

**Negotiating Democratic Transitions?
The Commitment to Electoral Provisions in UN Peacemaking
Missions**

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1. Introduction

What are the limits on the UN's commitment to promote democratic governance in post conflict states? More specifically, when should we expect UN mediators to contribute to press armed groups to agree to elections? These questions are critical for several reasons. First, the design of post conflict institutions in peace agreements has important distributive effects that privilege some elites over others and 'losers' may become spoilers that impede both getting an agreement and having it implemented. (Stedman,

2000; Clapham, 1998) Second, these issues provide a more nuanced picture of the extent to which the UN has helped to push a new normative order that has at its centre an expanding zone of democratic states. Most of the literature, both critical and supportive, has emphasized how quickly some of the norms of this order have spread. In the Post Cold War, establishing democratic governance – or at least free and fair elections – is often assumed to be the best formula for resolving civil violence. As Paris (2004) and Jakobsen (2002) note, this emerging norm about the best way to organize post conflict states has become deeply ingrained in the goals and many of the practices of UN peace missions.

However, this claim is based on examples taken from particular UN activities: Peace building, electoral assistance and peacekeeping. What is absent, or at least less carefully considered, is whether democracy promotion is equally prevalent in UN mediation efforts (or what is generally referred to as ‘peacemaking’ in UN parlance). On this question, the UN record seems much more mixed. For example, in El Salvador (1990-1992), Angola (1992-1995), Guatemala (1994) and Tajikistan (1994-1997), the UN aggressively pushed for the inclusion of electoral provisions. By contrast, in Afghanistan (1993-2001) and Liberia (1992), the UN proposed longer-term elite power-sharing pacts in hopes of buying-off factional leaders.

What explains this mixed record? The basic proposition that UN mediators often reluctantly enforce the emerging norm. This reluctance creates a principal-agent problem in many cases where UN Secretary General and his envoys prefer weaker electoral provisions than key Security Council members, especially the US and its Western allies. Yet, their ability to resist norm enforcement depends on how much autonomy they have from the Security Council. This resistance is not – as many students of mediation would assume - because bias toward certain provisions reduces their flexibility. In fact, a mediator often has good reason to tie his or her own hands. Rather, UN mediators may have shorter time horizons that privilege short-term moral imperatives or hold a causal belief that democracy is not appropriate given their understanding of what sustains civil violence. In stylized terms, violence is a product of greedy leaders. Therefore, violence ends when military leaders are assured that their share of state spoils is not subject to competitive elections in the short to mid-term.

To illustrate the causal mechanisms and logics, I examine two cases of UN peacemaking. The first case is UN mediation in Afghanistan from 1990-1992 by Benon Sevan and again from 1993-1995 by Mahmoud Mestiri. The second case is the mediation by Ahmedou Ould-Abdallah in Burundi between 1993 and 1995.

2. Literature Review: UN Secretary General and hi Envoys as Agents

Consistent with rationalist approaches of international organization, the decision by the Security Council to delegate a mediation to the UN Secretariat has largely been attributed to efficiency gains of specialization and reducing collective action problems (Maundi et al, 2006; Bercovitch and Schneider, 2000). The UN Secretariat has access to a pool of seasoned diplomats who have technocratic knowledge and specialized capabilities -

especially a reputation for neutrality and institutional legitimacy – that is used to facilitate settlements (Skjaelsbaek and Fermann, 1996; Franck, 1995; De Soto, 1995; Picco, 1994).

However, what is seldom considered in this mediation literature is the possibility that states delegate because international organizations are well positioned to diffuse norms and values (Finnemore, 1996; Finnemore and Barnett, 2006; Abbot and Snidal, 1998). One exception is Steven Ratner's (2000) study of how an OSCE mediator promotes minority rights norms to reduce ethnic tensions in Eastern Europe. His work offers a micro-level analysis that compliments macro-theoretical work demonstrating how powerful states can use international organizations to promote their preferred normative order (Ruggie, 1982). In this view, international organizations are valuable because (a) they interpret norms when new contingencies arise; (b) they operationalize abstract normative commitments by turning them into policies and; (c) they can exploit their perceived neutrality to legitimize the norm by laundering or disguising its source.

In the Post Cold War, US foreign policy commentators emphasize how the US has tried to construct a new normative order centered on the expansion the zone of democratic states (Ikenberry, 2000; Smith, 1994; Carothers, 2004). Democratic states, proponents argued, were more peaceful toward each other and made better trade partners. Though democracy promotion has a long tradition in US foreign policy, after the Cold War, the US policymakers saw themselves as uniquely positioned to support democratization abroad. To this end, the US exploited greater cooperation in the Security Council to successfully get the Secretariat to integrate democracy promotion into its operations (Paris, 2004; Fox, 2004).

But most of these commentators fail to consider the limits of the Secretariat's cooperation. This omission is surprising given that significant body of work has focused on international organization officials that fail to comply with the directions of their political masters. For example, in principal agent theory, powerful member states design institutions to constrain the types of outcomes agents like the Secretariat pursue because they expect agents to shirk (Pollack, 1997; McCubbins and Page, 1987; Garrett and Weingast, 1993). Thus, member states *ex ante* try to recruit agents who share their preferences and write mandates that explicitly guide and regulate agent behavior in addition to *ex post* monitoring and sanctioning undesirable behavior. Where these enforcement mechanisms are credible, we would expect mediators to pursue outcomes that reflect the preferences of their political principals. By contrast, agency losses are more likely where there are few private benefits at stake or any agreement has few distributional consequences.

The problem with these approaches is that they emphasize formal institutional mechanisms rather than informal incentives for agents to conform. For example, mediators may be less concerned with being removed from office than with losing negotiation leverage that Security Council members have over the armed groups. Moreover, principal-agent approaches under-specify why we should expect agents and principals to hold divergent interests (Barnett and Finnemore, 2004). They generally start with the assumption that agents are preoccupied with short-term *organizational*

imperatives like securing resources, expanding the scope of its authority or organizational survival. Though such organizational interests are relevant, they may offer an incomplete account. For example, organizational resources - especially financial contributions from Security Council members - are important to the Secretary General, but in any given case, there are also short-term imperatives – like ending the violence - that are, at best, only partially related to organization’s wellbeing (Fretter, 2003).

By contrast, constructivist approaches show how international officials exploit their autonomy to act as a norm entrepreneur or norm enforcer. In other words, international organizations are agents that pursue their own long-term normative goals over the short-term imperatives of member states (Price, 2003; Keck and Skink, 1999; Barnett and Finnemore, 2004; Barnett, 1997). International organizations may socialize and teach about what constitute norm-conformity, build transnational advocacy networks, or help frame the norm in ways that make compliance seem desirable and natural. The problem, however, is that constructivists have only recently considered the alternative case, namely that international organizations pursue their own short-term imperatives at the cost of the long-term efforts by powerful states to change the normative order. Moreover, to the extent that such resistance has been documented, it is attributed predominantly to institutional stickiness of bureaucratic rules, cultures and interests without considering resistance at the more micro-level such as the causal beliefs or short term moral imperatives (Fretter, 2003).

Constructivism also provides a critical understanding of the more subtle ‘relational’ sources of power available to agents. This form of power is particularly important for weak agents like the UN Secretariat who, at least publicly, must be perceived as pursuing the preferences of powerful political principals. For international organizations one source of relational power is derived from the perception that they are neutral. As the so-called Brahimi Report (2000) noted, the UN Secretariat in particular has jealously guarded its neutrality (see also Bellamy and Williams, 2004; Barnett and Finnemore, 2004). As a result, the principle of neutrality becomes entrenched in the organizational culture and, in turn, the perception of neutrality becomes an end in itself. The UN Department of Peacekeeping in particular has come under scrutiny for refusing to intervene to prevent mass human rights violations out of fear that it will lose the confidence of the guilty party, undermining its mission or drawing it into the violence.

This emphasis on ‘being neutral and impartial’ is equally clear in analyses of UN peacemaking (Skjaelsbaek and Fermann, 1996; Franck, 1995; De Soto, 1995; Picco, 1994). UN mediators argue that because they have no direct stake in the outcome of a conflict they do not take the claims of one party as inherently ‘better’ than the claims of others. Yet, in absolute terms, UN peacemakers may be less neutral or apolitical than presumed. On certain issues mediators have shown strong preferences over the range of possible terms of agreement. For example, mediators may be unwilling to consider provisions that allow secession (Fabry, 1999; Babbitt, 2006; Ratner, 1996; Richmond, 1999) or they may insist on including extensive human and minority rights provisions (Ratner, 2000).

3. The UN Peacemaker as Reluctant Norm Enforcer

This paper shares the view that international organizations can, under certain circumstances, act autonomously of their political masters. Specifically, it examines how the UN Secretary General and his envoys adapted to increased Security Council pressure get agreements that include electoral provisions. When do they faithfully pursue these provisions? And, when will they pursue alternative ones?

The argument, in short, is that UN mediators are reluctant norm enforcers. In many cases of peacemaking, the Secretary General and his envoys hold divergent interests from the Security Council. One of the main sources of divergence is the long term interest of the US and its Western allies in the Security Council in setting the rules for its preferred international order. Particularly when this order is in its infancy and its constitutive norms have not yet been internalized by sizeable parts of the population, setting affirming precedents are particularly important (Finnemore and Sikkink, 1998). In the Post Cold War, the Security Council, led by the US and its allies, has pushed the view that post-conflict states should be democratized. The Security Council treats democratization as necessary for conflict resolution because it addresses the 'root' causes of conflict by moderating the grievances of marginalized societal groups (Fox, 2004). Not surprisingly given that peace negotiations involve designing post conflict institutions; UN peacemaking mandates tend to include getting the parties to commit to elections (Ould-Abdallah, 2000; Pezzullo, 2006; Brenninkmeijer, 1998).

By contrast, in many cases, the Secretary General and his envoys place less weight on this long term project. Not only are missions appointed for a limited duration but they suffer higher reputation costs for failing to get leaders to sign an agreement and the first-hand exposure to human suffering creates more pressing moral imperatives to reduce the violence (Fretter, 2003; Maundi et al, 2006, Touval and Zartman, 1996). Consequently, many UN mediators tend to treat elections as less pressing if not counterproductive to resolving the civil war. Indeed, many hold a causal belief that violence is sustained by elite greed rather than grieving masses. An implication this belief is that ending the violence requires giving elites a share of state patronage and assuring them that their share will be insulated from competitive elections in the short to mid-term.

Given this divergence of interests, the Security Council has an incentive to constrain the range of provisions pursued in peacemaking missions. However, the formal institutional mechanisms that structure Security Council - Secretariat relations seem to play a relatively small role. Mediator shopping by the Security Council is made difficult because there is a limited pool of qualified applicants especially given the growing number of UN peacemaking missions.¹ UN mediators are senior diplomats or UN officials appointed by the Secretary General, selected predominantly on their availability, past experience, cultural links and knowledge of the conflict (Skjaelsbaek and Fermann, 1996; Boutros Ghali, 1995). In addition, Security Council mandates signal the broad

¹ In addition, as Hawkins et al. (2006) note, selecting out an agent with the same preferences is generally an ineffective strategy since agents have incentives to misrepresent their own preferences and verifying preferences ex ante is difficult.

democratic preferences of some powerful members but offer few details on how to translate them into concrete terms of agreement. Finally, sanctioning the mediator is costly because it signals to the warring factions that the mediator has lost the confidence of the Security Council, effectively undermining his or her credibility with the parties.

An alternative logic emphasizes the Secretary General and his envoys external resource dependence (Barnett and Finnemore, 2004). For example, mediators may require the Security Council to publicly endorse a proposal to ‘tie its hands’ in hopes of preventing proposal-cycling by the parties. Peacemaking missions also need the Security Council to support any agreement if they anticipate later requesting a peacekeeping force and peace-building resources to implement it.

Most important, Security Council support lends credibility to a UN mediator’s proposals, threats and promises (Akashi, 1995; Hampson, 2004). This credibility is the primary – often the only – leverage UN mediators possess over the warring factions (Touval, 1994). Interestingly, UN mediators tend to argue that this inherent lack of leverage makes them an effective honest broker because it is assumed that neutrality puts them in a better position to persuade parties to make concessions or accept a proposed agreement.²

However, there is significant evidence that effective UN peacemaking depends on the support of biased third parties. In a number of anecdotal accounts of UN peacemaking, the Secretary General’s envoy relied on biased states that were better positioned to persuade the parties of the merits of a proposal (Pezzulo, 2006; De Soto, 2000; Rubin, 1995). These anecdotes were later supported by rational choice studies that tested the logic that neutrality breeds trust (Kydd, 2003, 2006; Rauchhaus, 2006). A disputant believing a mediator is not interested in helping its adversary is not the same as believing he or she can be trusted to protect its interests, especially when his or her advice involves costly concessions. The disputants consider the advice of neutral mediators like the UN cheap talk because the third party, interested only in getting an agreement, has an incentive to overstate the resolve and capabilities of other factions to facilitate concession-making. By contrast, biased parties have more incentives to truth-tell since they have a stake in protecting the interests of the favored side. Put simply, the UN mediator depends on the Security Council members to sell the proposal to their favored disputant.

To this end, agency loss occurs where this strategic dependence is weaker. The Secretary General’s envoy has greater autonomy where, for example, the Security Council has little leverage over the parties. Such conditions generally arise for reasons exogenous to the

² In this view, neutrality creates trust which is necessary to get disputants to (a) reveal private information that could be used to identify mutually acceptable agreements; (b) make concessions while saving face with their constituencies and; (c) accept the mediator’s frame that the issue was not zero-sum and its adversary was not solely a sworn enemy but a negotiating partner who also wanted peace. See Young, 1967; Franck, 1995; Assefa, 1987; Hume, 1994; Martin, 1996; Picco, 1994; Skjaelsbaek and Fermann, 1996.

mediation. The members of the Security Council may see fewer national interests in some conflicts than others or at some points in a civil war than at others. These lowered interests may be the result of the expectation that mediation will fail (perhaps as a result of past failures), historically fewer ties to the parties or the rise of more ‘pressing’ conflicts.³ These conditions tend to be associated with the peacemaking missions that supporters of UN mediation refer to as being delegated ‘fools errands’ (Akashi, 1995; Hampson, 2004; Franck, 1995).

In some instances, a mediator may even capitalize on changing conflict conditions to increase his or her autonomy. Where there are sharp increases in violence, a mediator, who is well positioned to shape public perceptions of the war, may frame the civil war as in a stage of ‘crisis.’⁴ Crises are characterized by a shared belief that there are exigent circumstances that make previously inappropriate solutions more appealing, often by increasing the value of short term imperatives (like ending the violence) relative to long term ones (like installing a normative order). Overall, it is variations in the level of the mediator’s strategic dependence that explains when mediators are able to act autonomously and pursue weaker electoral provisions.

4. Methodology

4.1 The Dependent Variable: Mediator Commitment to Democratic Provisions

The dependent variable is the level of mediator commitment to electoral provisions. Though electoral provisions constitute only one attribute of democratization, they are a central source of conflict because they determine rules for participation in and competition for state institutions. To this end, provisions that demonstrate a greater commitment to democratization aim to reassure the population that free and fair elections are held at predictable intervals and minimize manipulation by current governing elites. At the other end of the spectrum are provisions that reassure faction leaders that they receive a share of state spoils through a power-sharing agreement subject to minimal competition in the short to mid-term.

Empirical indicators of a greater commitment to elections in a proposal include provisions that (a) minimize (relative to other cases) the duration of the transitional government; (b) offer a set election date to prevent delays by unpopular leaders; (c) reduce leaders control over the electoral commission responsible for designing electoral rules, adjudicating disputes and counting the votes⁵; (d) disarm factions *prior to* elections

³ The higher profile conflicts, for example, may be ones that member states fear will act as a precedent for future cases, including the emerging normative order.

⁴ Though actors besides the mediator (such as humanitarian NGOs) may also help frame a crisis, the consequence is still to give greater autonomy to the mediator to pursue alternative peace provisions.

⁵ We can conceptualize as a scale of strongest to weakest with allowing international community to act as electoral commission as in Cambodia as strongest, to reducing leaders say in appointment process, to allowing leaders to select and remove commission members.

to prevent voter intimidation and (e) mandate international election monitoring and verification.⁶

A second qualitative indicator compares the level of *commitment* to electoral provisions. In particular, is there any evidence that the mediator tried to bind him or herself to a proposal? Where there is evidence of self-binding, I measure the relative level of commitment by comparing the expected reputation costs of seeking alternative provisions. For UN mediators, the most costly strategy is to publicly declare that failure to accept the provisions by a set date and without major revisions will result in the mediator's resignation. A little less costly strategy is asking the Security Council to publicly endorse the proposal Security Council. Further down ladder is a public deadline set by the mediator to suspend talks followed by a strategy of getting the Secretary General to publicly endorse the proposal. The weakest form of commitment involves the mediator publicly advocating the proposal.

4.2 Independent Variables: Causal Beliefs and Strategic Dependence

Measuring causal beliefs is difficult if one hopes to avoid tautologies. In the larger project I plan to interview mediators about their attitudes on both what sustains violence in civil war but also on other political phenomena where debates exist on the causal importance of elites versus masses.⁷ At this stage, however, I rely on preliminary indicators drawn from the case evidence. In particular, I explore the mediator's public record for statements about (a) who or what was responsible for causing and sustaining the violence, (b) why past mediations may have failed, (c) which parties or individuals were the biggest obstacle to negotiation, (d) attitudes towards proposals suggested by other parties or external groups. The second explanatory variable is the incentives to conform to Security Council mandates. Specifically, if the mediator prefers weaker electoral provisions, what opportunities for agency are available? To this end, I examine qualitative record to assess whether there was a weakening of the mediator's dependence on the Security Council's leverage or sudden changes in the character and intensity of the conflict that create opportunities for 'crisis' frames.

4.3 Research Design: Testing Plausibility using Case Studies

The empirical section starts with a brief overview of how the democratization of post conflict states came to constitute an emerging norm in the Post Cold War. Subsequently, I examine two cases of UN peacemaking by the Secretary General and his envoys. The first case is UN mediation in Afghanistan from 1990-1992 by Benon Sevan and again from 1993-1995 by Mahmoud Mestiri. The second case is UN mediation in Burundi between 1993 and 1995 by Ahmedou Ould-Abdallah. These cases illustrate how UN mediators initially conform to Security Council mandates but exploit a weakening in their strategic dependence to push for agreements with weaker electoral provisions. By using

⁶ See the UN Peacemaker website for analysis of best practices.
<http://peacemaker.unlb.org/index1.php>

⁷ For example, attitudes of mediators to the role of elites in democratic breakdowns, transitions from authoritarianism the formation of social movements, the construction of ethnic identities etc.

process tracing in two civil wars characterized by within-case variation on the dependent variable, I demonstrate the plausibility of the proposed causal logics and mechanisms (George and Bennett, 2005).

These cases were selected for three reasons. First, all cases take place in the early post Cold War, where we would expect the US and its allies to be most interested in enforcing the emerging order. Second, they offer good variation on the independent variables. In both cases, the Security Council initially mandated that the mediators seek strong democratic provisions. However, in both cases, the constraints of the Security Council weakened over time. Finally, the two cases demonstrate that previous regime type alone cannot explain varying levels of mediator commitment. Afghanistan was transitioning from communism but had not yet begun a transition to democracy when civil war broke out. In Burundi, the transition to democracy had already started and the violence was a response to the overthrow of the recently elected government. To this end, the mediator was not asked to design new electoral provisions but to get the leaders to commit to the electoral rules in the existing constitution and, more important, to accept the restoration of a government consistent with the results of the 1993 election.

5. The UN and the Emerging Order:

At the end of the Cold War, US foreign policymakers pursued a new international order based on the liberal democratic states as better trade partners and a source of peace and stability (Ikenberry 2000; Smith, 1994; Carothers, 2004). As then-US National Security Advisor Anthony Lake noted: “The strategy of a doctrine of containment must be a strategy of enlargement – enlargement of the world’s free community of market democracies.” (Quoted in Carothers, 1999). When operationalized in post conflict states, this strategy focused on the more observable, procedural elements of democratization especially free and fair elections and a well-designed liberal democratic constitution. Though the early US record saw democracy promotion subordinated to strategic imperatives in the Middle East and much of Asia, it was the key organizing principle in its relations with Africa, Latin America, post-communist Europe and central Asia (Carothers, 1999).

In addition, the Bush and Clinton Administrations turned to the Security Council and Secretariat to help pursue these policies. As President Clinton told the the UN General Assembly in 1994:

Our sacred mission is to build a new world for our children--more democratic, more prosperous, and more free of ancient hatreds and modern means of destruction...And let us not lose sight of the special role that development and democracy can play in preventing conflicts once peace has been established. Never before has the United Nations been in a better position to achieve the democratic goals of its founders. The end of the Cold War has freed us from decades of paralyzing divisions...

-President Bill Clinton, Sept. 26, 1994

Furthermore, the US was supported by a variety of state and non-state actors in the global North and South who were pressing for a democratic, liberal world order (Jakobsen, 2002). These pressures, in addition to a new reluctance to use the veto by permanent Security Council members led Fox (2004, 72) to observe that “the Council was able to

include the promotion of democratic transitions to the mix of solutions to its most challenging security problem of the 1990s: destructive civil wars.” Ultimately, the Security Council instructed the Secretary General to conduct a full review of the organization’s peace operations.⁸

In many ways, the Secretary General office was responsive to calls for incorporating democracy promotion (Barnett, 1997). Perez de Cuellar (1997) predicted that it would be the most important challenge facing his successor. Similarly, looking back on his term, in 1996 Boutros Boutros-Ghali noted:

The phenomenon of democratization has had a marked impact on the United Nations. Just as newly-independent States turned to the United Nations for support during the era of decolonization, so today, following another wave of accessions to Statehood and political independence, Member States are turning to The United Nations for support in democratization. While this has been most visible in the requests for electoral assistance received since 1989 from more than 60 States – nearly one-third of the Organization’s Membership – virtually no area of United Nations activity has been left untouched.

- Boutros Boutros Ghali, 1996, *Agenda for Democratization*

The emerging democracy promotion agenda involved two related projects: To build a new conceptual framework that justified democracy promotion by the UN and incorporating new tasks into UN peace operations. The Secretary General argued that democracy assistance was implicitly part of its responsibility to promote international peace and security because democratic states were more peaceful (Newman and Rich, 2004, Boutros-Ghali, 1992). At the operational level, UN peace operations were broken into peacemaking, peacekeeping and peace building activities. Aspects of the latter two came to explicitly include democracy assistance. For example, UN peacebuilding became synonymous with working towards a liberal democratic state (Paris, 2004; Jakobsen, 2002).

That said, the Secretary General was more ambiguous about how peacemakers should incorporate democratization into their work. On one hand, in his *Agenda for Peace* (1992), the Secretary General argued that peacemakers should exert greater pressure on the parties unwilling to negotiate. By advocating for more coercive mediation tactics, the implicit suggestion is that mediators use elections as a benchmark for assessing who was negotiating seriously. On the other hand, he also argued that though comprehensive agreements that include strong electoral provisions were ideal, they were not appropriate in some cases. This reservation likely reflected a fear that imposing democracy on the parties would compromise the organization’s neutrality, making armed groups less likely to request or consent to UN mediation. Overall, the Secretary General’s ambiguity allowed the Secretary General to consider the importance of elections on a case-by-case basis.

6. Case 1: Afghanistan: 1991-1996

6.1 Background

⁸ UNSC Resolution, S/23500, Jan. 31, 1992

The UN Secretariat had been actively peacemaking in Afghanistan since 1982, three years after the Soviet Union invaded and installed a communist government in Kabul. Early rounds of mediation, led by Diego Cordovez, focused exclusively on “external” aspects of the Afghanistan conflict, particularly the withdrawal of Soviet troops and a reduction of foreign – specifically Iranian, US and Pakistani - military assistance to the Mujahadeen rebels (Cordovez and Harrison, 1995). These negotiations eventually ended with the signing of the Geneva Accords in 1988. Though Secretariat officials hailed the accords as evidence of what the UN could contribute to global conflict resolution in an era of superpower cooperation, some foreign policy commentators in the US were more critical. For example, in a *Washington Post* op-ed on April 4, Jeane Kirkpatrick (1988, A17) criticized the UN for failing to link ending external support to domestic reform, particularly getting the USSR and the Kabul government to agree on a transition from communism.

6.2 Round 1: Senon as Selling the Superpower Proposal

To this end, by mid-1990, the UN Secretariat was actively pushing the government and Mujahadeen commanders to hold elections. In June 1990, then Assistant-Secretary General and head of the Office of the Secretary General for Afghanistan and Pakistan (OSGAP) Benon Sevan, presented to the parties and the Security Council a proposal that outlined a step-by-step transition to democracy. The proposal offered a series of electoral provisions. First, the proposal set out an electoral timetable. Second, the transitional government responsible for organizing elections would be composed of neutral, eminent Afghan leaders rather than representatives of the various armed factions. Finally, external parties would end their military assistance to the parties and the parties would agree to a ceasefire during the elections period.⁹

However, though technically the UN Secretariat proposed these terms of settlement, they were almost exclusively the product of bilateral negotiations between Moscow and Washington (Rubin, 1992; Maley, 1998). Following the Soviet withdrawal, Washington and Moscow’s were growing less and less interested in expending resources in Afghanistan. Ideally, they wanted the parties to hold elections, which would be used to fully disengage from the country. Yet, if the parties refused to accept elections, the superpowers could still exit, arguing that the armed factions were now solely responsible for resolving the conflict. In fact, when, unsurprisingly, the factions resisted this proposal, the US and USSR announced an end all military assistance.

This created a peculiar dynamic where the UN mediator shuttled between the parties not trying to facilitate a mutually-acceptable agreement but selling the provisions preferred

⁹ Human Right Watch, (1991) “Towards a Political Settlement in Afghanistan: The Need to Protect Human Rights.” Report of Aug. 30, 1991
[<http://www.hrw.org/reports/1991/afghanistan2/>]. For further discussion of necessity of an “impartial” transition mechanism see also Statement of Secretary General, May 21, 1991.

by the Security Council. During the negotiations, the mediator treated the electoral provisions as non-negotiable. When a party rejected the terms, such as Gulbuddin Hekmatyar did, they were marginalized in negotiations. Similarly, when the rebel factions proposed that the transitional mechanism give the party commanders rather than ‘eminent neutrals’ control of the interim government (and hence greater influence over the electoral process), it was largely ignored.¹⁰ In the end, as Maley (1998) notes, “Sevan gave far too much credence to the notion that it was possible to bypass existing parties to the conflict and replace them with new forces brought to the fore under UN auspices.”

In doing so, the UN mediator had essentially accepted a fool’s errand. Many rebel commanders held a deep aversion to elections. One of the most powerful ones Gulbuddin Hekmatyar dismissed elections on the grounds they were “imposed” by the superpowers while another commander, Yunis Khalis, argued that elections were “unislamic.”¹¹ As Maley (1998, 188) notes: “Afghanistan’s politicians had no interest in cooperating in their own liquidation.” In Afghanistan, authority was highly decentralized, with the government controlling only Kabul and, initially a few northern areas while the Mujahadeen factions controlled tribal patronage networks in their base areas (Maley, 1998; Rubin, 1992; 1995). As a result, the violence often involved not just the rebel commanders against the Kabul government but also fighting amongst themselves. This violence in addition to predatory behavior by many of the rebel commanders made them deeply unpopular with most ordinary Afghans. Thus, the commanders could expect little electoral support.

Why did the mediator remain so committed to the superpower proposal? First, once the bilateral superpower negotiations highlighted and reinforced a shared superpower interest in elections, the mediator would be unlikely to persuade the Security Council to endorse alternative arrangements. More important, however, was the miscalculation by the UN peacemaking mission of (a) the weakness of the parties and (b) the leverage of the superpowers over their respective factions (Maley, 1998). Put another way, Sevan increased his dependence on the Security Council by overestimating the leverage of key members. The mediator assumed that superpowers were in a good position to persuade commanders that they could not continue the war in the absence of external aid. To this end, factional leaders would be forced to support the impartial transitional government and elections in return for non-military reconstruction aid to maintain their patronage networks (Rubin, 1993).

In the end, on April 10, 1992, the government and many of the rebel groups did capitulate and accept the proposal. This agreement, however, stood little chance of ending the conflict (Maley, 1998). The agreement was not signed by Hekmatyar and, as President’s Najibullah regime grew increasingly isolated, many other rebel leaders had less and less interest in having the agreement implemented. In fact, the day the transitional

¹⁰ Barbara Crossette, (1990) “Afghan Rebel Leaders Pressing an Electoral Plan.” *The New York Times*, December 4, 1990.

¹¹ John F. Burns, (1990) “Guerrillas Resist Afghan Vote Plan.” *The New York Times*, May 16.

government was to fly to Kabul, a coalition of rebel leaders, led by Rashid Dostum and Burhanuddin Rabbani, took control of Kabul, leading to the collapse of the communist regime, the abandonment of the agreement and eventually the resignation of Benon Sevan as UN mediator.

6.3 Round 2: The Mestiri Mediation: March, 1994- May, 1996

Over the next eighteen months, the little state authority that existed was supposed to be exercised by a group of commanders through power sharing agreements brokered by Pakistan in April 1992 and again in March 1993. However, these arrangements quickly deteriorated. As the most powerful factions fought for control of Kabul, Mujahadeen commanders fought to consolidate and expand control of the local territories around their base areas. To fund the war in the absence of superpower assistance, the various rebel commanders now turned to Pakistan, Saudi Arabia, Uzbekistan, Iran and a lucrative narcotics trade. In early 1994, interim-President Rabbani confronted the allied forces of Dostum and Hekmatyar resulting in a sharp rise in civil violence. In response, on February 11, the UN Secretary General appointed former Tunisian Foreign Minister, Mehmoud Mestiri, to assess opportunities for UN-led negotiations. Mestiri would spend the next two years trying to mediate an end to the violence.

Mestiri's approach, in contrast to Sevan, stressed short-term violence reduction rather than pressing parties to agree to elections. From the outset, he recommended narrowing the scope of UN mediation efforts by emphasizing immediate imperatives that would, at best, create permissive conditions for democratization at some unspecified future date. Put another way, mediators might contribute to democratization in the long-run but it was inappropriate to expect an agreement on electoral provisions. In meetings with ordinary Afghans he emphasized that the UN would not commit to a formal peacemaking role because "the organization had its hands full elsewhere in the world and considered the Afghan conflict an internal matter."¹² Similarly, he emphasized that the "UN had no peace plan of its own" only that he wanted to hear from all segments of Afghan society.¹³ Though ordinary Afghans wanted elections and felt that the rebel commanders were ill-equipped to build a new government, the mission concluded that: "The problem with these peace ideas ... is most of them are short on practical proposals for carrying them out."¹⁴

Over the next two years, he proposed three peace formulas, all of which were variations on the same power-sharing arrangements. What made these proposals so strikingly different than previous ones was that all rebel commanders would play a central role in an interim government and in drafting a new constitution. The proposals were also essentially silent on both when the transitional government should turn over power and to whom. Indeed, the proposals simply left the form of a future government to the commander-controlled transitional governments. A November 5, 1994 proposal called

¹² John Ward Anderson, (1994) New Fighting Dashes Hopes of Peace in Afghanistan, Washington Post, August 30, 1994, A16.

¹³ Ibid.

¹⁴ Ibid.

for a 26-person commission composed of representatives of the factions in addition to eminent and neutral individuals. This commission would be responsible for convening a Loya Jirga – or traditional Afghan assembly – that would draft a new constitution. However, to accommodate the Mujahadeen commanders, this proposal was subsequently replaced with a proposed 24-person commission composed almost strictly of representatives of the armed factions.¹⁵ However, as the Taliban emerged as a dominant military force demanding that the Mujahadeen factions be excluded, the mediator on March 18 proposed two members be chosen from each of 30 provinces and the Mujahadeen commanders nominate an additional 15 to 20 members (Rubin, 1995).

Why did the UN peacemaking mission try to lower any expectation that Afghanistan would hold elections? Unlike Sevan, the Secretary General and his envoy saw the difficulty of the mission. As Rubin (1995) notes, the Secretariat was “apprehensive about staking their already shaky prestige on success there.” The conflict seemed far from ripe for peacemaking given the history of failed mediations and the conflict was still lucrative for many of the armed groups. More important, the members of the Security Council, especially the US and USSR who had largely disengaged from the country, seemed neither willing nor able to force them to negotiate seriously (Rubin, 1995). As one UN official on the mission conceded that: “I don't know that we have the permanent five on the Security Council interested in doing anything about Afghanistan.”¹⁶ In fact, the mission was initiated not by the Security Council but by the General Assembly.¹⁷

Given these low expectations, Mesitiri continued to shuttle between the parties hoping to get agreement on a power sharing formula. Not dependent on the Security Council for leverage and facing little scrutiny, he could change provisions to accommodate the rise of powerful groups like the Taliban. He also spent more time assessing the preferences of the parties rather than pressuring the parties. Unlike his predecessor, he did not exclude groups who refused to accept elections as the guiding principle for a future agreement. In fact, he even refused to privilege the interests of the recognized Rabbani government, treating it the same as other Mujahadeen factions (Maley, 1998). If anything, he reinforced the view that there was no legitimate government in Afghanistan, creating greater incentive for Mujahadeen commanders to militarily expand their local territory and, if possible, control Kabul (Maley, 1998). Not surprisingly, by late 1995, negotiations had stalled. The sudden rise of the Taliban and their demand that all Mujahadeen commanders be excluded from any government left little room for agreement. Ultimately, Mestiri resigned on May 24, 1996.

7. Case 2: Burundi: 1993-1995

“I believe that in many African countries the introduction of democracy should be allowed a ten to twenty year transitional period of constitutional power sharing.”

¹⁵ (1995) “U.N. extends peace plan for Afghanistan” *UPI*, Feb. 22, 1995.

¹⁶ John Ward Anderson, (1994) *New Fighting Dashes Hopes of Peace in Afghanistan*, *Washington Post*, August 30, 1994, A16.

¹⁷ UN General Assembly, A/R/48/208, December 23, 1993.

7.1 Background

Unlike Afghanistan, Burundi had already started to transition to democracy by 1993. Indeed, in the early 1990s, Burundi's pacted transition from authoritarianism to democracy had been hailed as a model for other transitioning states (Lemarchand, 1994). In 1992, the President introduced a democratic constitution. In June 1993, President Pierre Buyoya's predominantly Tutsi authoritarian regime organized elections that he and his UPRONA party wrongly expected to win by drawing support from moderate Hutus. Instead, FRODEBU, a party initially organized by Hutu students in exile in the 1970s, handily won control of both the Presidency and the National Assembly.¹⁸ However, the FRODEBU government, installed on July 10, 1993, lasted less than four months. In a military coup, the FRODEBU President Melchior Ndadaye was assassinated and members of his cabinet and FRODEBU legislators were forced to take refuge in the French Embassy. The coup was carried out by Tutsi officers in the military with the support of a more radical Tutsi student movement and some landowning Tutsis that feared losing their land to returning Hutu refugees. The scale of the violence that followed surprised the coup leaders, who assumed that a historical tradition of coups would moderate any desire for retaliation. Some peasant supporters of FRODEBU reacted by killing local Tutsis, in turn leading to violent repression by the coup leaders and their supporters. The humanitarian toll included 50,000 fatalities, 800,000 refugees and 400,000 internally displaced out of a population of six million. (Ould-Abdallah, 1999, 36-39)

The condemnation from the international community that followed was widespread. The surviving members of the FRODEBU government and the Organization for African Union demanded that the Secretary General send military support to reverse the coup. Though the Secretary General condemned the coup as "not in conformity with objectives and principles of the UN," he downplayed any expectation that the UN could be expected to commit significant resources.¹⁹ He agreed only to send Deputy Secretary General James Jonah on a fact-finding mission to "assist the parties in returning to constitutional legality."²⁰ The following day, the Security Council echoed the Secretary General's call for a return to constitutional rule but added that the coup leaders take immediate steps towards the "immediate reinstatement of democracy."²¹ Simultaneously, however, it also downplayed the possibility of a more forceful UN intervention. The UN already had troops located in nearby Rwanda, Mozambique and Angola and the Clinton Administration had recently demanded that the UN learn to say 'no' after the mission in Somalia (Ould-Abdallah, 40-41).

¹⁸ FRODEBU's candidate Ndadaye won 64% (to Buyoya's 36%) in the presidential vote and 65 to UPRONA's 16 seats of the 81 in the legislative.

¹⁹ (1993) "UN Chief Sending Aide to Burundi" *Agence France Presse*, October 25.

²⁰ *Ibid.*

²¹ (1993) "UN Calls for Immediate Restoration of Democracy in Burundi," *Agence France Presse*, October, 26.

As expected, Jonah reported that the coup leaders – shocked by the scope of condemnation - were willing to turn power over to the government in return for an agreement on amnesty, that the governing committee established by coup leaders had already dissolved and the military had returned to the barracks where they pledged to take orders from the government. As a result, the UN Security Council and the Secretary General grew increasingly confident that the government could be restored with just a small peacemaking mission “within existing resources” to monitor the transition and “provide advice” to help rebuild government confidence in the army.²² The overall impression was that a democratic post conflict state was realistic goal for even a modest UN mission (Maundi et al., 2006).

The task of getting the Tutsi and Hutu factions to agree to ‘rebuild’ democracy fell to a small peacemaking mission led by former Mauritian Foreign Minister Ahmedou Ould-Abdallah. Over the next three years, he would advance two major proposals: the first restored the Hutu-government while the second focused on strong power sharing arrangements. After the first coup in 1993, he successfully got the parties to restore the predominantly-Hutu FRODEBU government, including its control of the Presidency and the National Assembly. However, shortly thereafter, the newly reconstituted Hutu government was again toppled in a military coup. During the subsequent negotiations, the UN mediator pushed the parties to accept a radically different set of provisions. The proposed Convention of Government gave the Tutsi-led UPRONA party a far greater proportion of legislative seats and executive offices than they had won in the previous election. In addition, he ensured that the FRODEBU would not use its now-narrower legislative majority to remove the executive offices and seats allocated to UPRONA elites.

7.2 Mediator Attitude to Conflict and Solution

On November 18, 1993, Ahmedou Ould-Abdallah (1999, 36-39) was appointed as the Secretary General’s Special Representative for Burundi. In his mandate, the Security Council directed the mission “to restore democratic institutions overthrown by the abortive coup.” For members of the Security Council, especially the French and Rwanda, the mandate meant restoring the elected FRODEBU regime by getting the Tutsi elites to agree to the distribution of seats and offices consistent with the 1993 election results. By contrast, Ould-Abdallah argued that he could bring peace not by returning the elected government to power but only if he could “renew and amend” the constitution. (Maundi et al., 2006). Likewise, though he (pp. 3-4) was tasked “to help Burundi leaders rebuild the country’s nascent democratic system,” he argued that this masked a more pressing mission to “prevent a serious crisis from exploding into a genocidal war.”

In other words, the mediator did not assume that democracy and conflict prevention were synonymous. Ould-Abdallah (p. 4) stressed that mediation was about “political stability and power-sharing” rather than full-fledged democracy. Indeed, not only was democracy unlikely to materialize in the short to mid-term but would actually have destabilizing

²² (1993) “UN Considers Dispatching Troops to Burundi” *Xinhua General News Service*, November, 16.

effects. Moreover, he (p.60) was highly critical of the Western media and policymakers who had lumped Burundi into a growing class of 'ethnic conflicts' that occur between two historical, well-defined 'ethnic blocs.' The international community, in his view, had overstated the salience of the Hutu-Tutsi identity. To the extent these identities did become salient; it was a product of the violence, not its cause. Like many African countries suffering from ethnic violence, he blamed "Africa's educated urban elite for deliberately fomenting tribal hatred."²³ Burundi was a conflict among greedy political elites seeking access to political patronage in highly decentralized states where tribe and clan loyalties were often stronger than 'ethnic ones.' Stability depended on provisions that reduced elite insecurities. And this view extended beyond the case of civil war in Burundi. For example, he noted that: "You help democracy [in Africa] if you make it acceptable for presidents to step down, and give them assurance through an amnesty at home, an honorable pension and a role for themselves after they leave office."²⁴

By contrast, the Security Council, led by France and Rwanda, had argued that the UN should forcefully restore the elected Hutu government. In fact, as late as November 1994, the Security Council continued to call on the parties to reinstall democracy.²⁵ However, though biased members like France were positioned to help persuade the FRODEBU factions to support a proposal, no Security Council members were positioned to convince the Tutsi military officers, particularly the more radical ones, that democratic reforms were necessary. In addition, the balance of the Security Council, led by the US, had ruled out sending in the peacekeeping force advocated by France and Rwanda. This position remained stable throughout the conflict and as late as January 1995, Security Council President, Emilio Cardenas stated: "I don't think we should be doing more than we're already doing."²⁶ The absence of strategic dependency allowed Ould-Abdallah to push away from the mandate, especially as the Security Council's reluctance became increasingly entrenched and the violence escalated in neighboring Rwanda.

Initially, however, the UN peacemaking mission dutifully pressured the Tutsi military to subordinate themselves to predominantly-Hutu FRODEBU government. The appointment of a new FRODEBU president and a large FRODEBU majority in the National Assembly was made a "non-negotiable commitment." Like Sevan in Afghanistan, as he shuttled between the parties, he pressed and cajoled resistant parties, especially UPRONA and the military. He argued that the Security Council mandate effectively 'tied his hands' in hopes of reinforcing to the coup supporters that there were no viable alternatives. He targeted especially moderate UPRONA elements while the

²³ Sam Kiley, (1993) "Tribalism sidetracks Africa's hopeful march to democracy" *The Times* December 11.

²⁴ Reed Kramer (2002) "West Africa: 'Here to Listen, to See and to Learn': Ahmedou Ould-Abdallah Takes Up New Post" *allAfrica.com*, October, 30, [<http://allafrica.com/stories/200211010674.html>].

²⁵ (1994) "UN Calls on International Community to help Burundi," *Xinhua News Agency* October 21.

²⁶ (1995) "Burundi Crisis Sharpens But Draws only Mild UN Response" *Inter Press Service*, January 25.

more extremist elements were largely sidelined from the negotiations. In the end, Ould-Abdallah (1999, 45-60) did get a signed agreement that, at least on paper, had restored the pre-coup government. As he stated: “all the democratic institutions toppled in October 1993 were now restored.”

However, the new government was short lived. On April 6, 1994, the Rwandan and Burundi presidents were killed when their plane was shot down over Rwanda. In the subsequent days, civil war and genocide had started in Rwanda and there were growing concerns that major violence would follow shortly in Burundi. As violence escalated in Rwanda, Ould-Abdallah in Burundi tried to focus attention on short-term imperatives and away from democratization. On April 22, he told the international media that failure to end the violence risked escalating into the tragedy of neighboring Rwanda.²⁷ The crisis atmosphere, and preoccupation of the Security Council with Rwanda and Bosnia allowed the mediator greater autonomy in his dealings with factional leaders. He (1999, 61) noted that “priorities had shifted: maintaining stability overshadowed everything, including the election of a new president.” He argued at the Security Council that democratization would only serve to further radicalize Hutus and Tutsi whereas bringing powerful elites into a power sharing government would at least give them reason to restrain their followers.

The subsequent negotiations were tougher and longer than the previous ones. The eventual agreement, the Convention of Government, was signed on September 10, more than five months after the death of the president. With no ‘non-negotiable’ principles, each party offered its own formula for allocating state power and tended to posture in hopes of extracting a few more assembly seats or executive offices. Ould-Abdallah (p.70) observed that the negotiations confirmed his previous beliefs about the self-interests of elites: “I found the then politicians greed in fighting for these lucrative positions objectionable.”

The provisions of the final agreement essentially nullified the 1993 elections. There would be a UPRONA prime minister in return for agreeing to the moderate FRODEBU candidate, Ntibantunganya as president. UPRONA also received more ministerial posts and were now given 45% of the seats in the National Assembly. In addition, the Convention of Government insulated the new power sharing arrangements. First, it included a provision that the National Assembly would agree not to dissolve the government until the next scheduled election, despite their constitutional right to do so. To this end, the agreement eliminated the existing constitutional provisions ensuring executive accountability as all members of this ‘crisis’ government were guaranteed their positions for approximately three to four years.²⁸ Second, all decisions and policies in the executive would be based on consensus, essentially giving a mutual veto over potential changes (Ould-Abdallah, 1999, 67-73).

²⁷ (1994) “UN Representative Warns Burundi Factions.” *United Press International*, April 22.

²⁸ Ould-Abdallah himself notes that he would have preferred that these power-sharing arrangements be guaranteed for 10 or more years.

The agreement that Ould-Abdallah negotiated came under serious criticism both inside and outside Burundi for having largely negated the 1993 elections. Nonetheless, even after his resignation and the subsequent renewal of fighting, he continued to question whether democracy was a viable solution in the short to mid-term:

I felt that in light of Burundi's recent unhappy history and the genocide in Rwanda, Burundi was unprepared for majoritarian democracy; majority rule simply could not be sustained given the realities of Burundi's political and security situation. Indeed, *I believe that in many African countries the introduction of democracy should be allowed with a ten to twenty year transitional period of constitutional power sharing.* Democratic habits are not formed overnight. Many African elections are rigged, and many more contested by leaders who are barely on speaking terms. Furthermore, as the twentieth century gives way to the twenty first, coups d'etat seem to be on the rise...I am convinced that in divided societies long accustomed to authoritarian government, there can be no democracy without a minimum level of institutional stability and of *tolerance between political leaders* [emphasis added]. Those observers calling for the political scene to be reconfigured to perfectly reflect the results of the 1993 election were living in a far away from the country, and offered no practicable suggestions for actually implementing their proposals.

-Ould-Abdallah, 1999, 74

In the end, however, these power-sharing arrangements were ultimately abandoned under pressure especially from the well-armed extremist factions. Consequently, Pierre Buyoya was reinstalled by the Tutsi military as President and Ould-Abdallah resigned in September 1995.

Conclusion

In conclusion, UN mediators often reluctantly enforce the norm that post conflict states should hold elections. Indeed, in the short to mid-term, these mediators often prefer long-term elite power sharing pacts at the cost of strong electoral provisions. However, their ability to push for their preferred provisions is itself a function of the mediator's autonomy from the Security Council. To the extent they are strategically dependent on the Security Council for leverage over the disputants; they often have little choice but to push for an agreement on elections. Yet, where this strategic dependency weakens or never existed, mediators can and will pursue an alternative set of provisions. Overall, these preliminary findings suggest there may be limits to the extent the peace operations of the Secretariat will diffuse and legitimate a new normative order based on an expanding zone of democratic states. In addition, it suggests new scope conditions for both when international organizations have agency and the purposes to which that agency is directed.

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