialogue. But the dialogue did not succeed in addressing the structural causes of the conflict. The Malawi case highlights the fact that the space for structural prevention may be quite different from the space for preventive diplomacy.

People Interviewed for This Paper

Richard Dictus, UN Resident Coordinator and UNDP Resident Representative in Malawi during the crisis of 2011-12

Joao Honwana, former Director of Africa 1 Division, UN Department of Political Affairs, who served as the UN Secretary-General's Envoy to Malawi in 2011

Martha Kwataine, Malawian health and human rights activist who participated in the national dialogue in 2011-12

Ambassador Necton Mhura, Permanent Representative of the Republic of Malawi to the United Nations, who served in President Mutharika's office in 2011

Apostle Mbewe, member of the government delelegation, known as the Presidential Group on Contact and Dialogue, that participated in the national dialogue in 2011-12

Andries Odendaal, Senior Associate of the Centre for Mediation in Africa, University of Pretoria, who was contracted by the UN to support the facilitation of the national dialogue in Malawi

Robert Phiri, Executive Director of non-governmental Public Affairs Committee in Malawi, who served as the secretary of the civil society delegation to the national dialogue in 2011-12

Endnotes

Cover Image: Blantyre, Malawi. Flickr/ Travis Lupick.

* This project is being conducted jointly as between the Centre for Policy Research along with Dr. Laurie Nathan, Visiting Fellow at the Kroc Institute for International Peace Studies, and Joao Honwana, former Director at the UN Department of Political Affairs. The findings of this case study are those of the author alone and do not necessarily represent those of the United Nations.

1 See Diana Cammack, 2012, 'Malawi in Crisis, 2011–12', Review of African Political Economy, 39(132): 375-388; 'Impact Assessment of DPA's Preventive Diplomacy Efforts in Malawi from July to September 2011', prepared for the Policy Mediation Division in the UN Department of Political Affairs, April 2014, pg. 8. See also Presidential Commission of Inquiry into the Demonstrations, Death, Injuries, Riots, Looting, Arson, Public Disorder and Loss of Property that Took Place on 20th and 21st July 2011, 'Report of Findings and Recommendations', c/o Malawi Law Commission, 14 June 2012, available at http://www.icla.up.ac.za/images/un/commissionsofinquiries/files/Presidential%20Commission%20of%20Inquiry%20Report%20Malawi%202011.pdf.

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16 Interviews, November and December 2017.

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21 Ibid.

22 Ibid.

23 Ibid.

24 Interview with Joao Honwana, November 2017.

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26 'Impact Assessment', pg. 10.

27 Interview with Joao Honwana, November 2017; interview with Ambassador Mhura, December 2017.

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29 Interview with Joao Honwana, November 2017.

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31 Interview with Richard Dictus, November 2017.

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UN Preventive Diplomacy during the 2015 Nigerian Elections

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Introduction

In March and April 2015 Nigeria held national and state level elections, including for the presidency. The elections were not entirely peaceful, with an estimated 160 people killed in election-related violence.[1] Despite the violence, however, the poll was widely considered a success, both domestically and internationally.[2] There were several reasons for this: a much higher level of violence had been feared; previous elections had been wracked by fraud; and the 2015 elections, won by the opposition party, marked the first peaceful transfer of power since Nigeria's transition from military to civilian rule in 1999.[3] International and local election observer groups concluded that the poll had been generally free, transparent and peaceful.[4]

This paper argues that the absence of large-scale violence was due primarily to the restraint exercised by Nigerian political actors and to the crucial conflict prevention and management roles played by Nigerian institutions, chiefly the Independent National Electoral Commission (INEC), the National Peace Committee (NPC), and peace committees at the state level. Perhaps the most important factor in averting large-scale violence was the decision by President Goodluck Jonathan to concede defeat promptly when it became clear he had lost the presidential election.[5]

The UN's contribution to conflict prevention fell into two categories: technical and political support to the INEC and the NPC; and preventive diplomacy activities undertaken by Dr. Mohamed Ibn Chambas, head of the UN Office for West Africa (UNOWA) and the UN Secretary-General's Special Representative (SRSG) for West Africa. Unlike cases where UN preventive diplomacy makes a singular and decisive contribution to averting violence,[6] in the Nigerian case the UN, along with other international actors, performed a number of activities that collectively contributed to preventing large-scale violence. The paper highlights the methodological difficulty of determining the impact of UN preventive diplomacy in such circumstances, where the prevention of violence is attributable to the efforts of multiple actors, both domestic and foreign.

The success of the Nigerian elections will not necessarily serve as a precedent for future elections. Because of the structural political problems described in this paper, future elections are likely to be characterized by the risk of large-scale violence. This raises the question of how, in the context of elections, peace can be sustained. The paper argues that election-related conflict prevention mechanisms and systems have to be institutionalized, with support from the UN.

This paper has been prepared for the research project on 'Capturing UN Conflict Prevention Success Stories: When, How and Why Does It Work?', housed at the Centre for Policy Research at the UN University. In addition to the published and unpublished material cited in this paper, the study is based on the author's interviews with UN, Nigerian and other interlocutors in 2017 (Appendix 1). In accordance with the terms of reference of the research project, the paper focuses, in particular, on preventive diplomacy undertaken by the UN.

The paper is organized as follows: section 2 covers the conflict dynamics and risks; section 3 discusses the conflict prevention roles of Nigerian actors; section 4 describes and analyzes the preventive diplomacy and other conflict prevention roles of the UN; section 5 sets out the need to sustain and institutionalize conflict prevention efforts in relation to Nigerian elections; section 6 discusses the methodological challenge of proving the impact of preventive diplomacy; and section 7 draws conclusions.

1. Conflict Dynamics and Risks

Prior to the elections, there were deep concerns among Nigerians and international actors that the poll might be wracked by large-scale violence and provoke a major crisis.[7] In late 2014, for example, a Nigerian-based thinktank predicted that 16 of the country's 36 states faced a high risk of violence during the elections.[8] There were several evident areas of risk. First, the country has a troubled history of election-related fraud and violence. In the 2011 general elections, over 800 people were killed and 65,000 were displaced by violence.[9] The violence began with protests by supporters of General (retd) Muhammadu Buhari, a leading presidential candidate, against President Jonathan's electoral victory and then degenerated into riots and sectarian killings in twelve northern states.

Second, there were concerns about the preparedness of the INEC, especially in relation to the introduction of smart technology for voting and vote-counting, which did not seem reliable and well suited to conditions in Nigeria. Moreover, there were doubts that the INEC would be able to produce an up-to-date and credible register of voters in time for the poll. The Commission's decision to create 30,000 new polling units, mainly in the North, was roundly denounced by groups in the South as a move intended to skew the results of the presidential election.[10]

Third, the four largest opposition parties had formed a coalition – the All Progressives Congress (APC) led by Buhari – that looked set to mount a strong challenge to the ruling People's Democratic Party (PDP) led by Jonathan. The potential for a close contest upped the stakes dramatically. In the run-up to the election, there was a complete breakdown of communication and trust between the APC and the PDP. Some of the leaders of both parties made inflammatory statements and appealed to ethnicity as a means of mobilizing support. Tensions were further inflamed by factionalism within the parties and the defection of high profile politicians from one party to the other.

In the worst-case scenarios, the losing party would refuse to concede defeat and some of the losing constituencies would

erupt into violence.[11] Prof Bolaji Akinyemi, a former foreign minister of Nigeria, wrote an open letter to Jonathan and Buhari warning that 'the certainty of violence after the 2015 elections is higher than it was in 2011. If President Jonathan wins, the North will erupt into violence as it did in 2011. If Buhari wins, the Niger Delta will erupt into violence. I don't believe that we need rocket science to make this prediction'.[12] These worst-case scenarios were manifestations of the structural character and orientation of the Nigerian system of governance and electoral politics. Nigerian elections suffer from a 'do-or-die' pathology, with too much political power, economic opportunity and ethnic, regional and personal patronage accruing to the winning party and its leader.

Fourth, the risk of violence and disruption was compounded by severe tensions between and within Nigeria's various regions. These tensions included the country's dominant religious and political cleavage between the Muslim North and Christian South, as well as the long-standing turbulence in the Niger Delta region, where militants warned they would take up arms if Jonathan did not win.[13] More dangerous still was the Boko Haram insurgency in the North East. Boko Haram threatened to disrupt the 'pagan practice' of elections.[14] In any event, it appeared likely that the insurgency would result in the disenfranchisement of hundreds of thousands of voters.[15] There was also a sense that all the political parties were using the Boko Haram crisis as 'a political football' to sow mistrust and exploit ethno-religious divisions.[16]

Fifth, in February 2015 a new crisis arose when the INEC postponed the elections by six weeks on the grounds that the delivery of permanent voters' cards was behind schedule and that the security forces could not guarantee security for the poll in fourteen local government areas where Boko Haram was active.[17] The government insisted that the multinational force fighting Boko Haram needed more time to ensure security. The postponement evoked a negative reaction from opposition parties and international actors, some of whom were convinced that the PDP was simply buying time in order to rig the election.[18] Further exacerbating these anxieties, there were rumors of a possible military coup to pre-empt an APC victory.

2. Conflict Prevention by Nigerian Actors

At the national level, three Nigerian institutions played notable roles in resolving disputes, preventing violence and promoting free and fair elections. First, the National Human Rights Commission (NHRC) investigated human rights abuses related to the electoral process and issued statements condemning violations by all sides. Second, the INEC conducted the elections in a manner deemed free and fair by local and international observers.[19] The chairperson of the INEC, Attahiru Muhammadu Jega, earned much praise for his independence, courage and integrity.[20]

Third, the NPC made a substantial contribution to conflict management and prevention by facilitating dialogue, reducing tension and building confidence between the APC and the PDP and by troubleshooting in hot spots at local level. The Committee was chaired by a former Nigerian head of state, General (retd) Abdulsalami Abubakar, and included prominent religious leaders from across the spectrum. The Kukah Centre, headed by Bishop Matthew Kukah, served as the NPC's secretariat.[21]

The NPC was established in the context of a 'sensitization' workshop for political parties, held on 14 January 2015. The workshop was initiated by Senator Ben Obi, Special Adviser to the President on Inter-Party Affairs, and facilitated by former UN Secretary-General Kofi Annan and former Commonwealth Secretary-General Emeka Anyaoku. At this event all the political parties contesting the elections signed an electoral code of conduct, known as the Abuja Accord. The parties pledged to accept the results of the elections, refrain from inciting violence, avoid religious incitement and ethnic or tribal profiling, and accept the mandate of the NPC to monitor adherence to the Accord.[22]

The NPC's terms of reference were to observe and monitor compliance with the Abuja Accord; provide advice to the government and the INEC on the resolution of political disputes and conflicts arising from issues of compliance with the Accord; and be available for national mediation and conciliation in the case of post-electoral disputes or crises.[23] In pursuance of this mandate, the NPC met with the leaders of the political parties, the chiefs of the security services, INEC officials, business leaders, civil society organizations, the executives of media regulatory agencies, and the international electoral observer missions. These meetings enabled coordination, exchange of views, identification of trouble spots and targeted election monitoring.[24]

Most importantly, the NPC provided a vital channel of communication between the PDP and the APC. It sought to downplay rumors, address allegations of misconduct and discourage negative campaign tactics. Both parties expressed appreciation of the NPC's role in this regard. The PDP chairperson referred publicly to the committee as a 'watchdog for peaceful and credible elections'.[25] Responding to concerns raised by the NPC, he acknowledged problems in the PDP's campaign and assured the NPC he would investigate misconduct and encourage party members to act properly.[26] The APC chairperson similarly praised the NPC, describing it as the 'most influential body at the most critical time'; he undertook publicly to put an end to inappropriate campaigning and to advocate non-violence among the party's supporters.[27]

From the outset, the NPC was concerned that the loser of the elections would not accept the outcome. This concern intensified as the electoral campaigns built up steam, escalating to the point that 'the country was on a knife edge, a national implosion waiting to happen'.[28] Two days before the voting took place, the NPC convened a meeting between Jonathan and Buhari

in order to get them to renew publicly their pledge to respect the results. The meeting was extremely acrimonious, with the two leaders exchanging heated criticisms of each other's campaign. Nevertheless, it succeeded in 'letting off steam' and clarifying misunderstandings.[29] It concluded with the two leaders signing an agreement on 'Renewal of our Pledges'.[30]

The 'Renewal of our Pledges' agreement is often referred to as a pivotal moment in terms of conflict management, de-escalation of tension and prevention of large-scale violence.[31] It heightened public confidence in the poll, sent a clear message to the supporters of the two major parties and provided a basis for holding their leaders accountable in the event of any violence breaking out.[32] However, it should be noted that the agreement reflects only a qualified commitment to respect the election results: it states that the signatories 'pledge to respect the outcome of *free, fair and credible* elections' (emphasis added).[33] A losing party that did not consider the elections to have been free, fair and credible might thus have argued that it was not bound to accept the outcome.[34]

Some respondents claimed that at the 'Renewal of our Pledges' meeting, the NPC facilitated an agreement between Jonathan and Buhari that the winner would not subject the loser and his senior officials to political harassment and criminal prosecution.[35] Well-informed interlocutors, on the other hand, insist that this is an 'urban myth' and that there was no such agreement. The NPC's own position at the meeting was that 'corruption is a cancer and must be stamped out', but that this should be done in a non-discriminatory manner and in accordance with the law.[36]

The Abuja Accord was intended to be binding at the state level as well as at the federal level. In the short period between the date of the NPC's establishment and the date of the elections, however, the NPC did not have time to set up sub-structures at state and local levels. Instead, on an ad hoc basis it deployed its members to trouble spots around the country and co-opted other prominent people to do this as well. Furthermore, the formation of the NPC inspired similar initiatives and structures in certain states.[37]

The work of the NHRC, the INEC and the NPC was supplemented by the efforts of a large number of Nigerian civil society bodies, including the Council of the Wise and the Centre for Democracy and Development, all of which contributed to peaceful elections.[38] In addition, local, regional and international electoral monitoring missions provided early warning of potential violence, identified human rights violations and helped to discourage fraud and voter intimidation.

3. Conflict Prevention and Preventive Diplomacy by the UN

The UN attached a high level of importance to the 2015 Nigerian elections because of the risk of large-scale violence, the size of the country's economy and population, and the potentially catastrophic consequences of violence. The UN played two major conflict prevention roles: it supported the Nigerian institutions that engaged in conflict prevention and management; and it undertook preventive diplomacy directly, through the efforts of SRSG Chambas.[39] There was no single, decisive intervention by the UN. Rather, as described below, the UN performed a range of activities that collectively contributed to conflict prevention. In short, the UN 'was not a [conflict prevention] leader in this case, but an enabler and facilitator'.[40]

This section provides an overview of UN support to Nigerian actors; discusses the preventive diplomacy conducted by SRSG Chambas; and identifies the conditions and dynamics that enabled the UN to play an effective conflict prevention role.

UN support to Nigerian actors

The UN Country Team (UNCT) based in Abuja supported conflict prevention efforts in numerous ways. It facilitated good offices and engagement with the PDP and APC; generated positive messaging through public information and media statements; enhanced the capacity of national institutions to prevent and manage conflict by supporting the NHRC, as well as local NGOs, media and other partners; and assisted with the design of an elections dispute resolution mechanism.

More specifically with respect to the NPC, the UNCT supported Senator Obi's sensitization workshops for political parties that culminated in the Abuja Accord; helped to develop the terms of reference of the NPC; provided funding to the NPC; seconded personnel to the Kukah Centre, which served as the secretariat of the NPC; and provided logistical and advisory support for the establishment of peace committees throughout the country.

The UN Electoral Assistance Division (EAD) undertook an electoral needs assessment mission to Nigeria, which led to an integrated framework for coordinated UN electoral assistance. The UNCT supported the ECOWAS election observer mission, INEC's reforms and institution-building, voter education, ICT-driven election management systems, human rights training for the security sector, and initiatives to ensure women's participation in the elections. The UN did not itself deploy an electoral observer mission but liaised closely with the international, regional and local election monitoring teams on the ground.

Preventive diplomacy by SRSG Chambas

As noted in section 1, SRSG Chambas was the head of UNOWA, the first regional conflict prevention and peacebuilding office established by the UN. Its overall mandate is to enhance the UN's contribution to the achievement of peace and security in West Africa and to promote an integrated approach in

addressing issues that impact on regional stability. This includes monitoring political developments, engaging in preventive diplomacy, good offices and mediation, and assisting regional institutions and states to enhance their respective capacities in these fields.[41]

Given the risk of large-scale violence in Nigeria and the potential impact of a major crisis around the elections, the UN Secretary-General appointed Dr. Chambas as his High Level Representative to Nigeria. Chambas visited the country over fifteen times between October 2014 and April 2015, and UNOWA deployed five political affairs officers to Nigeria. Chambas' interventions took the form of advocacy, facilitation and good offices rather than mediation. He targeted, in particular, the leaders of the APC and the PDP, as well as the security chiefs; he supported the conflict prevention and management efforts of the NPC; and he undertook good offices at the state level in a number of hotspots.

According to UN officials, Chambas made a number of significant contributions to conflict management and prevention: he helped to choreograph the way forward at moments when the situation seemed to be heading for disaster (discussed below); defused tension in relation to both the presidential contest and a number of gubernatorial elections at the state level; played an instrumental role, together with the UN Resident Coordinator, in establishing the NPC; reinforced the peacemaking efforts of national and local actors; marshaled the regional and international actors on the ground in Nigeria to adopt a common approach; alleviated the crisis caused by the postponement of the elections; and contributed to Jonathan's decision to concede defeat.[42]

Dr. Chambas' overall approach to conflict prevention in Nigeria was to work discreetly behind the scenes, often in support of the NPC and always in an affirming, non-provocative and non-threatening manner. In essence, this approach entailed 'leading from behind' and projecting the UN as 'a friend in an hour of need'.[43]

In his approach to conflict management, Chambas believes that it is generally best to avoid playing up a crisis. It is preferable to downplay the crisis, accentuate the positive, affirm the country's leaders and 'warn gently of troubling' developments'. This was the strategy Chambas followed in Nigeria. He preferred the 'soft pressure' of discreet high-level engagement to the tougher option of admonishing Nigerians and issuing warnings and threats.[44] He advised UN Headquarters not to push too hard and publicly on human rights concerns, convinced that this would antagonize the Nigerian leadership, prejudice the UN's conflict prevention efforts and do nothing to enhance respect for human rights.[45] This did not exclude a focus on human rights, however. The UN collaborated with the Nigerian Human Rights Commission and was involved in human rights training for the security forces.

When Chambas engaged with the political and security elites, he appealed to their collective sense of pride in Nigeria's status as a leading African nation. This status is based predominantly though not exclusively on the country's decades-long involvement in the promotion of peace and stability, both in West Africa and on the continent as a whole. Chambas highlighted Nigeria's membership of the UN Security Council at the time of the 2015 elections, which affirmed its importance as a leading African nation. Consequently, Nigerians had a responsibility to set a positive precedent and lead by example in these elections. Chambas pointed out that Nigeria's prominent role in regional peacemaking would lack credibility if it could not keep its own house in order.[46]

When talking to the security chiefs after rumors of a potential coup surfaced, Chambas insisted that any unconstitutional acts, even if they were intended to prevent chaos, would in fact have the effect of plunging the country into chaos, which no institution would be able to contain. The days of African coups were long over and a coup in Nigeria would never be accepted by the AU and ECOWAS.[47]

When the electoral commission postponed the elections by six weeks, Chambas and others found it necessary to address the ensuing agitation in Buhari's camp. Chambas encouraged the APC to see the postponement as well intentioned, whether or not it was well advised, and as constituting not a threat but rather an opportunity for further campaigning.[48]

At the critical moment before the election results were announced, Chambas requested the NPC, as well as the African heads of state and former heads of state who were present in the country to observe the elections, to urge the loser of the presidential contest to accept the outcome, encourage the winner to adopt a conciliatory stance, and remind both parties that Nigeria had a long history of respecting its former heads of state.

SRSG Chambas liaised with key international partners on the ground in Nigeria, including states serving on the UN Security Council; regional and sub-regional organizations (i.e. ECOWAS, the AU, the Commonwealth and the EU); neighboring countries; former African heads of state; and other stakeholders.[49] Dr. Chambas' aims in these discussions were to ensure 'consistent messaging to the Nigerian politicians' and generate gentle but firm pressure from a united international community'.[50] The UNCT supported his efforts by arranging regular joint meetings with observation missions, and DPA liaised with the relevant Permanent Missions in New York. These efforts collectively helped to ensure that the international community 'spoke with one voice'.[51]

At the key junctures referred to above (i.e. rumors of a coup; postponement of the elections; and imminent announcement of the results), Chambas called on on key stakeholders to make phone calls to Jonathan and Buhari, advocating restraint, calm and non-violence. These calls were also intended to reinforce the sense of Nigeria's prestige in Africa and

beyond.[52]

Critical success factors

The conditions and dynamics that enabled the UN to play an effective conflict prevention role are presented below.

Conflict prevention by Nigerian actors

The UN's conflict prevention efforts took place in a context where numerous Nigerian organizations were engaged in conflict prevention and management. As described in section 3, these organizations included national, state and local level bodies, some of which were official and others non-official, working in different but complimentary ways to ensure free, fair and non-violent elections.[53] This meant that the prevention role of the UN and other international actors was less onerous than it might otherwise have been. The UN could 'add value' and it 'did not have to do all the heavy lifting'.[54] It was part of a broad stream of prevention endeavors and could support local initiatives rather than having to 'go-it-alone' or 'swim against the tide'.[55]

Acceptability of preventive diplomacy by the UN

Nigeria's acceptance of a preventive diplomacy role by the UN was not a foregone conclusion. In situations of crisis, African leaders often resist interventions by UN envoys as 'external interference in domestic affairs'. The resistance is heightened by apprehension that the interventions are a prelude to unwelcome attention and pressure from the UN Security Council. In the case of the Nigerian elections, the UN's entry and acceptability were made possible by the organization's prior and ongoing involvement in addressing the humanitarian impact of the Boko Haram crisis.[56] This involvement had greatly enhanced the UN's legitimacy in the country.[57]

The acceptability of preventive diplomacy by the UN was also due to the fact that the organization pursued a relatively low-key approach to the elections: it refrained from public criticism of the government and political parties regarding electoral concerns; avoided approaching the elections 'with guns blazing on human rights'; and instead, as noted above, worked quietly behind the scenes.[58]

The after-action report prepared by UN DPA suggests a different perspective. It observes that Nigeria's presence on the UN Security Council at the time of the elections 'greatly diminished the UN's capacity for effective conflict prevention' because it was difficult to table the subject of Nigeria on the Council's agenda.[59] The report does not explain why or how the absence of a Council discussion on Nigeria diminished the UN's conflict prevention capacity. By contrast, a number of UN officials interviewed for the current paper felt strongly that attention from the Security Council would have been unhelpful – in all likelihood, it would have generated resistance from the Nigerian government to the UN's prevention efforts.[60] The UN had initially planned to deploy a Human Rights Upfront 'light team', comprising political and human rights officers, to Nigeria. The deployment did not take place, however, because the Nigerian authorities did not approve it.[61]

Acceptability of the UN SRSG

Dr. Chambas was well placed to play a preventive diplomacy role in Nigeria. He had previously served as the deputy foreign secretary of Ghana, as Executive Secretary of the ECOWAS Secretariat based in Abuja and, when the regional body was transformed, as President of the ECOWAS Commission. In the course of this experience, he developed an extensive network of close relationships with Nigerian political leaders across the spectrum, as well as with security chiefs and civil society leaders. He had a deep understanding of Nigerian politics and of how Nigerians viewed themselves. He enjoyed a high level of trust, so much so that he was regarded by Nigerians as 'one of us'.[62] This understanding and trust gave Chambas access to the most senior politicians and security officials at short notice and enabled him to speak frankly and critically, without being perceived as intrusive and interfering in domestic affairs.

Several UN officials asserted that a key lesson to be drawn from the Nigerian experience is that the effectiveness of UN preventive diplomacy and good offices depends to a great extent on the political and personal suitability and acceptance of the UN envoy. The confidence in Chambas across the political spectrum in Nigeria was essential and was due primarily to respect for the individual and not simply respect for his UN status.[63]

International alignment

In situations of crisis or potential crisis in African countries, there is frequently tension between the UN, the AU and the relevant sub-regional body regarding the objectives, strategies, norms and leadership of external peace interventions.[64] Whereas a lack of international alignment on these matters contributed to the failure of preventive diplomacy in the recent cases of Burundi, the Central African Republic and South Sudan, this did not occur in the case of the Nigerian elections.[65] The positions of the UN, the AU and ECOWAS were aligned in favour of free, fair and non-violent elections, without a preference for or against any political party. Moreover, there was willingness amongst regional actors to grant the UN the lead role in the process.[66] AU and ECOWAS respect for SRSG Chambas contributed to this willingness.
More broadly, the positions of the major powers were aligned to those of the UN and the African organizations. This created a compelling sense of collective international pressure in favor of free, fair and peaceful elections; prevented mixed messages and in-fighting among external actors; and avoided the possibility that Nigerian political parties could exploit divisions within the international community.

UN officials also highlight as an important factor the absence

of interference by Nigeria's neighbors. Unlike the situations in Burundi, Central African Republic and South Sudan, where neighboring states pursued their own interests to the detriment of unified multilateral peacemaking and preventive diplomacy, none of Nigeria's neighbors tried to influence the 2015 elections in a parochial or partisan manner.[67]

Internal UN co-ordination

The UN's engagement with the Nigerian elections was characterized by good coordination and collaboration at different levels: within UNHQ; between UNHQ and the field; between DPA's conflict prevention efforts and electoral support; between UNOWA / DPA and UNCT / UNDP; and between SRSG Chambas and the UN Resident Coordinator in Nigeria.[68] The collaboration between UNOWA and the UNCT capitalized on the respective strengths, orientations and methods of these UN entities, creating synergies for technical and political conflict prevention activities and, in particular, for supporting the NPC. It also proved useful to have a high-level UN official, in the person of Assistant Secretary-General Parfait Onanga-Anyanga, co-ordinating the UN Headquarters response to the regional impact of the Boko Haram crisis. This entailed preparing common messaging, ensuring high-level attention in the organization and developing a UN system-wide approach (which included the secondment of staff from the EAD, the UN Office for the Coordination of Humanitarian Affairs and the Office of the UN High Commissioner for Human Rights).[69]

4. Sustaining Preventive Diplomacy

Both the Nigerians and the non-Nigerians interviewed for this paper believe that the relatively successful elections of 2015 would not necessarily serve as a precedent for the next elections, scheduled for 2019. On the contrary, the respondents were concerned that the risk of violence and major crisis remained high. This concern was based on the disproportionate political and economic benefits derived from winning elections, the commensurate 'do-or-die' nature of elections in Nigeria, and the severe inter- and intra-regional fault lines and sub-national crises (c/f section 2).

It is widely believed that large-scale might have broken out had the APC lost the election.[70] The APC warned repeatedly of 'trouble in the streets should chicanery deny their side its victory', and there was talk of Buhari forming a parallel government if the elections results were unfavorable.[71] In all likelihood, neither the NPC nor the UN would have been able to contain a violent crisis.[72]

Consequently, there is a need not only for long-term structural efforts to address governance, development, socio-economic equality, and ethnic and religious divisions in Nigeria. There is also a need to ensure that election-related conflict prevention mechanisms are viable, sufficiently resourced and effective. This perspective is reinforced by the observation that election campaigning in Nigeria begins, albeit indirectly, as much as two years before the actual contest takes place.[73] Since adequate structural conflict prevention is not likely to be achieved in the foreseeable future, operational conflict prevention remains a priority and must be sustained.[74] The Nigerian case thus highlights the need to view peace sustainability in terms of *continuous and institutionalized operational prevention*.[75]

With assistance from the UN, the NPC seems to be heading in the direction of institutionalized prevention. The committee was set up to manage conflict and prevent violence specifically in relation to the 2015 elections. After the elections, the committee was effectively disbanded. In August 2015, however, SRSG Chambas encouraged the NPC Secretariat to transform the committee into a statutory National Peace Council that would undertake prevention activities on an ongoing basis. The Secretariat then met with the leaders of political parties, civil society and the National Assembly, all of whom were enthusiastic about turning the committee into a statutory body. With help from UNDP, draft legislation has been prepared and tabled. It appears to be stalled, though, and will probably not be ready in time for the next elections.[76]

The NPC Secretariat recognizes that there are dilemmas associated with the NPC becoming a statutory body. This move would presumably ensure sufficient funding for the committee. This is a crucial matter because the NPC was not adequately financed during the 2015 elections, and reliance on foreign funding raises concerns about dependency and external interference. Transforming the NPC into a statutory body also has the benefit that the committee will have formal authority and be properly institutionalized throughout the country at state and sub-state levels. On the other hand, government funding is potentially problematic because the government is hardly non-partisan during elections.[77] Becoming a statutory body may compromise the NPC's independence and, as important, undermine public perceptions of its independence, rendering it less effective. At the time of writing, these dilemmas had yet to be resolved.

While the legislation is still pending, the NPC has begun the process of repositioning itself and revitalizing its membership. It recognizes that the critical problems related to conflict and violence are structural. The NPC itself cannot solve these problems but it can serve as a platform for advocacy and dialogue on the structural issues.[78]

Since the 2015 elections, the NPC has worked behind the scenes to help douse tension in the volatile Rivers State, enabling the INEC to conduct the elections that had been postponed to December 2016. Since January 2017 the NPC has also focused on containing and resolving the ethno-religious conflict in Kaduna State, which over the past year has claimed over a thousand lives and displaced many more.

5. Difficulty of Determining the Impact of Preventive Diplomacy

The Nigerian case highlights the difficulty of determining the impact of UN preventive diplomacy in cases where many domestic and international actors have engaged in a variety of conflict prevention activities.[79] If the outcome had been negative in the sense that large-scale violence had erupted, we could readily conclude that none of the prevention activities was successful. But if the outcome was positive in the sense that the expected violence did not arise, it may be unclear whether the success was due to the cumulative effect of all the prevention activities, to some of them in particular, or to none of them in any decisive way because the relevant domestic actors decided largely of their own accord to refrain from violence.

In the Nigerian case, the difficulty is compounded by the large number of high profile international interventions, in addition to the work of Nigerian groups. The African and non-African leaders who called publicly or privately for peaceful elections included former President Thabo Mbeki, former President John Kufuor, President Barack Obama, Vice President Joe Biden, US Secretary of State John Kerry, Prime Minister David Cameron, UN Secretary-General Ban Ki Moon, former UN Secretary-General Kofi Annan and senior officials from the AU, ECOWAS and the EU.[80]

The difficulty of determining the impact of specific preventive diplomacy initiatives is further heightened by a natural inclination on the part of conflict prevention actors to emphasize, if not overstate, their own contributions to positive developments.[81] Institutional and personal interests are well served thereby. The converse applies to domestic decision-makers, who, as a matter of personal pride and national sovereignty, may be reluctant to attribute the prevention of violence to external interventions.

These dynamics were strongly evident in the interviews conducted for this paper. Some UN interlocutors give credit to SRSG Chambas for contributing to President Jonathan's decision to accept promptly the election results.[82] However, Jonathan himself and his senior advisers attribute the decision solely to Jonathan's determination to place the country's interests above his own, insisting that this was a reflection of his integrity and political temperament. [83] On many occasions during the campaign Jonathan had stated publicly that 'nobody's ambition is worth the blood of any Nigerian'.[84] When the election result became known, he honored that commitment despite the fact that many of his senior political and military advisers were urging him to reject the outcome.[85] It should be stressed that this positive perspective of Jonathan's decision does not emanate only from his own camp. It is shared by members of the NPC secretariat, who maintain that Jonathan stepped down because he is a 'political gentleman, so all credit to him'.[86] Dr. Chambas himself adds that he did not doubt Jonathan's sincerity.[87]

Jonathan and his senior advisors do not believe that the UN played a significant preventive diplomacy role in relation to the leaders of the political parties. They maintain that the UN's most important contribution to conflict prevention was by convening and coordinating a 'steering committee of international actors', which served as a platform for harmonizing the position of the international community.[88]

The difficulty of establishing the impact of external preventive diplomacy interventions can also be illustrated with a non-UN example from the Nigerian elections. Some interlocutors suggested that US pressure on the Nigerian government and political leaders to ensure free and fair elections was an effective strategy.[89] The pressure apparently included the threat of smart sanctions, such as a freeze on personal bank accounts in the US, and a visit to Abuja by John Kerry when the elections were postponed. Other interlocutors thought that the US pressure and Kerry's visit were inconsequential.[90] The officials who served in Jonathan's government claimed that Kerry's 'bullying talk' was insulting, unhelpful and motivated by a 'regime change agenda', which 'almost precipitated a crisis'.[91] There is no way of resolving conclusively such differences of opinion.

6. Conclusion

The absence of large-scale violence in the Nigerian elections is attributable primarily to Nigerian political leaders and parties, which acted with sufficient restraint. It is also attributable to the INEC for its conduct of free and fair elections; to the NPC and peace structures at local level; and to a host of civil society groups operating at national and state levels. The NPC, in particular, facilitated communication between the two major parties, eased tension between them and constrained their behavior through an electoral code of conduct. The efforts of the Nigerian groups were bolstered by support from, and conflict prevention efforts by, the UN and other international actors. It seems reasonable to conclude that these national and foreign efforts had a *significant collective effect.*

In the light of the above, it is necessary to avoid exaggerating or 'absolutizing' the role of the UN.[92] With regard to conflict prevention, the most important contributions of the UN were to support the establishment, work and revitalization of the NPC; support the INEC; liaise with international actors on the ground in Nigeria in order to ensure consistent messaging and soft pressure; and undertake preventive diplomacy with the leaders of the major parties.

A number of general methodological conclusions can be drawn from this case study regarding the difficulty of determining the impact of preventive diplomacy:

- Reviews of UN preventive diplomacy cannot rely solely on the reflections of UN officials but need to be triangulated with the views of relevant non-UN actors. Most important in this respect are the perspectives of people who have

credible insight into the decision-making of the conflict parties. The parties' decisions, possibly influenced by UN and other actors, are the 'engine room' of conflict escalation and de-escalation.

- It cannot be assumed that being active is synonymous with being effective and that apparently good preventive diplomacy and other conflict prevention interventions are necessarily the cause of positive outcomes. Ideally, what is required instead is evidence of the impact of those interventions on the conflict parties' decisions. Yet it may not always be possible to prove that the interventions were influential, and the best that can be done is to draw reasonable conclusions from the available evidence.

- In some instances, the most reasonable conclusion may be that a positive outcome is 'over-determined', meaning that it is a consequence of multiple interventions by many actors. In such circumstances, it is still necessary to assess the relative weight of the different interventions. The bottom line, however, is that the primary responsibility for resorting to violence, or refraining from violence, always lies with some or all of the conflict parties.

- The inability to prove a direct causal link between an intervention and an outcome does not mean that the intervention was necessarily ineffectual and should be avoided in the future. Sometimes the positive effect of a particular dynamic in a given case can be inferred by considering cases where that dynamic was absent. For example, the importance of the unified international position on the Nigerian elections can be inferred from cases where there was no such unity and, as a result, the conflict parties were able to take advantage of divisions among international actors.

The Nigerian case highlights the necessity, conceptually and strategically, to transcend the conventional distinction between structural prevention of violent conflict as a long-term endeavor, and operational prevention of violent conflict as a short-term response to an immediate crisis. Where the political space for structural prevention is small or does not exist, and the risk of large-scale violence is consequently ongoing, it is essential to develop appropriate forms of institutionalized mechanisms and systems for continuous operational prevention. The UN can continue to play an important role in stimulating and supporting this endeavor. This perspective applies equally to other cases where the risk of violence is high and adequate structural prevention appears unlikely.

People Interviewed for This Paper

Dr. Goodluck Jonathan, former President of Nigeria

Amb. Godknows Iboli, former Chief of Staff of President Jonathan's office

Mr. Hassan Tukur, Principal Private Secretary to former President Jonathan

Dr. Mohammed Ibn Chambas, Special Representative of the UN Secretary-General and Head of the UN Office for West Africa (UNOWA)

Mr Ahmed Rufa'i Abubakar, Senior Special Assistant to the President (Foreign Affairs/ International Relations), and previously Director, Political Affairs, UNOWA

Dr. Babatunde Afolabi, Consultant, Centre for Humanitarian Dialogue, Abuja

Mr Kehinde Bolaji, Team Leader, Governance, UN Development Program, Abuja

Dr. Arthur-Martins Aginam, Executive Director, Kukah Centre (which served as the Secretariat of the National Peace Committee during the 2015 elections)

Dr. Abdel-Fatau Musah, Director, Africa II, UN Department of Political Affairs

Ms. Cherrie-Anne Vincent, West Africa Team Leader, Africa II Division, UN Department of Political Affairs

Mr. Amadou Sow, desk officer for Nigeria, Africa II Division, UN Department of Political Affairs.

Mr. Pascal Holliger, Political Advisor, Embassy of Switzerland to Nigeria, Chad and Niger, Abuja

Endnotes

Cover Image: SRSG Chambas and Bathily Meet. UNOWA.

1 European Union Election Observation Mission, 2015, 'Final Report, Federal Republic of Nigeria', July, pg. 5.
2 For example, Peter Lewis and Darren Kew, 2015, 'Nigeria's Hopeful Election', Journal of Democracy Vol. 26, No. 3: 94-109; Olly Owen and Zainab Usman, 'Briefing: Why Goodluck Jonathan Lost the Nigerian Presidential Election of 2015', African Affairs Vol. 114, No. 456, pp. 455-471.
3 In addition to winning the presidency, the main opposition party took control of both houses of the National Assembly, as well as state legislatures and governorships in twenty-one states.
4 Lewis and Kew, 'Nigeria's Hopeful Election'.
5 This is a widely held view, shared by the UN officials interviewed for this case study. See Babatunde Afolabi and Sabina Avasiloae, 2015, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria', Centre for Humanitarian Dialogue, Geneva, pg. 8.
6 See, for example, the case studies on UN preventive diplomacy in Malawi and Yemen, prepared for this research project.
7 For example, Nkwachukwu Orji, 2014, 'Nigeria's 2015 Election in Perspective', Africa Spectrum Vol. 49, No. 3, pp. 121-133; International Crisis Group, 2014, 'Nigeria's Dangerous 2015 Elections: Limiting the Violence', Africa Report No. 220, November; J. Shola Omotola and Charles Nyuykonge, 2015, 'Nigeria's 2015 General Elections: Challenges and Opportunities', Policy & Practice Brief No. 33, ACCORD, March.
8 Cited in Orji, 'Nigeria's 2015 Election in Perspective', pg. 124.
9 Human Rights Watch, 2011, 'Nigeria: Post-Election Violence Killed 800', 16 May.
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11 For example, International Crisis Group, 2015, 'Managing Nigeria's Election Tensions', Africa Commentary, 24 March.
12 Quoted in Omotola and Nyuykonge, 'Nigeria's 2015 General Elections', pg. 3.
13 International Crisis Group, 'Managing Nigeria's Election Tensions'.
14 'Nigeria Braces for More Boko Haram Attacks in Election Buildup', Daily Mail.com, 2 February 2015.
15 By August 2014 the Boko Haram insurgency had created approximately 650 000 internally displaced persons and many more refugees in neighboring countries (cited in Omotola and Nyuykonge, 'Nigeria's 2015 General Elections', pg. 3).
16 Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria', pg. 10.
17 International Crisis Group, 2015, 'Nigeria's Elections: A Perilous Postponement', Africa Commentary, 12 February.
18 Ibid.
19 For example, European Union Election Observation Mission, 'Final Report'.
20 Interviews, Abuja, December 2017; Owen and Usman, 'Briefing: Why Goodluck Jonathan Lost', pp. 464-5; Lewis and Kew, 'Nigeria's Hopeful Election', pg. 104.
21 The NPC received support from many actors, including UNDP, DFID, HD Centre, the Swiss and Australian missions in Abuja, the Office of the Special Adviser to the President on Inter-Party Affairs, and the Kofi Annan Foundation.
22 'Abuja Accord on the Prevention of Violence and Acceptance of Election Results by Presidential Candidates and Chairpersons of Political Parties Contesting the 2015 General Elections', 14 January 2015.
23 'Text of the Press Conference by Bishop Kukah Announcing the Inauguration of the National Peace Committee (January 28th 2015)', press release.
24 Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria', pp. 10-16.
25 Ibid, pg. 11.
26 Ibid.
27 Ibid.
28 Interview, Abuja, December 2017.
29 Ibid.
30 'Renewal of Our Pledges to Peaceful Elections, Joint Statement Issued by His Excellency, President Goodluck Ebele Jonathan, GCFR, and Major General Muhammad Buhari, GCFR, on Thursday, 26 March, 2015, ahead of the 2015 Presidential Elections', press release.
31 Interviews, Abuja, December 2017.
32 Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria', pp. 14-15.
33 'Renewal of Our Pledges to Peaceful Elections'.
34 This interpretation was raised with the author by a participant in the 'Renewal of Our Pledges' process (interview, Abuja, December).
35 Interview, Abuja, December 2017.
36 Ibid.

37 See Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria'.
38 Ibid, pp. 11-13.
39 This section is based on the author's interviews in New York and Abuja, and on UN Department of Political Affairs, 2015, 'UN Engagement in Support of Peaceful Elections in Nigeria: After Action Review', December.
40 Interview, UN official, December 2017.
41 For more information, see the UNOWA website at https://unowa.unmissions.org/mandate.
42 Interviews with UN officials; UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria'.
43 Interview with Dr. Chambas, Abuja, December 2017.
44 Ibid.
45 Interview with UN official, New York, November 2017.
46 Interview with Dr. Chambas, Abuja, December 2017.
47 Ibid.
48 Ibid.
49 UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria', pg. 9.
50 Interview with Dr. Chambas, Abuja, December 2017.
51 Interviews with UN officials, November and December 2017.
52 Ibid.
53 Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria'.
54 Interviews with UN officials.
55 Ibid.
56 Ibid.
57 Interviews, Abuja, December 2017.
58 Interviews with UN officials, November and December 2017.
59 UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria', pg. 6.
60 Interviews with UN officials, November and December 2017.
61 UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria', pg. 12.
62 Interviews with UN officials, November and December 2017.
63 Ibid.
64 Laurie Nathan, 2017, 'How to Manage Interorganizational Disputes over Mediation in Africa', Global Governance Vol. 23, No. 2, pp. 151–162.
65 Interview with UN official.
66 Ibid.
67 Interview with UN official.
68 UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria'.
69 Ibid.
70 Interviews, Abuja, December 2017. See also UN Department of Political Affairs, 'UN Engagement in Support of Peaceful Elections in Nigeria', pg. 2, ft. 4.
71 Lewis and Kew, 'Nigeria's Hopeful Election', pg. 102.
72 Interviews, Abuja, December 2017.
73 Ibid.
74 On the UN's distinction between operational conflict prevention, which entails measures taken in the midst of an immediate crisis, and structural conflict prevention, which entails long-term efforts to address the root causes of violent conflict, see UN Security Council, 'Can the Security Council Prevent Conflict?', Research Report No. 1, 2017.
75 On peace sustainability, see United Nations, 'Peacebuilding and Sustaining Peace: Report of the Secretary-General', UN doc. A/72/707-S/2018/43, 2018.
76 Interview, Abuja, December 2017.
77 Ibid.
78 Ibid.
79 These cases can be distinguished from those where preventive diplomacy was undertaken primarily by a single or 'most prominent' actor through a distinct intervention or set of interventions. See the case studies on UN preventive diplomacy in Malawi and Yemen, prepared for this research project.
80 Afolabi and Avasiloae, 'Post-Election Assessment of Conflict Prevention and Resolution Mechanisms in Nigeria', pg. 13.
81 For example, among the people interviewed for this paper there was a difference of opinion on whether the NPC had its origins in initiatives supported by UNDP or in other initiatives supported by the Swiss government and HD Centre. Yet another perspective was that President Jonathan was indirectly responsible for the establishment of the NPC because the committee emerged from an initiative taken by Senator Ben Obi, Special Adviser to the President on Inter-Party Affairs.

82 Interview with UN official, November 2017
83 Interviews with former President Jonathan and members of his government, Abuja, December 2017.
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85 Interviews with former President Jonathan and members of his government, Abuja, December 2017.
86 Interview, Abuja, December 2017.
87 Interview with Dr. Chambas, Abuja, December 2017.
88 Interviews with former President Jonathan and members of his government, Abuja, December 2017.
89 Interviews, Abuja, December 2017.
90 Ibid.
91 Interviews with former President Jonathan and members of his government, Abuja, December 2017.
92 Interview, UN official, Abuja, 2017.

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Preventive Diplomacy and the Southern Sudan Independence Referendum (2010-11)

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Introduction

Sudan's second civil war lasted more than twenty years, claimed more than two million lives, and left the country deeply divided between North and South. The 2005 Comprehensive Peace Agreement (CPA) ending the war was an attempt to mend these divisions and address underlying problems of political/economic exclusion and second-class citizenship experienced by the southern population, providing for a six-year period in which the fundamental structures of wealth and power were to be reallocated. By establishing a semi-autonomous Government of Southern Sudan (GoSS) and allowing the Southern People's Liberation Army (SPLA) to maintain a force of roughly 150,000 soldiers, the CPA granted enormous autonomy to the South from the outset. And with a series of protocols designed to foster wealth-sharing, territorial control, and governance across the country, the peace agreement was at its heart designed to build confidence between the two sides, to "make unity attractive" for a single Sudan.[1] As a final test for that attractiveness, the CPA provided for a referendum on self-determination for southern Sudan, allowing the southern people to decide whether to remain part of a unified Sudan or become an independent country.

As the CPA entered its final year in 2010, it was clear that many of its key provisions had not been fully implemented, most importantly those related to decentralization of power and wealth, border demarcation, and resolution of the status of the disputed Abyei territory.[2] Relations between the National Congress Party (NCP) in Khartoum and the Southern People's Liberation Movement (SPLM) in Juba had disintegrated as both sides had failed to demonstrate good faith efforts on the CPA, and the overwhelming majority of the southern population was readying itself for a vote to secede. Unity had not been made attractive, the original intent of the CPA itself had failed.

In the year leading up to the January 2011 self-determination referendum, a growing chorus of voices sounded an alarm that the referendum could be a catalyst for a return to war.[3] Uncertainty over Khartoum's willingness to allow the referendum to take place or recognise its result remained high, while the African Union's members were far from united in their positions on the possible creation of a new state in Africa. The lack of a clear roadmap for how the parties would negotiate post-referendum arrangements—which included difficult issues like oil revenue sharing, the status of Abyei and debt relief—meant that both parties appeared willing to use brinksmanship to gain their objectives. As late as September 2010, the US warned of a "ticking time bomb"[4] around the referendum, while UN assessments described a plausible scenario in which a contested referendum triggered a "descent into widespread instability."[5]

Yet in the days before the referendum, President Omar al Bashir travelled to Juba and stood beside southern President Salva Kiir, promising to "congratulate and celebrate with you" should the southern people choose secession.[6] Beside him, President Kiir looked out over a remarkably united southern Sudanese population, 98 percent of whom would vote for secession in a generally peaceful, calm manner, all but guaranteeing that South Sudan would become an independent country within months. What pulled these two leaders back from the brink of open war into a peaceful secession process? How did the very uncertain national, regional and international positions cohere into a unified expression of support for the referendum? And what role did the UN play in helping the key actors reach decisions that averted a return to violent conflict? These questions are at the heart of this case study.[7]

Part one examines the lead-up to the January 2011 referendum, the positions of the NCP and SPLM leadership, the evolving stance of the regional leadership and bodies, and the interests of key members of the international community. Analysing these positions, and the overall uncertainty whether the referendum would take place, this section concludes that President Bashir's willingness to allow and accept the referendum was the key variable in determining whether the parties would return to war.[8] Uncertainty over Bashir's position in the first half of 2010—and continued efforts of some elements of the NCP to undermine the referendum—kept risk levels high.

Part two assesses the decisions that avoided a return to violent conflict, most importantly President Bashir's public acceptance of the referendum in early January 2011. The key factors influencing NCP decision-making were linked to the party's desire to survive the referendum intact; hence, fears that military and economic risks could overwhelm the NCP were foremost on President Bashir's mind, and potential sanctions relief played a key role. But equally important to the external and domestic factors pushing towards acceptance of the referendum were the mediators and envoys who met quietly with Bashir and the NCP leadership and convinced them to make the right decision. Persuasion—by the UN, AU and others—appeared to play a crucial role influencing that decision and thus in preventing a return to war.

Part three turns to the UN's contribution to the parties' decision to step away from violent conflict, looking at the extent to which the UN was able to exert direct and indirect influence. It concludes that the UN mediator had substantial trust and access to President Bashir during the critical period, able to pass and amplify messages directly. The UN was also able to exert indirect leverage over the decision-making process via a carefully maintained support role to the African Union, and by corralling international positions. As such, while the UN was not necessarily central to the decision to accept the referendum, it did appear to play a distinct and important role.

Part four looks specifically at what strategies and tactics worked best for the UN in the context of the lead up to the referendum. The most crucial elements that helped the

UN contribute diplomatically to conflict prevention were: (1) protecting the role of the UN mediator as impartial; (2) embracing a supportive role on the side-lines where necessary; (3) gaining leverage through coordination; (4) the mediators' skills of persuasion and personal relationship with the key actors; (5) backing up the diplomatic effort with sufficient resources; and (6) translating early warning into action.

The study concludes by placing the referendum into the broader context of Sudan and South Sudan, and the extent to which the immediate diplomatic effort was sustained into the longer term. While many of the core disputes between Juba and Khartoum remain unresolved, the sustained diplomatic effort by the AU, the UN and others has allowed for a forum for continued negotiations, and the UN peacekeeping operation in Abyei has kept a potential flashpoint at bay. While the 2013 civil war in South Sudan points to obvious failures in the international community's conflict prevention effort more broadly, the diplomatic effort to prevent North/South violence around the referendum does appear to have been relatively well sustained.

1. Risks of War as the Referendum Approaches

During the first half of 2010, the prospects for a peaceful southern Sudan referendum process appeared unlikely to many experts.[9] In fact, following a two-year delay in the passage of the Referendum Act, whether the referendum was even logistically possible within the CPA timeframe was still an open question. And following an April national elections process marred by irregularities, and alleged human rights abuses by both sides, trust levels between Khartoum and Juba had dropped to new lows.[10] As the head of the UN in Sudan at the time noted, "The elections were no longer part of the unity-is-attractive option, the South had already decided it would go for independence."[11] In this period of heightened tension and uncertainty, the risk of a return to violent conflict was, according to the UN Secretary-General, "a very real possibility."[12]

Throughout 2010, the risk of violence was driven in three principal areas— (1) potential military confrontation between the two armies, (2) the failure of the two sides to agree on post-referendum arrangements, and (3) delays in the technical preparations for the referendum. Behind all three, the deep-seated, often highly personalized, mistrust between the NCP and SPLM, and also between the NCP and much of the international community, meant that every small incident had the potential to escalate quickly.

Potential Military Confrontation

While much of this study is focused on the political processes that led to the referendum, it is important to underscore that two large armies were deployed in close proximity to each other throughout the lead-up to the referendum, ready to secure their respective interests militarily. In mid-2010, the Sudanese Armed Forces (SAF) had amassed troops along the North/South border, including near key oil-extraction sites, and SAF allies also operated throughout many of the armed groups inside southern Sudan.[13] Likewise, of the more than 150,000 SPLA troops stationed in the South, large numbers were arrayed along the border, and SPLA-affiliates were highly militarized in the northern States of Blue Nile and Southern Kordofan as well. Lacking an agreed or demarcated border, and with some of the most lucrative oil reserves falling into disputed areas, these armies were on high alert through 2010, ready to back up the political negotiations with force if needed. And the NCP, looking for reasons to delay the referendum, frequently instigated small incidents across the border, supported renegade leaders in the South, and quietly provoked the SPLA at every turn.[14]

For the most part, the SPLM's overriding desire to reach the referendum meant that it kept its troops in a relatively reserved posture through much of 2010, willing to absorb provocations without escalating themselves while remaining actively deployed along the border. According to the UN, "the main risk of conflict in the North-South border area relate[d] to the parties' mutual desire to control and protect oil- and mineral-rich areas as well as strategic defensive locations."[15] And as the political talks dragged on inconclusively—failing to build confidence that there would be agreement on the North-South border or the oil fields in disputed areas—both sides positioned themselves in increasingly aggressive postures, ready to act if these interests were under threat.[16] As the referendum approached, experts argued that "a single hostile incident could inadvertently ignite much broader conflict."[17]

Stalemate on Post-Referendum Issues

Hanging over the referendum process was the unavoidable fact that the CPA parties had failed to resolve the most crucial elements of the peace agreement, some of which threatened to derail the referendum process entirely. These included demarcation of the North-South border, security arrangements between the two armies, revenue sharing for the oil reserves in southern Sudan, how Sudan's massive debt would be distributed after secession, and the final status of the disputed Abyei area.[18] Until early 2010, the NCP had refused any negotiation of these issues, arguing that doing so would presume a secession vote and would drive the parties away from the unity option.[19] And even when the NCP reluctantly agreed to begin negotiations on these issues in the context of "post-referendum arrangements," it was initially on the condition that all such arrangements would need to be concluded before the referendum could take place.[20] As such, during the early months of 2010 the NCP positioned itself as a potential spoiler, arrogating the ability to stymie the referendum simply by refusing to agree on any one of the post-referendum issues.

The stalemate over Abyei was especially threatening, as both sides saw the issue in zero-sum terms. Under the CPA,

the status of Abyei (as belonging to either the North or the South) was meant to be decided by its own referendum, to be conducted concurrently with the one for southern Sudan.[21] However, the NCP and SPLM were cognizant that the future of Abyei hinged entirely on the question of voter eligibility: in simplified form, if eligibility included a residency requirement—meaning full-time residence in Abyei—then the Misseriya Arabs who migrated seasonally from the North through Abyei would be excluded, and the year-round resident Ngok Dinka would guarantee that Abyei went to the South. If, however, there was no such residency requirement, the North could quite easily amplify the number of Misseriya eligible to vote, and possibly determine the referendum in favour of the North. With neither side willing to give an inch, and the NCP initially insisting that Abyei (along with all other post referendum arrangements) needed to be agreed before the southern Sudan referendum could take place, Abyei presented a
direct risk to the referendum and the broader CPA process.[22]

Technical Preparations

Deep mistrust between the NCP and SPLM throughout 2010 meant that every preparatory step for the referendum was potentially explosive. When the two sides could not agree on eligibility criteria for southerners living in northern Sudan, fears that the NCP would defraud or intimidate southern Sudanese led to the displacement of hundreds of thousands of people towards the South.[23] Similarly a nine-month stalemate between the NCP and SPLM on candidates to lead the Southern Sudan Referendum Bureau (with each side insisting upon a representative from their own constituency) meant that the Referendum Commission was constituted only four months ahead of the January 2011 voting date. With approximately four million voters to register in stations spread across a massive and often inaccessible terrain, four months was an extraordinarily short time to prepare.[24]

Even after the Referendum Commission was constituted and technical preparations were underway, there was a risk that NCP resistance to the process could derail the referendum. According to several interlocutors involved in the process, during the late summer of 2010, the Chair of the Referendum Commission based in Khartoum received a series of threats on his own life and those of his family, allegedly from high ranking NCP members. These threats were apparently designed to force him to resign, an act which "would have been the end of the referendum, at least one within the CPA timeframe."[25] Other alleged instances of meddling included voter intimidation and harassment took place in the lead-up to the voter registration process.[26]

While it is impossible to verify the extent of NCP meddling in the referendum preparations, widespread perceptions that Bashir's government was throwing numerous obstacles in the way drove tensions between the parties to new heights. And these technical issues and potential delays were not innocuous, given President Kiir's view that the timing of the referendum was "sacred," and his credible, public threat of "a return to war in case of delay or denial of this exercise."[27]

The Zero-Sum Game: NCP and SPLM Interests and Positioning

The risks of escalation throughout 2010 were largely the result of the NCP's and SPLM's distinct and opposing goals. How the parties' positions evolved during the second half of 2010 had a direct impact on the immediate risks of military confrontation, the extent to which the post-referendum arrangements might scuttle the overall process, and the crucial question of whether the referendum could take place at all. As such, a closer look at each party's core interests is warranted.

For the ruling NCP, and President Bashir in particular, the overriding objective was to stay in power.[28] This was no easy feat for Bashir, who faced divisions within his own party over the referendum, and myriad external challenges to his twenty-year dominance of Sudan. Within the NCP, longstanding hardliners—including the influential NCP deputy chairman Nafie Ali Nafie—had begun to more openly oppose the referendum and challenge more moderate NCP elements, accusing some of Bashir's inner circle of "being responsible for the break-up of Sudan."[29] This criticism cut deep, as Bashir had risen to power on an Islamist, pro-Arab platform. Allowing non-Muslims from the South to "take" Sudanese land was a direct affront to that platform, and a potentially devastating blow for Bashir's standing. Deputy Chairman Nafie, riding on the political momentum he had gained by helping to secure the April 2010 elections for Bashir, was able to stock the NCP cabinet with other hardliners, placing greater pressure on Bashir to oppose the SPLM at every turn.[30] Through the late summer and early fall of 2010, as Bashir began to face increasing external calls for the NCP to unblock bottlenecks and allow the referendum preparations to proceed, these internal fissures and pressure points played an important role in his decision-making.[31]

The NCP survivalist drive was a deeply economic one as well. During 2010, the already weak Sudanese economy had taken a dive in the wake of inflation, corruption and widespread expectation of southern secession.[32] With roughly 80 percent of Sudan's pre-secession oil reserves located in the South, the NCP was acutely aware of the enormous risks posed by secession, which also threatened to saddle Khartoum with the entirety of the country's $38 billion in debt.[33] In the NCP's view, these were both zero-sum issues: every barrel of oil and every dollar of debt was either going to Khartoum or Juba.[34] And with Juba clear that "everything was negotiable except the referendum," the NCP treated the economic issues with maximum brinksmanship and minimum flexibility.[35]

As the referendum approached and became more of a reality, the NCP position on these economic issues in fact hardened, as they saw the key point of leverage with the SPLM slipping away. This was in part the result of the CPA itself: the NCP leadership viewed their agreement to the CPA in 2005 as a

concession itself, one which had not been rewarded with any of the promised benefits at the time.[36] They would not make the same mistake again and were adamant that they would maintain leverage and relevance beyond the referendum. Adopting an intransigent stance on the post-referendum negotiations was one way for the NCP to ensure that the party maintained such relevance after secession, and to guarantee that it "remain[ed] indispensable for North-South cooperation."[37] To lock this in, the NCP appeared ready to hold out on any agreements until a real economic benefit was on the table.[38]

President Bashir's drive to stay on as head of the NCP and President of Sudan was an intensely personal one too. In March 2009, the International Criminal Court had issued an arrest warrant for Bashir, for alleged crimes against humanity in directing the attacks on civilian populations in Darfur between 2003 and 2006.[39] Avoiding extradition to The Hague appeared to be a factor in Bashir's calculation, one where staying on as head of state and continuing to foment the African Union's dislike for the ICC was probably the safest route.[40] Having won the elections in April 2010, Bashir had consolidated his hold on the presidency and had achieved a key win from a CPA-required process; from the moment of his re-election, however, the remaining elements of the CPA appeared as potential threats, economically and politically.[41] Above all, the referendum, which could turn Bashir into the scapegoat for the biggest loss of territory in Sudan's history, posed a real risk to his standing within a fractured leadership in Khartoum that was far from settled on whether the South should be allowed to secede.[42]

The result of this was that President Bashir and the NCP did almost nothing to prepare the northern population for the reality of the referendum through 2010. There was no public debate about the likely impacts of the referendum, no messaging by Khartoum, and essentially no visible preparation ahead of the process. Crucial questions—such as the rights of southerners living in the north to visit their families, or the status of northern currency in the south, or whether cross-border trade would be allowed—were essentially ignored as the NCP appeared to focus on its own survival.[43]

For their part, the SPLM and President Kiir had a similarly singular drive, but for independence. Achieving this required internal cohesion across a fractious and undisciplined set of political leaders and communities in southern Sudan, many of whom saw the end of the CPA period as an opportunity to jostle for political and military power.[44] As one UN official commented, a key focus for the SPLM was "quelling conflict drivers within its own territory" to ensure that a peaceful referendum was not scuttled by southerners themselves.[45] President Kiir took drastic steps to ensure this cohesion, including convening a 24-party conference in early 2010 where the southern leadership committed to a common effort towards the referendum. This was not free of cost: Kiir reportedly spent significant portions of southern Sudan's oil revenues in 2010 buying off the many SPLA generals who might have caused trouble ahead of the referendum. Kiir also offered pardons to military officers who had led rebellions in the recent past, and agreed to a ceasefire with the rebel commander George Athor, who had been allegedly supported by the NCP in his uprising against the SPLM.[46]

Just as important, however, was the SPLM's fundamental need for guarantees that the NCP would cooperate with the conduct and outcome of the referendum. As Crisis Group reported, "the SPLM wants assurance that the referendum will happen and that Khartoum will both accept the result in good faith and be the first to extend recognition if the vote is for secession."[47] While focused on achieving a credible vote in January 2011, the southern leadership was keenly aware that only a referendum agreed and accepted by the North would result in a peaceful secession; anything less would lead in the direction of violent conflict. The UN's internal analysis at the time found that "readiness of the North to accept peaceful secession of the South" was the most important factor in containing the risk of violent conflict in the referendum period.[48] According to some experts, Juba appeared willing to make major concessions on other issues to secure the NCP's buy-in to the referendum, but ready to go straight to war if a credible threat to the referendum arose.[49]

The view that the SPLM was willing to give everything away to get to the referendum, however, is misleading. In fact, the SPLM leadership was well-aware of their favoured position within the international community (with the US in particular), and according to many experts the SPLM had grown used to being accommodated by Western donors well before the CPA period. Far from being desperate negotiating partners looking to give away anything in exchange for the referendum, at least some within the SPLM leadership appeared unwilling to concede anything to the North, potentially relying instead on the international community to deliver them a good deal in the end. As evidence of this, even in the crucial weeks immediately preceding the referendum, SPLM negotiators gave almost no ground on key post-referendum arrangements such as oil revenue-sharing, debt and borders, and remained completely unwilling to budge on Abyei.[50]

Neither NCP nor SPLM positioning can be separated from the individuals involved, many of whom had been bitter rivals during the twenty-year civil war and appeared too personally vested in the outcome of the negotiations to make any concessions. For example, one of the chief negotiators for the SPLM, Deng Alor, was an Abyei-born Dinka who, according to one UN official "would rather cut his own throat than ever give away Abyei."[51] President Bashir was equally linked to the Abyei issue, having been formally adopted by one of the Arab Misseriya tribes that led their cattle through Abyei every year and claimed the area as its home.[52] Nearly every member of both negotiating teams had a personal history within the conflict, and a deep personal investment in its outcome. One of the UN officials most directly involved noted, "The existing players, while they're alive, could never solve some of these problems, it's just too personal for them."[53]

Regional Stances

The southern Sudan referendum was not merely the culmination of the CPA; it represented the division of Africa's largest country and a validation of a violent secessionist movement. With many other African countries facing rebellions from large minority groups, the precedent that might be set by the secession of southern Sudan was a potentially dangerous one, and not easily accepted by individual countries or the African Union membership. Understanding the positions of key regional actors, and how they were influenced over the course of 2010, is a key part of the preventive diplomacy story.

Solidly in the "pro-referendum" camp were Kenya and Uganda. Kenya was host and leader of the Intergovernmental Authority on Development (IGAD) process that yielded the CPA, and thus had an especially strong interest in seeing it implemented completely (a position echoed by IGAD itself). Uganda, with burgeoning trade across the border with southern Sudan and needing a stable buffer on its conflict-prone northern border, was not only encouraging the referendum, but was quietly hoping for independence.[54] Both of these countries had positive relations with, and influence over, the political leadership in Juba.

Though Ethiopia had historically assisted southern Sudan—and indeed the SPLA—as a counter to Islamist elements in Khartoum, its own position was trickier. Facing a volatile situation in Somalia, continued confrontation with Eritrea, and increasing domestic fragility, "Addis [could] afford neither renewed war in Sudan nor to antagonise Khartoum," given the likely spill-over of instability into Ethiopia.[55] And Prime Minister Meles Zenawi, one of the elder statesmen of the African Union and the most influential regional leader, was cognizant of his own weight with the process, careful not to visibly upset the balance. His role, as discussed below, was perhaps a decisive one in the crucial months leading up to January 2011.

Egypt was most visibly in favour of a unity outcome and had opposed including the self-determination referendum in the CPA talks at all.[56] As a recipient of the waters of both the Blue and the White Niles, Egypt had one of the most direct interests in whether the parties maintained a positive relationship and was thus ready to exert influence in the lead up to the referendum.[57]

The African Union (AU) was "an instinctively pro-unity institution" which, in the first half of 2010, was not coherently positioned on potential secession of southern Sudan.[58] In fact, many of the AU's key members appeared more concerned with the precedent that secession might set for stability in their own countries than ensuring the southern Sudan referendum's success.[59] Given that South Sudan would need the AU's recognition if it was to succeed as a new country, the AU's relatively uncertain positioning in the first half of 2010 appeared a worrying issue for the SPLM leadership. The AU also carried significant weight with Khartoum when it came to influencing decisions around the referendum.

The so-called "Troika" countries—the US, UK and Norway—had played a central role in the creation of the CPA and were deeply vested in its success. The US in particular saw the peaceful secession of southern Sudan as the culmination of a long diplomatic effort in support of Juba, massive aid to southern Sudan over a more than twenty-year period, and part of Washington's global policy to protect non-Muslim populations from repressive Islamist regimes.[60] Many in the US administration, including US Permanent Representative to the UN Susan Rice, had developed strong ties to the SPLM leadership, while also adopting strongly critical positions on Khartoum.[61] In fact, much of the below analysis revolves around US efforts to unlock the NCP/SPLM negotiations, and the extent to which the US economic offers could be packaged in a palatable fashion for a distrustful NCP.

2. Walking Back from War

On 4 January 2011, just one week before the southern Sudan referendum, President Bashir travelled to Juba and announced his support for the vote, promising to "congratulate and celebrate" should the southern people choose secession.[62] His announcement was welcomed by the African Union, which stood in unison behind the referendum process, and by an international community that had largely criticized and isolated Bashir and his government throughout the CPA process.[63] Crucially, Bashir's declaration convinced a deeply sceptical southern population that indeed the NCP would allow the referendum to take place, without which they were readying themselves to return to war.[64] One week later, the people of southern Sudan voted in a peaceful referendum which set them on an irrevocable course to full independence. How was Bashir convinced to take this course of action? What persuaded him to go against the increasingly hard-line elements of his own party, accept that he would be blamed for the loss of Sudan's most lucrative territory, and lose the biggest piece of leverage he had over all other elements of the CPA?

Delinking the Referendum from Other Negotiations: the AU Takes Centre Stage

As described above, the NCP was initially adamant that the referendum be part of a broader set of arrangements, all of which needed to be concluded prior to the referendum. Had the parties proceeded in this way, the referendum almost certainly would not have taken place: Even today, Sudan and South Sudan have not agreed on some of the most fundamental issues originally required under the CPA.[65] The decision to delink the post-referendum negotiations from the referendum process itself was thus a crucial one in stopping the NCP from being a spoiler to the referendum. And it was largely made possible by the confidence the AU mediation instilled in Bashir and the NCP leadership that Khartoum's core survival interests would not be threatened.

The central player in this was the African Union High-Level Implementation Panel (AUHIP), led by former South African

President Thabo Mbeki and former presidents Abdulsalami Abubakar (Nigeria) and Pierre Buyoya (Burundi). While the AUHIP originally had been tasked with a report on the Darfur conflict,[66] in early 2010 its mandate was shifted by the AU Peace and Security Commission to "assist the Sudanese parties in implementing the CPA and related processes."[67] This placed the AU at the center of the talks between Khartoum and Juba (a decision supported by the UN leadership).[68] In June 2010, the AUHIP brokered the "Mekelle Memorandum" which committed the parties to holding talks on key post-referendum issues, facilitated by the AUHIP and supported by IGAD, the Assessment and Evaluation Commission,[69] and the UN.[70]

This was a critical breakthrough, creating a forum separate from the referendum process in which post-referendum issues could be negotiated, and allowing the referendum preparations to proceed independently. Even when the negotiations failed to make any real progress in the subsequent months, the NCP had far less opportunity to hold the referendum hostage. As Crisis Group pointed out, "the impasse over post-referendum arrangements did not directly impede technical preparations for the referendum."[71] While this may have made the SPLM even more intractable—as they could be reasonably confident of getting their referendum even if the other talks stalled completely—it achieved the main objective of firewalling the referendum preparations from NCP intransigence.[72]

The key factor in this was the decision to place the AUHIP at the center of a negotiation process that the NCP had instinctively distrusted. Thabo Mbeki, as a former head of state and heavyweight within the African Union, "had the credibility to reassure Khartoum that they would not lose everything in the referendum, that there was a soft landing for the NCP at the end of the negotiation process."[73] Mbeki could speak to President Bashir on his own terms, and had a similar distrust of western interventions in African conflicts.[74] In fact, according to several interlocutors, it was Mbeki's personal involvement in the post-referendum arrangements that gave the NCP sufficient confidence to allow the negotiations to proceed separately from the referendum preparations, thus clearing an important obstacle.[75]

Placing the AU at the center also addressed a thorny issue for the UN: the peacekeeping operation deployed in Khartoum (UNMIS) did not have a clear mandate beyond the CPA period. The UN was thus poorly placed to directly facilitate talks on post-referendum issues, because it was not necessarily going to be present to see them into implementation.[76] The shift to the AU-led talks thus not only led to a more solid political engagement by the parties, but also a clearer mandate to speak directly to issues that would extend beyond the CPA timeframe. As will be described below, this did not remove the UN from the negotiation process, but rather placed emphasis on the AU as the central broker with the parties.

Convincing Bashir to Support the Referendum

There is no definitive account of the moment President Bashir decided to support the referendum, and there may have been a significant gap between the NCP's internal decision and Bashir's January 2011 declaration in Juba. By some accounts, Bashir formally told his leadership that the referendum should be allowed to proceed during the November NCP Shura council meeting.[77] But according to the UN Special Representative in Khartoum at the time, Bashir and the NCP understood much earlier that the referendum was inevitable: "By summer 2010, it was clear to us that Bashir knew he had to accept the referendum, even if he wasn't ready to say it publicly. But getting him to that point, and helping to move the NCP in a direction that would allow the referendum to proceed smoothly, that was something all of us were speaking to him about all the time."[78] This view is supported by other key stakeholders involved in the negotiations.[79]

Before examining the factors that contributed to Khartoum's decision to embrace the referendum, it is worth recalling that President Bashir and the NCP had a long and successful history of resisting external pressures and making decisions based on calculations of self-interest and divide-and-rule tactics against their enemies.[80] "The Government in Khartoum was very sophisticated, they understood exactly what was involved in the South's decision to go, and they were making calculations as to what they could get out of it from everyone involved."[81] While it is easy to overemphasize the impact of external pressures, Bashir's own calculation as to what was best for himself and the NCP should be kept at the centre.[82] That said, three factors do appear to have helped sway Bashir and the NCP towards acceptance of the referendum.

1) Normalization

President Bashir's survivalist instinct appeared most actively triggered by the economic woes of Sudan, and the crippling sanctions imposed by the US and other western powers. The most damaging sanctions were linked to the US designation of Sudan as a state sponsor of terrorism and the absence of diplomatic relations between the two countries. Steps to remove Sudan from the terrorism list and begin to alleviate the harsh sanctions regime would send a positive signal about Sudan's status in the international community, and more tangibly offset the downward trajectory of the Sudanese economy at a critical moment. According to one UN official involved, "Bashir was desperate to end the sanctions, this was the biggest carrot for him."[83]

Throughout 2010, the US had tried to cajole Khartoum with the prospect of removal from the terrorism list and sanctions relief. In early November, the Obama administration presented an offer to lift the US designation of Sudan as a terrorism sponsor, normalise diplomatic relations, press Congress to remove unilateral sanctions, and work towards a multilateral debt relief package to offset the costs of partition.[84] In exchange, the US asked Khartoum for a smooth referendum and acceptance of the result, recognition of the rights of southerners remaining in the north, that Khartoum refrain from military action along the North-South border,

and agreement on key post-referendum issues.[85] But the US added a final set of conditions related to Darfur, including contentious demands related to the support of militias there.

This was a potentially lucrative offer which contained much of what Bashir and the NCP needed most. According to some experts, it was "the kind of big ticket item that might alter the equation."[86] However, the NCP remained extremely wary of offers from Washington. This was in part because the NCP felt that similar offers had been made in 2005, to achieve their agreement on the CPA, and in their view the US had reneged on these.[87] It was also clear to the NCP that the Obama administration could not deliver all of the offer: while removal from the terrorism designation list and some sanctions relief was within the president's discretion, the broader sanctions and debt relief was in the hands of a Congress that had shown no sympathy for Khartoum in the past. As the former US Special Envoy to Sudan and South Sudan stated, "there was too much in the US offer that was out of Khartoum's control."[88]

And the personalities involved did little to mitigate the American credibility deficit: US Ambassador to the UN, Susan Rice, in particular was seen by the NCP as an ardent friend of South Sudan and opponent of Khartoum, while the US Special Envoy to Sudan, Scott Gration, had not demonstrated his ability to deliver in the talks thus far. The introduction of Darfur-related conditions into the offer appeared to have been particularly jarring for the NCP, potentially turning the offer into a Trojan horse for a much wider set of unpalatable asks.89 At one point in September, then US Senator John Kerry attempted to bolster the US offer by indicating his willingness to press Congress on sanctions and debt relief, which may well have helped the standing of the US offer with Bashir, but at no point was there a clear indication from Khartoum that the NCP was ready to move forward on a deal in the short-term.90

The US role was central to the negotiation process of 2010, and both UN and AU interlocutors pointed to the US economic proposal as one important factor in bringing the NCP to the table.91 But most accounts suggest that the economic relief package was not sufficient in itself to sway Bashir's opinion, in part because it simply wasn't clear to the NCP that the US could or would deliver.

2) The Costs of War

By many accounts, one of the key factors in President Bashir's decision to support the referendum was the high cost of a return to war, both from a political and an economic standpoint. The SPLA had used the CPA interim period to build a massive and fairly well-organized fighting force, with tens of thousands of troops stationed directly along the North-South border. SPLA-affiliated troops in Southern Kordofan and Blue Nile States increased the military threat to Khartoum, while the simmering conflict in Darfur meant that Bashir would have had to contend with several potential fronts if violent conflict did break out. "Bashir couldn't fight multiple battles on multiple fronts," a UN official involved in the process pointed out, while another echoed, "Bashir had to break things up into manageable pieces, he couldn't afford to go to all-out war."[92] Southern leaders played on these fears and warned that, if a future conflict broke out, unlike the last war, this one would be fought on northern territory, potentially even in Khartoum.[93]

The economic costs of war were also a factor in this case. One think tank calculated that war between North and South Sudan would cost the country $50 billion in lost GDP, compounded by another $25 billion in related costs to Sudan's neighbours.[94] Already facing growing inflation and a potentially massive economic hit via the southern oil reserves, such costs "may have been a burden that the north simply could not have endured . . . possibly jeopardizing [the NCP's] hold on power."[95] Importantly, the NCP had survived largely through a patronage network in which key constituencies required a steady stream of largesse from Khartoum's coffers. With fractures apparent across the NCP and its allies, Bashir would have been especially sensitive to any potential threat to his ability to buy loyalty.[96]

The NCP's self-interested calculation appeared to take into account that accepting the referendum would immediately reduce these risks. While Khartoum would still have to contend with insecurity in Darfur and simmering issues in Southern Kordofan and Blue Nile, the immediate threat of military confrontation with the South was almost entirely linked to the referendum. Similarly, while Khartoum still faced major economic uncertainties, the potentially catastrophic cost of all-out war was pushed into the background as soon as Bashir publicly accepted the process. As events subsequent to the referendum demonstrate, even the SAF's takeover of the Heglig oil field and much of the Abyei territory in the period following the referendum did not trigger a wider conflict. This was in part because the SPLM had gotten what it wanted and was no longer ready to go back to war.

3) The Art of Persuasion

The ancient Athenian thinker Themistocles spoke of two gods, one of compulsion and one of persuasion. The above analysis has focused on the factors that may have compelled Bashir to accept the referendum, but equally important were the individuals who were able to persuade him to do so. There is general consensus from a range of sources that three of the crucial actors in this were Ethiopian Prime Minister Meles Zenawi; AUHIP Chair and former South African President, Thabo Mbeki; and the UN Special Representative in Sudan, Haile Menkerios.[97] Together and separately, they were the quiet voice in President Bashir's ear that, according to many directly involved, eventually persuaded him to publicly accept the referendum.

Meles Zenawi was a dominant force within the AU, the most influential head of state amongst Sudan's neighbours, and chair of the IGAD group tasked with supporting the CPA

process. He thus played an important dual role in trying to convince Bashir to take a constructive line on the referendum, while also acting as a guarantor of the AU's position. "Meles was very important in convincing Bashir that there could be a positive future for Khartoum after the referendum," said one UN official involved in the process. Zenawi's personal participation in many of the meetings in which the parties tried to resolve key issues ahead of the referendum—most notably Abyei[98]—lent a weight to the process that otherwise could have been missing, and a sense that Khartoum would not be isolated even after secession. And Ethiopia, a non-signatory to the ICC, was a safe and neutral place for high-level negotiations in the run-up to the referendum.[99]

President Mbeki was similarly a massive figure within the AU, capable of influencing the organization's position on the CPA process, and explicitly tasked with addressing the most critical issues between the NCP and SPLM. Like Zenawi, Mbeki was able to meaningfully reassure the NCP that the referendum would not spell the end of their regime, and that the negotiations would not result in a windfall for the South. And like Zenawi, Mbeki was able to help corral the AU position behind the referendum process, adding pressure on Khartoum to accept the outcome.[100] The AUHIP sometimes also played a bridging role, allowing the US and others to relay proposals on particular post-referendum issues in a way that appeared less threatening to the NCP.

One UN official described Haile Menkerios as "the catalyst for Mbeki and Meles,"[101] the person who was able to bring their leverage to bear most directly on President Bashir. While both President Mbeki and PM Zenawi had pre-existing relations with President Bashir, it appears that SRSG Menkerios was able to bring the actors together in a unique way. An Eritrean former freedom fighter with a long history of diplomacy in East Africa, Menkerios carried respect within the AU leadership, maintained good relations with the US administration (including Susan Rice) and was seen by Presidents Bashir and Kiir as an honest broker. "Only Haile could bring together Meles and Mbeki with Bashir," said one UN official involved in the process, "and Haile was the only person all three of them listened to."[102] While this may not be strictly true—both Mbeki and Meles had the clear ability to meet with Bashir on their own, and did—the role of Menkerios as a facilitator and coordinator of these meetings and their core messages does appear to be important.[103]

Throughout 2010, Meles, Mbeki and Menkerios took turns meeting with President Bashir and the NCP inner circle on dozens of occasions.[104] Some of these were direct negotiation settings, but many were discreet meetings in Khartoum for which there was no public announcement or record.[105] "Mbeki, Meles and I agreed on our approach," recalls SRSG Menkerios. "Our goal was to show Bashir that the referendum was a separation, not a divorce. They had failed to make unity attractive, but there was a way to keep positive relations between North and South after a separation; fighting tooth and nail on the referendum itself would not lead to that soft landing."[106] A former member of the AUHIP agrees, that "without the three of them it would have been much more difficult to steer the situation in Sudan towards a peaceful referendum."[107]

Bashir's eventual decision to publicly embrace the referendum may not have resulted wholly from the rhetorical powers of the Meles-Mbeki-Menkerios interventions, but most officials involved agree that the constant, personalized attention to Bashir seemed to help shift his mind.[108] Certainly, the behind-the-scenes work that Mbeki and Meles did to gather the AU into a consolidated position in favour of the referendum also appeared to add pressure on Khartoum.[109] And it is important to remember that President Bashir was an isolated character, surrounded by his NCP inner circle and shunned by the bulk of the international community. Limited contact meant limited leverage, particularly for key western actors trying to influence the process. But this may have given the Meles-Mbeki-Menkerios trio greater weight when they gave direct assurances that Sudan could thrive following the referendum if the NCP took a constructive line.

Again, it is worth stressing the NCP's core survivalist goal. Through late 2010, there was little on the negotiating table that offered a clear path for the NCP to strengthen its position; in fact, the elections that resulted in a landslide win for Bashir in April 2010 may have limited the appeal of other, less tangible, carrots. The US offer of sanctions relief and other economic gains, while potentially game-changing, was also possibly a mirage, nothing the NCP felt it could grasp firmly. Likewise, the SPLM had put nothing forward in the negotiations that would directly benefit Khartoum; Kiir's refusal to budge on key economic issues like oil revenue-sharing and debt-sharing meant that the NCP saw little benefit from the Juba negotiating team. With western powers largely arrayed favourably towards the SPLM, it was difficult for the NCP to see any wins out of the CPA once the April 2010 election was over. In contrast, Meles, Mbeki and Menkerios offered Bashir a vision of survival for himself and his party, the potential of a "soft landing" through the referendum, and a set of arguments that Bashir and the NCP did have a path to get through the CPA process intact.

3. The UN's Contribution to Preventing War

Looking broadly at the UN's role in Sudan through 2010, there is a long list of key actions that facilitated a peaceful referendum process. UNMIS's deployment of troops along the contested North-South border almost certainly played a role in helping to ward off potentially escalatory moments.[110] The UN's technical support to the referendum itself, spending roughly $85 million in support, while helping to set up the registration and balloting process for roughly four million voters, was instrumental in delivering the vote on 11 January.[111] And experts have pointed to a range of other activities that helped stabilise southern conflicts and mitigate

the risks that tensions elsewhere in Sudan might spill over during the referendum period.[112] The full range of the UN's work can thus be considered within the Secretary-General's Sudan-wide strategy articulated in January 2010, aimed at addressing the many related risks to the country's stability at the time.[113]

While these engagements are important, for the purposes of this study they constitute a backdrop to the core diplomatic activity of the UN focused on the referendum, which contributed in three principal ways: (1) directly, in terms of convincing President Bashir and the NCP to de-link the post-referendum issues and accept the referendum; (2) indirectly, by buttressing the work of the AUHIP and helping to ensure that the talks did not derail the referendum process; and (3) at the level of geopolitics, by bringing together regional and international positions to increase pressure on Khartoum to allow the referendum to proceed.

Taken together, this case study has argued that the UN's intervention played an important, if often indirect, role in ensuring that the referendum took place in January 2011. Most experts at the time agree that, absent the referendum, the risk of a southern unilateral declaration of independence and a return to all-out hostilities between North and South, was extremely high. With two million killed and four million displaced in the previous civil war, the risk of massive human costs were enormous, and the need for preventive diplomacy a highest priority for the UN.

1. SRSG Menkerios' Direct Engagement with Bashir and the NCP

As described above, SRSG Haile Menkerios engaged directly with President Bashir and the NCP leadership, helping to convince them to accept the outcome of the referendum. Accounts from those involved agree that this direct contact appeared to help shift the balance, along with other factors, and played a role in assuring the NCP that their survival was not at stake.[114]

Menkerios strengthened his hand in this respect by actively carving out space for himself as an impartial actor, distinct from his role as the head of UNMIS. Crucially, in early 2010 he proposed to the Secretary-General the creation of an independent "Secretary-General's Panel on the Referenda,"[115] headed by former Tanzanian President Benjamin Mkapa and tasked with monitoring the referendum process and providing good offices to the parties to help them resolve differences.[116] While UNMIS was still mandated to provide technical support to the referendum, the important task of assessing progress on the overall process was delegated to the Panel. "This showed that the referendum was important, not just for Sudan but for the whole African continent; it reassured both parties that Africa cared about the outcome."[117]

The creation of the Panel also kept SRSG Menkerios above the politicized fray of assessing referendum preparations, protecting his role as a mediator between North and South. "The Panel freed Haile [Menkerios] from being judge and jury, and allowed him greater standing with the parties," a UN official involved in the process noted.[118] Some experts suggested that without the Panel, UNMIS and Menkerios would have been asked to play more of a role in assessing the referendum, potentially putting him in opposition to the NCP—which stood accused of meddling in the preparatory process—and almost certainly would have limited his access and trust levels with President Bashir.

2. The UN's Indirect Leverage through the African Union

The key proposal to de-link the post-referendum issues and place them under the charge of the AUHIP was first floated by Menkerios in the first half of 2010.[119] Similarly to the decision to establish the Panel on the Referendum, this conferred a key mediation role to another entity: the AU. However, far from reducing the UN's capacity to contribute politically, if anything it appeared to provide greater scope for Menkerios to engage with and influence the parties on behalf of the UN.

This was because, as described above, the NCP was deeply wary of western interventions in Sudan and particularly suspicious of the UN, which it saw as pursuing an anti-Bashir agenda via the mission in Darfur and in its support to southern Sudan's institutions. And UNMIS, which had for the previous six years reported on northern violations of the North-South border and poured significant resources into mainly southern infrastructure, was clearly not impartial in the NCP's eyes. The decision to locate the post-referendum negotiations under the AUHIP rather than UNMIS appeared to allay many of these concerns and may well have rendered the NCP more amenable to the negotiation process. The access and leverage this achieved with the NCP should not be underestimated.

Vis-à-vis the AUHIP structure, Menkerios had a privileged role, able to access Mbeki directly and participate in the talks as needed, but also with independence to engage separately and create unique constellations of actors. "We worked as one team under the leadership of the AUHIP," Menkerios recalls, "and that team was able together to build a very close relationship with the two governments; we could not have done this alone."[120] Equally important, was the ability to act independently: "We worked on the basis of a common strategy and a common set of messages," Menkerios notes, "but we were all able to meet Bashir separately, pursue our own lines of engagement."[121]

SRSG Menkerios's role as both within and outside the AUHIP mediation also allowed him to bridge the process with other key actors, the US in particular. "Haile [Menkerios] was the only person who could bring together Mbeki, Meles [Zenawi] and [Susan] Rice," said one person involved in the mediation, meaning the UN was uniquely placed to deliver the US

proposals via the actors who could speak with authority to Bashir and the NCP leadership.[122] The ability to bridge the Washington/Khartoum divide was particularly important in the Abyei context, as the US-led efforts in New York and Addis had failed to bear any fruit by October 2010, and the issue threatened to escalate without a viable negotiation process.[123] This bridging role for the UN was again relevant in a round of negotiations convened by the AUHIP in Khartoum in November, in which the US offer for sanctions relief was the most important carrot for the NCP.[124] While the UN did not succeed in helping to broker a deal on the post-referendum issues at the time, Menkerios's role in helping to keep the key players involved, and maintaining a sense of confidence in the process by all sides, appeared to play a positive role when it came to Bashir's ultimate decision to support the referendum.

3. The UN's Role in Building International and Regional Consensus

As described above, the close relationship amongst Haile Menkerios, Thabo Mbeki and Meles Zenawi helped build a more unified position within the African Union in the months leading up to the referendum. Menkerios himself recalls, "It was critical that the AU come together to show to the NCP that there was a soft landing, and that Khartoum could build towards a positive relationship with the South."[125] Quietly working behind the scenes to build that unified position was a key priority for the UN, and one that SRSG Menkerios accomplished in part via his standing in the organization and his closer relationship with Prime Minster Zenawi. One UN official argued, "Once Haile got Meles to come on board with the referendum, everyone else in the AU followed."[126]

The UN also helped build a sense of inevitability and unified international support for the referendum, which some interlocutors suggest may have helped push President Bashir to his decision to publicly accept the results. One of the key events in this context was the high-level meeting convened by the UN Secretary General in New York on 24 September 2010, during which 30 heads of state (including US President Obama), the AU Chairman, the AUHIP leadership, President Kiir, and a high-level Government of Sudan delegation pledged to respect the referendum outcome.[127] On its face, the meeting was not hugely significant; in fact many interlocutors suggested that the inevitability of the referendum was a given by then, though still a risky period for the country. Indeed, the communiqué of 24 September was careful to leave the possibility of a unity vote open, despite the widespread certainty that the South would vote to secede, in part to ensure total unanimity amongst the group. However, the united position of the African Union membership, and their willingness to make a public declaration committing themselves to a process that all knew would lead to independence, appeared to send a strong message to Khartoum and Juba.

There is some evidence that the high-level nature of the event, including attendance by a wide range of African heads of state, had an impact on the Government of Sudan's public stance. Whereas previously the Government had been muted on the referendum process, referring generally to its commitment to the CPA process more generally, the final communiqué included an explicit commitment by the NCP and SPLM to "overcome the remaining political and technical challenges and to ensure the referenda are held on 9 January 2011."[128] As USIP notes, "with each public commitment, it became increasingly difficult [for the NCP] to back away from the pledge."[129] The high-level meeting was one such public commitment, and certainly added to the international pressure on the NCP to clear the path to 9 January.[130]

Similarly, in October 2010, a group of Security Council ambassadors travelled to Sudan to underscore that the referendum date "was sacrosanct."[131] Unlike the US overtures regarding sanctions relief, or the mediation efforts of the AUHIP, the Security Council visit "came to be used mainly as a stick," threatening further isolation if progress on the CPA was not achieved.[132] There is little evidence, however, that this visit had a direct role in influencing Bashir's decision to publicly accept the referendum, though it could well have played into the broader calculations about the likelihood of sanctions relief. In this sense, the Security Council may have bolstered the unanimity of purpose amongst the international community, possibly helping to "generat[e] political momentum and engag[e] with key interlocutors in pursuit of a common strategy."[133]

4. What Strategies and Tactics Worked?

1. Protecting the Role of the Mediator

The overall UN strategy for Sudan as articulated by the Secretary-General in January 2010 treated the Darfur and the North/South conflicts as part of a comprehensive whole.[134] This aligned with the findings of the AU Panel on Darfur (a precursor to the AUHIP, also led by Mbeki), which located the various conflicts in Sudan within a broader set of centre-periphery dynamics that had afflicted the whole country. As the above analysis has demonstrated, however, this holistic treatment of the interrelated issues might have worked at a policy-level, but in practice the UN needed an individual solely dedicated to the North/South mediation process. Indeed, looking at the decision to de-link the post-referendum issues and place them under the AUHIP, the creation of a separate UN Panel on the Referenda, and the significant authority delegated to the UNMIS leadership in southern Sudan to run the day-to-day operations of the Mission,[135] what seemed to work best from a preventive diplomacy standpoint was to *carve out and protect the specific UN diplomatic role from the other UN activities on the ground.* Allowing SRSG Menkerios to act independently of both the AUHIP and the Panel on the Referenda appeared to give him the flexibility

to bring together different actors, afforded him the access to President Bashir, and allowed him to maintain impartiality through the crucial period.

That is not to say SRSG Menkerios's engagement with the NCP was solely focused on the referendum. In fact he recalls, "When I talked to Bashir, I was talking about all of Sudan, and I was able to be very honest with him. I pointed out that the Government's approach to the conflicts had put the whole continent against Khartoum. Getting through the CPA, and allowing the referendum, was one part of this more holistic approach that Bashir needed to take."[136] Rather than limit Menkerios, the actions taken to preserve his role as a mediator may well have freed him to have the wider-ranging, frank discussions with Bashir that would have more effectively influenced his decisions.

2. Embracing the Side-lines

SRSG Menkerios's approach to the mediation was a quiet one, focused more on supporting the AUHIP than trying to create visible space for the UN. In this sense, "Haile worked as a de facto deputy to Mbeki"[137] and described himself as part of the AUHIP team. But in a process as politically fraught as the North-South negotiations, and with the NCP instinctively wary of any process bearing a UN imprimatur, operating from the side-lines was almost certainly the most effective approach for any UN official involved. "If Haile [Menkerios] had been a flashy personality, trying to get credit for any of the negotiations, or putting any of his discussions in the press, the UN would have been nowhere in the talks," noted a UN official involved.[138]

This quiet approach follows from Menkerios's personality, and his tendency to embrace discreet engagement rather than wage public diplomacy. This does not mean the UN lacked relevance in the substance of the talks, or in helping to guide the strategic direction of the broader mediation effort. "We built ideas together, we came up with a common approach and then acted on it," Menkerios recalls. Others involved in the process agree. "Haile was able to counsel Mbeki and his team, they counselled each other and reached common decisions," one senior UN official describes.[139] "Haile exercised enormous influence from the position he had created for himself, and he did it in a way that worked directly in concert with the AUHIP."[140]

3. Leverage through Unity

"Engagement with the parties never would have worked by the UN alone," Menkerios recalls. "It was only through the very close collaboration between the AU, IGAD, Meles and the UN, by building a common strategy amongst us, could we really engage the parties."[141] Taken separately, each organization had a piece of the puzzle: the AU held the power to recognize the CPA process and support both countries in the post-referendum period; Ethiopia was a key partner for Sudan, and was able to offer real guarantees to help both sides get through the referendum[142]; and the UN offered the hope of international standing for both sides, and a bridge to key stakeholders like the US. In isolation, these actors were important but probably insufficient by themselves to change the Khartoum's calculations. Together, the above case study has argued, they played an important role in bringing Khartoum towards accepting the referendum.

4. The Power of Suggestion

"There is a power of diplomacy to suggest an outcome without promising it."[143] As the current UN Envoy for Sudan and South Sudan states, part of the diplomatic effort involved telling a positive narrative for the NCP's future, reassuring Khartoum that it could survive the secession process.[144] However, some of the most important elements of the narrative were outside the UN's control; core asks of the NCP regarding US sanctions relief, removal from the terrorism list, and even the ICC arrest warrant for Bashir, all fell beyond the UN's ability to guarantee a result.

Instead, the mediators focused Bashir on the idea of the "soft landing" after the referendum, on what doors the NCP's support to the referendum could open, versus what doors would be irrevocably shut if they opposed it. "I am not sure when Bashir really accepted the referendum," Menkerios notes, "but we had a role in convincing him that the writing was on the wall . . . to suggest that he could win a friendly South Sudan after secession, that it was in his interests to do the right thing."[145]

5. Technical Support as a Diplomatic Tool

While this study has been focused on political engagement at the highest level, the other activities of the UN played a direct supporting role for the prevention effort. In fact, the UN resources dedicated to Sudan during the referendum period were staggering: UNMIS and UNAMID combined constituted a $1.9 billion investment in peacekeeping;[146] the UN Panel on the Referenda cost over $85 million;[147] and an additional $58 million was spent on technical and logistical support to the vote itself.[148] Across the world, governments resist unwanted ballots by throwing technical and logistical delays into the mix; and based on the description of the NCP's alleged meddling in the process, the southern referendum was no different. However, the UN's massive support package removed many of these potential obstacles and excuses, helping the diplomatic effort to ensure the referendum happened on time.[149] As the above study has described, the ability of the mediators to assure both sides that they could get through the CPA process intact rested heavily on this technical and logistical support.

6. The Importance and Limits of Early Warning

Early warning is generally accepted as a key element of

any effective conflict prevention effort.[150] In the case of the southern Sudan referendum, the UN was well-aware of the risks of violent conflict far in advance of the event itself. The Secretary-General issued five reports on Sudan in 2010 alone, all of which pointed to the risks associated with the referendum process, while internally the UN scenario planning had identified a wide range of scenarios in which all-out war between North and South was a plausible outcome.[151] Interestingly, the Secretary-General's public reporting adjusted to the gradually diminishing risk as it became clearer that the NCP would accept the referendum outcome; in fact, by the time of his 31 December 2010 report, only days before the vote, the Secretary-General referred to the "unlikely event that the referendum leads to large-scale violence."[152]

On one hand, this evolving risk assessment could point to the success of a prevention effort: through 2010, the efforts of the UN and others helped to mitigate the risk and reduce the chance of a return to war around the referendum. On the other hand, it is possible that the UN played up the warnings early in 2010 in an effort to generate momentum on the CPA process, and that the more muted warnings later in 2010 were simply a more realistic assessment of the situation on the ground. As USIP points out, "It is difficult to distinguish overwarning [sic] from prevention success" in cases like the Sudan referendum.[153] This case study has attempted to provide evidence that risk was indeed mitigated, but the fact that early warning is often used as a political tool to generate international action may mean that some warnings are direr than reality.

There is a second implication inherent to these early warnings by the UN (and indeed this case study): by locating the risk around a specific event like the referendum, the analysis of preventive diplomacy could underplay the extent to which risk is merely shifted, rather than resolved. For example, in the months following the referendum, there were serious, if not widespread, clashes between the SAF and the SPLA along the disputed border area, resulting in the SAF's takeover of the Heglig oil reserve and, temporarily, the disputed Abyei area.[154] Five months after independence, clashes again took place between the SAF and the SPLA along the border area,[155] and exactly upon the one-year anniversary of the secession vote, the SPLA command reported that the SAF had carried out air and ground attacks in South Sudan's territory, killing more than 30 people and taking over a military base.[156] Even today, with essentially none of the post-referendum arrangements resolved, large numbers of peacekeeping troops deployed to prevent violence in Abyei, and extremely poor relations between Juba and Khartoum, it is an open question whether the diplomatic effort of 2010 should be called a success, or a temporary suppression of tensions.[157] How the risks are described, and what window is used for any assessment, will directly impact this question.

5. Conclusions: Sustaining the Prevention Effort

The southern Sudan referendum was the culmination of a massive international effort over more than six years to prevent a return to war. Yet in the months leading up to the referendum, there was a real risk that the peace process could have been derailed. In this, the decision-making of leaders in Juba and Khartoum was the most crucial: Would President Bashir accept the referendum process, and would President Kiir take the steps needed to pave the way to a peaceful vote in January 2011?

This study has made the case that external interventions played an important role in the decisions that led to a peaceful referendum in three principle ways: (1) by offering the parties viable assurances that the referendum would not pose an existential threat; (2) by separating the referendum from post-referendum negotiations that could have caused delays; and (3) by building a unified international and regional position in favour of a peaceful, timely referendum process. And while the UN was not always at the center of these activities, the case study has shown that the UN contributed to them in critical ways. UN logistical and technical support to the referendum (and indeed the elections that preceded it) also should not be underestimated, as it eliminated a range of potential risks around delays and meddling. These critical elements of the successful prevention effort in the case of Sudan should be considered when examining other prevention efforts.

But it is also important to consider briefly whether and how the UN prevention effort was sustained beyond the referendum itself. As the above section describes, North/South risks extended beyond the referendum, and continue to this day. This has required a continued UN peacekeeping presence—in the contested Abyei area—beyond the closure of UNMIS. And following the referendum, the UN increased its political support to the negotiation of post-referendum issues, appointing a special envoy based in Addis Ababa to work with the AU and the parties directly. Furthermore, while the establishment of UNMISS in South Sudan was largely dedicated to internal stability, the mission there has continued to coordinate with the UN envoy and others to help anticipate and address North/South risks. As such, the UN has built a significant on-the-ground presence to maintain its conflict prevention role over the past seven years.

Unfortunately, these efforts have not resulted in meaningful progress on the talks themselves—nearly every post-referendum issue remains in roughly the same position it was six years ago—but they have helped maintain a forum where the parties can talk to each other. The absence of serious tensions and/or violence across the North/South border in recent years is evidence that the preventive diplomatic effort in 2010/11 has been sustained, even if many of the underlying risk factors remain.

However, hanging over all claims of success about the referendum is the brutal civil war that engulfed South Sudan

less than three years after independence. The shortcomings of the North-South negotiation process likely played a role in this, driving economic and security uncertainties in the crucial early period of South Sudan's existence. But North-South issues are only one limited aspect of South Sudan's civil war, the bulk of which concerns the southerners themselves, fuelled by longstanding inter-communal tensions and the failure of Juba to deliver meaningful development and growth to all populations. Indeed, in many ways, Juba has recapitulated the same centre-periphery power dynamics that plagued Khartoum for decades before independence, all but guaranteeing that South Sudan will face violent conflict for years to come.

In fact, the way in which President Kiir prepared for the referendum may have contributed directly to the 2013 civil war. By paying off a huge number of SPLA generals to achieve a unified army ahead of the referendum, Kiir may well have set expectations at an unrealistically high level. In the two years following the referendum, high levels of corruption within the Government meant that many of the key SPLA elements were excluded from power, and ready to foment violent conflict to secure their interests. In some respects at least, the South's rush to the referendum planted the seeds for the war that followed.

It would be unrealistic to hold the 2010 preventive diplomacy effort directly accountable for South Sudan's civil war—the CPA never seriously contemplated how the southern Sudanese would build (or destroy) their own country, only that they should be given the opportunity to decide their own fate without a return to war. Perhaps as the UN considers how better to connect its conflict prevention work with longer-term sustaining peace, there may well be scope to reconsider how such peace agreements are developed and supported in the future.[158]

This case study does not take such a long view. Instead, it has shown that, facing a real risk of war leaders in both the Khartoum and Juba took the decision to take a peaceful path. And more than seven years later, despite disagreements over many of the fundamental issues within the CPA, and despite the clashes along the border, neither side has shown a willingness to return to war. This, more than anything, is strong evidence that the joint preventive diplomatic effort in 2010 did what it was asked to do.

Endnotes

Cover Image: South Sudan Prepares for Its Independence. UN Photo/ Paul Banks.

* Adam Day is Senior Policy Advisor in the Centre for Policy Research at United Nations University. This case study was based on a review of public literature on the southern Sudan referendum; internal UN documents from the Department of Peacekeeping Operations; the author's notes from his service in DPKO and UNMIS; and interviews with UN, AU and diplomatic officials. This case study benefited from previous analytic work within DPA, in particular by Dawn Peebles and Elodie Convergne. The author would also like to pay special thanks to Haile Menkerios and Princeton Lyman for providing their insights into the case study. The views expressed in this study are those of the author, not necessarily of the United Nations.

1 "The Comprehensive Peace Agreement between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army," 9 January 2005 (chapeau reads "recognizes the right of the people of Southern Sudan to self-determination and seeks to make unity attractive during the Interim Period").

2 The CPA in fact provided for a separate referendum on the status of Abyei, and through 2010 there was some discussion as to whether that might take place.

3 President Salva Kiir stated, "There is a risk of a return to war in case of delay or denial of this exercise, and it would be on a very massive scale." Salva Kiir: Southern Sudan Vote Delay Could Risk War, International Peace Institute, September 2010, available at https://www.ipinst.org/2010/09/salva-kiir-southern-sudan-vote-delay-could-risk-war; see also, Secretary General's Report on Sudan S/2010/681 (31 December 2010, para 78) (warning of a "very real risk" of a return to conflict); see also, Nicholas Kristof, New York Times, August 2010, available at www.nytimes.com/2010/08/29/opinion/29kristof.htm (pointing to "a growing risk that Sudan will be the site of the world's bloodiest war in 2011, and perhaps a new round of genocide as well"); see also Richard Williamson, "How Obama Betrayed Sudan," 11 November 2010, www.foreignpolicy.com/articles/2010/11/11/how_obama_betrayed_sudan.

4 "A Conversation with U.S. Secretary of State Hillary Rodham Clinton," 8 September 2010, www.cfr.org/diplomacy/conversation-us-secretary-state-hillary-rodham-clinton/p22896.

5 S/2010/31 (19 January 2010) para 89 (warning that a return to violent conflict was a "very real possibility").

6 "Omar al-Bashir visits south Sudan ahead of independence vote," The Guardian, 4 January 2011, available at https://www.theguardian.com/world/2011/jan/04/bashir-south-sudan-independence-vote.

7 This study does not consider the longer-term risks, or the conditions that led to the 2013 civil war in South Sudan. However, in the conclusions, it does provide some analysis of how the short-term interventions interacted with the longer-term processes that continue to this day.

8 NB, there were a range of other risks around the referendum period, including South-South violence, conflict between Southern Kordofan/Blue Nile and Khartoum, and the ongoing crisis in Darfur (which had links to the southern Sudan issue and the CPA). However, this study will focus on the immediate risk of North-South violence in the lead up to the referendum.

9 See, e.g., "South Sudan: Are They Headed for a Crash?" The Economist, 23 September 2010, available at www.economist.com/node/17103885 ("it is not certain that the Sudanese government in Khartoum will let the referendum proceed as planned. Even if it does, the outcome will be extremely messy").

10 See, "Democracy on Hold: Rights Violations in the April 2010 Sudan Elections," Human Rights Watch Report, 30 June 2010, available at: https://www.hrw.org/report/2010/06/30/democracy-hold/rights-violations-april-2010-sudan-elections.

11 Interview with UN official, 16 November, 2017.

12 S/2010/31 (19 January, 2010), para 89.

13 "Sudan: Defining the North-South Border," International Crisis Group Policy Briefing, 2 September 2010 ("For example, there are unconfirmed reports of an SAF build-up along the borders of Upper Nile state, including in White Nile state north of the contested border; western Blue Nile state and near Megenis").

14 For example, there was credible evidence that an uprising by a southern militia leader, George Athor, was directly supported by northern elements in an attempt to destabilize the South. See, "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author]; see also, "Uncertain Future," Small Arms Survey, April 2010 ("There are widespread allegations of arms and ammunition being supplied within Southern Sudan by elements of the NCP/SAF in an effort to destabilize the South").

15 S/2011/314 (17 May 2011), para 4.

16 For example, in July 2010, following clashes and demonstrations in Abyei, there were reports that military forces were ready to act to secure the area. See, IRIN, Sudan: Clashes and demos in Abyei, 7 July 2010, available at: http://www.refworld.org/docid/4c3adde81a.html [accessed 12 January 2018].

17 "Sudan: Defining the North-South Border," International Crisis Group Policy Briefing, 2 September 2010.

18 The issue of popular consultations for Blue Nile and Southern Kordofan States, while important, were not listed by interlocutors as one that was likely at the time to derail the referendum.

19 "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011

[on file with author].

20 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf

21 "The Comprehensive Peace Agreement between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army," 9 January 2005.

22 "Post CPA Strategic Assessment for Abyei," November 2010 [internal DPKO document on file with author] ("the disputed Abyei Area has been the most challenging issue in the CPA framework and looks to be one of the most volatile through the CPA period").

23 "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author].

24 https://unmis.unmissions.org/sites/default/files/old_dnn/UNMIS/Referendum/F-southern%20sudan%20referendum.pdf.

25 Interview with UN official, New York, October 2017.

26 https://reliefweb.int/report/sudan/human-rights-violations-surrounding-south-sudan-referendum.

27 Salva Kiir: Southern Sudan Vote Delay Could Risk War, International Peace Institute, September 2010, available at https://www.ipinst.org/2010/09/salva-kiir-southern-sudan-vote-delay-could-risk-war.

28 Former US Envoy to Sudan and South Sudan, Princeton Lyman, has argued that NCP fears of further isolation and potential economic ruin were key factors in NCP concerns about the referendum. See, Lyman, Princeton, Negotiating Peace in Sudan, Cairo Review, Spring 2011.

29 "Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability," International Crisis Group Report, 4 May 2011.

30 There is even an unconfirmed report that Nafie proposed to the Shura Council on 2 December 2010 that the NCP declare war on the SPLM, saying that a new war was inevitable. "Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability," International Crisis Group Report, 4 May 2011, page 16. See also, Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (noting that Nafie Ali Nafie was one of the hardliners influencing NCP positions away from constructive approaches to the referendum and post-referendum negotiations).

31 Interview with UN official, New York, 4 October 2017 ("Nafie was ready to do whatever it took to stop the referendum, and he had hardline NCP allies helping him").

32 "South Sudan: Are They Headed for a Crash?" The Economist, 23 September 2010, available at www.economist.com/node/17103885.

33 Khalid Hassan Elbeely, "The Economic Impact of Southern Sudan Secession," Journal of Business, July 2013, available at thejournalofbusiness.org/index.php/site/article/download/250/247.

34 Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017 ("debt relief was a major issue for the NCP, and they were unwilling to accept any scenario where the South did not take on at least some of the debt, unless the international community was serious about taking it on themselves").

35 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf; see also, "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.

36 In the CPA negotiations, the US had held out the promise of ending the sanctions regime and eventually providing debt relief to Khartoum, none of which had happened during the interim period. One of the reasons for this was the conflict in Darfur, which was cited as a continuing example of Khartoum's bad faith.

37 "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.

38 Interview with UN official, New York, 4 October 2017 ("Bashir's approach was to hold out, to see what he could get by keeping everything on the table while the referendum still wasn't certain"); See also, Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 ("there were hardline elements within the NCP who wished to hold the referendum hostage, delay it so they could extract concessions on Darfur, the ICC and sanctions").

39 See, "The Case Against Bashir," International Criminal Court, available at https://www.icc-cpi.int/darfur/albashir.

40 There is a difference of views within the UN and expert community concerning the extent to which the ICC played a role in Bashir's calculations. On the one hand, many analysts have pointed to the ICC as part of the broader set of issues isolating Sudan, including designation as state sponsor of terrorism, sanctions, and lack of diplomatic relations with the US and others. Ending the ICC case could be seen in this context as part of the gradual acceptance of Khartoum within the international community. Other experts, however, claim that Bashir himself was much less concerned with the ICC, confident that his allies within the AU would protect him, and more focused on the economic incentives on offer.

41 Southern Sudan Assessment, DPKO Internal Paper, January 2010, [on file with author] ("If the elections do take place, the NCP will have achieved all it needs in the CPA, and efforts to stall or prevent the referendum and/or popular consultations could be intensified"). See also, Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (noting that the elections consolidated NCP control in the North, and gave Bashir a key win within the CPA framework).

42 Interview with UN official, New York, 6 October, 2017 ("Don't underestimate the personal pain of Bashir at losing territory").
43 Interview with former US Special Envoy to Sudan and South Sudan, Ambassador Princeton Lyman, January 2018 (noting the lack of preparatory steps by Khartoum with its population ahead of the referendum).
44 See, Hochschild, Fabrizio and Adam Day, "Southern Sudan Assessment," January 2010 [internal DPKO document on file with author] (describing conflict risks within southern Sudan).
45 "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author].
46 "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author]; see also, "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf
47 "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.
48 Hochschild, Fabrizio and Adam Day, "Southern Sudan Assessment," January 2010 [internal DPKO document on file with author].
49 See, "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf ("the message from Juba was that almost everything was negotiable but that the referendum must be held on time and be free of northern meddling").
"Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.
50 Report of the Secretary General on the Situation in Sudan, S/2010/681.
51 Interview with UN official, New York, 6 October, 2017.
52 Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017.
53 Interview with UN Official, New York, 6 October, 2017.
54 "Sudan: Regional Perspectives on the Prospect of Southern Independence," International Crisis Group, 6 May 2010.
55 "Sudan: Regional Perspectives on the Prospect of Southern Independence," International Crisis Group, 6 May 2010.
56 Libya was also sporadically in favor of unity, but this appeared to depend more on the whims of Ghaddafi than any fixed national position.
57 NB: Chad also vociferously opposed the secession of South Sudan, but was less important in terms of the referendum process.
58 "Sudan: Regional Perspectives on the Prospect of Southern Independence," International Crisis Group, 6 May 2010.
59 According to some experts, even former South African President Thabo Mbeki, appointed by the African Union Peace and Security Council to head the African Union High Level Implementation Panel tasked with resolving post-referendum arrangements, was initially perceived as having a preference for unity. Interview with UN official, New York, October 2017.
60 See, "State Sponsors: Sudan," US Council on Foreign Relations Brief, 2 April 2008, available at https://www.cfr.org/backgrounder/state-sponsors-sudan; see also, "Sudan's Fractured Internal Politics," US Council on Foreign Relations Brief, 7 October 2010, available at https://www.cfr.org/backgrounder/sudans-fractured-internal-politics.
61 See, e.g., https://www.brookings.edu/research/the-genocide-in-darfur-america-must-do-more-to-fulfill-the-responsibility-to-protect/; https://2009-2017-usun.state.gov/remarks/4393;
62 https://www.theguardian.com/world/2011/jan/04/bashir-south-sudan-independence-vote.
63 See, e.g., https://reliefweb.int/report/sudan/statement-chairperson-achpr-occasion-southern-sudan-referendum-9th-january-2011; https://au.int/en/pressreleases/20110208-0; https://www.un.org/press/en/2011/sc10146.doc.htm.
64 Interview with former SRSG UNMIS, 16 November, 2017 ("The southerners never believed until 4 January that the North would allow the referendum. They were preparing for a showdown if the North tried to stop them").
65 Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017.
66 "African Union Panel on Darfur Report," 24 October 2009, available at http://www.sudantribune.com/African-Union-Panel-on-Darfur-AUPD,32905.
67 "African Union High Level Implementation Panel Progress Report," African Union Peace and Security Council, 235th Meeting, 2 July 2010, Addis Ababa.
68 Interview with former SRSG UNMIS, 16 November, 2017.
69 The Assessment and Evaluation Commission (AEC) was tasked with monitoring and supporting the implementation of CPA. It was composed of representatives from the Government of Sudan; Government of South Sudan; IGAD; and representatives from Italy, the Netherlands, Norway, the United Kingdom and the United States, all of which had witnessed the peace negotiations leading to the creation of the CPA. The African Union, the Arab League, the European Union and the United Nations had observer status. The AEC provided expert and financial support to the AUHIP during the period covered by this report.
70 Secretary-General's Report on Sudan, S/2010/528.
71 "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010. See also, Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (noting that the delinking of the post-referendum negotiations helped clear the way for the referendum).

72 Interview with UN official, New York, 4 October 2017 ("delinking the post-referendum issues was critical, it allowed the referendum to move forward").
73 Interview with UN official, New York, 4 October 2017. Many interlocutors referred to the phrase "soft landing" which was also used by the Secretary-General at the time. While there is no precise definition for it, most appeared to think it meant that the referendum would not spell disaster for the NCP, that they would not be further isolated, that their economic future was somewhat assured, and that key post-referendum issues would not be resolved to their extreme detriment.
74 President Mbeki's speeches on western interventions in Africa are well known. See also, "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author] ("Mbeki's gradual transformation from strongly opposing any further subdivision of Africa to a redefined Pan-Africanism that allowed for the division of the Sudanese state, helped to build the confidence of the Southern Sudanese regarding the peace negotiations").
75 Interview with UN official, New York, 4 October 2017; interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017.
76 Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (noting that there was nothing there at the time in the mandate of UNMIS that would go beyond the referendum date, so it became clear by 2009 that there would be a major challenge for the UN in supporting the transition. This was one of the reasons the AUHIP picked up the post-referendum arrangements.).
77 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf
78 Interview with former SRSG UNMIS, 16 November, 2017. See also Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (stating that AU and UN mediators met frequently with President Bashir and NCP leaders to discuss the importance of a timely referendum).
79 E.g. former US Special Envoy Princeton Lyman indicated that by the 2010 elections process it was clear to all parties that Southern Sudan would vote for independence, and that it was even fairly clear to all involved that the death of John Garang in 2005 heralded the end of a realistic chance at unity. Interview in January 2018.
80 Several interlocutors underscored the Government's ability to divide up difficult issues and deal with them in ways that benefited Khartoum. As evidence they cited the Government's keeping the Darfur process completely separate from the CPA, resisting international efforts to put a UN-led mission in El Fasher, and unwillingness to accommodate even very strong pressure from the US and others when it came to North-South talks. Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017; interview with former Senior Adviser UNMIS, New York, 4 October 2017. See also, "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.
81 Interview with former SRSG UNMIS, 16 November, 2017.
82 Obviously, this case study would have benefited from direct discussions with President Bashir's inner circle. This proved impossible for many reasons, including UN restrictions on contact with ICC indictees.
83 Interview with UN official, October 2017.
84 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf
85 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf
86 "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.
87 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf
88 Interview with former US Special Envoy to Sudan and South Sudan, Ambassador Princeton Lyman, January 2018.
89 Author's notes from meeting with official from Sudanese Permanent Mission to the UN, New York, September 2010 ("we know the US deal isn't serious, they put conditions on Darfur that they know we will never accept").
90 Interview with UN official, New York, 4 October 2017.
91 Interview with former SRSG UNMIS, 16 November, 2017 ("The US sent signals to the NCP that if they did the right thing on the referendum, they would get positive moves from Washington…this helped move the NCP in the right direction, along with our own [UN and AUHIP's] engagement").
92 Interviews with UN officials, October 2017.
93 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf; see also, "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author].
94 "The Cost of Future Conflict in Sudan, 2010," Frontier Economics, available at https://www.frontier-economics.com/documents/2014/03/frontier-report-the-cost-of-future-conflict-in-sudan.pdf.
95 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf.

96 Though written well after the 2011 referendum, Crisis Group's analysis of the patronage networks under President Bashir are a strong indication of the state of affairs in 2010 as well. See, "Sudan's Islamists: From Salvation to Survival," International Crisis Group Briefing Note, 21 March 2016, available at: https://d2071andvip0wj.cloudfront.net/b119-sudan-s-islamists-from-salvation-to-survival.pdf,.
97 Interviews with UN officials, former members of the AUHIP, and members of the diplomatic corps all confirmed the central importance of these three actors. Some interlocutors also pointed to the centrality of the US, but this is covered less in terms of personal persuasion than the offer that was placed on the table (see previous section).
98 https://www.voanews.com/amp/optimism-but-no-deal-at-summit-on-sudan-referendum-110193124/156896.html.
99 NB: the AUHIP conducted the bulk of its negotiations with the parties in Ethiopia.
100 Former US Special Envoy to Sudan and South Sudan, Princeton Lyman, underscored the important role President Mbeki played in bringing together a unified AU position on the referendum. Interview January 2018.
101 Interview with UN official, New York, 4 October 2017. This point was echoed by a former member of the AUHIP.
102 Interview 4 October 2017.
103 This view is supported by former US Special Envoy to Sudan and South Sudan, Princeton Lyman, who stated that Menkerios' access to President Bashir "was important…Bashir understood and respected his background." Interview January 2018.
104 Interviews with UN officials, October and November 2017.
105 There were no formal mechanisms or processes established for these meetings, and several interlocutors pointed to the flexibility this offered as a positive factor.
106 Interview with former SRSG UNMIS, 16 November, 2017.
107 Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017.
108 Interview with former SRSG UNMIS, 16 November, 2017 ("It seemed that our arguments with Bashir helped, at least in getting him closer to making his acceptance public"). This point was echoed in an interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017.
109 A former member of the AUHIP stressed that President Mbeki frequently engaged the AU Peace and Security Council (four briefings in 2010) and added time on all of his visits to Addis for bilateral engagements with AU members to help build a unified stance on Sudan.
110 "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author] (finding that UNMIS' presence along the border contributed to prevention of military conflict).
111 Interview with Director of UN Electoral Assistance Division, 20 November 2017. Former US Special Envoy to Sudan and South Sudan, Princeton Lyman, held a similar view, noting that SRSG Menkerios' decision to quietly print the referendum ballots despite ongoing logistical hurdles within the Referendum Commission, was crucial in the timely conduct of the process. Interview January 2018.
112 For example, UNMIS directly supported the process by which General Athor and the SPLM reached a ceasefire agreement during a time when Athor's rebellion was threatening stability and cohesion in southern Sudan. Similarly, UNMIS and UNAMID worked together to encourage the SPLM to stop support to the Darfur rebels in the lead up to the referendum. See, e.g., "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author].
113 Ban ki-Moon's Remarks to Meeting on Sudan hosted by the Chairperson of the African Union Commission, 31 January 2010, available at: https://www.un.org/sg/en/content/sg/speeches/2010-01-31/remarks-meeting-sudan-hosted-chairperson-african-union-commission.
114 Interview with former SRSG UNMIS, 16 November, 2017 ("I think it helped, our direct engagement with Bashir helped get him closer to the referendum"); see also, interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017. Former US Special Envoy to Sudan and South Sudan, Princeton Lyman, held a similar view. Interview January 2018.
115 The term "referenda" here refers to the fact that there were originally meant to be two referenda: one for southern Sudan and another for Abyei, both of which were meant to take place simultaneously. The Abyei referendum was eventually postponed indefinitely, however.
116 https://www.un.org/News/dh/infocus/sudan/sudan_referanda.shtml.
117 Interview with former SRSG UNMIS, 16 November, 2017.
118 Interview with former Senior Adviser UNMIS, New York, 4 October 2017 see also, Interview with Director of UN Electoral Assistance Division, 20 November 2017 ("What was really going on was that Haile didn't want to spend all his political capital talking about issues like intimidation, he wanted to keep his good offices work saved, powder dry for discussions with Bashir on divorce arrangements").
119 Interview with former Senior Adviser UNMIS, New York, 4 October 2017 ("Menkerios first proposed the de-linking of the post-referendum issues"); see also, "United Nations Preventive Diplomacy and the Self-Determination of Southern Sudan," DPA Internal Paper, 15 April 2011 [on file with author] ("Notably, Menkerios' efforts assisted in delinking unimplemented

aspects of the CPA, such as border demarcation, with the holding of the referendum in order to help keep the referendum on track, given the likelihood that conflict would erupt if the referendum were not held on time").

120 Interview with former SRSG UNMIS, 16 November, 2017. See also, Interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (underscoring the extremely close relationship between Menkerios and Mbeki, and the ability of them to jointly develop strategies on the talks).

121 Interview with former SRSG UNMIS, 16 November, 2017.

122 Interview with former Senior Adviser UNMIS, New York, 4 October 2017.

123 See, e.g., "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.

124 "Negotiating Sudan's North-South Future," International Crisis Group Update Briefing, 23 November 2010.

125 Interview with former SRSG UNMIS, 16 November, 2017.

126 Interview with former Senior Adviser UNMIS, New York, 4 October 2017.

127 Communique of the High-Level Meeting on Sudan, 24 September 2010, available at http://www.un.org/press/en/2010/sg2165.doc.htm.

128 Communique of the High-Level Meeting on Sudan, 24 September 2010, available at http://www.un.org/press/en/2010/sg2165.doc.htm.

129 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf

130 And as noted above, this meeting coincided with a diplomatic effort by the US to more seriously put an economic package on the table.

131 Nitzsche, Heiko, "Sudan," in The UN Security Council in the 21st Century, ed Sebastian von Einsiedel, Renner, 2016.

132 Nitzsche, Heiko, "Sudan," in The UN Security Council in the 21st Century, ed Sebastian von Einsiedel, Renner, 2016.

133 Preventive Diplomacy: Delivering Results, Report of the Secretary-General 2011.

134 Ban ki-Moon's Remarks to Meeting on Sudan hosted by the Chairperson of the African Union Commission, 31 January 2010, available at: https://www.un.org/sg/en/content/sg/speeches/2010-01-31/remarks-meeting-sudan-hosted-chairperson-african-union-commission.

135 While UNMIS was headquartered in Khartoum, day-to-day operations in southern Sudan by the UNMIS Regional Coordinator.

136 Interview with former SRSG UNMIS, 16 November, 2017.

137 Interview with former Senior Adviser UNMIS, New York, 4 October 2017.

138 [Interview on background].

139 Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017.

140 Interview with former Senior Adviser UNMIS, New York, 4 October 2017. See also, interview with Senior Political Adviser to African Union High-Level Implementation Panel, 21 November 2017 (stressing the strategic importance SRSG Menkerios played in the AUHIP-led mediation).

141 Interview with former SRSG UNMIS, 16 November, 2017.

142 Ethiopia also offered troops to help resolve the Abyei crisis, which proved to be essential in quelling tensions there following the referendum.

143 Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017

144 Interview with former SRSG UNMIS, 16 November, 2017 ("Our message to the Bashir was that if he embraced the referendum there was the potential for a soft landing, that he could get the kind of relationship with the South that would be beneficial to both sides").

145 Interview with former SRSG UNMIS, 16 November, 2017.

146 A/62/540; A/59/768.

147 https://www.un.org/press/en/2010/gaab3971.doc.htm.

148 https://reliefweb.int/report/sudan/united-nations-steps-support-southern-sudan-referendum-bureau; https://unmis.unmissions.org/sites/default/files/old_dnn/UNMIS/Referendum/F-southern%20sudan%20referendum.pdf.

149 Interview with Director of UN Electoral Assistance Division, 20 November 2017; see also, S/2011/239 (calling the technical and logistical support to the referendum "indispensable").

150 See, e.g., Richard Gowan, "Seizing the Moment: From Early Warning to Early Action," International Crisis Group, June 2016.

151 Scenario Planning for Southern Sudan [internal DPKO document on file with author]. See also, S/2010/31 (19 January 2010) para 89 (warning that a return to violent conflict was a "very real possibility"); S/2010/681 (31 December 2010), para 78.

152 S/2010/681 (31 December 2010), para 78.

153 "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf

154 "The Heglig oil dispute between Sudan and South Sudan," Douglas H. Johnson, Journal of Eastern African Studies Vol.

6 , Iss. 3, 2012.

155 https://reliefweb.int/report/sudan/sudan-and-south-sudan-fresh-border-clashes.

156 http://www.sudantribune.com/spip.php?article45057.

157 Interview with UN Special Envoy for Sudan and South Sudan, New York, 6 October, 2017 (noting that all post-referendum arrangements remain under negotiation, with little prospect for major progress today); see also, "Learning From Sudan's 2011 Referendum," US Institute of Peace, Special Report, March 2012 available at https://www.usip.org/sites/default/files/resources/SR303_0.pdf

158 The Policy Paper produced for this project suggests some approaches along these lines.

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UN Preventive Diplomacy
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Things Fall Apart: Holding the Centre together through Yemen's 2011 Popular Uprising (April-November 2011)

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Introduction

Looking at today's headlines on Yemen, it may be hard to remember that at one point, six years ago, Yemen was heralded as a "success story" of the Arab Spring uprisings.[1] In contrast to Egypt, Syria and Libya, Yemenis had managed a largely peaceful political transition and launched an ambitious, inclusive national dialogue process. The following case study seeks to tell the story of that moment in time and to illuminate the role the UN played in resuscitating a seemingly moribund peace process and nudging it through to an agreement.

The decision to focus on this period in Yemen's history is meant, in no way, to detract from the conflict that has unfolded in the years since and continue to unfold. But all too often Yemeni achievements of 2011 are eclipsed by the ensuing civil war and regional meddling, and, with them, the lessons learned about why Yemen did not go the way of Libya, Egypt or Syria in 2011. The UN played an important role in helping national stakeholders arrive at a negotiated settlement, but the process was Yemeni led and was built on extensive work of the international diplomatic community already in Yemen. The particulars of the UN's involvement, its strategy and its impact during this period have yet to be fully recounted.

Overview

This case study will first review the conflict dynamics present in the period directly preceding the UN's April 2011 intervention. It will then recount the significant developments of the conflict from the moment of the UN's arrival to the moment when the standoff between the regime and the opposition was defused. This section will include a discussion of the primary conflict actors and how their positions changed over time. The narrative will then explore the role of the UN in helping deescalate the conflict through creating space for UN engagement, reviving and building upon an existing peace agreement, coaxing the parties into direct talks, preparing targeted inputs for those talks, and then nudging the parties to compromise sufficiently in order to reach a mutually agreeable deal. The case study will conclude with a discussion of takeaways and an exploration of the counterfactual: what might have happened in Yemen in 2011 if the UN had not intervened?

This case research was based on over 29 interviews with individuals central to the events in Yemen in 2011, including former President Saleh's confidants, members of the major opposition parties, leaders of the protest movement, human rights activists, local and international journalists, the UN Special Envoy, Jamal Benomar, members of his mediation team, members of DPA supporting the Special Envoy's mission and officials who have served in subsequent missions in Yemen. Lastly, this study includes interviews with representatives from key member states with a stake in the outcome of events in 2011. The interviews were supplemented with an internal document review of past mission reports and closed briefings to the Security Council as well as desk research across a range of external and internal sources.

1. Conflict Dynamics: /Escalation Story

Yemen, at the start of 2011, was like a Jenga tower one or two blocks short of collapse. A surge in oil revenue had enabled the Government of Ali Abdullah Saleh to feed his large patronage network of allies and subdue his potential adversaries successfully for years.[2] In 2011, oil generated approximately eighty percent of Yemen's national revenue. But it was widely recognized at the start of 2011 that Yemen's oil revenue was dwindling and that, with it, regime loyalty would as well.[3] In January 2011, the Yemeni riyal was dropping in value, one third of the country was living below the breadline, Yemen's foreign exchange reserves had hit a record low, and fifty percent of the Yemeni's youth were unemployed.[4] The downturn was felt most severely in the South, which already saw itself as disproportionately marginalized from the enjoyment of state benefits and national resources.[5]

Added to the concern over his diminishing coffers, President Saleh faced the looming issue of his successor. The president had initially promised to step down before the 2006 elections, following 28 years in office. But, in a controversial about-face, the President announced he was running for re-election and won in a landslide victory against the opposition candidate, with 77 percent of the vote.[6] The next elections were set for 2013 and it appeared increasingly clear that Saleh was grooming his son, Ali Ahmed, to take over. This turn of events did not sit well with two heavyweights of the Yemeni elite – General Ali Mohsin al-Ahmar, a longtime friend and ally of the President's, and – Hamid Al-Amar – a billionaire and ambitious son of the founder of the main opposition party, *Islah*. Both men were rumored to see themselves as the rightful successors to Saleh's fiefdom and to the spoils it entailed.[7]

Zooming out from the internecine power struggles amongst Sana'a's elite, further problems were threatening the stability of the Yemeni state. A secessionist movement was brewing in the South of Yemen. Ever since Saleh had won a decisive victory against the South in a short-lived civil war in 1994, many Southerners had felt themselves to be victims of Sana'a's (or rather Saleh's) victor's justice; a second-class state within a state.[8] A sub-group of Southerners emerged in 2007, peacefully advocating equal rights for the people of the South within a unified state. This group called itself "al Hiraak al-Janoubi" (hereafter "al Hiraak").[9] Following two years of unsuccessful protests, the group's demands escalated to include the South's succession. The leaders of this movement generally lay outside Saleh's patronage networks and, thereby, his ability to co-op. While al Hiraak protests remained largely peaceful, by 2011, the leaders were "warn[ing]' of increased violence if their demands for

independence were not met."[10]

Another block of the Yemeni state was coming loose in the form of a simmering rebellion in the North, led by a subsection of Northern Zaydi tribal elites known as the "Houthis." Although most of the governing elite of Yemen hailed from northern Zayidi tribes, the leaders of the Houthis felt marginalized from Saleh's regime and the patronage networks he maintained. By 2011, the Houthis and the Government had already engaged in six rounds of fighting, and unrest in Sana'a was providing an opportunity for the Houthis to consolidate and strengthen their hold in the North.[11]

Another force was shaking the precariously balanced Yemeni state: the battle between al Qaida in the Arab Peninsula (AQAP) on the one hand and US and Saudi counter-terrorism efforts on the other. Al Qaida had long had roots in Yemen, with its notorious offshoot, AQAP earning US intelligence officers' designation as the "most active and sophisticated cell outside of the Pakistan- Afghanistan border region."[12] While Saleh's alliances flip-flopped between these sides, he had recently signed a confidential agreement with the US. In this agreement, Saleh agreed to take responsibility for the drone strikes the US wished to launch at terrorist targets in Yemen. *WikiLeaks* had only just revealed this clandestine deal to Yemenis in December 2010, exposing Saleh on a new front to a population generally opposed to the US counter-terrorism strategies in Yemen.[13] The Saudi regime, a declared target of AQAP, was also engaged in counter-terrorism initiatives in Yemen and alleged to be financing and providing military support to Saleh's efforts to suppress the Houthi rebellion in the North.[14]

In 2011, gun ownership per capita in Yemen was second only to the US. According to the 2011 Small Arms Survey, no types of firearms [in Yemen] were restricted for civilian use.[15] Or, put more bluntly by an *Atlantic Monthly* article: "[Yemen] is second only to the U.S. in gun ownership -- and second to none in weapons culture."[16] What is most relevant for this study, however, is that small arms were diffuse in Yemen at the start of 2011. They were in the hands of the regime, the opposition, the Houthis, the Southerners and members of the general public.[17]

Add to this picture food and water shortages, sixty percent youth unemployment, one of the lowest life expectancies in the Middle East and one is left with a tower that the slightest breeze could send crashing down.[18] The mystery of the story to come, however, is that when that breeze – or rather windstorm came, in the form of youth uprising in January 2011 – the tower, somehow, held. And to understand *why* is crucial for understanding both what Yemen had going for it as well as why this same tower eventually collapsed just two years later.

January – April 2011: Uprising and Crackdown

The Yemeni youth uprising began with a small gathering of students peacefully demonstrating their solidarity for the protesters in Tunisia on January 15th, 2011 at Sana'a University. Within the next few weeks, the ranks of the protest movement swelled from dozens to hundreds, while broadening and diversifying its goals.[19] Throughout January, protesters flocked to Sana'a and camped out around the university in areas dubbed "Tahir" ("Change") Square, as Saleh had already strategically placed his pro-regime counter-protesters in the capital's preexisting, and dangerously symbolic, "Tahrir" ("Freedom") Square.[20] Key squares in cities throughout the country were also designated as "Change" squares and filled up with protestors, who saw themselves as part of the same cause spearheaded in Sana'a. The ever-growing protest movement soon united around a series of demands which included a call for President Saleh to step down and for an end to the widespread corruption plaguing his government.[21] The leaders of the protest insisted on using peaceful means to achieve their goals.[22]

The regime used a range of tactics it its effort to defuse the momentum of the youth protests – including imprisoning one of their charismatic leaders, Tawakkol Karman, in January 2011, organizing counter-protests and using rubber bullets and water hoses to disperse the growing number of demonstrators.[23] Saleh also tried offering concessions to assuage the protesters, including a moratorium on recent unpopular constitutional changes and a guarantee that he would not put his son forward as his successor. However, neither Saleh's sticks nor his carrots served to diminish their ranks.[24]

In the midst of this growing crisis, Saleh called on key members of the international diplomatic corps to ask for their help in persuading the Joint Meeting Parties (JMP), a coalition of five opposition parties, not to join the ranks of the youth protesters. *Islah*, a party rooted in political Islam, was the most powerful party within the JMP, followed by the *Yemeni Socialist Party (YSP)*, a vestige of South Yemen's socialist past. But, as one of these Ambassadors explained, "We tried, but it was too late. Saleh had already burned the bridges with his opposition. He had made too many promises [to Islahi and Socialist leaders] that he did not fulfil."[25] Similarly, international journalist Ginny Hill recounts that "trust was too low [in February 2011]…Few opposition politician believed that Saleh would be true to his word."[26] Soon leaders of the opposition parties were publicly supporting the ever-growing masses camped out on the streets and joining the demonstrators' calls for Saleh to step down.[27]

Events took a significant turn on Friday March 18, 2011, a day that came to be known as "Jumaa al-Karama" ("the Friday of Dignity"); government snipers shot live ammunition at unarmed protesters, killing approximately fifty people and injuring hundreds more.[28] This moment was the first in a series of key turning points that began to significantly shift the balance of support away from President Saleh and increase the risk of more widespread violence. Following this Friday, the ranks of the protesters expanded, rather

than diminished. On the Sunday following the massacre, Ali Mohsin, Saleh's childhood friend and trusted General, publicly resigned. Mohsin appeared on national television and said, as paraphrased by one international observer at the time: "I am now supporting the students, I am supporting the opposition and I demand that Saleh leaves."[29] In private consultations, the General even offered to leave if Saleh would leave, in order to maintain the delicate balance of power between Saleh's supporters and his own.

Ali Mohsin's resignation was followed by a number of other key resignations, including that of the widely respected former Prime Minister, Abdul Karim Ali Al-Iryani. Al-Iryani joined the protesters not only in their calls for Saleh to step down, but also in their demands for Saleh and members of his regime "to face justice for the wrongs committed against the people."[30] According to a number of sources close to Saleh at this time, Ali Mohsin's defection dramatically shifted Saleh's assessment of his position. He worried that the General's action would trigger mass resignations from the military and lead to its dissolution. Ali Mohsin had recruited most members of the general forces, and Saleh feared these recruits would remain loyal to their General and follow his example by defecting.[31] Judging that the odds were stacking up against him, Saleh agree to step down within a week.[32] He called on representatives of his party, the General People's Congress (GPC) and members of the opposition (including Mohamad Yadomi, head of the Islah party and Yasin Said Numan, the leader of the Socialists) and asked them to negotiate his departure within the framework of Yemen's constitution.

The negotiating parties called in the US Ambassador to Yemen, Gerald Fierstein, and requested him to "witness" their negotiations.[33] Ambassador Fierstein had already been charged with a similar role, in the preceding year, in the context of the standoff between the regime and the opposition parties on the issue of term limits and the upcoming elections. As a result, Fierstein was well known to all parties involved. Negotiations began in earnest at Vice President Hadi's home.[34]

In the meantime, the mass defections Saleh feared did not occur. Instead, three separate sources close to the former President suggest that the people around Saleh, perhaps even represented by his son, Ali Ahmed, came and "forbade" him from stepping down.[35] Two of these sources explained that Saleh's supporters threatened to kill him if he should try to resign, given how intimately linked their own welfare was to their patron's.[36] By the end of that same week in March, Saleh had reneged on his promise to step down, digging in his heels for a long stand-off with his opponents. The result was an extended, militarized standoff between Saleh's supporters and a coalition made up of opposition parties, regime defectors, Houthis, Southerners and the youth-initiated protest movement. The sides were heavily armed, evenly matched, and held mutually exclusive demands.

Throughout this period, bi-lateral talks continued, although the parties refused to be in the same room. By declaring that he would step down, Saleh had narrowed his options. It was now a matter of "when" and "under what conditions" rather than "whether" the father of modern Yemen would go.[37] However there was no agreement between the opposition and the regime over the conditions for and nature of the coming transition.

Saleh's interests centered on a desire to "exit with dignity" and to ensure that he (and his family and associates) were immune from prosecution for acts taken while he was in office. The opposition, in contrast, wanted Saleh's resignation as a precondition for any further talks.[38] Once again, members of the international diplomatic community stepped in to mediate and began to develop what became known as the Gulf Cooperation Council Initiative ("GCC Initiative").[39]

It was during this period that the UN Secretary-General, who had been following events in Yemen with concern and interest, "called up Saleh and asked to send a UN representative on a fact-finding mission."[40] Special Adviser Jamal Benomar, who was appointed to this task, was charged with adopting "a listening mode…to understand what the press reports on Yemen were not telling us about the situation."[41] Benomar's first report back to the Security Council was damning. It spoke of Yemen being "on the brink of civil war…A scenario where the current chaos that thrives in Somalia and other parts of the Horn of Africa crosses borders and spreads into Yemen is not a far-fetched prospect." Benomar concluded: "To sum up, the political impasse continues. The situation is very volatile, and the risk of an outbreak of violence and bloodshed are real."[42]

April – June 2011: GCC Initiative and the Mosque Bombing

The second round of negotiations was spearheaded by a larger group of international diplomats. On the Yemeni side were the usual suspects: representatives of the GPC party, led by Vice President Abdrabbuh Mansur Hadi (henceforth, "Hadi") and Al-Iryani as well as the leader of the two main opposition parties, Islah and the Socialists. The international community representatives included the P5 and EU Ambassadors on the one hand and Ambassadors from the Gulf Cooperation Council (GCC) member states on the other. The Secretary-General of the GCC, Abdullatif bin Rashid Al Zayani (of Bahrain), oversaw the talks.

Amongst the diplomats called upon to mediate between the parties, the US had the most sway with the regime, given the Obama Administration's recent investment in both humanitarian and military aid (the latter was more than doubled between 2010 to 2011 and was due to jump to 250 million USD in 2011).[43] The Americans were more skeptical of *Islahi* influence in a future governing structure and thus preferred to seek a replacement for Saleh from within his own GPC party (including members of his own family).[44]

Saudi Arabia also had leverage over Saleh and his supporters. Since Saleh rose to power in 1978, Saudi Arabia was alleged to be bankrolling a significant portion of Yemen's elite.[45] Saleh had also learned from his "mistake" following Yemen's tacit support for Iraq during the 1990 Gulf War, when Riyadh deported thousands of Yemeni migrants back to Yemen.[46] While, similar to the Americans, the Saudis had their own complicated history with Saleh, they also generally felt that it was better to support the "devil you know" than risk a transfer of power and, with it, uncertainty.[47] But their interest lay not in the man, per se, but, in someone who would remain under their influence. Yet until a reliable replacement candidate could be found, the Saudis remained on the fence regarding Saleh's necessary removal from office.[48]

The leverage, however, was not all weighted against Saleh. He held an ace card when it came to both the Americans and the Saudis. Since September 11th 2001, Saleh and his family members in key government posts had proved themselves, at times, quite indispensable to the US' "war on terror." Saleh was also quite deft at fanning the fears of both governments that if he should step down, a power vacuum would emerge and be quickly filled by either AQAP or the Houthis (a group also hostile to the US and the Saudis).[49] Saleh's implicit threat was made all the more credible by the fact that these two groups had already demonstrated their skill in filling the shortcomings of Saleh's government in North and South Yemen. Moreover, the US feared the more radical elements in the *Islah* Party, which US officials worried were shaping this powerful opposition ground in the image of the Muslim Brotherhood in Egypt.[50]

By mid-May, through these GCC-led talks, the Yemeni parties had agreed to a common document and were prepared to sign it. The document called for Saleh to step down within 30 days of the signing and for elections to be held within 60 days thereafter.[51] Saleh insisted on a grand signing ceremony and on holding the signing on the anniversary of the unification of North and South Yemen. Once everyone but Saleh had signed the agreement, Saleh stalled again. This time, he argued that because the members of his party (the GPC) had signed, there was no need for him to do so as well.[52] The lead international negotiators were forced to leave Saleh's palace without a deal.

Violence surged following Saleh's failure to sign. The capital was split into a standoff between the three most powerful families, including Ali Mohsin, the declared "protector of the protesters", the powerful Al-Ahmar family (which included Hamid Al-Ahmar) and Saleh and his supporters. Each side was heavily armed and fairly equally matched. While restraining their forces from an all-out military confrontation, they exchanged fire in an effort to secure key assets throughout the city. Unarmed protestors were caught in their crossfire as these three factions sparred to wrest control of strategic sections of the city.[53] And prominent tribal sheiks (Yemen's traditional peace brokers) were killed on their way to help mediate a truce.[54]

The UN's Special Adviser, Jamal Benomar, had returned to Yemen in May 2011. His following report to UN Security Council members spoke of the situation as a "powder key ready to explode." He challenged the Security Council that "if ever there was an opportunity to put preventive diplomacy to the test, Yemen presents a prime example to put this discourse into action."[55] On June 3rd, 2011 the powder keg both figuratively and literally exploded, when a bomb, planted in Saleh's palace mosque, detonated during Friday prayers. Saleh was severely injured in the explosion and evacuated to Saudi Arabia for medical care. His Vice President, Hadi, was appointed to represent Saleh in his absence.

July – September: the long summer

Over the months following Saleh's departure, the parties decided to resume negotiations, although the risk of more widespread violence remained very high. During the July round of talks, the parties asked Special Adviser Benomar to serve as their "witness." In what came to be known as the "July Talks," Saleh was represented by his Vice President, Hadi, Al-Iryani and Saleh's Foreign Minister, Abubaker Qirbi. The opposition was represented by Yadomi, for Islah and Numan for the Socialists. As will be discussed in more detail in the following section, "Role and Strategies of the UN," Benomar used the summer months to help the parties think beyond the GCC Initiative's basic ("1.5 page") terms, to a longer, more detailed implementation agreement. This agreement spelled out timelines, procedures, and provisions for the post-agreement implementation stage. During the summer, many drafts were developed in consultations with the parties, but also with the benefit of expertise from the UN's Mediation Standby Team and DPA's Mediation Support Unit.[56] According to Benomar's July 2011 Briefing to the Security Council, the parties engaged in direct talks for the first time during this period.[57] Prior negotiations had been held bilaterally. Building upon the GCC initiative, developed between March and May, this third round of consultations, the "July Talks," led to what would later be referred to as the "GCC Implementation Mechanism." This adjoining document spelled out how the transition process, following Saleh's resignation, would take place. UN interlocutors involved in these talks spoke of the importance of helping the parties plan for the transition well before it took place.[58]

But progress came to a halt when, to most everyone's surprise, Saleh returned to Yemen in September, having ostensibly escaped Saudi Arabia. The talks were called off.[59] Violence, once again, escalated. Saleh's return had come at a moment when it was not fully clear which way the tide was flowing – in his favor or against it. In Saleh's absence, the anti-regime protesters had started to lose some momentum, without a clear action to advocate. His return reinvigorated their cause, prompting new protests and with these protests, another outbreak of tit-for-tat violence between Saleh's and Ali Mohsen's forces. [60]

By early October, the parties seemed, once again, to have reached a military stalemate. But, in contrast to the late spring stand-off, this stalemate was hurting Saleh's position as his base was weakening with time.[61] Moreover, events in the broader region were not lost on Saleh. Moammar Gadhafi had been deposed and executed by his opponents in Libya that October. Bashar al-Assad was fighting off a growing, internationally-backed insurgency in Syria. And memories of Saddam Hussein's demise, in the name of popular justice in Iraq, were clear in Saleh's memory. Some interviewees, close to the regime, seemed to suggest that it was becoming increasingly clear to the President that the tide of the Arab Spring might not be flowing in the direction he had expected, and that, therefore, waiting it out might no longer be the safest option.[62]

It also was becoming increasingly clear that neither Ali Mohsen nor Saleh were sure they could win in an all-out military confrontation and, as a result, both were less inclined to try to do so. As another strong point in favor of a negotiated settlement in this case, it is important to note that Saleh was continuing to pay not only his own security forces' salaries during this period, but also those of Ali Mohsen's *First Armored Division*.[63] Saleh understood that there was a particular balance of power that needed to be maintained, in order for the center to hold. As one close confident of Saleh's put it, "Benomar was lucky because all the [Yemeni] parties to the conflict wanted an honorable way out [by fall 2011]."[64]

Beyond the governing elite, Yemenis on the various sides were growing increasingly weary of the constant state of siege that existed in the capital and other major cities.[65] Shelling, electricity outages, and roadblocks were becoming all too common aspects of daily life in Sana'a.[66] Moreover, key international actors were losing patience with Saleh. According to one source, the Saudis, by November, had made it clear to Saleh that "his time was up."[67] This shift in position, one international journalist has argued, was due in part to a regime change that occurred in Riyadh in October, following the death of the Sultan bin Abdulaziz al Saud, the Crown Prince and Defence Minister, and a reexamining of whether Saudi Arabia was receiving an "adequate return on its investments" in Saleh's leadership.[68] The Americans had signaled their own expiring patience with Saleh, ever since Hadi had proved himself a "reliable replacement [during Saleh's summer absence] that the US found it could work with….proving more reliable than Saleh had been."[69]

October - November 2011: Ripening for Resolution

A critical change occurred in October 2011, which seems to have fundamentally tipped the balance of risk in Saleh's mind.[70] The Security Council, following six months of briefings from Special Adviser Benomar on the deteriorating situation in Yemen, unanimously adopted Resolution 2014, demanding all parties in Yemen to cease their use of violence to achieve their political ends and calling upon the parties, including specifically President Saleh, to sign and implement the Agreement the UN had helped develop based on the GCC Initiative.[71] The Security Council Resolution also required Benomar to report back to the Security Council within thirty days, on conflict parties' compliance with the terms of the resolution, and then every sixty days thereafter.[72] The unanimous passing of Resolution 2014 and the language it included signaled to the parties on the ground that this was a rather rare instance of Security Council members, especially the Permanent Five, standing united on a way forward.[73] This decision placed the UN at the center of the diplomatic effort, although the effort was still characterized as under the auspices of the GCC initiative.

According to a number of sources closely involved, this resolution was critical for three reasons: first it provided concrete evidence to the negotiating parties that the UN Security Council was watching them and tracking their progress (or lack of progress).[74] Second, those close to Saleh insist that he paid particular attention to the threat of "further action" publicly discussed in Council sessions leading up to the adoption of the resolution. Yemen's president was worried by rumors from New York that further action might imply the pending application of an assets freeze.[75] As one close confident put it "for Saleh, it was all about the money. His money. He wanted to keep it safe."[76] Finally, the fact that Benomar had been briefing the Council following each mission to Yemen, had been privy to the negotiations around the resolution and was now formally charged with reporting back to the Council on his own assessment of Yemeni compliance, significantly increased the Special Adviser's leverage vis-à-vis the regime. The thirty-day reporting deadline also incentivized the parties to demonstrate to Benomar they could send good news back with him to the Council. It was in this context that Benomar traveled to Yemen on November 10th, 2011.

November Negotiations: the Home Stretch

"From the moment we arrived in Yemen [in November 2011], it was unclear that any progress was possible" reflected a member of the UN team at the start of this sixth mission. "The city was still divided between the warring factions, there were roadblocks, and shelling…".[77] But the UN mediation team was not coming empty-handed. They had been consulting with parties on the terms of an implementation agreement for months and now, in addition to this draft, they had the backing of the UN Security Council Resolution and the public time pressure of the reporting requirement.

As had been Benomar's custom, he once again met with each of the parties, including those not represented at the negotiation table.[78] Benomar had managed to assure members of civil society, especially leaders of the youth movement and groups focused on women's rights, that he would bring certain core interests of theirs into the formal negotiations, even if they themselves were not able to sit at the table at this early point. He assured them, as well as the leaders of the Southern movement and of the Houthis, that

the signing of the GCC Agreement was just the first step in a two-stage process. The Implementation Mechanism, which spelled out the way forward following Saleh's departure, would provide these other key stakeholders the opportunity to have their voices directly heard and to ensure there were mechanisms to address their concerns around the immunity provision in the original GCC agreement.[79]

It was in a critical meeting with President Saleh, early in this visit, that one member of the UN team reported that: "everything changed…Walking into that meeting, I did not think it was anything important. I was even ready to skip it assuming it was more of the same," i.e., implying it was just another case of Saleh stalling and thereby wasting their time.[80] But this meeting was different. Over the course of the discussion, it became clear that Saleh had some "worries" about the nature of the "further actions" the Security Council could take against him if he failed to comply with Resolution 2014.

Benomar neither disabused him of those notions nor sought to reassure him of what, at the time, Benomar assessed to be the almost non-existent likelihood of the Council applying targeted sanctions, including an assets freeze, in the near future. According to one international observer in Yemen at the time, Ali Mohsin and Hamid Al-Ahmar had also come to worry that any "additional measures" imposed by the Security Council might apply to them as well.[81] By the conclusion of the meeting, Saleh had agreed to enter time-bound negotiations with the goal of arriving at a deal he could sign before Benomar returned to report to the Security Council.[82] Over the next few days, with Benomar serving as the facilitator, the regime and the formal opposition parties hammered out the details of a final deal, which, in turn, Saleh signed at a ceremony in Riyadh on November 23rd 2011.

Beyond the implied threat of "further UN measures," three additional factors appear to have influenced Saleh's decision to finally sign the November 23rd Agreement. One, critically, was an assessment on Saleh's part that he could not "win militarily" at this point in time.[83] While additional information is lacking on how Saleh arrived at such an assessment, one account gives a specific time and location to this realization. According to one interviewee: three days before Saleh agreed to sign the implementation agreement, he called together his supporters, with the exception of his family members. He then challenged them on whether or not they would be willing to go to war to end the stalemate once and for all and restore his government to dominance. Those in the room, apparently, refused. From this Saleh inferred that an all-out military "solution" to the stalemate was off the table, leaving only a mediated solution or flight and exile.[84] The latter option presented another series of risks given that the immunity provision within the GCC Agreement only applied domestically.[85]

The other two explanations given for Saleh's decision to finally sign his name to the Agreement rest with external pressures: namely the Saudis and the Americans. According to former Ambassador to Yemen, Gerald Fierstein, as well as international journalist and Yemen expert Ginny Hill, the regime change in Saudi and the subsequent pressure on Saleh during this period to step down, contributed to his decision to resign. According to Hill, the Saudis had finally decided to pick a side by supporting Saleh's departure.[86] In addition, other interviewees suggest that both the Saudis and Americans promised increased support as well as medical treatment for Saleh in the US, following his signing of the deal. These combined external incentives, contributed to Saleh's impression that the cost of the stalemate might imminently increase beyond what Saleh was willing to pay.[87]

Epilogue: February 2012, Saleh Formally Steps Down

Within three months of the November 23rd signing ceremony, elections were held, a consensus candidate (vice president Hadi) was put forward and confirmed through elections on February 21st, 2012, and on February 25th, 2012, in a lavish ceremony, President Saleh peacefully handed over power to his deputy. For international observers watching the Middle East, Yemen's mediated transition represented a rare success story in a region that had seen long-time rulers violently deposed and clashes between factions spiral into civil war.

This optimism may seem hard to comprehend in light of the current conditions in Yemen.[88] One Yemeni journalist opined: "We used to write articles warning that Yemen could become another Iraq. Now we write articles cautioning that Iraq could become another Yemen!"[89] But those who have followed events in Yemen for the past decade, recognize that what happened in 2011 was distinct and therefore should not be lumped in with the tragedy to follow. While some threads do run throughout, the majority of commentators view events in 2011 and 2015 as two separate conflict episodes with distinct triggers and distinct outcomes.

We now turn to the question: what was the nature of the UN's contribution to the mediated transition in Yemen?

2. Role and Strategies of the UN

The UN played a role of varying influence between April and November 2011, helping to head off potential escalation at key moments in the political standoff. The UN political presence in Yemen started as a concerned observer, grew into an impartial facilitator, began to insert input on substance and process, and, finally, exerted borrowed leverage from the Security Council, to push the most reluctant party (Saleh) to seal the deal. What started as a quiet, Good Offices "fact finding" and "listening" mission transformed, over the course of seven months, into a robust role as the central facilitator in a time-bound, Security Council-mandated, mediation process.

Five key moments in this story warrant particular attention. These include: (1) the UN's decision to engage politically in Yemen in the first place and its initial style of engagement;

(2) the UN's emphasis on the need for a road map for the transition to follow Saleh's resignation, (3) the Security Council's adoption of Resolution 2014 (2011), (4) the UN's approach to the immunity provision, and (5) the UN's contribution to the parties' eventual decision to sign the Agreement.

First Key Moment: UN's Arrival in Yemen

The UN's Special Advisor's initial role in Yemen, was simply to urge all parties to pursue a peaceful resolution to the crisis, through mediation, while also supporting national and regional efforts aimed at resolving the crisis.[90] In practice, his mandate was described as a "fact finding" and "listening" exercise.[91] Accordingly, Benomar devoted time to building his understanding of the situation and establishing relationships with the key parties. He demonstrated the UN's ability to share its knowledge of past, similar experiences and suggest possible avenues for a way forward.

The first task, better understanding the situation, served two purposes: first it helped add credibility to the UN's claims that it had no pre-existing agenda in Yemen. And second, it demonstrated the UN's proverbial adage that, in contrast to other potential mediators in this case, its Special Adviser both could and would 'talk to everyone.' The information Benomar gathered in these meetings, which he in turn, relayed to the Security Council and to the Secretary-General, reinforced his growing impression that a new approach to a mediated solution was needed, and that there might be space for the UN to help the parties identify and pursue this new approach.[92]

But this first task was not always easy. Members of the Special Adviser's team faced persistent security concerns. One remembers being told by the UN's Department of Security Services (DSS) that kidnappings of international figures were on the rise and that their delegation "was a primary target for AQAP."[93] Another member of the team remembers sitting on a lumpy cushion during a consultation with a key interlocutor, only to realize that there was a loaded gun under the cushion. Rather than apologize for this discovery, their host, with a grin and wink, lifted his own seat cushion to reveal another firearm. "You never know," he explained, "You must be prepared for anything."[94]

Moreover, building understanding was never a quick process. As one member of the mediation team recalled: "before you could get to [a key stakeholder's] true concerns, you had to hear him start at the beginning of time and take you through the full history of humanity!"[95] According to parties on the ground, many international figures, such as US Secretary-of State Clinton or Germany's Foreign Minister Guido Westerwelle, did not take sufficient time to understand the parties' positions, as they dashed in and out on one- or two-day missions.[96] Other members of the team noted the high number of cups of tea that were necessary to consume or social gatherings to attend before one could ever get the "real story" of a key interlocutor's opinions and interest.[97]

Yet despite such conditions, Benomar and his team insisted on meeting with as broad a range of stakeholders as possible, including members of the formal opposition, Saleh and his supporters, representatives of the youth movement, leaders of the women's movement, and spokespersons for both al Hiraak and the Houthis. Through these efforts, the Office of the Special Adviser proved quite adept at building trust amongst these diverse and often competing constituencies. In fact, some former members of the team and well as international observers suggest that by November 2011, Benomar had achieved a type of Yemeni superstar status. "He could summon anyone he wished to talk with to a meeting in thirty minutes or less!" one observer recounted. "In all the other regions I have worked in, I have never seen someone granted such access."[98] Another observer described how people from all sides, especially the members of the Youth movement, thought Benomar "could walk on water." A third explained: "If he had [been able to] run for president during this period, he would have swept the polls. Compared to the other leaders Yemenis were contemplating, Benomar had the aura of a savior."[99]

The Special Adviser's team also proved quite successful in raising awareness of the UN's added value in designing negotiations in general, during this initial stage of engagement. However, this success, to a certain extent, came at the cost of collaboration with those driving the GCC initiative. At the time of the UN's arrival, the mediation space was quite crowded. Members of the GCC as well as the in-country representatives of the P5 and the EU were already quite invested in an ongoing negotiation track. By May, their track had stalled, but its drivers assumed it would resume in the future. In consultations with various stakeholders, Benomar's assessment was that the initial process had not only stalled but that it had died and could only be resuscitated if significant changes were made to the approach. The Special Adviser was particularly concerned by one aspect of the initial process, based on his consultations with Yemenis: the 1.5 page GCC initiative provided no road map for the post-Saleh transition process, leaving parties with no vision of how things would unfold if they were to sign the agreement.[100] As one interviewee described the situation, asking the parties to sign the [GCC Initiative] without an implementation plan was akin to saying: "Imagine there is a river. And you say to the parties: 'Jump across it!' They say, 'I can see a rock, but then what?' You say, 'Trust me. There will be other rocks. And eventually a shore.' Would you jump?"[101] These concerns fed into the approach Benomar took from July 2011 forward, as the Office of the Special Adviser (OSA) began to guide the parties in crafting an addendum to the GCC initiative, known as the "Implementation Mechanism."

Second Key Moment: UN's Role in Drafting the Implementation Mechanism

Over the course of Benomar's third and fourth missions to Yemen, his mandate shifted. No longer was he simply "gathering facts" and seeking to "better understand the situation." Instead, the special advisor's team had become part of the events on the ground, as active facilitators and advisers to the parties in the negotiation process. While the Special Adviser's official mandate remained unchanged during this period, the way in which his mandate was interpreted shifted.

According to interviewees, there was a key turning point in the UN's strategy in summer 2011. Two members of the UN's Mediation Standby Team had differing opinions on how best to revive the mediation process. One member felt that a transition agreement, nearly fully formed, should be presented to the parties, based on the UN's extensive expertise. The other member felt that while an implementation agreement was needed, it would need to emerge from bilateral consultations with each of the parties rather than be imposed from above. "The UN needed to first understand each of the parties' bottom line and, as a result, the space for compromise," one team member observed. Benomar chose to adopt the latter approach and spent the next few missions quietly consulting with parties to this effect. At the time, members of the team argued that it was crucial to keep the content of these consultations secret so that the parties would feel more comfortable exploring compromises without losing face.[102]

Enormous precautions were taken to ensure the secrecy of the various iterations of the draft mechanism as it was built line by line from consultations with the various stakeholders. One source spoke of how members of the UN's team even had to buy their own printer to ensure that drafts were not confiscated by hotel staff linked to interested parties (whether Yemeni or external). A member of the team described checking and re-checking hard copies of the document each time someone came in to serve tea, to ensure that one of the otherwise tightly monitored versions of the text, distributed for the parties' review, had not slipped out of the room with the teapot.[103]

By the time Benomar and his team left Yemen, following his fifth mission, all of the key parties had more or less agreed to the basic terms of the adjoining Implementation Mechanism. The opposition parties had every incentive to sign, given that they only stood to gain influence in the future governing structure.[104] But Saleh and his supporters were still holding out, weighing options, and biding their time. It was in these moments, when the GPC or Saleh would drag their feet, that one observer remembers Benomar getting frustrated and feeling the need to "report them to the Council" as a means of pushing Saleh to quit his stalling.[105]

Third Key Moment: Security Council Adopts Res. 2014 (2011)

Benomar's frequent reports to the Council paid off. By October 2011, the UK Mission to the UN was circulating a draft resolution calling on all parties in Yemen to cease their fighting and sign the GCC Agreement and the adjoining implementation mechanism. "While the UK [Mission to the UN in NY] was skeptical at first," one observer recalls, "they eventually came around and played an invaluable role in convincing other more hesitant members of the P5 to support the resolution on Yemen."[106] As one observer recalls, the Russian Federation and PRC in particular needed to be reassured that Yemen "would not become another Libya… They needed to be able to see a sequence that was not a Libya sequence."[107] And having the transition spelled out through the adjoining implementation mechanism helped persuade these two key states that there was a plan for the transition.[108] On 21 October 2011, Resolution 2014 was finally adopted. This was a rare feat in a year where intra-Council tensions were already forming over the Council's overreach in Libya.

Fourth Key Moment: Confronting the Immunity Provision

Benomar and Security Council members also faced another challenge during this period: the UN had inherited the May 2011 GCC Initiative when it joined the mediation efforts. There were many reasons for building on this pre-existing agreement rather than starting from scratch.[109] However, the GCC Initiative quite openly endorsed the concept of immunity for Saleh and, depending on the draft version, for some subset of his family members and associates. But the UN cannot endorse agreements that include blanket immunity provisions. UN mediators are bound to condemn peace agreements that include immunity for acts that constitute war crimes, crimes against humanity, genocide, or gross violations of human rights.[110]

As the story is told, one of the members of DPA's mediation standby team suggested a compromise: could the UN not suggest that the Implementation Mechanism be "based on" the GCC Initiative rather than part of it? Such ambiguity was readily accepted by Security Council members as can be seen in the language adopted in the Security Council Resolution 2014 (2011), in which the drafters preformed verbal somersaults in order to link the implementation mechanism to the GCC initiative, without explicitly endorsing the GCC Initiative.[111]

In the context of his critical November 2011 mission to Yemen, Benomar reached out to the Office of Legal Affairs (OLA) to request guidance on engaging with an agreement that included, at its core, a provision that the UN could not endorse. OLA came back with unambiguous guidance: not only could the UN not endorse such an agreement, but it was the responsibility of the Special Advisor to publicly condemn the agreement.[112] The Implementation Mechanism, however, was a different story. It made no mention of an immunity provision. And thus, the OSA could stand behind this document, while simultaneously distancing itself from the Initiative.

Fifth Key Moment: Getting the Parties across the Finish Line

By early November, despite the fact that the negotiating parties had more or less agreed on a draft implementation plan, the Council had passed a supporting Resolution, and a "fix" had been found to a potential legal stumbling block, Saleh would still not sign. As a result, the military standoff continued and the risk of more serious violence persisted. In this context, Benomar set out on his sixth mission to Yemen, with only eleven days left before he was due to report back to the Council on the "progress" parties had made towards a peaceful resolution of the conflict.

By the time of Benomar's sixth mission to Yemen, his mandate, and accordingly, the overarching goal of UN involvement in Yemen, had significantly evolved. He was now not only exercising the Good Offices of the Secretary-General, but he was also the designated emissary of a united Security Council, charged with reporting back on the parties' progress towards a deal. In other words, his leverage had significantly increased as well as the global expectations of what he and the UN could achieve.[113] "I still remember the night of the Special Adviser's arrival in Yemen," one source recalled. "It was the middle of the night when the ["fajr" (dawn)] call to prayer could be heard. The muezzin had taken some creative liberty and inserted into the call something like: 'Jamal Benomar, please bring peace to Yemen!' I remember thinking, Mr. Benomar, no pressure, right?!"[114]

The critical meeting with Saleh, in which he indicated his willingness to enter into time-bound negotiations to end with a signed agreement, came early in he Special Advisor's trip. However, it was not with sufficient time to meet the Council's reporting deadline. Thus, in a much-famed demonstration of the influence Benomar wielded in New York and the strength of the relationship he had with particular Council members, Benomar rang the President of the Council at the time, Portuguese Permanent Representative, José Filipe Moraes Cabral, and requested that his briefing be delayed by a few days in order to allow the parties more time to reach a deal. "This time it is really going to happen!" Benomar is remembered arguing.[115] According to sources in NY at the time, certain members of the Council were quite reluctant to agree to such a request, given their skepticism that anything would change so soon after the adoption of Res. 2014. Saleh had wriggled his way out of so many earlier commitments. Why would this one be any different? Despite the hesitation, the delay was granted and to the sceptics' surprise, the parties did reach an agreement and Saleh appeared in Riyadh on 23 November to formally sign the Agreement, with key members of the international community and international media bearing witness. With Saleh's signing of the agreement there was an immediate reduction of the risk of violent conflict. Both sides to the agreement had achieved what they wanted: a dignified exit and the removal of Saleh to make way for political reforms to follow.

Yet, in true Saleh fashion, even this final act was uncertain. According to one source, Saleh himself had requested that the signing ceremony take place in Saudi Arabia (rather than Yemen). Yet, the night before the signing was scheduled to occur, a representative of Saleh's government called the UN team and informed them that Saleh would not be able to attend the signing ceremony in Riyadh due to "security concerns." Whether these were well-founded or represented Saleh's final attempt to squeeze out of the corner in which his own people, the UN and the international community had placed him, is not clear. But what is clear is that by morning the message from his office had shifted once again: "he was already in Riyadh and waiting for the UN to arrive."[116]

3. Conducive Elements to UN Preventive Diplomacy Efforts

There were a number of elements that enabled the UN to play a constructive role in 2011 in Yemen. Key elements included: a united Security Council, the receptivity of the parties to a UN role (compared with that of other mediators in the market), matching the right mediator to the right situation, and the relationship between the parties themselves and their disposition for finding a peaceful way out of the standoff. These are, perhaps unsurprisingly, common elements across successful cases of UN preventive diplomacy interventions.[117] How they played out in Yemen, however, bears explaining.

United Security Council

In 2011, the UN Security Council was united on a way forward in Yemen, and, as a result, was willing to pass a resolution and threaten further action. This unity can be contrasted to Council members' divisions over action in Libya and Syria during this same period. As mentioned earlier in this case, there was some nervousness on the part of PRC and the Russian Federation, who needed reassuring that the P3 would not pursue a similar path in Yemen as the one they had pursued in Libya. According to interviewees, Saleh did attempt to play members of the Council off each other, but was unsuccessful, as P5 representatives on the ground as well as in NY were well appraised of the situation and of each other's and the OSA's activities vis-à-vis the conflict parties.

Receptivity to a UN Role

Perceptions of the UN at the time when the UN first engages matter enormously. In some conflict theaters, sentiments towards the UN may preclude a UN role. In Yemen, however, the UN benefitted from, to quote the Special Adviser, its "lack of comparative baggage." Yet it is also important to note, in 2011, sources suggest that the UN, as a political actor, had no distinct reputation in Yemen.[118] The last political delegation to visit Yemen was Lakhdar Brahimi, in the exercise of the Secretary-General's Good Offices during Yemen's 1994 civil war. In 2011, in contrast, most of the other key international players had reputations that precluded them from being

seen as impartial.[119] While the UN might not have had the "baggage" of Saudi Arabia or the US in Yemen, for example, it also did not have their equivalent ability to force Saleh's hand. If either of these two actors had decided to continue backing Saleh, it is unlikely that UN efforts, vis-à-vis Saleh, would have been fruitful. But Saleh was not the only actor that needed to be assuaged and either coaxed to the negotiation table or persuaded to have faith in the type of agreement that would come from negotiations at the table. It was the UN's ability to approach and build relationships of trust with these other stakeholders *as well as with the regime* that gave the UN an advantage over the Americans and the Saudis. In other words, the UN gained leverage over key conflict actors in Yemen by engaging broadly and showing its value to all sides.[120]

Profile of the Mediator

The individual qualities of the mediator and his or her fit for the conflict situation matter. When the UN Special Adviser, Jamal Benomar, first arrived in Sana'a on 5 April 2011, he had a few distinct advantages compared to other actual and potential mediators at the time.

First, Benomar's own specific biography and set of experiences facilitated his efforts to gain the parties' trust in this case. Benomar was a Moroccan-born, fluent Arabic speaker with significant experience working in the region. He had recently accompanied the Secretary-General on his visits to Tunisia in the context of the start of what became known as the Arab Spring and had a keen sense for the frustrations that might be driving the protest movements as well as the complexities belying the oversimplified tropes of "good protesters" versus "bad regimes."[121] Moreover, Benomar was known amongst the leaders of Yemen's youth protest movement for his own involvement in peaceful youth protests against his own government, when he was a teenager. Benomar served eight years in prison on charges of allegedly trying to overthrow the Government. The sentence followed months of torture.[122] Benomar eventually escaped and sought political asylum in the UK. Thus, not only could Benomar speak to the political leaders of Yemen as a respected member of the international elite, but he could also speak to the leaders of the youth protest movement with the credibility of someone who had actually stood in their shoes and was thus more likely to understand the grievances they felt and the personal risks they were willing to take to ensure these grievances would be heard and addressed.[123] Moreover, Benomar not only came from the region, as one interviewee put it, Benomar also came from the "right sort of Middle Eastern country" – one that had neither strong alliances with the opposition nor the regime.[124]

The second advantage Benomar possessed was his career-long experience working within the UN system. This system knowledge, as well as the wide network of relationships he could lean on to push an agenda forward, assisted in his efforts to nudge the parties towards a deal. It was also evident in his decision to keep the Security Council members appraised of his first few missions even though he was initially mandated only under the Secretary-General's Good Offices and neither under a Security Council resolution nor via a General Assembly mandate. He continued to demonstrate this influence through his involvement in the Resolution drafting process and through his successful request to the Security Council President, to delay his scheduled briefing to enable the parties more time to reach a deal during the critical period in November 2011.

In sum, it is clear that Benomar had a well-matched profile for this particular job. He had the appropriate combination of experiences and background to inspire a sense of trust with divergent stakeholders in Yemen.

Relationship between the Parties

Unlike in other situations where the conflict parties may be strangers to each other, the key actors in Yemen were not only well known to each other, but, at least at the elite level, had a number of overlapping interests and long histories of both collaboration and tension. Some have argued that these overlapping relationships and interests were so strong that, absent the UN, Yemeni leaders would have simply "done a dirty deal" and "gotten on with it," finding their own solution to the 2011 standoff through a reshuffling of handouts and positions amongst the ruling elite. Others describe a state in collapse with relationships and old mechanisms for "solving problems" broken and beyond repair.[125] What interlocutors do generally agree upon, however, is that parties to the formal negotiations in Yemen wanted an honorable way out of the standoff and were reluctant to risk all-out violence to reach the desired outcome.

4. Particular Strategies Adopted by the UN in the Yemen Case

Early Action

Within just a few weeks of the outbreak of violence (following "Jumaa al-Karama"), the UN Secretary-General reached out to President Saleh and requested his permission to send a Special Adviser to Yemen. Saleh accepted the UN's overtures. The UN was initially at a comparative disadvantage in terms of knowledge about the situation and the key actors involved when it first engaged, compared to the international diplomatic corps on the ground or in the region. In light of this fact, the Special Adviser used his first two missions to build relationships with Yemeni and foreign stakeholders on the ground and to better understand what role, if any, the UN could play at the time. In May 2011, the primary mediation effort fell apart. Two months later, the UN was asked to take up the position of chief facilitator in renewed inter-party talks. At this point, the relationships and understanding cultivated

over these first two months proved indispensable to the UN's access to the parties and to the parties' future willingness to accept the UN as their mediator.

Groundwork and Anticipation

Multiple sources, including the Special Adviser, his team members and stakeholders he met with spoke of the amount of time the OSA took to listen to and build relationships with various stakeholders. This kind of involvement required six missions, usually consisting of a few weeks each, over a period of eight months. In addition, Benomar and his team put concerted effort into building an appropriate groundwork of not just knowledge and relationships, but also a contingency plan, which took the form of the Implementation Mechanism. Anticipation was required in order to plan for the type of roadmap the parties might want, once they were ready for direct talks. This took months of work and consultations with all relevant parties, re-drafting, bringing in consultants for an opportunity that, as far as the team knew, might never come. But when the opportunity did come, DPA and the OSA team were ready, with a draft that was in a shape and appropriately pitched to serve as the platform from which direct talks between the parties could begin. In a nutshell, it was a form of anticipating the parties' needs just one step before the parties themselves knew them, that facilitated the UN's ability to assist the negotiating parties in this case.

Importance of Direct Talks

At the time of the UN's arrival, the parties were not negotiating face-to-face. The OSA succeeded in fostering direct talks first in July and then again in November, 2011. When members of the Special Adviser's team were asked to clarify what they saw as the importance of direct talks compared to shuttle diplomacy, they emphasized that direct talks were the only way to build up a sense of local ownership and, with that ownership, a sense of responsibility for the agreed outcome.[126] As one member described it, "Indirect talks with starts and stops are not sustainable. When [talks] are just externally driven, and not resulting from internal talks, [they] wouldn't stick."[127] Other observers acknowledged the ultimate importance of direct talks, but conditioned their usefulness on a preceding period of extensive bi-lateral consultations, which the UN and other diplomatic actors conducted in the nine months prior to November 2011.[128]

Living with Constructive Ambiguity

One of the most frequently discussed elements of the UN's strategy in 2011, was the fact that key decisions makers felt comfortable living with constructive ambiguity. There are a number of key points that depended on the parties agreeing to accept or even endorse an apparent contradiction in order to build sufficiently broad support for a final deal. In the UN's case, the most striking is its opposition to blanket immunity but its strong support for an agreement based on an initiative that provided blanket immunity. In a similar vein, interviewees often spoke of the fact that the UN proved its impartiality to parties in Yemen in 2011 because its involvement earned it criticism from the US and the UK (chief drivers of the original GCC initiative). Yet interviewees also suggested that the OSA was successful, in part because of Benomar's close relationship with the UK Ambassador in New York and his connections to influential players in Washington.[129] Thus it was both the censor from great powers as well as their support than enabled the Special Adviser's success.

In addition, some interviewees suggest that Benomar was seen as particularly impartial in this case, due to the fact that he had only a Good Offices mandate rather than a Security Council mandate when he first arrived in Yemen in April 2011. He only gained an explicit Security Council mandate through Res. 2014, adopted in October of that year. Yet, many witnesses also emphasize that when the Special Adviser visited Yemen during his first five missions, he carried with him, either inadvertently or strategically, the weight of the Security Council.[130]

Moreover, despite the fact that the Implementation Mechanism was pieced together and negotiated without the participation of GCC members, it was still called the "GCC Implementation Mechanism." As one interviewee put it: "We had to call it the GCC implementation mechanism, even though the [GCC Initiative and the Implementation Mechanism] were two separate agreements." Because without the link to the GCC's initial initiative it would have been much harder to build broad international support for the mechanism."[131] Such constructive contradictions are likely common to complex and politically charged peace processes. What would seem to differentiate actions taken in Yemen from other cases, however, was how skillfully political actors danced around such apparent contradictions, thereby ensuring that the media and the public's attempts to resolve them did not, ultimately, compromise the 2011 peace deal.[132]

5. A Note on Sustainability of the 2011 Peace Agreement

Yemen in November 2011 and February 2012 contrasts sharply with the reality in Yemen today. The UN has labeled the situation a "catastrophe," following years of widespread violence, 10,000 civilian casualties, famine affecting more than three million people, and nearly one million with cholera.[133] With regional powers pitted deeply against each other and willing to use the civilian population as pawns in their fight, a political solution to the current crisis appears a distant prospect. In this context, it may seem jarring to speak of a preventive diplomacy "success" in Yemen in 2011, as success can be judged not only by whether parties were pulled back from the brink of violence in the moment, but also by whether this withdrawal was sustained.

In light of the way events have turned out in Yemen, some

commentators have sought to peg current troubles on how the 2011 talks were handled. Given the state of affairs in Yemen today, their critiques bear examining. The first critique argues that a lack of inclusivity in the 2011 talks "sowed the seeds" for the later conflict. Three key constituencies were not party to the November 2011 agreement: representatives of civil society (including both leaders of the youth and women's movements), representatives of the Houthis, and representatives of Hiraak. These three groups were, however, promised seats at the National Dialogue Conference that would follow Saleh's resignation and form the basis for decisions about what form a future Yemeni state would take. Some critics argue that these groups' exclusion from the 2011 Agreement was one of the reasons for the eventual role some of them played as spoilers in Yemen's political transition process.[134] These voices contend that efforts should have been made to include these key constituents at the negotiation table in 2011 and thereby ensure their grievances were concurrently rather than subsequently addressed.[135]

This "hindsight" critique is an crucial one to consider, in light of the importance of both the northern territories and the southern question in the current conflict. However, international journalists, Yemeni commentators, Yemeni party members, close advisers to Saleh, foreign diplomats based in Yemen, and senior UN officials consulted for this study emphasized how hard it was to coax even the "formal" political parties (GPC and JMP) to sign a common document in 2011, despite their overlapping interests, shared stake in the existing governing structures, and personal ties. Many present in Yemen at the time argue that it is highly unlikely to imagine that these parties would have come to an agreement if even more constituencies, with even more divergent goals, fewer overlapping interests, and fewer personal ties would have taken seats at the same table. And if the parties had not succeeded in signing the agreement, most Yemen watchers predict that the country would have collapsed into civil war in 2011. Thus, arguments that holding off for a more inclusive agreement in 2011 would necessarily have reduced the likelihood of civil war in 2015, must be weighed against arguments that absent the elite deal stuck in 2011, Yemen would have collapsed into civil war four years sooner.

A second critique focuses on the fact that the UN and other actors did not challenge the pre-existing understanding, enshrined in the GCC Initiative, that Saleh would receive immunity in exchange for stepping down. These commentators often argue that the UN's failure to challenge this promise and see it expunged from the GCC Agreement, was at the core of Saleh's ability to act as the chief spoiler of the post-NDC period in Yemen. Some have argued that the fact that Saleh resigned became almost irrelevant with time, as Saleh, despite stepping down, was still holding onto many of the reins of power and directing events from the sidelines.[136] Indeed, Benomar would make this precise point to the Security Council in closed consultations on several occasions throughout 2012 and 2013. When challenged on this point, all those interviewed for this case remained emphatic that Saleh would never have stepped down peacefully without an assurance of immunity. And, they add, if he had refused to step down peacefully, the country would have collapsed into civil war in 2011.

A third critique acknowledges the great contributions of the UN in initiating and guiding the drafting of the implementation mechanism but is quick to criticize the mechanism's implementation following the conclusion of the NDC in 2014. As one interviewee put it: "Five percent of success is drafting, 95 percent is implementation…The UN got the former right but failed in the way it facilitated the later. So their success [in drafting] doesn't really matter in the grand scheme of things."[137] This critique needs examining but the timeframe (January 2014 forward) is outside the scope of this current study. It has been considered quite effectively in a range of other studies.[138]

These three critiques should be taken seriously and factored into assessments of the "success" of the UN's intervention during the 2011 crisis. The critiques must also, however, be considered against the fact that the 2011 agreement was never meant as a one-off agreement. Rather, it was designed as the first step in a multi-step process of transition, scheduled over the next two years. As far as the UN team saw the issue at the time, there was plenty of time for the stakeholders not currently sitting at the negotiation table to join the discussion and make their voices heard through the subsequent national dialogue process. Members of the OSA's team also felt the UN had succeeded in inserting core international law and human rights language into the Implementation Mechanism, and thus, into the ensuing steps of the transition, even while such prinicples were lacking in the initial GCC agreement. But, in turn, it was understood that no national dialogue could occur until Saleh had stepped aside, clearing the way for an inclusive, democratic, and normatively-based discussion by Yemenis about Yemen's future.

6. Summary of UN Contribution and Conclusion

In each interview conducted, the interlocutor was challenged with the counter-factual: what would have happened in 2011 absent the UN's intervention? What might have been different? Stayed the same? The answers of 29 expert interviewees help shed light on the relative contribution of the UN versus that of other actors involved. Their responses fell largely into three categories: those who thought the UN played a marginal role, those who thought the UN played an important but not an incommensurable role, and those who thought the UN played a uniquely indispensable role.

The first group saw the UN's role as marginal when compared to, on the one hand, pressures from the US and Saudi Arabia on Saleh and his party, and, on the other hand, the decisions and choices of the parties themselves regarding whether to strike a deal, fueled, in large part, by the military standoff

and pressures from the street. To echo the observation made earlier, observers in this category suggest that Yemeni elites, if left to their own devices, would have simply "done a dirty deal," shuffling seats and privileges and "got on with it." Yet it is not clear in this vision, whether Saleh would have stepped down, or whether the 2011 standoff would have eventually been defused through a reshuffling of benefits and patronage schemes or, as most commentators agree, led to state collapse and civil war.

The second category of responses comprised those who were quick to acknowledge that the UN played a key role in brokering the implementation mechanism and in nudging Saleh to sign the agreement on November 23rd, 2011. However, this second group is more confident that, in the UN's absence, either other international external mediators (GCC members, the US, the EU) or internal mediators (such as Yemeni elites or tribal leaders) would have stepped in and guided (or forced) the parties to a negotiated solution, given how interests, at that time, were stacked against going to war.[139]

The third group argues that the UN played an indispensable role in 2011. Without the UN's intervention in 2011, this group felt certain the Jenga tower of blocks making up the Yemeni state would have come crashing down. "No Benomar, no deal," on interviewee responded. "Without the UN [in 2011]? Easy. There would have been civil war," answered another. One international journalist who was in Sana'a during the immediate aftermath of the November 2011 negotiations characterized the UN's contribution in the following way: "At times it seemed that Benomar's presence in Yemen, and the international community's insistence on the success of the transition, were the only things keeping the process on track – a vital but elaborate multi-lateral confidence trick."[140]

Despite their differences, what all three groups agree upon is that despite the dire prediction of imminent violent conflict in 2011, Yemen's center held, civil war was temporarily averted, and the Middle East witnessed its first largely peaceful and more or less voluntary transfer of power in the context of the Arab Spring. These three groups also generally agree that, while not the only nor the most important factor, the OSA's mediation efforts contributed to the 2011 outcome by influencing key actors' decisions away from violence and towards a negotiated settlement through 1) sustaining parties' involvement during moments of uncertainty, 2) subsequently reducing uncertainty through co-developing a post-agreement roadmap with the parties, 3) helping establish a conducive environment for direct talks given the mediator's reputation for impartiality, and, 4) providing a final nudge to Saleh to sign the GCC agreement, through an implied threat of pending UN sanctions.

Endnotes

Cover Image: 11 October 2011, Sana'a Yemen. Shutterstock/ymphotos.

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1 See for example "Yemen: a Rare Success at Risk": http://www.bbc.com/news/world-middle-east-21325844; "Jamal Benomar and the Fine Art of Making Peace in Yemen": http://www.atlanticcouncil.org/blogs/menasource/jamal-benomar-and-the-fine-art-of-making-peace-in-yemen; and "Yemen: Enduring Conflicts, threatened transition," Executive Summary, ICG, 3 July 2012 for examples.

2 See chart for yearly estimates of Yemen's oil revenue: http://www.theglobaleconomy.com/Yemen/Oil_revenue/

3 Hill, Ginny. *Yemen Endures: Civil War, Saudi Adventurism and the Future of Arabia*. Oxford University Press. 2017, p. 53.

4 "Analysis: Yemen's 'youth bulge' and unemployment – an explosive mix", RefWorld, UN High Commissioner for Refugees, 26 September 2010; "Yemen Gap Analysis," Strategic Planning and Analysis Division, USAID, 25 April 2011: accessed: https://www.usaid.gov/sites/default/files/documents/1863/Yemen%202011.pdf

5 "Breaking Point? Yemen's Southern Question," ICG, 20 October 2011.

6 "Yemen between Reform and Revolution," ICG, 10 March 2011, p. 1: https://d2071andvip0wj.cloudfront.net/102-popular-protest-in-north-africa-and-the-middle-east-II-yemen-between-reform-and-revolution.pdf.

7 Interview with two separate sources close to Saleh; See also "Hamid Al-Ahmar Yemen's Next President?" *Newsweek* 2011: http://www.newsweek.com/hamid-al-ahmar-yemens-next-president-67803

8 "Breaking Point? Yemen's Southern Question," ICG, 20 October 2011, p. 6.

9 Hill, G. *Yemen Endures.* 2017, p.157.

10 "Breaking Point? Yemen's Southern Question," ICG, 20 October 2011, p. 6

11 In addition to feeling marginalized, the Houthis also resented Saudi support for Saleh's government and the Salafi influence it entailed, had strayed too far from the Zaydi roots unique to Yemen. This movement, rooted in a Shia's branch of Islam, pushed for a restoration of the values on which Zaydiism prides itself including opposition against oppression. They saw the removal of Saleh and certain members of his regime as the only way to restore Zayidi influence and cleanse Yemen of the stains of Salafism. For more on this issue see 'Salafism in Yemen: a "Saudisation", in Madawi al-Rasheed (ed), Kingdom without Borders (Hurst, 2008): "Black Box; Houthi-led Insurgency in the Northern Province of Saada," in Hill, G. *Yemen Endures* 2017.; and "Yemen: Diffusing the Saada Time Bomb," ICG, 27 May 2009.

12 "Gates Backs Big Boost in Military Aid to Yemen," *Reuters*, February 23rd, 2010: https://www.reuters.com/article/us-yemen-usa/gates-backs-big-boost-in-u-s-military-aid-to-yemen-idUSTRE61L4L120100222.

13 "WikiLeaks cables: Yemen offered US 'open door' to attack al-Qaida on its soil," *The Guardian*, 3 December 2010: https://www.theguardian.com/world/2010/dec/03/wikileaks-yemen-us-attack-al-qaida.

14 See Hill, G. Y*emen Endures.* 2017, p. 137 – 139 on targeting of Saudi regime and on arming regime against Houthis p. 194.

15 P. 13: http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-09-EN.pdf

16 Gun Control Yemen Style: https://www.theatlantic.com/international/archive/2013/02/gun-control-yemen-style/273058/

17 According to a number of sources interviewed, what made the youth protest movement particularly unique, however, is that many protesters chose to either leave their firearms aside or refrain from using them (Sources withheld).

18 See: www.worldbank.org/en/news/feature/2012/09/26/yemen-talking-points; "Republic of Yemen: Background," IMF, August 2010, or UNDP "Common Country Assessment": http://www.undp.org/content/dam/yemen/Leadership/Docs/CCA_2011_Yemen.pdf

19 See international journalist, Tom Finn's, frequent blog posts during this period: https://tomwfinn.wordpress.com/yemen-blog/page/3/. Finn was one of the few international journalists in Sana'a during the uprisings.

20 https://www.csmonitor.com/World/Middle-East/2011/0203/In-Yemen-s-Tahrir-Square-progrovernment-crowds-counter-day-of-wrath

21 "Popular Protest in North Africa and the Middle East (II): Yemen between Reform and Revolution," ICG, 10 March 2011.

22 Interviews with activists amongst the protesters; See also Tom Finn, Sarah Isaq, and many more blogs and videos recorded by protesters or those covering the protests during this period.

23 Tawakkol Karman, a Yemeni journalist, member of the Isahli party, and founder of the group "Women Journalists Without Chains," went on to win the Nobel Peace Prize for her leadership and courage throughout this period.

24 ICG, 10 March, 2011.

25 Interview with U.S. Ambassador Fierstein, 19 November 2017.

26 Hill, Yemen Endures, p. 205.

27 ICG, 10 March, 2011, p. 2-4.

28 See "Karma Has No Walls" for a documentary on the day: http://www.imdb.com/title/tt2551790/videoplayer/vi2353967897?ref_=vi_nxt_ap
29 Source close to Saleh's regime.
30 While members of the elite were shocked by the heavy-handed nature of the regime's response, the event also provided a premise for breaking with the regime, although their differences had been festering for a few years prior. Some analysts accuse defectors of hijacking the protests for their own needs at this point
31 Source withheld.
32 Sources withheld.
33 Interview with U.S. Ambassador Fierstein, 19th November 2017.
34 Source withheld.
35 Source withheld.
36 Sources withheld.
37 Interviews with participant from negotiations.
38 Interviews with participant from negotiations.
39 Interview with U.S. Ambassador Fierstein, 19th November 2017.
40 Interview with Dr. Abubaker Al Quibri, former President Saleh's lawyer October 2017.
41 Source withheld.
42 24 April 2011 Yemen Security Council Briefing.
43 Sharp, Jeremy, Yemen: Background and US Relations: Congressional Research Service, October 2011. http://www.fas.org/sgp/crs/mideast/RL34170.pdf.
44 Source withheld.
45 Sources withheld.
46 Hill, G. *Yemen Endures*, 2017, p.43.
47 Source withheld.
48 Source withheld.
49 Sources withheld.
50 Source withheld.
51 *GCC Initiative,* 25 May 2011.
52 Interview with U.S. Ambassador Fierstein, 19 November 2017.
53 See various news reports from this period: http://www.nytimes.com/2011/03/22/world/middleeast/22yemen.html?pagewanted=all; https://www.theguardian.com/world/2011/may/26/us-orders-diplomats-leave-yemen; https://www.theguardian.com/world/2011/jun/01/yemen-crisis-dozens-killed-battles; and http://edition.cnn.com/2011/WORLD/meast/05/31/yemen.unrest/index.html.
54 http://www.nytimes.com/2011/05/25/world/middleeast/25yemen.html
55 17 May, 2011 Briefing to the UN Security Council on Yemen.
56 Various interviews (sources withheld).
57 July 2011 Briefing to the UN Security Council on Yemen.
58 Source withheld. While the parties were still negotiating on the basis of the GCC initiative, some of the international parties that had helped oversee the document's initial drafting, felt sidelined from this third round of negotiations and the development of the implementation mechanism. The UN defended its approach based on the need to maintain its appearance of neutrality. It argued that if the mediation team was seen as running to report directly to the US or EU following talks with a stakeholder, then this neutrality that allowed the UN to perform its function, would be lost.
59 Sources withheld.
60 See, for example: https://www.thetimes.co.uk/article/bloodshed-in-change-square-as-president-returns-to-yemen-hs-0r6zx99hg.
61 Mancini, Francesco and Hudakova, Zuzana. "A Case Study of Yemen, UN Sanctions and Mediation, Establishing Evidence to Inform Practice," forthcoming, 2018.
62 Sources withheld.
63 Sources withheld.
64 Source withheld.
65 "Yemen: Enduring Conflicts, Threatened Transition, ICG July 2012; "Break Point", ICG, 20 October 2011; Briefing to the Security Council on Yemen, 11 October 2011.
66 Sources withheld.
67 Source withheld.
68 Hill, G. *Yemen Endures*, 2017, p. 239.
69 Source withheld.
70 Various interviews with interlocutors privy to Saleh's thinking during this period.

71 Article 3 and Article 4 of SC Res. 2014 (2011).
72 Article 12, SC Res. 2014 (2011).
73 https://www.un.org/press/en/2011/sc10418.doc.htm. The resolution followed a Security Council Press Statement issued on 24 September 2011 (SC/10394).
74 Sources withheld.
75 Mancini, F and Hudakova, Z. *A Case Study of Yemen*, 2018.
76 Source withheld.
77 Source withheld.
78 These included leaders of the youth protest movement, members of civil society, representatives of the Southern secessionist movement, and leaders of the Houthis.
79 Sources withheld. Among other things, the Mechanism details a roadmap for elections, Security Sector Reform, an inclusive national dialogue and a trust and reconciliation body.
80 Source withheld.
81 Hill, G. *Yemen Endures*, 2017, p. 240.
82 Source withheld.
83 Source withheld
84 Sources withheld.
85 Sources withheld.
86 Source withheld. See also Hill, G. *Yemen Endures*, 2017, p. 240.
87 Source withheld
88 See, for example: https://reliefweb.int/report/yemen/yemen-un-and-partners-appeal-21-bln-provide-life-saving-assistance-12-million-people.
89 Al-muslimi, F. "The Sana'a Illusion: Why Yemen Is Not A Model for Iraq," 30 July 2014.
90 24 April 2011 Yemen Security Council Briefing.
91 DPA and EOSG officials from 2011.
92 24 April 2011 Yemen Security Council Briefing and 17 May 2011 Briefing to the UN Security Council on Yemen.
93 Source withheld.
94 Source withheld.
95 Source withheld.
96 Source withheld. On visits see: http://www.spiegel.de/international/germany/discussions-about-security-situation-german-foreign-minister-makes-surprise-visit-to-yemen-a-671201.html; and http://www.washingtonpost.com/wp-dyn/content/article/2011/01/11/AR2011011101447.html.
97 Source withheld.
98 Source withheld.
99 Source withheld. While this cachet may well have helped Benomar through the period under study, other analyses suggest that this elevated status and the expectations that came with it, may have complicated UN efforts in later episodes of involvement, when delivery on expectations became ever more challenging.
100 One source noted a second, far more basic concern of the OSA. According to this source, the initial GCC agreement had been crafted in English, and very poorly translated into Arabic, leading to confusion over key terms. In contrast to the initial agreement, the OSA spent extensive time crafting the Implementation Mechanism directly in Arabic.
101 Source withheld.
102 Source withheld.
103 Despite these precautions, the team still met with a number of challenges regarding leaks. For example, it came to light during this period that one of the translators the group had been using during confidential bi-laterals with various stakeholders was linked to the government security services. It also came to light, according to one source, that OSA feared that some of the reports sent through the UN country team in Yemen occasionally made their way to a senior figure in NY, who was close to Saleh's regime. While both of these stories would need further verification, even the mere suspicion could help explain what later became a decision to keep the OSA team very small, to limit the paper trail and, at times, to resist sharing certain information with the broader UN mission in Yemen at the time. The result, however, was that the relationship between the Special Adviser's team on the one hand and the broader UN presence in Yemen on the other, was not particularly good. For more on this issue see: "Mediating the Transition in Yemen: Lessons Learned," ODI Report, October 2014: https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9205.pdf; "Lost in Transition: UN Mediation in Libya, Syria and Yemen," IPI, November 2016: https://www.ipinst.org/wp-content/uploads/2016/11/1611_Lost-in-Transition.pdf.
104 *GCC Initiative Draft,* 25 May 2011.
105 Source withheld.
106 Source withheld. According to a few sources, Benomar played a role in convincing the UK to propose a resolution on

Yemen, through his personal and long-standing relationship with the UK's Permanent Representative to the UN, Sir Mark Lyall Grant.

107 Source withheld.

108 Source withheld.

109 The primary reason was to ensure regional and international buy-in for the adjoining Implementation Mechanism, given regional and international investment in the existing GCC Agreement.

110 2006 Guidelines for United Nations Representatives on Certain Aspects of Negotiations for Conflict Resolution.

111 In Article IV of Resolution 2014, the Security Council: "Reaffirms its view that the signature and implementation as soon as possible of a settlement agreement on the basis of the Gulf Cooperation Council initiative is essential for an inclusive, orderly, and Yemeni-led process of political transition…calls on all parties in Yemen to commit themselves to implementation of a political settlement based upon this initiative, notes the commitment by the President of Yemen to immediately sign the Gulf Cooperation Council initiative and encourages him, or those authorized to act on his behalf, to do so, and to implement a political settlement based upon it, and calls for this commitment to be translated into action, in order to achieve a peaceful political transition of power, as stated in the Gulf Cooperation Council initiative and the Presidential decree of 12 September, without further delay." Appearing almost as an additional safeguard against accusations of having endorsed a blanket immunity for Saleh and his associates, Resolution 2014's second article also, "stresses that all those responsible for violence, human rights violations and abuses *should be held accountable [sic].*" See exchange between Security Council President and UN journalists at a Security Council Media Stakeout on this issue, following the signing of the Agreement, where the SC President, when questioned about the contradiction replies: "Beyond the agreement that was signed, we believe that those responsible for human rights violations should be held responsible": http://webtv.un.org/meetings-events/security-council/watch/sc-president-h.e.-josé-filipe-moraes-cabral-portugal-on-yemen-–-security-council-media-stakeout/5238095946001/?term=.

112 Source withheld. See, for example, Benomar's public condemnation of the immunity provision in Al Jazeera's Jan. 22, 2012 article: "Yemenis Protest against Immunity for Saleh,": https://www.aljazeera.com/news/middleeast/2012/01/201212210178891840.html.

113 Sources withheld.

114 Source withheld.

115 Source withheld.

116 Sources withheld.

117 "Lost in Transition: UN Mediation in Libya, Syria and Yemen," IPI, November 2016: https://www.ipinst.org/wp-content/uploads/2016/11/1611_Lost-in-Transition.pdf; "Mediating the Transition in Yemen: Lessons Learned," ODI Report, October 2014: https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9205.pdf;

118 Source withheld.

119 Hill, G. *Yemen Endures*, 2017, p. 49.

120 It is important to note that receptivity to the UN as the "least controversial foreign actor" in this case, did not last. Interviewees who worked in or lived through events in Yemen from 2014 forward, occasionally argued that Benomar (and the UN as a political actor) benefited from an initial grace period in 2011. As it was the first time the UN had engaged politically in Yemen since 1994, they argue that the UN had a reputation to lose rather than one to prove or re-make. By 2013, however, this grace period began to expire, especially as the Special Adviser began to exert more muscular leverage. The more leverage Benomar exerted or was perceived to exert, the less impartial the UN appeared to key stakeholders on the ground.

121 Source withheld.

122 "Memories of Morocco," New Internationalist, Issue 163, 5 September 1986: https://newint.org/features/1986/09/05/endpiece/.

123 Sources withheld.

124 Source withheld.

125 Source withheld.

126 Sources withheld. See Beardsley, Kyle. *The Mediation Dilemma*. Cornell University Press, 2011 for a general discussion on this point.

127 Source withheld.

128 Source withheld.

129 Especially John Brennan. Source withheld.

130 Sources withheld.

131 Source withheld.

132 See exchange between Security Council President and UN journalists at a Security Council Media Stakeout on this issue, following the signing of the Agreement: http://webtv.un.org/meetings-events/security-council/watch/sc-president-h.e.-josé-filipe-moraes-cabral-portugal-on-yemen-–-security-council-media-stakeout/5238095946001/?term=. These contra-

dictions, however, would come back to complicate efforts in the second stage of UN involvement in Yemen.

133 https://reliefweb.int/report/yemen/statement-unicef-executive-director-anthony-lake-wfp-executive-director-david-beasley.

134 But Security Council unanimity on Yemen was not a given. As one source recalled: "Saleh was smart. He had tried to play the Council members off each other – appealing to Russia, to China and then even to the regional blocks of states to protect his hold on power. But it didn't work because we kept the Russians and the Chinese briefed all along. There were no surprises. And they were smart. They came to understand that Yemen would not become another [case of Council overreach in] Libya." As a result, Saleh's attempts to pit potential adversaries against each other ultimately failed.

135 "How Yemen's Post-2011 Transitional Phase Ended in War, May 19th, 2016.

136 Group of Experts Report on Yemen (2015), p. 19 -20: http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/125; "Yemen: Enduring Conflicts, Threatened Transition," ICG July 2012.

137 Source withheld.

138 See, for example, "The Sana'a Illusion: Why Yemen is Not a Model for Iraq," Farea Al-muslimi, Foreign Affairs, July 20, 2014.

139 Sources withheld.

140 http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/125;p. 255.