

The Barriers and Weaknesses of Kofi Annan's Mediation Efforts in Syria

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The use of mediation in violent conflicts is favoured by international actors as it acts as a frugal method of intervention, bypassing the costs associated with military aid for a cheaper, more peaceful way in which third parties can influence a conflict. Broadly defined, international mediation is a process of conflict management accepted or sought after by the primary disputants involved.[1] While individual states often offer their own representatives as mediators for conflicts they hope to influence, the United Nations is the organization of interest to this paper – as they benefit from the low costs of mediation to influence international events without having to rely on a state for military and personnel resources. UN mandated mediators play an essential role, helping both primary and secondary parties involved in the conflict “perceive each other – including past and present actions, attitudes, motivations, and positions – more fully and accurately than they would if left to themselves”. [2] Mediators must engage both in their relationships with and between the disputants as well as with the parties mandating their intervention, such as the United Nations Security Council (UNSC). In this way, it is important to view mediation as an extension of foreign policy “and not a separate activity taking place ‘within the context’ of international politics”. [3] With this internal *and* external focus in mind, third parties must make three fundamental decisions upon accepting a mediation role; their basic objectives, their fundamental role (e.g. neutral or biased), and their best means of influence. [4] The complexities of having to manage and answer to many different parties; both primary, secondary, and external, can take its toll on a mediation effort, as seen in Kofi Annan's first mediation efforts in Syria. As the former Secretary-General of the UN from 1997-2006, Annan was uniquely capable of managing an increasingly complex conflict such as Syria was in 2012. His advantage came from his reputation as being more of a “politician rather than a saint, and acutely aware of geopolitical realities”. [5] His vision saw “the prevention of deadly conflict as being of vital importance to the fate of humanity in the new century”. [6] and these values clearly directed his efforts in the early phases of the Syrian conflict and guided his choice to resign in 2012.

Throughout his tenure as UN Special Envoy to Syria, Kofi Annan pursued two different strategies before resigning from his post. This essay will argue that both Annan's strategies failed due to a combination of factors; the most significant being the lack of hurting stalemate perceived by the primary parties, the inadequacy of the leverage held by Annan, and the negotiating barrier of having secondary parties that complicate the mediation process. Pursuing the immediate result of conflict management, Annan's first strategy was meant to promote a Syrian-led end to violence first, before tackling other issues. This strategy failed however, as neither the regime nor the opposition perceived themselves to be in a hurting stalemate and did not believe Annan to have any substantial leverage against them, should they continue the violence. Annan's response was to adapt his strategy to focus more on the major international actors involved in the conflict, namely Russia and the United States. This top-down approach failed as well, as the UNSC lacked the essential unity in order to act as proper leverage for Annan. While it must be noted that other factors such as credible commitment problems and mediator bias played minor roles in these failures, they will not be explored in this essay due to the limited scope of the paper.

In order to make this case, I begin by briefly exploring mediation strategies, particularly those pertaining to hurting stalemates and leverage. Section Two will provide a summary of the conflict and outline how it was when Kofi Annan accepted the mediator role in 2012. Section Three then engages with Annan's first strategy; the six-point plan, and why it was not considered to be successful. Finally, Section Four will outline how Annan adapted his strategy to

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pursue top-down approach and illustrate why the collapse of this strategy led to Annan's resignation.

Section One- Mediation Basics

Mediation strategies are typically described to be on a continuum, differentiated from low to high intervention tactics. The lower end of the continuum consists of the "conciliation-facilitation" strategy,[7] where the mediator acts mostly as a vehicle for communication between parties. From this point, the continuum moves to the 'medium' intervention level, known as procedural strategies. In this approach, mediators control some aspects of the process, specifically the procedural aspects. The controlled factors may be "the environment in which mediation occurs, the number and type of meetings with the adversaries, and the agendas covered in those meetings".[8] Finally, the other end of the mediator continuum consists of the directive strategies and supervisory strategies. Directive strategies are used by a mediator when they aim to impact the actual "content of negotiations as well as the process... he/she makes substantive suggestions and may even pressure the parties to accept them", and supervisory strategies involve the mediator "overseeing or guaranteeing an agreement" between parties.[9] The literature is not unified on whether one of the mentioned strategies are the be-all, end-all of mediator approaches. Some claim that mediators using more interventionist strategies tend to be more successful on average,[10] whereas others note that non-threatening approaches are more cohesive to the creation of trust and confidence between parties.[11] In terms of Kofi Annan's mediation efforts in the Syrian conflict, his style seemed to have been a mid-high level of intervention strategy, in which he aimed to be "inclusive and non-threatening" while still contributing his own ideas for the content of mediation conversations.[12]

A determinant of the mediation process that is important to understand when exploring the early efforts in the Syrian conflict is that of the *hurting stalemate*. The hurting stalemate refers to the point in a conflict, deemed necessary for successful mediations, when "both sides must feel unacceptably painful conflict costs and each must perceive that it cannot win the conflict and impose its own terms of settlement".[13] Until a hurting stalemate is achieved, each party will deem negotiations unnecessary as their Best Alternative to a Negotiated Agreement (BATNA) would result in greater gains. A substantial issue with this theory however, is that it is defined by perceptions, not objective fact. Ultimately then, it is the parties "subjective perceptions of the power balance between them" that define the hurting stalemate.[14] It is of little consequence whether external parties, such as the UN or neighbouring countries, believe there to be a hurting stalemate in existence if the parties do not – they need to believe themselves absolutely incapable of victory through violence. Even when and if mediation is accepted without a hurting stalemate, if we continue to assume that the conflict is asymmetric according to different subjective perceptions, "this reinforces the proposition that disputants will tend to view mediation as zero-sum... [and] as an extension of the disputants' efforts to 'win'".[15] As the first UN special envoy to Syria, and after just one other failed attempt at mediation by the Arab League, Kofi Annan made the decision to proceed with mediation efforts despite the lack of a hurting stalemate perceived by both parties. As will be explained in Section Three, this greatly hindered the possibility of a successful cease-fire.

Another essential part of mediation literature is the concept of *leverage*. Mediator leverage is simply the mediator's ability to influence the process by shaping the "incentives of disputants".[16] According to Zartman and Touval, leverage comes "first, from the parties' need for a solution that the mediator can provide; second, from the parties' susceptibility to shifting weight that the mediator can apply; and third, from the parties' interest in side payments that the mediator can either offer ("carrots") or withhold ("sticks")".[17] This understanding of leverage is interesting as it describes a mediator's leverage potential and power as laying with the parties, rather than the mediator themselves. Bercovitch and Houston also support this understanding, stating that leverage resides not only in the mediator but "in the type of relationship a mediator has with the parties in the conflict".[18] Leverage can be differentiated into two different types; capability leverage and credibility leverage. Capability leverage refers to leverage as a material resource to act 'the carrots and sticks' for incentivising parties.[19] Credibility leverage refers to the influence that mediators have when using information – such as knowledge of the conflict and their "perceived commitment to the peace process".[20] At the core of both types remains the relational aspect, rather than simply being a resource. For mediators mandated by the UN, the capability leverage is not always promised without the full support of the UNSC, thus making the credibility type of utmost importance. This can put the mediator at a disadvantage, as the parties themselves will have more control over the process and could more easily manipulate the mediator "if the mediator

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has low coercive potential but high interest in a solution".[21] On the other hand, some scholars such as Beardsley argue that "mediation tactics that do not involve leverage sometimes perform quite well in comparison to more manipulative tactics, especially in easing post-crisis tensions".[22] As will be seen in Sections Three and Four, Kofi Annan was definitely put at a disadvantage by the lack of capability leverage that he could claim.

Section Two – The Syrian Conflict (2011-2012)

The Syrian conflict that was presented to Kofi Annan in 2012 is often referred to as the phase of civilian uprising and armed insurgency. At the time, the primary parties consisted of the Syrian Government, led by President Bashar al-Assad, and the Free Syrian Army (FSA) and their loose network of alliances. In March 2012, the number of deaths was fewer than 10,000- but would rise as high as 70,000 within twelve months.[23] The complexity of the opposition alone was a barrier, as the lack of unity between the FSA and other opposition groups made negotiations much more complicated. The most significant complexity of the conflict however, comes from the secondary parties; the Kurdish militias, ISIS, Saudi Arabia, Qatar, UAE, Iran, Russia, Turkey, and the P3 of the UNSC; made up of the United States, the United Kingdom, and France. The number of parties involved was a significant barrier for Annan, as it demanded higher "information processing" from all sides.[24]

Additionally, the many alliances between the parties involved was a significant negotiating barrier. Supporting the Syrian government, Russia and Iran were considered "the last remaining allies of the Assad regime... [and] have contributed to the survival of Assad's government".[25] On the other side, the opposition claimed the support of Saudi Arabia, Qatar, and the UAE as the "main suppliers of arms and money" and had the support of the United States and their allies in the UNSC.[26] The United States went so far against the Syrian government at the time as to pass the Executive Order 13573, sanctioning in the "form of arms embargoes on Syria and the concomitant freezing of assets and travel bans on senior officials and the inner circle of the Assad government".[27] In terms of conflictual relationships, there were tensions between parties other than the primary conflict that exacerbated the tension as well. The Syrian Regime was also fighting the rising Islamist group, ISIS, at the time, who were themselves in conflict with essentially every other party, save the Arab countries supporting them financially.

With these relationships briefly outlined, it is then possible to understand how the conflict arose. The Syrian conflict broke out during a time known as the Arab Spring, "a series of pro-democracy and anti-government protests that erupted, as early as 2012, in various countries in the Middle East and North Africa".[28] Beginning as non-violent opposition to President Bashar al-Assad's government, violence broke out in March 2011, when Syrian armed forces opened fire during a protest opposing the arrest of young students for drawing anti-government graffiti.[29] A few months later, the Free Syrian Army was created by a group of Syrian army defectors. The first event of international involvement was when the Arab League attempted the first conflict management efforts in the region, "dispatching its Secretary General, Nabil al-Arabi, on a mediation mission" from the fall of 2011 to early 2012.[30] After failed mediation efforts and a failed observer mission however, the Arab League suspended their activities in Syria on January 28, 2012 – passing the responsibility to the UN.[31] As of February 2012, Gowan states that the greatest risk of the conflict was its potential to transition from a containable conflict to a fully internationalized one by means of a proxy war or a direct intervention by "Turkey, other NATO members, or Arab countries (or all three)".[32] As fatalities rose, the potential for mediation to succeed declined. Consequently, the urgent need for a UN special envoy to Syria was acknowledged and offered to Kofi Annan, who accepted in March of 2011. At the time it was generally believed by Western officials that, as part of the Arab Spring, "Assad might be toppled relatively quickly".[33] Nonetheless, Annan was required to end the violence and aid with the resulting transition swiftly and efficiently, as well as overcoming the negotiation barriers of having a large number of parties involved and encouraging the end of violence without the existence of a hurting stalemate.

Section Three – Six Point Plan

Upon accepting the role of mediator, Annan proceeded to hold meetings both with representatives from the primary parties and the secondary parties at the UN headquarters and throughout the Middle East.[34] Annan proceeded to develop a plan with his team to quickly eliminate the tensions and "reduce the pervasive uncertainty surrounding the conflict and create a minimum of trust inside and outside Syria to find a political way out of the crisis".[35] His top

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priority was to end the violence, as further fatalities would only make mediation more difficult.[36] His strategy was what his aide, Tom Hill refers to as one of "multilateral power", which "relies upon relatively intangible sources of mediator leverage to create joint commitment from a spectrum of partners".[37] Notably, this was not a strategy reliant on capability leverage per se but was meant to create "unified external leverage by proactively shaping an unstable set of polarized external state relationships".[38] Annan himself, explained that incentives and threats "alone will not end the crisis", and thus it was from this approach that Annan and his team created the six-point plan.[39]

The six-point plan was a framework for a "supervised truce that would lead to a 'Syrian-led political process'".[40] Presented on March 16, 2012,[41] the six points called for an inclusive and Syrian-led peace process aided by an UN-supervised ceasefire with fair and efficient humanitarian assistance and release of arbitrarily detained prisoners, freedom of movement for foreign journalists and respect for human rights such as freedom of association and right to demonstrate peacefully.[42] While deliberately leaving Assad's fate as president ambiguous, Annan's strategy deemed that the plan had to be so simple and "reasonable sounding that everyone in the international community, particularly all of the P5, could not avoid supporting it".[43] With this external pressure then, Assad could not reject the plan and thus the ceasefire would go through and open up space for political discussion and transformation. This strategy partly succeeded with a shaky ceasefire established on April 12, 2012 – after Annan pulled strings to have the Russians personally pressure Assad and multiple UNSC presidential statements.[44] With the ceasefire came the promised UN Supervision Mission in Syria (UNSMIS). Their mission quickly went south however, when the regime stalled on withdrawing its forces from urban centres, culminating in a pro-Assad massacre at Houla on May 25th. As a result of the rising violence, UNSMIS withdrew its forces.[45] Further mediation talks were hampered by the UNSC response, who were "divided over how to respond to the violence – and whether blame and repercussions should be focused on the regime or the opposition".[46] As the threat of UNSC military intervention declined due to clear Russian and Chinese resistance, the primary parties proceeded on with ignoring the established ceasefire, thus rendering it null.

One reason for the plan's failure is the lack of a hurting stalemate. The hurting stalemate is the "critical point in a ripening process is when all the parties are able to perceive a particular phase of the conflict as favourable for a negotiated outcome".[47] In the Syrian conflict however, it was clear that no such process had been accomplished. Annan understood this going into mediation efforts, however, he also believed that holding off would risk "tipping the country into a full-scale civil war and regional proxy war".[48] Realistically then, both groups were known to be accepting mediation for purposes other than the sincere desire for a negotiated settlement. Even before Annan got involved, the International Crisis Group stated that the regime did not perceive their position to be that of a hurting stalemate, and "would use diplomatic intervention to present itself as a responsible interlocutor and buy time".[49] The opposition accepted mediation with the understanding that it would involve Western intervention, forcing Assad's departure, a feat they were unable to accomplish.[50] This intention highlighted their reasoning behind accepting mediation, to use it for victory rather than for compromise. These motivations highlight a weakness in the hurting stalemate theory, which assumes inherent sincerity in the acceptance of mediation. It is just as likely that a group would accept external mediation in order to "gain an advantage by stalling the conflict to rearm, recruit or regroup".[51] Moreover, the validity of this determinant is further questioned when the subjective perception is combined with asymmetry of information, which is "most acute in the first phase of the war, before the relative strength of the disputants had been revealed through fighting".[52] As a result, while external parties may have understood to an extent the strengths of each party, the parties themselves underestimated the others' strength and endurance, thus clinging "to strategies of violence [and] seeing little value in negotiations" and hindering the success of mediations.[53]

Another determinant in the failure of the six-point plan was Annan's lack of capability leverage. Annan's strategy was based on the leverage that unified international pressure would provide. His previous successful mediations in Kenya and Cambodia had proven to him that even "where the imminent threat of force is absent, a unified consensus between external powers can create sufficient pressure to shift even the most seemingly immovable of incumbents into a peace process that leads to the erosion and even end of their prior authority".[54] For both the regime and opposition, this pressure was not clear nor unified. Russia and China's refusal to respond to the regime's breaking of the ceasefire made it clear to the Syrian government that Annan's leverage meant nothing. For the opposition, the West's signals supporting the removal of Assad "injected unwarranted hope... diminishing their appetite to seek

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mediated rapprochement".[55] Some scholars claim this to be the peace plan's greatest weakness, claiming it relied too much on external pressure while giving the regime "limited incentives to embrace a plan that would empower its opponents".[56] It is essential that for Kofi Annan to have been taken seriously, the regime and opposition needed to "to see a tangible connection between the recommendations the mediator makes and the decisions and actions these members of the international community take, especially in the face of refusal to compromise or unwillingness to abide by commitments".[57] Instead, the UNSC consistently undermined the potential pressure leverage that Annan had, thus resulting in the parties' refusal to adhere to its terms.

Section Four – The Geneva Communique

The failure of Annan's Syrian-led approach resulted in a change of strategies that were summarized in a document known as the Geneva Communique. The new plan was the result of the formation of the Action Group for Syria, convened on June 30, 2012. The group was meant to be an "international contact group chaired by Annan" and including representatives from the UN, Arab League, EU, and foreign ministers from the UNSC and several stakeholders in the Middle East.[58] The communique marked a major change in Annan's strategy as it went beyond conflict management to conflict resolution, with Annan describing it as being a "framework for a transition to support Syrians' efforts to move to a transitional governing body with full executive powers. Transition means a managed but full change of government – a change in who leads Syria and how".[59] Though the document did not explicitly call for Assad to step down, which was the cause for discontent and rejection of the plan by the opposition, Annan's understanding of the document meant that Assad's demise was inevitable. This illustrates the shift of strategy as Annan was no longer "counting on Assad's good will, but on producing a plan that could unify the UNSC".[60] In his farewell note, Annan explained his strategy behind the Geneva Communique, stating that while Assad definitely needed to leave the office, the focus "must be on measures and structures to secure a peaceful long-term transition to avoid a chaotic collapse".[61] While Annan did change the tone and content of the messaging he sent to the Syrian regime, his dependence on external pressure to force the acceptance of the peace plan did not change – and the weaknesses inherent in this plan led to the failure of the plan and Kofi Annan's resignation in August 2012.

The issue with Annan depending on external powers to enforce the directives of the Communique is that the agreement itself was not as easily acceptable as the six-point plan and led to severe disagreement within the UNSC. The process of getting the Communique mandated by the UNSC was plagued by two issues; Assad's position in the transitional government, and whether to implement a chapter 6 or chapter 7 resolution. While the opposition and their allies in the UNSC would accept nothing other than Assad being removed as part of the Communique directives, the Russians adamantly wanted his exit to be managed during the transition process – the difference being "in the sequence, not the outcome".[62] This put Annan in the position of having to manage each party's positional demands while attempting to lead a principled negotiation. Though both sides wanted the same outcome, the opposition refused to accept any option that did not portray them as claiming total victory- once again proving their motivations of accepting the mediation as an extension of the conflict rather than for peace making. The Communique was brought to its political end when the P3 rejected its inclusion of a chapter 6 resolution rather than chapter 7, the difference being the sanctioning of the regime "if it did not end the use of heavy weapons, withdraw troops from towns and cities, and implement the peace plan".[63] Notably, though they were still providing military and financial aid to the regime as necessary, it was not Russia who rejected the plan. Arguably, the blame for the failure of this second phase of mediation lies with the United States, the United Kingdom and France. This situation provides an example of how mediation coalitions "increase the number of veto-players and the complexity of the process".[64] In his mediation efforts, Annan had to find a solution that appeased the excess of secondary parties involved in the conflict, and appealed to the major powers involved, especially Russia and the United States. The conflict within the secondary parties themselves ultimately lead to Annan being unable to substantiate the leverage needed to influence the primary parties, leading to the peace plan's failure and his resignation as he accepted the inevitability of failure without the complete support of the UNSC.

Conclusion

In conclusion, Kofi Annan's mediation efforts in the early phases of the Syrian conflict failed due to a clear lack of a hurting stalemate perceived by both the regime and the opposition. This was exacerbated by the weak leverage

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Annan held, resulting from conflictual interests amongst the secondary parties. While his first strategy was built off good intentions; promoting Syrian involvement and a swift end to violence, both primary parties perceived their BATNAs to be superior to a negotiated settlement due to an absence of incentives and threats offered by Annan and his team. His responding strategic adaptations did not offer a substantial enough change, still wholly dependent on external pressure from the UNSC who were unable to provide unified support and leverage. Even with the failure of Annan's peace plan to be put into action, one should not discount the importance of the strategies he created for the resolution of the Syrian conflict. The Geneva Communique in particular "for all its ambiguity and controversy, provided a patch of overlapping great power preferences to which mediators could return in hopes that it would keep the process alive".^[65] As the conflict has increased in complexity of issues, parties, and violence; Kofi Annan's foundational work for the resolution of conflict between the Assad regime and the Free Syrian Army acts as a timeless base from which to develop future peace plans.

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