

# UN SANCTIONS AND MEDIATION

Establishing Evidence to Inform Practice



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# EXECUTIVE SUMMARY

Mediation and UN sanctions are two essential policy instruments used by the United Nations in its efforts to prevent and resolve conflict. These two tools are frequently deployed in conjunction, although the degree of their overlap in time and the sequencing of their application vary. Bodies of research exist on how best to use sanctions and on how best to mediate conflicts. Yet, relatively little is known about when and whether these tools work well or work poorly together.

This report constitutes a first step in a long overdue effort to establish evidence that can be used to inform practice in the joint application of UN sanctions and mediation. It is based on an 18-month policy research project conducted by the United Nations University Centre for Policy Research, the Graduate Institute, Geneva, and swisspeace. The report is composed of four sections. The first section introduces the rationale and objectives of the research undertaking. The second section reviews the research questions posed, discusses the methodological approach taken, and offers a brief summary of the eleven case episodes. The third section presents the empirical and analytical findings of the project. The final section proposes a series of recommendations for member states, senior UN officials and scholars.

The findings are derived from eleven cases exploring “distinguishable episodes of conflict situations” (or “DECS”) in Afghanistan, Libya, Sierra Leone, Somalia, South Sudan, and Yemen. These cases were researched by teams of sanctions and mediation experts working together to identify when and how UN sanctions and mediation efforts interact. The principal investigators then synthesized the findings from the cases into the following report.

## Findings

UN sanctions can complement mediation efforts in a number of ways. For example, a threat of UN sanctions can help bring parties to the table, just as the prospect of de-listing can entice a sanctioned actor to participate in peace talks. Similarly, a threat or enhanced enforcement of UN sanctions can make the status quo of unsettled conflict less attractive and can help encourage an individual or group to sign an agreement. Once an agreement is signed, sectoral and individual targeted sanctions can help deter actions aimed at undermining the agreement. Additionally, the creation of a new, or the adaptation of an existing, UN sanctions

regime can promote compliance with a peace agreement. Conversely, the promise of UN sanctions suspension or lifting can help make settlements more attractive.

At the same time, UN sanctions can also complicate mediation efforts in a number of ways. For example, the stigmatizing effect of sanctions can, in some instances, lead to the exclusion of a targeted party from a peace process. In parallel, placing some parties under sanctions and not others, can embolden non-sanctioned actors who may then be more likely to pursue a military rather than negotiated settlement of the conflict. Moreover, decisions to sanction one party, or all but one party, can affect the perception of the UN's impartiality and can jeopardize the mediator's relationship with the conflict parties and their continued acceptance of mediation. Threats of UN sanctions have been used to force premature agreements, which can backfire, as agreements reached without the genuine consent and ownership of the parties are unlikely to last. Using sanctions without leaving room for their removal can prematurely close the space for mediation. When sanctions are applied out of sync with mediation's processes and goals, the measures can create conflicting signals for sanctions targets and can put the mediation process at risk.

Mediation needs sometimes influence the design or redesign of UN sanctions regimes. For example, blockages in a mediation process can

lead to threats of sanctions being issued or to the creation of a new sanctions regime. The need to advance a process can lead to both listings and de-listings. In addition, the need to ensure the participation of key actors in peace talks often leads to requests for travel ban exemptions or to the toleration of travel ban violations. Lastly, in the interest of furthering mediation efforts, entire new sanctions regimes have been created and existing regimes have been split, reduced, or expanded.

## Recommendations

The report concludes with twenty policy recommendations intended for the UN Security Council, UN sanctions committees, UN Secretariat, and senior UN mediators. The recommendations are focused on promoting complementarity and avoiding complication between UN sanctions and mediation. It also proffers five areas for further research.

These recommendations are derived both from the research conducted in the framework of the Sanctions and Mediation Project (SMP) and from a high-level retreat held at Greentree in New York, with representatives of selected member states, senior UN Secretariat officials, envoys and senior mediators, as well as prominent academics specializing on UN affairs.

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# SECTION 1:

## INTRODUCTION, RATIONALE AND OBJECTIVES

The Sanctions and Mediation Project constitutes an initial step in a long overdue effort to establish evidence to inform practice in the joint application of UN sanctions and mediation. Mediation and UN sanctions are two essential policy instruments used by the UN in its efforts to prevent and resolve conflicts. These two tools are frequently deployed in conjunction, although the degree of their overlap in time and the sequencing of their application vary. Bodies of research exist on how best to use sanctions or how best to mediate conflicts. Yet relatively little is known about when and whether these tools work well together or work poorly.<sup>1</sup> Preliminary evidence suggests that in some recent cases their dual application improved and in others it diminished the peace and security environment.

Within the UN system, guidance for mediation exists as well as recommendations regarding the application of UN sanctions. Yet there is no internal guidance on the integrated application of both tools. In the context of the 2014 High Level Review of UN Sanctions, the 25-member Inter-Agency Working Group on UN Sanctions (IAWG) identified this gap. The Working Group's inputs to the High Level Review called for more knowledge on the effects of sanctions on other peace and security tools, as well as for guidance on how specific tools, such as mediation and sanctions, can be used in complementary rather than conflicting ways.

The Compendium of the High Level Review noted the need for better coordination in the deployment of UN sanctions and UN-supported mediation processes. It called on the UN Secretariat to "improve coordination and information-sharing within the UN system, including among [Special Representatives of the Secretary-General] (SRSGs) and mediators on the role and multiple goals of sanctions, including the benefits of sanctions used as an incentive or disincentive in negotiations."<sup>2</sup>

In tandem, the IAWG suggested areas for further cooperation and coherence within the UN system noting that "the rapid expansion of UN sanctions over the last decade is taking place at a time of expansion on many other peace and security fronts."<sup>3</sup> As a result, it observed that the "demand for UN prevention efforts and mediation support is higher than ever as the Council increases its use of special political missions." In this context, the report observed that "UN sanctions must also work coherently with other peace and security instruments of the Charter."

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<sup>1</sup> For a few exceptions, see: Aaron Griffiths and Catherine Barnes, *Powers of Persuasion: Incentives, Sanctions and Conditionality in Peacemaking*, Conciliation Resources, Accord No. 19, 2008; Thomas Biersteker & Zuzana Hudáková, *UN Sanctions and Peace Negotiations: Possibilities for Complementarity*, Oslo Forum Papers, 2015; Jennifer M. Welsh, 'Mediation and sanctions: applying conflict prevention tools in atrocity prevention,' in *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, ed. by Jennifer Welsh & Serena Sharma, Oxford University Press, 2015; and Rebecca Brubaker & Thomas Dörfler, *UN Sanctions and the Prevention of Conflict*, United Nations University Centre for Policy Research, Conflict Prevention Series No. 4, 2017.

<sup>2</sup> S/2015/432, Recommendation 58: Available: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/432&referer=/english/&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/432&referer=/english/&Lang=E).

<sup>3</sup> Inter-Agency Working Group on UN Sanctions (IAWG) Inputs to the 2014 High Level Review (HLR), p. 11: Available: [http://comcapint.com/pdfs/UN\\_IAWG\\_inputs\\_on\\_HLR\\_Sanctions\\_FINAL\(20Oct14\).pdf](http://comcapint.com/pdfs/UN_IAWG_inputs_on_HLR_Sanctions_FINAL(20Oct14).pdf)

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The call for more coherence is also heeded in mediation policy and research. The 2012 UN Guidance for Effective Mediation highlights coherence, coordination and complementarity as a “fundamental” of mediation and calls for “consistent messaging to the conflict parties.”<sup>4</sup> Mediation research acknowledges that sanctions, along with other incentives, “have the potential to induce parties to participate in negotiations and encourage them to reach and implement peace agreements.” Yet, in a number of cases, “they have been ineffective or even ‘done harm’ in exacerbating tensions and fuelling conflict dynamics.”<sup>5</sup>

Despite incipient research on the topic, and increasing calls for more coherence, insufficient evidence exists on how sanctions and mediation processes interact. The gap in evidence is further exacerbated by the fact that the two expert communities concerned – mediation and sanctions experts – generally operate independently of one another. Although both fields seek to reduce violence and address threats to peace and security, they are driven by different logics, different time horizons, and sometimes by different mandates. The UN Guidance for Effective Mediation encourages mediators to “ensure and seek to demonstrate that the process and the treatment of the parties is fair and balanced,” and, to maintain their impartiality, cautions against “association with punitive measures against conflict parties by other actors.” By contrast, when imposing targeted sanctions measures, the Security Council may decide to take measures against anyone who threatens the peace, stability and security of a given context, even if all targeted individuals and entities are on one side of a conflict. Consider, as another difference, that only the Security Council can impose UN sanctions, whereas mediation efforts can be mandated by the Security Council, the General Assembly, or carried out under the authority of the Secretary-General as part of the good offices mandate in the UN Charter.

Given these distinct logics, institutional differences and discrete mandates as well as the absence of much-needed evidence to inform best practice, joint application of these tools can lead to unintended and undesired effects. However, given the inter-linkages between mediation and sanctions in practice, and particularly in contexts where the Security Council is the common mandating authority, it is imperative that these two communities have a forum in which they can explore when and how these tools work best together in order to accomplish larger peace and security goals.

## Objectives

Against this background, the UN Sanctions and Mediation Project (SMP), conducted by the United Nations University Centre for Policy Research, the Graduate Institute, Geneva, and swisspeace, pursued two main objectives:

- **First**, it aimed to create a better understanding of the inter-linkages between sanctions and mediation and, in particular, of the conditions under which sanctions and mediation complement or complicate the achievement of a common goal;
- **Second**, this project strove to bring the two expert communities together to generate mutual understanding and jointly interrogate when and how these tools should be deployed and how complementarity can be achieved.

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<sup>4</sup> *UN Guidance for Effective Mediation*, in “Secretary-General on Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution,” A/66/811, June 2012 (Annex): <https://peacemaker.un.org/resources/mediation-guidance>

<sup>5</sup> Griffiths and Barnes, *Powers of Persuasion*, p. 4.

## Phases of the Project

This project was conducted in three phases. The first phase, from June to August 2017, included the establishment of an Advisory Board, an Inception Workshop at the Graduate Institute, Geneva, the selection of cases, the identification and preparation of research teams, and a briefing for representatives of Permanent Missions and senior UN officials in New York.

The second phase, spanning September 2017 to May 2018, included the drafting and analysis of eleven research cases across six country contexts and their submission for both UN and external expert review.

During the third and final phase, from June to January 2019, the three SMP principal investigators synthesized the research findings and conducted consultations with Permanent Missions and senior UN officials in New York, with the ultimate goal of preparing this report for a high-level retreat at Greentree held on 14-15 November 2018. Over the course of the retreat, senior policymakers, practitioners, and experts suggested recommendations flowing from the evidence presented and from their experiences working in both the mediation and sanctions fields. Following the retreat, the co-authors updated the report and drafted policy recommendations based on the research and the Greentree discussions.

## Report Overview

This report is split into four sections. The following section, Section 2, reviews the research questions posed, clarifies key definitions, discusses the methodological approach taken, and lists the eleven cases selected for this study. Section 3 presents the empirical and analytical findings of the project, including illustrations of when UN sanctions have complemented mediation, complicated mediation, and examples of how mediation needs can influence UN sanctions. The final section, Section 4, includes recommendations generated from the research findings and from discussions held during the November 2018 Greentree workshop. The annex includes summaries of all cases.



# SECTION 2:

## RESEARCH QUESTIONS, APPROACH AND METHODOLOGY

The research project on which this report is based began with an exploratory workshop convened at the Graduate Institute, Geneva, in June 2017. The workshop explored recent research on both sanctions and mediation (based on two specially commissioned papers), an open discussion on their general interrelationships, a proposal for the general design of the research, criteria for potential case selection, and the feasibility and resources necessary for case research. The workshop concluded that the research should address the following questions:

- In what ways are UN sanctions and mediation efforts interrelated?
- How do UN sanctions regimes affect international mediation processes?
  - Under what conditions do UN sanctions regimes complement international mediation efforts?
  - Under what conditions do UN sanctions regimes complicate international mediation efforts?
- How do international mediation processes affect UN sanctions regimes?

While existing sanctions and mediation literature provides a number of elements that help address the research questions, there is no overarching theoretical framework that explains the interactions between sanctions and mediation that the project could test. Therefore, the project was primarily a theory-building endeavor, and its main approach was inductive, rather than deductive. This implied a focus on new empirical research and an openness on the part of the researchers to new theoretical findings and unexpected relationships.

In light of the exploratory nature of the research, the limited availability of quantifiable data, and the complexity of the subject of inquiry, the principal investigators opted for a qualitative methodology based on a comparative analysis of detailed case studies. This choice was corroborated by the need for analytical depth in order to explore the complexity of the relationships between UN sanctions and mediation. This approach also required a small number of cases, which allowed for a detailed examination of each context, in order to observe patterns, generate hypotheses and develop general explanations regarding a larger set of cases.

### Unit of analysis, scope conditions and case selection

Given the main research question, the unit of analysis is a “distinguishable episode within a conflict situation” (DECS), operationally defined by significant changes in conflict dynamics, such as changes in the main conflict parties or different articulations of threats to international peace and security by the Security Council. DECS may consist of multiple rounds of negotiations, different agreements, and successive sanctions episodes. Accordingly, within one country context, there often are multiple DECS.

In Libya, for example, the events occurring between the Benghazi uprising and the overthrow of the Qadhafi regime in 2011 constitute a separate DECS from events following the June 2012 elections. Different DECS can also take place simultaneously in a given country if there are different conflict

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theatres. In Sudan, for example, the North-South conflict axis that produced the Comprehensive Peace Agreement in 2005 is separate from the Darfur conflict which had its own peace talks and was subject to a separate UN sanctions regime.

The universe of potential cases for detailed analysis consists of all DECS dealt with by the Security Council. However, in order to narrow the scope and increase the potential of the selected cases to generate relevant insights, the following scope conditions were applied:

- **Temporal:** The SMP only considered cases of conflict situations after 1990. This is because the practice of both UN sanctions and international mediation changed significantly after the end of the Cold War. To understand how the two policy tools interact today, cases from the Cold War period would not yield relevant insights (and there are only two to choose from, Rhodesia and apartheid South Africa). Due to the sensitivity of research on on-going cases, the SMP also only examined conflict situations that had some identifiable point of conclusion.
- **Sanctions substance:** The SMP considered only cases where UN sanctions were applied. However, researchers were asked to look at bilateral and regional sanctions regimes that co-exist with UN sanctions due to the interactive effects of different sanctions regimes (and because there are currently no cases where UN sanctions are uniquely applied).
- **Mediation substance:** The SMP considered DECS that featured processes of international mediation. Since one of the objectives of the SMP was to generate insights about UN mediation practice, the SMP primarily considered mediation processes in which the UN was in the lead or had a significant role supporting regional organizations or states in their mediation efforts.

Four selection criteria were applied in the process of identifying eleven cases for detailed research:

- **First**, based on anecdotal evidence, a number of early studies, and the discussion at the June 2017 Geneva workshop, there were cases that were generally deemed 'successes' insofar as UN sanctions and mediation reinforced each other. Other cases appear to have been 'failures,' as sanctions and mediation complicated or contradicted each other. There are also cases where the outcomes of this interaction were unknown. Therefore, it was important that case selection reflected such outcome diversity, implying a balance between a *priori* positive and negative cases. Only subsequent research could determine whether this outcome was achieved.
- **Second**, there was an attempt to achieve geographic balance in case selection, ensuring cases were drawn from different continents and regional contexts.
- **Third**, there was an effort to cover a variety of conflict situations, where international intervention aimed to prevent crisis escalation, manage or resolve armed conflicts, respond to non-constitutional changes of government, or protect civilians.
- **Fourth and finally**, there was an effort to ensure temporal diversity, by selecting cases from the 1990s, 2000s, and 2010s. The case selection therefore included different conflict situations and intervention rationales.

Given the selection criteria and the empirically ambitious nature of the different case studies, the SMP researchers could only examine a limited number of cases in detail. The principal investigators identified six country contexts: Afghanistan, Libya, Sierra Leone, Somalia, South Sudan and Yemen, each of which met the criteria specified above. In some of these country contexts, the SMP focused on only one DECS, whereas in other contexts, two or more DECS were identified. Overall, the project team examined eleven DECS across the six country contexts. The table below provides details on the cases selected across and within different country contexts.

COUNTRY	DECS / CASES
<b>Afghanistan</b>	<p>DECS 1: UN engagement with the Taliban and mediation between the Taliban and the <i>de jure</i> government of Afghanistan before and after the overthrow of the Taliban regime (October 1999 – December 2001)</p> <p>DECS 2: Mediation to encourage Taliban members to reconcile with the Afghan government and dissociate themselves from al-Qaida (March 2009 – July 2015)</p> <p>DECS 3: Negotiations between Gulbuddin Hekmatyar (a rebel commander) and the Afghan government, with third-party mediation at different moments (July 2014 – May 2017)</p>
<b>Libya</b>	<p>DECS 1: UN sanctions and authorization of force against the Muammar al-Qadhafi government to protect civilians, alongside several unsuccessful UN and African Union mediation attempts (February 2011 – October 2011)</p> <p>DECS 2: UN mediation to negotiate and implement a settlement to the civil war in Libya (June 2014 – August 2016)</p>
<b>Sierra Leone</b>	<p>DECS 1: UN mediation and sanctions to support the restored government against the Armed Forces Reserve Command and Revolutionary United Front forces (November 1996 – July 1999)</p> <p>DECS 2: UN mediation and sanctions to bring about a ceasefire agreement and hold elections (July 1999 – May 2002)</p>
<b>Somalia</b>	<p>DECS 1: UN efforts to establish and support a transitional government arrangement and counter al-Shabaab (September 2007 – August 2012)</p>
<b>South Sudan</b>	<p>DECS 1: UN-supported efforts by the Intergovernmental Authority on Development (IGAD) to mediate a settlement to the civil war in South Sudan (December 2013 – July 2016)</p>
<b>Yemen</b>	<p>DECS 1: UN mediation leading former President Ali Abdullah Saleh to step down from power and to not interfere in the political transition in Yemen (January 2011 – February 2012)</p> <p>DECS 2: UN mediation to support the implementation of the outcomes of the National Dialogue Conference (March 2013 – March 2015)</p>

*Annex I contains detailed summaries of the eleven DECS included in the research.*

## General Research Approach

To conduct the research on individual cases, two researchers were recruited for each country case, one drawn from the field of mediation and one from the field of sanctions. The teams and their institutional affiliations are listed in Annex II.

Given the small number of cases, the focus of the SMP research was primarily on dynamics within, rather than across cases. To understand how UN sanctions influence mediation, in particular, one needs to reconstruct the different sequences of events. This entails detailed understanding of how UN sanctions were designed, applied, and communicated to the parties; how this influenced the parties' assessment of costs and benefits of options available to them; how this assessment was translated into a change of behaviour at the peace negotiations; and whether this change of behaviour made a successful outcome of mediation more or less likely.

Similarly, exploring how mediation needs influence UN sanctions necessitates an understanding of different phases of mediation processes and a parallel analysis of decision-making processes within UN bodies. This meant that research teams had to reconstruct detailed chronologies of two parallel sequences of events at different levels of analysis and make plausible inferences about potential linkages between them, employing the method of general process-tracing.

Process-tracing relies on a range of data sources. Primary sources in the form of written documents are particularly useful. These can be official documents related to sanctions regimes and mediation processes, such as United Nations Security Council Resolutions, internal documents, or the personal notes of decision-makers. Secondary sources, such as news agency reports or newspaper articles, may also be valuable to reconstruct a sequence of events. To gain insights into decision-making processes in UN bodies, expert interviews were an indispensable data source for the SMP case researchers. Many of their interviews were facilitated by UN personnel involved in the project, in particular UNU and UN representatives on the SMP Advisory Board. Having said this, it was not always possible to speak to all stakeholders, which means the analysis focuses on the information that was available. The depth of accessible information varied across cases due to the passage of time since a DECS occurred and political sensitivities touching on more recent cases.

## Elements to be included in each case

For comparative purposes, each team of researchers was asked to answer specific questions, divided into four broad categories.

- **The first** category applied to the country study in general. It asked researchers to describe the conflict and its causes as well as to identify the main actors involved, including international parties.
- **The second** category of questions prompted researchers to reconstruct timelines of both the UN sanctions and developments in mediation over the course of the conflict situation (or "DECS"). Following the construction of these timelines, authors were asked to identify points of convergence and divergence between the two tools.
- **The third** category of questions covered the specifics of the policy intervention, including objectives, types, and phases of particular sanctions regimes and mediation processes as well as the presence of co-existing measures.
- **Fourth**, researchers were asked to describe the outcomes of each separate process as well as the effects of each process on the other and the degree to which these interactive effects influenced the final policy outcome. More specifically, researchers were asked to identify when UN sanctions had complemented, complicated or had no effect on mediation processes and whether the UN had attempted to coordinate their application.

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A detailed description of the questions posed to the research teams can be found in Annex IV.

The case research teams were reminded that every case was unique and, as a result, were encouraged to offer general reflections on distinctive aspects of their cases. At the same time, it was imperative that research teams addressed all elements of the terms of reference, as this would be necessary for the subsequent comparative analysis.

Each of the principal investigators, who are also the authors of this report, was assigned two country research teams to supervise. They met periodically with the teams throughout the nine months of their research. In addition to the detailed comments provided by the principal investigators on initial drafts, each draft was also circulated among relevant UN Secretariat officials in the Sanctions Branch and Mediation Support Units for further commentary and critique. In addition, the eleven cases were submitted for external expert review. The names of the external reviewers are included in Annex III. Both the interaction with the policy community and the external review ensured cases met a high standard of policy relevance and research quality.

# SECTION 3:

## FINDINGS

### UN sanctions can complement mediation efforts

The research shows that UN sanctions have complemented mediation efforts at different levels and different points in time. The complementarity stems from UN sanctions' ability to influence the interests of the parties in favour of peacemaking. In addition, they can serve as instruments for mediators to conduct peace negotiations with all relevant stakeholders. Overall, the research identified a number of ways in which UN sanctions can have a positive impact on peace mediation.

#### **FINDING #1:**

##### **A threat of UN sanctions can help bring parties to the table.**

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When the political will of parties to participate in a structured negotiation process is lacking, UN sanctions can be helpful to get parties to come to the table. A credible threat that non-participation in peace talks will lead to the imposition of UN sanctions raises the costs of staying away from them and, conversely, increases the likelihood that a group will agree to negotiate or at least refrain from actively undermining talks.

Evidence from several DECS corroborates this finding. The talks in Libya led by SRSG Bernardino León in 2014 and 2015 show how a threat of UN sanctions can entice parties to come to the table. In June 2015, a prominent politician from Misrata, Abdulrahman Swehli, vocally opposed UN-brokered talks and obstructed the participation of other politicians in the talks. As a consequence, the US, UK, France and Spain publicly threatened to impose a travel ban and asset freeze against Swehli. Fearing that sanctions against Swehli would affect their reputation, people of Misrata reached out to Swehli's family. Coupled with diplomatic efforts to engage him, Swehli changed his behaviour and continued to participate in UN talks. As a result, western countries did not follow through with the application of UN sanctions.

In Somalia, negotiations were held in 2009 and 2010 aimed at consolidating the central government and shoring up the political process. To help support the talks, SRSG Ahmedou Ould-Abdallah warned certain individuals that UN sanctions would be imposed if they did not stop undermining the peace process and start engaging in it. This was successful in some cases, even though the strategy was not coordinated with the Security Council and no listings were made against individuals who continued to sabotage the peace process.

Threats of UN sanctions to bring parties to the table only work under certain conditions. One condition pertains to the credibility of the threat, without which behavioural changes are unlikely. In Libya, despite the above-mentioned positive example, owing to disagreements in the Security Council, no designations were applied over non-cooperation in the peace process, not even when SRSG León explicitly recommended them. As a result, the credibility of the UN sanctions threat waned over time. Consequently, after the Libya Peace Agreement was signed in December 2015, UN sanctions failed to play a role in promoting compliance with the agreement.

**FINDING #2:**

**The prospect of de-listing can entice parties to participate in peace negotiations.**

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Where individuals are sanctioned, the prospect of de-listing can make peacemaking more attractive and entice parties to come to the table. In 2010, the US government changed its strategy for addressing the conflict in Afghanistan. One element of the new strategy, spearheaded by Special Adviser Richard Holbrooke, and in line with the Afghan government's own policy, was to reach out to the Taliban and attempt to involve the group in political negotiations aimed at reconciliation with the Afghan government. To entice the Taliban's participation in talks, in June 2011 the Security Council split the 1267 sanctions regime, creating a new regime specifically for Afghanistan and transferring listed Taliban representatives into this new regime. At the same time, the Security Council, at the initiative of the US and with the support of all its permanent members, began de-listing certain Taliban representatives based on specific criteria, including participation in reconciliation talks. As a result, between 2010 and 2014, 36 de-listings were made. The de-listings gave momentum to the talks, although they could not prevent their eventual collapse in 2014.

Actual follow-through is an important condition for de-listings to be effective as an incentive for parties to come to the table. This was the case in Afghanistan, where the US successfully rallied Security Council members and achieved a number of de-listings. In Somalia, SRSG Ould-Abdullah similarly tried to use de-listings to entice participation in the political process. However, he failed to convince the five permanent members of the Security Council and, as a result, de-listings remained an empty promise.

This points to a broader finding in this research: the complementary use of UN sanctions to help bring parties to the table requires a certain unity of purpose among Security Council members. They must agree that peace negotiations are the preferred way to deal with a conflict and put UN sanctions at the service of this objective. This was the case in Afghanistan in 2011 but absent in Somalia in 2009 and 2010.

**FINDING #3:**

**Specific elements of UN sanctions regimes can help ensure all relevant stakeholders are able to participate in peace talks.**

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The most common mechanism to ensure mediators can talk to all actors, including sanctioned individuals, are travel ban exemptions, which are included in many UN sanctions regimes. These exemptions allow sanctioned individuals to attend peace negotiations held abroad with approval from the relevant sanctions committee.

This research shows that applying such exemptions enables mediators to conduct negotiations with all relevant stakeholders, and it even helps to build confidence between the parties. In Sierra Leone, the government of Tejan Kabbah requested that the Security Council grant travel ban exemptions allowing cadres of the Revolutionary United Front (RUF), including its leader Foday Sankoh, to participate in the peace negotiations held in Lomé from May to July 1999. Likewise, the Afghan government from 2011 requested, in specific cases, that travel ban exemptions be granted to allow Taliban representatives to travel abroad to attend reconciliation talks. To be an effective tool in peacemaking, travel ban exemptions have to be applied in an efficient and timely manner, in order to avoid delays in holding peace negotiations.

The re-design of UN sanctions can also be used to enable peace talks with all relevant stakeholders by de-stigmatizing groups and creating acceptance for involving them in internationally supported peace negotiations. The sanctions regime concerning ISIL (Da'esh) and al-Qaida and associates (known as the "IDAQ" regime) constitutes a central part of the UN counter-terrorism architecture. Engaging with groups and entities sanctioned pursuant to this regime is therefore challenging for mediators. The IDAQ regime carries particular stigma, but where there is sufficient reason to believe that groups and entities can be encouraged to abandon activity that threatens international peace and security through

a differentiated and targeted approach, and through political engagement, removing groups from the IDAQ list can be useful. As mentioned above, the Security Council adopted this strategy in Afghanistan, creating a new sanctions regime for the Taliban, including specific criteria for de-listing sanctioned Taliban members. The research indicates that these measures helped build confidence between the parties and international actors. They also helped foster acceptance among international actors for negotiations with the Taliban, which had previously been excluded from peace efforts and signalled that its members were no longer irreconcilable enemies.

### **FINDING #4:**

**The application and adaptation of UN sanctions can reinforce the mediation strategy and create momentum for peace talks.**

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The Security Council created a sanctions regime relating to South Sudan in early March 2015 at a time when the peace talks mediated by IGAD were at a critical juncture. IGAD mediators had set a deadline for the parties to conclude the talks and teamed up with China to organize a meeting in January 2014 for the final push. However, the parties failed to reach an agreement and the war in South Sudan continued. IGAD thereafter changed its strategy, enlarging the circle of supporters of the talks by creating the IGAD-Plus configuration, while increasing the pressure on the parties. The creation of a UN sanctions regime was in line with this strategy and increased the leverage of the mediators in the following months.

In Libya, SRSG León's mediation initiative, launched in September 2014, is another example of synergies between UN sanctions and the mediation strategy. UN sanctions were adapted in August 2014, tightening the arms embargo in place in Libya and including non-cooperation in peace talks as a listing criterion. This created momentum for León's efforts and helped him to launch talks.

Complementarity with the mediation strategy requires that UN sanctions are applied and adapted in a flexible manner. When the Security Council is able to respond to developments and needs on the ground during a mediation process, UN sanctions reinforce peacemaking. When the Security Council is divided, or when promoting peace efforts is superseded by other sanctions objectives, synchronization is difficult to achieve.

### **FINDING #5:**

**UN panels of sanctions experts and monitoring teams can provide technical advice when UN sanctions are the subject of peace negotiations.**

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Panels of sanctions experts and monitoring teams can play a useful role in peace negotiations when UN sanctions are the subject of negotiations. They can advise the parties and international supporters of talks about the procedures and timelines of UN sanctions adaptation, and, in particular, de-listings.

In the negotiations between Gulbuddin Hekmatyar and the Afghan government in 2014 and 2015, where sanctions lifting was one of the main issues, the parties solicited the al-Qaida and Taliban Monitoring Team (AQTMT) for technical advice. This helped to ensure the parties had realistic expectations and that the agreement they concluded was implementable, taking into account Security Council procedures to process de-listings. This underscores the importance of seeking technical advice and the need for early engagement with Council members. The de-listing of Hekmatyar also contributed to the creation of a conducive environment for the Taliban in their own process, by seeing that the Afghan government and the Security Council were able to follow through on a de-listing promise.



**FINDING #6:**

**A threat or enhanced enforcement of UN sanctions can make the status quo of unsettled conflict less attractive and help encourage parties to sign an agreement.**

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When deciding whether to settle a conflict or continue fighting, parties evaluate their alternatives to a negotiated settlement. If the alternative is attractive, they are unlikely to conclude an agreement. If, however, parties have poor alternatives, feeling that warfare has manoeuvred them into a stalemate, and on condition that a critical mass of parties share this feeling, a compromise is likely to materialize. In this scenario, a conflict is 'ripe for resolution.' UN sanctions can help ripen a conflict, reinforcing vis-à-vis the parties the undesirable nature of the status quo of unsettled conflict and continued warfare. This works when there is a credible threat of sanctions making clear that if the parties do not reach a settlement, the Security Council will impose sanctions on them, or use existing sanctions to cut off their access to conflict resources.

Examples from several DECS show that threats or enhanced enforcement of UN sanctions have encouraged parties to sign an agreement. In Sierra Leone, for example, the RUF insurgents depended on the supply of arms and military personnel from Liberia's President Charles Taylor. In 1996, the RUF feared losing ground when the Economic Community of West African States (ECOWAS) moved to a stricter enforcement of a Security Council-mandated arms embargo on Liberia. This was one reason why it signed the Abidjan Peace Accord in November 1996.

More common in mediation processes are threats of new UN sanctions in order to encourage the signing of agreements. In early 2011, following protests throughout Yemen, the Gulf Cooperation Council (GCC) stepped in to mediate between the parties. The GCC presented a peace initiative, which the opposition signed, while then-President Ali Abdullah Saleh refused. In October 2011, when debating Yemen in the Security Council, several countries explicitly stated that Saleh's continued defiance would result in sanctions against him and his family. This warning provided Special Adviser to the Secretary-General (SASG) Jamal Benomar with a strong argument to convince Saleh that non-cooperation was too costly. According to our research, this was indeed one of the main reasons why Saleh ultimately agreed to the GCC initiative in November 2011. As part of the agreement, he stepped down, paving the way for the election of a consensus candidate in February 2012 and relative stability in Yemen until the outbreak of armed conflict in 2014.

The threat of UN sanctions also played a role in South Sudan. In mid-August 2015, at an extraordinary summit, IGAD leaders undertook a final push to convince the parties, primarily the South Sudanese government under President Salva Kiir and the armed opposition led by Riek Machar, to sign an agreement. While Machar signed the agreement, Kiir refused and abruptly left the summit. In the following days, neighbouring countries and members of the Security Council exerted strong pressure on Kiir, with the US tabling a resolution threatening the referral of the situation in South Sudan to the International Criminal Court (ICC). The US also raised the possibility of intensifying UN sanctions through the addition of an arms embargo and individual measures against the president himself and other government representatives. The threat of UN sanctions was not the decisive element, but as a whole, the strategy achieved its aim. President Kiir indeed signed the agreement at the end of August 2015, although he immediately declared a number of reservations.

Not surprisingly, as the following section on how sanctions can complicate mediation shows, the parties in South Sudan failed to implement the 2015 agreement. This points to a condition for the effective use of UN sanctions threats to encourage parties to sign an agreement: they need to be maintained, or followed through, during the peace agreement implementation period. This was the case in Yemen, where the threat of sanctions against President Saleh was maintained, ensuring his compliance with the GCC agreement in early 2012. However, it was not the case in South Sudan, where UN sanctions were taken off the table after the August 2015 agreement.

Using UN sanctions threats to achieve an agreement also requires a unified approach, with mediators, the competent regional organization, and the Security Council sending consistent messages that non-cooperation leads to sanctions. This builds the credibility of the threat and fosters the perception among parties that they do not have a good alternative to a negotiated settlement. Finally, in all DECS where an agreement was reached, UN sanctions threats targeted one actor, rather than a broad field of actors.

### **FINDING #7:**

#### **The promise of UN sanctions suspension or lifting can help make settlements more attractive.**

UN sanctions can help make settlements more attractive, especially when there are existing sanctions targeting actors participating in peace negotiations. In these situations, the promise of lifting sanctions can act as an incentive for parties to sign an agreement.

In Afghanistan, the government's promise that it would petition the Security Council to lift sanctions against Hekmatyar, allowing him to travel abroad and unfreezing his assets, was instrumental for the parties to conclude an agreement in September 2016. The successful implementation of an agreement reached with the incentive of sanctions lifting again requires that there is follow-through. The Security Council needs to lift sanctions, which was the case for Hekmatyar in February 2017. He subsequently returned to Kabul, as the agreement stipulated.

### **FINDING #8:**

#### **The creation of a new or the adaptation of an existing UN sanctions regime can promote compliance with a peace agreement.**

Many peace agreements collapse after parties sign them, which illustrates that agreement implementation is a key challenge in peace processes. The creation of a new UN sanctions regime or the adjustment of an existing one conveys the seriousness of international support to a peace agreement, potentially promoting compliance with the agreement.

In Somalia, after the Djibouti Agreement, bringing together the Transitional Federal Government (TFG) and the moderate remnants of the Islamic Courts Union, Security Council Resolution 1844 of November 2008 called for targeted sanctions to promote agreement implementation. Asset freezes and travel bans were to be applied against individuals who "engage in or provide support for acts that threaten the peace, security and stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process."

Similarly, in Yemen, one month after the conclusion of the national dialogue process, the Security Council created a new UN sanctions regime intended to promote compliance with its outcomes. Resolution 2140, adopted in February 2014, reaffirmed "the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference." It authorized sanctions against individuals "impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference."

However, adopting a UN Security Council Resolutions (UNSCR) that threatens those undermining an agreement with targeted sanctions is not enough. To be complementary, sanctions need to be applied in a consistent and coherent manner against those undermining a peace agreement. This research shows that complementarity between UN sanctions and mediation is difficult to achieve when designations are taken over by other sanctions objectives, side-lining a primary focus on achieving agreement compliance.

In Somalia, the Security Council failed to make any designations to support the transitional agreement under Resolution 1844 (2008), even though, as explained above, the SRSG suggested listings to support the political process. Listings were only made in April 2010 and exclusively targeted individuals affiliated with al-Shabaab, indicating that counter-terrorism had superseded agreement compliance as the main sanctions objective.

In Yemen the Security Council applied measures against former President Saleh and two Houthis commanders in November 2014. However, as explained in the next section, the timing of the Council's decision was unfortunate, leading to the collapse of an interim agreement. Moreover, UN sanctions were applied against all sides but one in the newly erupted civil war in Yemen. They were driven by the Security Council's intention to support the Yemeni government under Abdrabbuh Mansur Hadi and to isolate his adversaries, in particular the Houthis, rather than to ensure compliance with the outcomes of the national dialogue process. Consequently, in both Somalia and Yemen, the potential of UN sanctions to promote agreement compliance remained unrealized.

**FINDING #9:**

**UN sanctions can help deter actions that undermine a peace agreement.**

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In Sierra Leone, the Lomé Agreement of July 1999 provided for a ceasefire along with the inclusion of RUF representatives into the government during a transitional period culminating in national elections. The agreement was tenuous from the outset. In May 2000, the RUF stepped up attacks against UN peacekeepers, which triggered a military intervention by the UK. Subsequently, the UN sanctions regime was expanded to include a trade embargo on diamonds, one of the RUF's main sources of income. In March 2001, following a report by the UN Panel of Experts, the embargo was extended to Liberia. The diamond sanctions constrained the RUF and signalled to the group that remaining outside the peace process was not possible. According to our research, this was a key factor prompting the RUF to recommit to the ceasefire and to participate in the elections of 2002, which effectively ended the war in Sierra Leone.

The conditions for UN sanctions to be successful in constraining potential spoilers require that sanctions are appropriately targeted and that they are applied in a flexible and unified manner. In Sierra Leone, the Security Council was indeed unified in its quest to end the war and to ensure the country's political transition. The Council acted together with ECOWAS, the competent regional organization, and deployed peacekeeping, sanctions and mediation as part of a coherent strategy. When the Lomé Agreement threatened to collapse, the Security Council adjusted the sanctions regime to constrain spoilers, focusing on their most important source of income, rough diamonds. The Council made further adjustments with the aim of making UN sanctions more effective, namely the expansion of the diamond trade embargo to Liberia through Resolution 1343 (2001).

## UN sanctions can complicate mediation efforts

While the preceding section illustrated some of the ways in which the threat, application, or adjustment of UN sanctions can be complementary to mediation efforts, there are also instances in which UN sanctions complicate mediation.

### **FINDING #10:**

#### **UN sanctions can lead to the exclusion of actors in peace processes.**

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UN sanctions designations on entire groups can stigmatize them and therefore make it politically more difficult for mediators to engage with its members, including moderate factions who might be willing to reach a negotiated settlement.

UN sanctions do not forbid targeted individuals and entities from participating in political dialogue *per se*, but in practice they may end up having this effect. This is because sanctions can stigmatize groups, embolden hardliners, and make it unacceptable for international actors to engage with a certain group, instead favouring punitive strategies, such as military intervention or criminal prosecutions.

Exclusion is likely when sanctions are employed to counter groups engaged in the commission of acts of terrorism. In Somalia, sanctions on al-Shabaab excluded the group from the larger peace process, despite the fact that it controlled large sections of territory in the country. The sanctions on al-Shabaab also made it increasingly difficult for more moderate factions, particularly conservative Islamic leaders, to participate in negotiations. A similar phenomenon occurred in Yemen, where the sanctions designations in November 2014 effectively excluded the Houthis from a mediated settlement of the conflict, again despite the fact that this group controlled large sections of territory.

In Afghanistan, the cumbersome procedures for obtaining travel ban exemptions excluded some Taliban from participating in mediation efforts. In December 2012, the UN Assistance Mission in Afghanistan (UNAMA) planned to organize a Track II conference on reconciliation in Turkmenistan involving listed individuals. However, obtaining travel ban exemptions for these individuals would have required UNAMA to request the Afghan government to petition the sanctions committee for travel ban waivers, and for Security Council members to approve the waivers by consensus. UNAMA's assessment was that this would take several months, which was not deemed compatible with the complex planning requirements for the workshop. There was also a concern that the exemptions procedure would have compromised some of the confidentiality requirements needed to begin the talks.

Although the nature of exclusion is different in each of the three examples – Somalia, Yemen, and Afghanistan – they all entail situations of internationalized armed conflict, the presence of groups using terrorism (designated as such), and the active engagement of the mediator. The presence of more than one core goal in Security Council sanctions resolutions can dilute the impact of targeted sanctions by sending confusing or contradictory signals to potential targets and those already listed about what actions will risk a listing or merit a de-listing. The presence of a counter-terrorism objective often tends to prevail over broader goals of conflict resolution, leading to a narrowing of the space for engagement with key stakeholders in a peace process. The UN was the lead mediator in Somalia and Yemen, but the degree of unity on the Security Council and coherence of its objectives were ambiguous in all three cases.

**FINDING #11:**

**Sanctions against only one party to the conflict can affect the perception of the UN's impartiality and create challenges for mediators to ensure continued acceptance.**

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When the UN imposes sanctions on only one party to the conflict or groups together different actors under a counter-terrorism regime, the perception of the UN's impartiality vis-à-vis the conflict parties can be compromised. There are, however, strategies that mediators can employ to ensure the conflict parties' continued acceptance of the mediation process, such as stressing their independence from member state initiatives on the Security Council.

The design of UNSCR 1333 (2000) grouped the Taliban together with al-Qaida, undercutting the mediator's acceptance among the Taliban. In a similar vein, the initial design of the UN sanctions on the Qadhafi regime in Libya in 2011 focused on only one party to the conflict, although in this instance, the mediator managed to gain acceptance by the increasingly desperate government (subject to relatively broad sanctions) once the no-fly zone went into effect. Mediator impartiality was also jeopardized in Yemen when the UN signalled it was taking sides in support of the Hadi government by applying designations on senior Houthi commanders and former President Saleh.

The UN was the lead mediator in instances where sanctions were applied to only one party to the conflict, and the Security Council's unity of purpose was high, meaning that sanctions resolutions passed unanimously or with at least fourteen votes in favour. In most instances (three out of four examples), the coherence of the UN's objectives was low, meaning that three or more Security Council objectives were articulated in resolutions authorizing sanctions. Counter-terrorism concerns were articulated by Security Council members (and in the text of the resolutions), and the degree of fragmentation among the conflict parties was modest.

**FINDING #12:**

**UN sanctions can embolden non-sanctioned parties.**

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When UNSCRs target only one side of a conflict, the non-sanctioned parties may feel emboldened, proposing unsustainable arrangements or seeking military victory instead of a negotiated settlement.

In Libya, for example, the initial UNSCRs (1970 and 1973) targeted only the Qadhafi family and close associates of the regime. While this made sense, given the initial civilian protection purpose of the sanctions regime, it emboldened the opposition and reduced its desire for a negotiated settlement with the government once the UN and African Union mediation efforts began. Similarly, in Yemen, the explicit threats of sanctions on Saleh and those threatening "the peace, security or stability of Yemen" emboldened President Hadi to propose a six-part federal system that was unlikely to be accepted by other parties to the conflict.

The UN was leading the mediation process in both instances and the Security Council's unity of purpose (at least at the very outset in the case of Libya) was high. The coherence of the Security Council's objectives in both instances was, however, low.

**FINDING #13:**

**UN sanctions can force premature agreements that cannot be sustained.**

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The threat of sanctions can be used to build leverage over parties and obtain their signature on an agreement. However, if genuine consent or a desire to stop fighting are absent, the parties are unlikely to implement an agreement fully. The settlement process may collapse as a result.

The best illustration of this phenomenon occurred in the case of South Sudan, where strong diplomatic pressure from countries in the region, along with the threat of sanctions on President Kiir in August 2015, contributed to his decision to sign the agreement. However, immediately after signing, Kiir issued reservations against key provisions of the agreement and subsequently failed to implement them. This illustrates that the South Sudan government was lacking ownership of the agreement. It signed the agreement in order to alleviate pressure, rather than out of a genuine willingness to make peace or the conviction that the agreement satisfied its interests.

This was a case characterized by a high degree of fragmentation among the parties, as there were several opposition forces represented at the negotiation table. The UN was not in the lead in the mediation, but it played an important role supporting IGAD. The unity of purpose among members of the Security Council was ambiguous, in this example, given the amount of difficulty its members had in reaching agreement on the application of sanctions in South Sudan.

### **FINDING #14:**

#### **UN sanctions can close the space for mediation.**

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Applying sanctions before the onset of mediation efforts, using military force to support the implementation of sanctions (particularly when the threatened or implied goal is to eliminate a key actor), or targeting of a key party to a conflict can close the space for mediation.

The application of sanctions against the Qadhafi regime in 2011, prior to the authorization of a UN mediator, signalled that there was little room for a negotiated settlement to the conflict and complicated mediation efforts by the African Union. The enforcement of UN sanctions through the authorization of the use of force, and the subsequent decision by three permanent members of the Security Council to eliminate one of the parties also closed space for mediation. In Afghanistan, UNSCR 1333, adopted in 2000, effectively ended the good offices of the UN mediator (Vendrell) when the Taliban rescinded their earlier agreement to enter a political dialogue without preconditions under UN auspices.

In both instances: the number of parties to the conflict was low, the UN was leading a mediation effort, and the UN sanctions applied were relatively non-discriminating (at the sectoral level) and had widespread effects on much of the population. In Libya, the UN sanctions included broad financial measures on major financial institutions, while in Afghanistan, the sanctions included an aviation ban. The resolve of the Security Council (at least at the outset) was high.

In both instances, however, the coherence of the objectives being pursued by the Security Council was low. In the case of Afghanistan, the counter-terrorism agenda introduced in Resolution 1267 (1999) displaced the pre-existing conflict resolution agenda begun under Lakhdar Brahimi. Resolution 1333 (2000) grouped together the Taliban and al-Qaida, while Resolution 1368 (2001) provided the basis for a military intervention to overthrow the Taliban. In the Libyan case, Security Council members were divided on the initial purpose of the sanctions, split over the issue of regime change, and appeared ambivalent over the utility of mediation to resolve the conflict, and particularly the role of other third parties such as the African Union.

### **FINDING #15:**

#### **UN sanctions can trigger the collapse of an interim agreement or complicate an ongoing mediation process.**

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Applying sanctions to one party when negotiations are ongoing can prompt them to defect from a mediation process and interim agreements resulting from it, in particular if sanctions are coupled with strong diplomatic support for the non-sanctioned party.

In Yemen, the sanctions designations that had been delayed for months after they were initially requested by the UN mediator contributed to the collapse of an interim agreement reached by the mediator (SASG Benomar) in November 2014. In addition, continued Security Council support for President Hadi (in the same DECS) after he fled to Aden and rescinded his forced resignation, undercut SASG Benomar's attempts at a mediated settlement.

In a related vein, the time lag between requests for a de-listing and Security Council action on the matter complicated the talks underway with Hekmatyar in Afghanistan. The long-pending de-listing requests for Taliban individuals who had reconciled with – and in some cases served in – the Afghan government, while remaining under sanctions for years afterwards, undercut the argument that abjuring violence and supporting the government could lead to the lifting of sanctions against them. A prominent such case was that of Arsala Rahmani Doulat, elected to the Upper House of Parliament in 2005, and a member of the High Peace Council from 2010 onwards, de-listed only in July 2011.

In both cases, UN sanctions were narrowly targeted (focused primarily on individuals) and the Security Council's unity of purpose was high. There was variation on most other structural elements of the two cases (number and degree of fragmentation of the conflict parties, types of mediation, and degree of proactive engagement by the mediator).

### **FINDING #16:**

**Applying UN sanctions during ongoing mediation processes can send conflicting signals to targets.**

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When sanctions are applied to achieve goals that are different from the purposes of mediation efforts, the incongruent and potentially competing objectives can contradict one another. This is precisely what happened in the case of Somalia, where the sanctions applied concentrated on counter-terrorism targets (al-Shabaab), rather than being employed to support conflict resolution and political transition. As a result, the potential benefits of using sanctions threats to support the transitional government arrangements were weakened by an exclusive focus on al-Shabaab and the counter-terrorism aspects of the conflict.

In countries where multiple sanctions objectives co-exist, e.g. counter-terrorism, conflict resolution, and transitional government support, mediation goals can be displaced. Afghanistan is the clearest illustration of this phenomenon, where the goals of modifying regime behaviour, conflict resolution, counter-terrorism, and eventually regime change were all co-mingled in the UN sanctions regime. The Libyan case in 2011 also included elements of most of these sanctions objectives, with the addition of civilian protection and the exception of counter-terrorism as objectives, at least at the outset. The Somali case, already described above, also illustrated the consequences of the co-existence of multiple objectives and the different signals being sent by the sanctions regime.

High levels of disunity between the objectives of the Security Council and key regional actors undermine complementarity between UN sanctions and mediation, and creates opportunities for forum shopping.

This is most evident in the case of Yemen, where high levels of regional disunity within the GCC complicated efforts by the UN to support the implementation of the outcomes of the National Dialogue Conference and eventually contributed to the outbreak of civil war and external intervention in the country. IGAD mediation efforts in South Sudan exhibit similar dynamics, particularly when multiple mediators representing different IGAD member states began sending different signals to the main parties to the conflict.

### **FINDING #17:**

**The ineffective application of UN sanctions can undermine potential complementarity with mediation.**

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Misdirected designations of individuals, e.g. designations for counter-terrorism or anti-trafficking instead of conflict resolution purposes, deprive mediators of a tool to keep negotiations on track and may also undermine their credibility.

This is again best illustrated in the case of Somalia, where the few designations that were made have concentrated on the counter-terrorism agenda, rather than conflict resolution or political transition support. In the case of Libya since 2014, the small number of designations have focused on trafficking issues, rather than conflict resolution. The Security Council has not followed through with some members' intentions to list those impeding the political process, potentially undermining the leverage and credibility of the mediator. In both instances, the number of parties to the conflict was high, as was the fragmentation within them. Both conflicts involved counter-terrorism aspects, and the UN was in the lead mediation role in both.

Threats of individual financial sanctions, followed by delays in sanctions application, give targets time to

hide assets. This undermines the utility of sanctions as an instrument of peacemaking. The best illustration of this phenomenon comes from the effective use of sanctions threats against former President Saleh in Yemen. While the threats are widely credited with influencing his decision to step down from power (however belatedly), the threat of individual targeting of financial assets invariably gives the target time to find safe havens for assets at risk, undermining the utility of the sanctions instrument in the medium term.

In general terms, however, threats or the application of individual sanctions are only likely to be effective when the potential targets of the UN sanctions either have assets abroad, wish to travel abroad, or ultimately desire acceptance by and participation in the international community. Rebel groups that aspire to international legitimacy (or who depend on the sales of commodities internationally to support their armed conflict, like the RUF) were more amenable to individual targeted sanctions than groups engaged in acts of terrorism and who actively delegitimize the international society of states (like al-Qaida or ISIL). In a related way, the targeting of relatively low-level commanders in South Sudan, without significant assets outside the country, was likely to be less effective in changing their behaviour than the targeting of moderate elements within the Taliban, who desired to participate in the governance of Afghanistan. The subject of individual targeting and its effects deserves more detailed and careful study.



## Mediation efforts can influence UN sanctions

In addition to the ways in which UN sanctions affected mediation processes, the project also considered how developments in mediation processes influenced UN sanctions. In some DECS, the mediators themselves or countries supporting the peace process were proactive in trying to shape UN sanctions to suit their mediation needs. Overall, mediation influences the application of UN sanctions in five different ways.

### **FINDING #18:**

**When a mediation process is blocked, threats of UN sanctions can be issued.**

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Peace talks reach an impasse when parties are unable to find a compromise on the most difficult issues. In these situations, mediators and international supporters of settlement processes search for leverage that will encourage reluctant parties to continue the talks or to sign an agreement. One way of doing this is to warn key personalities that defection from the peace process leads to imposition of UN sanctions.

Our research shows that the need for mediators to advance talks in difficult moments triggered several sanctions threats. In Libya, the tenuous commitment of several stakeholders to the political process led to a sanctions threat in 2015. In Yemen, sanctions threatened against President Saleh in the fall of 2011 became one of the main reasons for him to commit to the GCC initiative, paving the way for a political transition in the country. In South Sudan, formulating a threat of sanctions against president Kiir was used as part of a strategy to persuade the government to sign a peace agreement in August 2015.

In the DECS analysed for this research, threats pertained to individual measures against key leaders of the conflict parties, rather than to less discriminating measures such as commodity bans. The mediators did not make the threats themselves, but they rather came from key supporters of the mediation processes among members of the Security Council. This reflects the need for mediators to maintain their impartiality. However, mediators were proactive to differing degrees. Some, for example SASG Benomar, actively engaged Security Council members and deliberately used sanctions threats as part of his strategy. Other mediators, for example Assistant Secretary-General Francisc Vendrell in Afghanistan or SRSR Augustine Mahiga in Somalia, did not actively engage with UN sanctions.

### **FINDING #19:**

**The needs of a mediation process lead to the creation of a new or the adaptation of an existing UN sanctions regime.**

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By definition, in all the DECS analysed for this study, developments in the mediation process coincided with, and often caused, the creation of new UN sanction regimes or the adaptation of existing regimes. This happened at different moments of mediation processes and, as the section above explains, with varying degrees of success. Three scenarios were identified.

The first scenario is when conflict parties commit to a new mediation process and the Security Council applies sanctions to support a conducive environment for the negotiations. This was the case in Afghanistan, where the Security Council's decision in June 2011 to split the 1267 sanctions regime and create a new regime specifically for Afghanistan helped to create momentum for negotiations with the Taliban. In Libya, the adaptation of the UN sanctions regime in August 2014, stepping up the arms embargo and adding listing criteria to target individuals undermining the political process, aimed to pave the way for a new diplomatic initiative launched by SRSR León the following month.

The second scenario is when the Security Council applies sanctions in the context of ongoing negotiations with the aim of creating a new dynamic and advancing the talks towards the conclusion of a peace agreement. This was the case in South Sudan. In March 2015, the Security Council created a new sanctions regime that responded to the mediators' need to increase the pressure on the parties to conclude a peace agreement.

The third scenario refers to the creation of a new UN sanctions regime, or the adjustment of an existing one, for the purpose of promoting the implementation of an agreement. In Yemen, a new sanctions regime was created in February 2014, one month after the conclusion of the National Dialogue Conference, with the aim of supporting the implementation of its outcomes. Likewise, in Somalia, the Security Council adjusted the existing sanctions regime in November 2008 to ensure parties' compliance with the Djibouti Agreement. Sierra Leone was another case, where UN sanctions were adapted, responding to the needs of the peace process. This happened not immediately after the agreement was reached, but in response to violations that made it necessary to constrain the RUF in order to secure its leadership's continued commitment to the political transition.

### **FINDING #20:**

#### **The need to ensure the participation of key actors in peace talks leads to the offer of travel ban exemptions or toleration of travel ban violations.**

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Individual measures target individuals, corporate entities, and groups, but they do not prohibit their participation in peace talks. Since peace talks are often held abroad, the challenge is to ensure that travel bans, frequently included as part of individual measures, do not create a *de facto* exclusion of sanctioned individuals and groups. Given that most peace talks take place out-of-country, many UN Security Council resolutions mandating sanctions therefore include provisions for travel ban exemptions meant to guarantee that mediators are able to talk to all relevant actors in a conflict.

The Security Council often expressly mentions participation in peace talks as one of the justifications for granting travel ban waivers. For example, Resolution 2255 of December 2015 invites the Afghan government "to submit for the Committee's consideration the names of listed individuals for whom it confirms travel to such specified location or locations is necessary to participate in meetings in support of peace and reconciliation."

In addition to design, the requirements of mediation processes have triggered the actual application of travel ban exemptions. This was the case in Sierra Leone, allowing Foday Sankoh to participate in the peace negotiations in Lomé in 1999. Likewise, in Afghanistan, travel ban exemptions were granted to allow members of the Taliban to attend negotiations with the Afghan government at different moments. In terms of procedure, travel ban exemptions have to be approved by the competent sanctions committee and, by extension, all Security Council members. In Afghanistan, travel ban exemption requests emanated from the Afghan government's High Peace Council. Overall, there does not seem to be a standard across different Security Council sanctions committees for how to handle travel ban exemptions relating to peace talks.

The need to ensure the participation of key actors in mediation processes has also fostered the toleration of travel ban violations. When travel ban exemptions are too difficult to obtain, or there are concerns about maintaining confidentiality, some member states may prefer not to implement UN sanctions measures. They may look the other way if they consider it serves the broader interests of peace. In Afghanistan, for example, the research showed that certain sanctioned Taliban members were allowed to travel to engage in peace initiatives despite travel bans against them.

### **FINDING #21:**

#### **The need to advance a mediation process sometimes leads to listings and de-listings.**

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Another aspect of UN sanctions affected by mediation pertains to the listing and de-listing of individuals under different sanctions regimes. While the DECS analysed in this report feature measures against many individuals, few of these listings were made with the primary intent of promoting mediation processes. Other objectives, in particular counter-terrorism and constraining actors to prevent them from undermining a political transition, were more decisively applied.

One exception is South Sudan. The Security Council decided to place six individuals under sanctions in July 2015 when the IGAD-mediated peace talks were in their final phase. The six individuals represented the main conflict parties, but they did not belong to the top leadership, and four of them were already under

sanctions in the EU and the US. The designations were also evenly divided between the government and the opposition. This balance in the application of sanctions reveals a strategy to emphasize the seriousness of UN sanctions, but without jeopardizing the mediator's impartiality. It also gave the top leadership of the parties the opportunity to avoid sanctions themselves by signing a peace agreement.

De-listings are a more attractive instrument for mediators, as they can be used to reward actors for cooperative behaviour in peace talks. This research indeed reveals cases where de-listings were triggered by progress made in peace talks. In Afghanistan, between 2010 and 2014, the Security Council made thirty-six de-listings, many of them removing Taliban representatives from the sanctions list who participated seriously in the reconciliation talks. UN Security Council resolution 1988, of June 2011, specifies the criteria for such de-listing: to renounce violence, sever links to al-Qaida and other terrorist organizations, and accept the Afghan Constitution. These criteria corresponded to the conditions set by the Afghan government to include Taliban representatives in reconciliation talks. In the case of Hekmatyar, the de-listing implemented by the sanctions committee acted as a reward for the latter to sign a peace agreement.

### **FINDING #22:**

#### **Some mediators actively engage in discussions about the design, application and adjustment of UN sanctions.**

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A final dimension of mediation influencing UN sanctions refers not to the regimes themselves, but to the process through which they are designed, applied and adapted. While open engagement with sanctions can be sensitive, this research shows several examples where mediators were active in political discussions about UN sanctions.

In Yemen, SASG Benomar advocated vis-à-vis P5 members that they put sanctions firmly on the table in 2011. He was then able to use the resulting sanctions threat as leverage, successfully convincing President Saleh to accept the GCC peace initiative. In South Sudan, Seyoum Mesfin, the principal IGAD special envoy for South Sudan, similarly appears to have advocated with Security Council members for sanctions as a way of increasing the pressure on the parties to conclude a peace agreement.<sup>6</sup> There are other examples of mediators, for example SRSG Ould-Abdallah in Somalia and SRSG León in Libya, who tried to affect listing and de-listing decisions, albeit without much success.

Overall, this research reveals that developments in mediation processes exercise a significant influence on UN sanctions regimes' design, application and adjustment. On the one hand, this is not surprising, given that in almost all situations where UN sanctions are applied, there are also peace negotiations underway.<sup>7</sup> On the other hand, it surpasses expectations because mediation and sanctions operate in separate domains with few institutionalized channels of communication.

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<sup>6</sup> This position is confirmed in an unofficial transcript of the Security Council interactive dialogue on South Sudan of 27 June 2014, in which Mesfin participated. Gurtong Platform, available at: <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/15420/Ambassador-Mesfins-Statement-to-SC-on-South-Sudan.aspx>

<sup>7</sup> See Thomas Biersteker, "UN Sanctions and Peace Negotiations: Possibilities for Complementarity," *Oslo Forum Paper* No. 4, January 2015.

# SECTION 4:

## POLICY

## RECOMMENDATIONS

The following policy recommendations are intended to promote complementarity and avoid complication between UN sanctions and mediation. The recommendations derive from the research conducted in the framework of the SMP and from a high-level retreat held at the Greentree Estate in November 2018, with representatives of selected member states, senior UN Secretariat officials, envoys and senior mediators, prominent academics specializing on UN affairs as well as the SMP principal investigators and members of the Advisory Board.

### For the UN Security Council:

1. Avoid sending mixed signals to conflict parties, **ensure the coherence of the UN's response to a situation of armed conflict**, and pursue the complementarity of different UN tools, including sanctions and mediation. Show flexibility in applying and adjusting UN sanctions to respond to changes in the UN's political strategy and developments in the peace process.
2. Protect the mediation space and **ensure that mediation dynamics are taken into account when designing, applying and adjusting UN sanctions regimes**. To this end, consult regularly with envoys, taking care to ensure that these consultations do not jeopardize the envoy's impartiality. Consider using a checklist when drafting Security Council resolutions to reflect on the impact of sanctions on mediation. Consider developments in peace talks when deciding on the timing of UN sanctions application, in particular listings of representatives of conflict parties involved in peace talks.
3. When UN sanctions are applied in an ongoing peace process, **ensure strategic communication with concerned actors** and identify explicit criteria for listing and de-listing so they understand why sanctions are imposed on them and what they need to do to get them lifted. Clarify who is responsible for communicating new sanctions decisions. When the promise of UN sanctions suspension or lifting is used as an incentive in peace talks, ensure follow-through with suspension or lifting when concerned actors reach and implement settlement agreements.
4. When applying UN sanctions where active mediation is under way, **engage with neighboring states, regional powers and regional organizations** to ensure effective sanctions implementation and complementarity, especially when regional actors are in the lead of a mediation process.
5. After a peace agreement is signed, consider adapting the UN sanctions regime to **support its implementation**. Consider additional measures, such as sectoral sanctions and/or listings, against those trying to undermine the political transition.
6. To entice participation in peace talks, **consider applying selective de-listing for individuals renouncing violence** and accepting the main parameters of a settlement process. To de-stigmatize groups, gain political flexibility, and foster acceptance for peace talks with individuals and entities, consider creating a new UN sanctions regime focused on conflict resolution to reward those who renounce violence and commit to a negotiated settlement.
7. **Make use of the substantive capacity of the UN Secretariat** and its role in providing cross-cutting political advice, including on the effects of UN sanctions on mediation processes.
8. Within foreign ministries and Permanent Missions, **ensure that sanctions experts take mediation dynamics into account, and that mediation specialists are familiar with UN sanctions**. Within ministries, ensure linkages between experts working on UN sanctions and mediation and with regional experts working on a particular country.

## For UN Sanctions Committees:

1. Ensure the full range of political dynamics is taken into account in the committee's work. To this end, ensure close cooperation between the P5 penholder country and the E10 chair of the sanctions committee. Establish regular channels of communication, formal and informal, with envoys, but take care to ensure these channels do not affect the impartiality of envoys.
2. Ensure that travel ban exemptions, and where relevant, partial assets freeze exemptions for sanctioned individuals to attend peace talks are processed confidentially and swiftly. Allow envoys to apply for exemptions when they consider this is in the interest of peace. If this is not possible, encourage envoys to liaise with an authorized party who can request travel ban exemptions on their behalf.
3. Engage in further awareness raising about UN sanctions, mediation and their interactive effects. To this effect, member state representatives, especially incoming Council members and Chairs of Sanctions Committees should be provided relevant training prior to and during their tenure.

## For envoys/senior mediators and supporters of peace talks:

1. Mediators have an important role to play in conveying political discussions about UN sanctions to the parties. However, in order to maintain their impartiality and good relations with the parties during the negotiation process, envoys should refrain from making public calls for or making direct threats of UN sanctions.
2. Mediators should ensure they have a solid understanding of how UN sanctions work, including decision-making procedures, purpose and type of sanctions, listing and de-listing criteria and the functioning of travel ban and assets freeze exemptions. They should have access to trainings on UN sanctions and access to update-to-information on the relevant regime. To assist in this endeavor, mediators and their teams should seek information from Panels of Experts (PoEs), consider appointing focal points to liaise with the PoEs, and draw on their reports for the purpose of conflict analysis.
3. When UN sanctions suspension or lifting is a subject of negotiation, mediators should invite technical experts, for example staff members of the Secretariat, Panels of Experts, Security Council members, or sanctions committee chairs, to clarify for the parties the responsibilities and procedures involved.

## For the UN Secretariat:

1. Work with the Security Council to devise a coherent political strategy for countries experiencing armed conflict, including an articulation of the roles UN sanctions and mediation can play and how these different tools can complement each other.
2. Foster interaction between sanctions and mediation expert communities to build mediators' understanding of the rhythm and mechanisms of UN sanctions and to build UN sanctions decision-makers' understanding of the logic of peace mediation. Encourage sharing of information and analytical products and conduct joint trainings for awareness raising and skills transfer.
3. Strengthen dialogue and enable interactions between members of Panels of Experts and envoys and Department of Political and Peacebuilding Affairs (DPPA) officials, especially when PoE members are not based in New York.

## Avenues for further research:

- Study the role of **UN sanctions suspension and lifting as an incentive in settlement processes**, including past cases, sequencing strategies, decision-making procedures, lifting mechanisms and communication issues.
- Conduct a systematic analysis of **listings** (i.e. when, who and at what level of the political-military establishment) to have maximum impact on the conflict, and **de-listings**, including patterns, practices and consequences.
- Draw lessons from **cases where mediators have engaged with individuals and entities under UN sanctions**. Link this to research and policy discussions about mediators engaging non-state armed groups.
- Analyze the **perceptions of UN sanctions by conflict parties** to better understand when and why UN sanctions affect a change of behaviour in conflict settings. Further analyze the effects of UN sanctions on intra-party dynamics.
- Analyze **additional cases of UN sanctions-mediation interaction**, e.g. Democratic Republic of the Congo (DRC), Central African Republic (CAR), and Côte d'Ivoire, to refine the initial SMP findings. Related to this, analyze cases of non-mediated negotiation settings, e.g. Iran or Democratic People's Republic of Korea (DPRK), to gauge how the findings apply to negotiation processes more broadly.

# ANNEX I:

## SYNOPSIS OF CASES

### Afghanistan DECS 1 (January 2000 – December 2001)

#### Conflict dynamics

On 17 January 2000, the UN Secretary-General appointed Francesc Vendrell as his Personal Representative and head of the UN Special Mission to Afghanistan (UNSM) following the resignation of UN chief mediator Lakhtar Brahimi in frustration over the lack of progress in negotiating a lasting agreement between the Taliban, Afghanistan's *de facto* government, and the United Front, a coalition of political parties led by Afghan President Burhanuddin Rabbani.

The UN Security Council had imposed targeted sanctions on the Taliban regime on 15 October 1999 for its refusal to turn over Usama Bin Laden for prosecution for his role in the August 1998 bombing of US embassies in Kenya and Tanzania and its provision of sanctuary for international terrorists. The sanctions included a denial of flight permission to all Taliban-owned, leased, or operated aircraft and an asset freeze on the Taliban, imposed in April 2000 on its leader, Mullah Omar.

In an effort to ease the UN restrictions and gain greater international recognition, the group engaged with Vendrell who was making use of a local mediation initiative by the former King to set the ground for future peace settlement. In July 2000, the Taliban declared poppy cultivation illegal and on 5 September 2000, Mullah Omar met Vendrell in a rare acceptance of a non-Muslim guest by the movement's leader. On 2 November 2000, the Taliban and the United Front agreed to enter a political dialogue without preconditions under UN auspices.

However, the 12 October 2000 attack on the USS Cole in Yemen by al-Qaida and the subsequent boasting of Bin Laden from Afghanistan escalated US efforts to pressure the Taliban to comply with its demands. On 19 December 2000, the UN Security Council adopted Resolution 1333 authorizing an arms embargo on the Taliban, aviation ban on Taliban-controlled territory, and the closure of all Taliban and Ariana Afghan Airline offices, urging those states maintaining diplomatic relations with the Taliban to reduce the number of staff at Taliban missions in their countries and restrict their movement. The resolution also expanded the asset freeze from the Taliban to Bin Laden and al-Qaida and banned the import of the chemical acetic anhydride, a substance used in the production of heroin. Seventy-five individuals, including twelve al-Qaida members, were designated on 25 January 2001 and the sanctions list was expanded to 151 individuals by 8 March 2001.

UN engagement continued after the new round of UN sanctions with Vendrell's meeting with the Taliban in Kabul in late February 2001 and a 12 March 2001 high-profile meeting between the UN Secretary-General Kofi Annan and Taliban Minister of Foreign Affairs. However, the UN's impartiality was compromised in the eyes of the Taliban, and hardliners began to gain grounds within the movement, imposing more ideologically conservative policies in the country that led to strong international condemnation and greater isolation of the Taliban regime. As a result, the Taliban disengaged from the UN and closed UNSM offices in May 2001.

On 9 September 2001, al-Qaida suicide bombers assassinated the military leader of the United Front, removing the only significant challenge to Mullah Omar's authority. Two days later, on 11 September 2001, al-Qaida carried out terrorist attacks in New York, killing almost 3,000 people. Following the attacks, the Security Council shifted the focus of the sanctions regime to al-Qaida, as reflected in a rapidly growing list of al-Qaida related designations. A US-led international offensive aimed at overthrowing the Taliban regime began on 7 October 2001 and toppled the Taliban government the following month.

On 29 November 2001, Brahimi, who was re-appointed as the UN Special Envoy in October, succeeded in convening a meeting in Bonn, bringing together delegations representing the United Front, the former King's office, and two smaller groups, but not the Taliban. On 5 December, the meeting culminated in the signing of the Bonn Agreement, which set out the roadmap for transition to a new government.

### **Sanctions-mediation dynamics**

- The episode was characterized by an overall disconnect between UN sanctions and mediation efforts.
- UN sanctions initially strengthened UN mediation efforts. Imposed after failed mediation efforts, albeit for a different purpose, they provided the sanctioned party with an incentive to cooperate with UN mediation in order to decrease its international stigmatization and the sanctions' financial impact.
- Thereafter, UN sanctions undermined UN mediation efforts. Imposition of new sanctions despite the Taliban's cooperation impaired the UN's impartiality and presented an opportunity for elements within the Taliban who were opposed to mediation to push the group to withdraw from UN mediation and disengage from talks with the UN as an actor.
- At the end of the episode, the use of military force against the sanctioned parties strengthened UN sanctions efforts, sidelining the goals of UN mediation. After the September 11 terrorist attacks, the primary objective was to defeat the actors militarily rather than include them in any political arrangement. The Taliban were therefore not included in the UN-led Bonn negotiations.

## **Afghanistan DECS 2 (February 2009 – July 2015)**

### **Conflict dynamics**

Early 2009 marked a significant shift in US strategy in Afghanistan, with the new US administration of President Barack Obama simultaneously scaling up its military efforts in the country through troop increases and greater use of drone strikes and expressing openness to engage with moderate elements of the Taliban.

The year also witnessed a dozen different mediation efforts involving the Taliban. The UN Special Representative to Afghanistan and head of the UN Assistance Mission in Afghanistan (UNAMA) Kai Eide secretly revived peace talks with the Taliban in spring 2009. Several meetings were held throughout the year, but the negotiations failed in January 2010 after Pakistan arrested several members of the Taliban leadership council participating in the high-level talks. Eide resigned thereafter, accusing Pakistan of deliberately derailing the talks.



The Afghan President Hamid Karzai called for direct negotiations with the Taliban in November 2009 and in September 2010, following the recommendation by a national peace council held in early June. He established the High Peace Council (HPC), supported by UNAMA, to advance the government's reconciliation policies and the peace process with the Taliban. However, the Taliban continued to refuse to negotiate with the Afghan government, reaching out to the US for direct negotiations instead.

The US began behind-the-scenes preparations for its own first direct talks with the Taliban in late 2009. Mediated in parallel by Germany in Munich and by Qatar in Doha, these initiatives sought to forge a path towards a Taliban peace settlement with the Afghan government that would enable the US to exit from the lengthy war in Afghanistan. The first meeting took place in November 2010 and two more followed in the first half of 2011, against the backdrop of an increase in insurgent attacks as well as the doubling of the US military presence in Afghanistan in 2010 and the killing of Bin Laden by US Special Forces in May 2011. In June 2011, the US announced it would begin the withdrawal of its troops from Afghanistan by the end of the year.

The US also worked with the other members of the UN Security Council towards restructuring the 1267 sanctions. On 17 June 2011, the al-Qaida and Taliban sanctions regimes were split with the passage of UNSCR 1988 (Taliban) and 1989 (al-Qaida). Resolution 1988 also allowed for reconciliation-related de-listing based on requests submitted by the Government of Afghanistan through the HPC, responding to the Taliban's repeated demands for de-listing. Within a month of the split, the UN delisted fourteen individuals.

The US-Taliban talks continued in July 2011 despite media leaks about the meetings. The two sides agreed on the sequence of events, including the opening of the Taliban office in Qatar, the release of a Taliban statement denouncing terrorism, followed by a prisoner exchange and peace negotiations. By the end of 2011, they agreed to meet directly without mediators. However, the 20 September 2011 assassination of HPC's leader, former President Rabbani, weakened Afghan support for peace efforts and, in January 2012, President Karzai opposed the US-Taliban agreement, which led to the Taliban publicly withdrawing from negotiations with the US in March 2012.

Foreign troop withdrawal from Afghanistan continued between 2012 and 2014. The International Security Assistance Force, envisaged by the Bonn Agreement and established by the UN Security Council in December 2001, transferred security responsibilities to Afghan forces by mid-2013, and the US and NATO officially ended their combat operations in the country in late 2014.

In August 2013, the Taliban announced that it would be boycotting the 2014 Afghan Presidential elections and continue waging war until all foreign troops left the country, quashing hopes raised by the resumption of peace talks in Qatar in the first half of 2013. The group used violence to disrupt the elections, held in April and June 2014, and began a resurgence in 2015. In July 2015, it was revealed that the movement's leader Mullah Omar had died sometime in April 2013. The news quashed nascent Pakistani efforts to advance peace talks scheduled to be held on 31 July 2015 and led to infighting and further fragmentation of the Taliban, crushing hopes that peace efforts could be revived.

### **Sanctions-mediation dynamics**

- Throughout the episode, UN sanctions complemented the efforts of non-UN third parties to facilitate reconciliation talks between the Taliban and the Afghan government. Used in a flexible and coordinated manner, UN sanctions were adjusted to support reconciliation talks with the Taliban and enable international travel of its members to attend peace talks.

- De-listing of cooperating actors presented a strong incentive for the sanctioned party to seek out and continue to participate in peace negotiations.
- Formal disassociation of the sanctioned party from the UN's global terrorist sanctions regime, together with a clear path to de-listing, helped to de-stigmatize the actor. This not only paved the way for its inclusion in future peace talks but also encouraged the moderate elements to push the group to continue engaging in mediation. However, this was not sufficient to bring about a peace settlement with the Taliban.
- Diplomatic engagement and successful de-listing also triggered a pushback and led hardliners to undermine mediation efforts, including through the use of force.
- Failure to engage one of the main parties to the conflict, i.e. the Afghan government, led to its opposition to non-inclusive mediation efforts.

## Afghanistan DECS 3 (July 2014 – February 2017)

### Conflict dynamics

In July 2014, Ashraf Ghani who had just been announced the winner of the second round of the Afghan presidential elections, sent a letter to Gulbuddin Hekmatyar. Ghani probed Hekmatyar's interest in entering into peace talks with the Afghan government given that one of the latter's key conditions for peace – the withdrawal of all foreign troops from Afghanistan – was about to be met with the US and NATO forces set to withdraw from the country by the end of the year.

A highly controversial figure, Hekmatyar was the leader of Hezb-i-Islami, an Afghan radical Islamist political party and a militia known to have committed atrocities during the Afghan civil war in the early 1990s. Serving as a Prime Minister twice in mid-1990s as a result of power-sharing agreements with the government, he was expelled from Kabul when the Taliban took power in 1996, and he fled to Iran in 1997.

Following the US-led invasion of Afghanistan in 2001, Hekmatyar aligned himself with the Taliban and al-Qaida against the interim government of Afghanistan led by President Hamid Karzai, demanding the immediate withdrawal of all foreign troops from the country. Although originally sending a representative to participate in the 2001 Bonn Conference, Hekmatyar rejected the UN-mediated agreement. Under pressure from the US and Afghanistan, Iran froze Hekmatyar's assets in January 2002 and expelled him from the country the following month. A year later, on 19 February 2003, Hekmatyar was listed by the US for his association with al-Qaida and the Taliban. The following day, the UN imposed an asset freeze, a travel ban, and an arms embargo on him under the 1267 sanctions regime, where he remained even after the 17 June 2011 split of the Taliban sanctions.

Eager to hold political office in Afghanistan and concerned about the negative impact of sanctions, Hekmatyar reached out to Karzai immediately after his designation, making the removal of sanctions one of his key conditions for talks. The Afghan government opened a bilateral channel with Hezb-i-Islami in 2008 and the first open talks took place in March 2010. However, progress stalled and the talks ended following the adoption of the Strategic Partnership Agreement between Afghanistan and the US in 2012.

Talks between Hezb-i-Islami and the Afghan government resumed in 2016, against the backdrop of failed efforts to engage with the Taliban and the group's military resurgence after the official withdrawal of US and NATO forces in late 2014. Faced with the promise of de-listing, Hezb-i-Islami agreed to regard the withdrawal of foreign troops as a goal rather than a condition. The negotiations continued, resulting in the conclusion of a draft agreement on 18 May 2016.

On 22 September 2016, the Afghan government pardoned Hekmatyar for his past offences, including terrorist attacks and alleged war crimes, as part of a peace deal with Hezb-i-Islami, opening the stage for his political comeback. The government also committed to press for the lifting of sanctions on Hekmatyar, as well as his return to Kabul and the provision of resources for resettling Hezb-i-Islami members and incorporating them into the Afghan National Security Forces. Hezb-i-Islami in turn agreed to cease its military activities, respect the Afghan constitution, and sever its links to terrorist groups, which were the three conditions the Afghan government made also for the normalization of relations with the Taliban. The agreement was officially signed by President Ghani and Hekmatyar, via video, on 29 September 2016 and broadcast live on national television.

In December 2016, the Afghan Foreign Ministry sent a letter to the UN Security Council requesting the removal of the leaders of Hezb-i-Islami from the sanctions list. An initial hold on the decision was lifted on 3 February 2017 and Hekmatyar was de-listed on the same day. Hekmatyar who remained on the US sanctions list, returned to Kabul on 4 May 2017, after almost two decades in exile, and began to consolidate his party and engage in international outreach activities.

### **Sanctions-mediation dynamics**

- Throughout the episode, UN sanctions supported national negotiation efforts, providing the Afghan government with leverage.
- Sanctions were more effective when the target was materially affected by the measures and had political ambitions.
- The promise of de-listing of cooperative actors presented an incentive for the sanctioned party to seek out and continue to participate in negotiations.
- Technical expertise provided by the UN al-Qaida and Taliban sanctions monitoring team clarified procedures and timelines related to sanctions lifting, and helped to make sure the peace agreement was realistic and implementable.
- Following through on a de-listing promise contributed significantly to the implementation of a peace agreement.
- The demonstrated flexibility of sanctions and coordination between UN sanctions and the negotiating party rendered its promise of de-listing more credible. Although de-listing could not be guaranteed by the non-sanctioned party, its ability to persuade the Security Council to follow through led to a successful implementation of the agreement.
- A clear path to de-listing from the UN's global terrorist sanctions list helped to de-stigmatize the actor and enable his future inclusion in the Afghan political domain.

## Libya DECS 1 (February 2011 – October 2011)

### Conflict dynamics

Popular protests against the regime of Muammar Qadhafi who ruled Libya for 42 years, began on 15 February 2011 in the eastern city of Benghazi. The subsequent violent crackdown on the protestors ignited a popular uprising that rapidly spread throughout the country.

On 22 February 2011, the UN Security Council called for an immediate end to the violence, condemning the Libyan government's use of force against civilians and calling for restraint, while the Arab League moved to suspend Libyan membership. The African Union (AU) dispatched a mission to Libya to assess the situation on 23 February 2011.

Shortly thereafter, on 26 February 2011, the UN Security Council unanimously adopted Resolution 1970 referring the situation in Libya to the ICC and imposing an arms embargo, targeted financial sanctions, and a travel ban on the leadership of the regime. The US imposed an asset freeze on Qadhafi, senior members of his government, and their family members a day earlier, while the EU approved a package of sanctions against Qadhafi and his closest associates on 28 February 2011.

On 6 March 2011, the UN Secretary-General appointed Abdelrahman al-Khatib Special Envoy to Libya. Four days later, the AU Peace and Security Council formed an Ad Hoc High-Level Committee on Libya to facilitate an inclusive dialogue among the Libyan parties. On the same day, 10 March 2011, France became the first country to recognize the Benghazi-based National Transitional Council (NTC), an umbrella organization regrouping Libyan opposition forces formed on 27 February 2011, as Libya's only legitimate government. Two days later, the Arab League and the Gulf Cooperation Council (GCC) called on the UN to impose a no-fly zone over Libya.

On 17 March 2011, after Qadhafi threatened to take Benghazi back by force, the Security Council adopted Resolution 1973 authorizing a no-fly zone and expanding the list of travel ban designees and the scope of the financial sanctions to assets controlled by Libyan authorities. To protect civilians from the regime, the resolution also authorized member states to take all necessary measures, invoking the principle of the Responsibility to Protect.

Two days later, on 19 March 2011, a coalition led by France, UK, and the US launched a bombing campaign against Qadhafi forces, which was transferred under NATO control soon thereafter. Russia, China, and a number of non-permanent members of the Security Council criticized the coalition's broad interpretation of the resolution as a violation of the UN Security Council mandate.

On 25 March 2011, the AU proposed a roadmap for Libya calling for a ceasefire, humanitarian access, initiation of a political dialogue, and reforms. Four days later, the Libya Contact Group was formed, publicly supporting the NTC and calling for Qadhafi to step down. The US, UK, and France reiterated this message in a common statement on 14 April 2011. The NTC's position subsequently hardened as it continued to refuse to negotiate with the regime and to demand Qadhafi's departure as a precondition for mediation. The official adoption of this position by the Libya Contact Group on 15 July 2011, together with the 27 June 2011 issue of an ICC arrest warrant for Qadhafi and two associates, effectively brought the AU's as well as the UN's mediation efforts to an end.

After rebel forces captured Tripoli on 28 August 2011 and consolidated their position throughout the country, the UN adjusted its positions vis-à-vis the regime. On 16 September 2011, the UN General Assembly recognized the NTC as the sole and legitimate representative of Libya and the UN Security Council, in Resolution 2009, terminated the aviation ban, relaxed the asset freeze restrictions on Libyan financial entities, allowed for arms imports exemptions

for the new Libyan authorities, and established a UN Support Mission in Libya (UNSMIL).

The rebels killed Muammar Qadhafi on 20 October 2011, following eight months of fighting and the NTC proclaimed the official end of the conflict three days later. On 27 October 2011, the UN Security Council announced its intention to terminate the no-fly zone at the end of the month, signalling support for the nascent political transition.

### Sanctions-mediation dynamics

- Throughout the episode, UN sanctions were disconnected from UN and AU mediation initiatives, while actions based on UNSCRs actively undermined them.
- Military intervention against one side of the conflict in early stages of mediation created an incentive for the other party to seek a military victory rather than a mediated outcome.
- Imposition of UN sanctions, together with other coercive measures, prior to the launch of mediation, decreased the chances of reaching a mediated solution.
- Unequivocal support for one party of the conflict emboldened the non-sanctioned party to refuse to compromise, complicating mediation efforts.
- The *de facto* adoption of the demands of one party to the conflict, together with unavailability of a satisfactory exit for the other, left the UN with no space to mediate.

## Libya DECS 2 (June 2014 – August 2016)

### Conflict dynamics

National legislative elections for the House of Representatives (HOR) were held on 25 June 2014, after an outbreak of protests and an attempted coup pushed Libya's first elected Parliament, the General National Council (GNC), to rescind the February 2014 unilateral extension of its mandate.

Violence erupted in mid-July 2014, leading to the evacuation of UN personnel from Libya. On 13 July 2014, diverse Islamist and Misrata-based militias launched Operation Libya Dawn (Fajr Libya), to counter the Zintana-backed Operation Dignity (Karama) launched in May 2014 by General Khalifa Haftar to challenge the authority of the GNC. Initial clashes over control of Tripoli which fell into the hands of the Libya Dawn coalition in August 2014, later spread to other parts of the country. Both coalitions faced challenges from more radical, al-Qaida and the Islamic State in the Levant (ISIL) affiliated Islamist groups operating around the country.

An institutional crisis emerged between the GNC and its elected successor, the HOR, in August 2014 when the GNC refused to hand over power to HOR after the body decided to convene in the eastern city of Tobruk instead of Benghazi. The two parliaments appointed rival governments and accused each other of procedural irregularities and illegality. The situation was complicated further after the two military coalitions took sides in the institutional crisis. The Tripoli-based GNC was supported by the Libya Dawn coalition, while the Tobruk-based HoR was backed by General Haftar's forces which were subsequently integrated into the Libyan national army. Despite limited control over Libya's territory and November

2014 Libyan Supreme Court's ruling invalidating the June 2014 elections, the HOR was internationally recognized as the legitimate government of Libya although regional support for the competing government persisted.

On 27 August 2014, the Security Council reacted to the situation by re-imposing the requirement for Committee approval of arms imports to the Libyan government. Despite numerous calls by the HOR for arms imports, no exemptions were authorized. Resolution 2174 also broadened the sanctions designation criteria to include those threatening the peace, stability, or security of Libya, or otherwise obstructing or undermining the successful completion of its political transition. The Special Representative and head of UNSMIL, Bernardino León, appointed on 14 August 2014, subsequently launched mediation efforts for Libyans to agree on a unified set of state institutions and to reach consensus about the next steps in Libya's political transition.

Fighting between the two coalitions stopped in April 2015 and a preliminary political agreement providing for a ceasefire and the creation of a national unity government was signed by a number of participants in Skhirat, Morocco on 11 July 2015. Although elements within the Libya Dawn coalition publicly supported the dialogue, the GNC did not endorse the text. UNSMIL presented a final version of the document in October 2015 but hardliners on both sides, including General Haftar, rejected the document and both governments delayed its adoption. In defiance of the UN-mediated process, the HOR unilaterally extended its mandate beyond 20 October 2015 and the GNC launched an alternative negotiation in Tunis in November 2015.

The new SRSR Martin Kobler, named in November 2015, refused to change the October text and, following substantial international pressure, members of both governments signed the Libyan Political Agreement (LPA) on 17 December 2015. Endorsed by the UN Security Council, the agreement envisaged the creation of a Presidency Council and a Government of National Accord (GNA), and the co-existence of two legislative bodies, HOR and a consultative High Council of State comprised mostly of GNC members.

The Presidency Council arrived in Tripoli on 30 March 2016 but continued to face challenges from the HOR, which objected to the transfer of military power from General Haftar to the Council under Article 8 of the LPA. On 22 August 2016, the HOR once again rejected the proposed GNA cabinet, plunging the country into another institutional crisis, even as GNA enjoyed virtually universal international recognition.

### **Sanctions-mediation dynamics**

- Specific criteria to designate individuals for non-cooperation in the peace process potentially provided the mediator with leverage. However, internal divisions within the UN Security Council, which prevented designations, weakened the complementary use of UN sanctions to advance the peace process.
- The threat of UN sanctions was more effective at encouraging participation in peace talks when parties to the conflict held political ambitions or were vulnerable to the material effects of the sanctions measures.
- The adjustment of UN sanctions, with explicit reference to the peace process, created momentum for a new mediation initiative.
- The failure to apply UN sanctions against those undermining the mediation process, and the provision of support and military aid to armed factions in Libya, strengthened the resolve of certain groups to remain uncooperative with UN mediation.

## Sierra Leone DECS 1 (November 1996 – July 1999)

### Conflict dynamics

On 30 November 1996, the Government of Sierra Leone and the Revolutionary United Front (RUF), a rebel group that had waged a war against the government since March 1991, signed the Abidjan Peace Accord. Mediated by Côte d'Ivoire and supported by the UN, the Organization of African Unity, and the British Commonwealth Organization, the agreement included provisions for a ceasefire, transformation of RUF into a political party, disarmament, demobilization, reintegration, resettlement, and amnesty for RUF members, electoral reforms, annual citizens' consultative conferences, and an establishment of an international group to monitor the implementation of the agreement.

However, RUF leader Foday Sankoh resisted the implementation of the disarmament program and the deployment of a UN peacekeeping force in the country. On 25 May 1997, a group of soldiers staged a military coup in collaboration with elements of the RUF. Deposing President Ahmad Tejan Kabbah, who had been democratically elected in February 1996, they established the Armed Forces Ruling Council (AFRC) military junta. The international community, including the UN, condemned the coup and demanded an immediate reinstatement of President Kabbah.

Following the breakdown of negotiations in Abidjan on 30 July 1997, the Economic Community of West African States (ECOWAS) imposed an oil and arms embargo on Sierra Leone, enforced through a blockade of the country, on 29 August 1997. The UN Security Council followed suit on 8 October 1997 with Resolution 1132, imposing a petroleum and arms imports embargo to Sierra Leone, as well as a travel ban on the military junta and their adult family members.

The Nigerian-led ECOWAS Military Observer Group (ECOMOG), a multilateral military operation, subsequently moved to enforce the UN sanctions measures, effectively cutting off Freetown in an effort to put pressure on AFRC to negotiate its exit. Two weeks later, on 23 October 1997, ECOWAS and AFRC signed the Conakry Peace Plan, providing for a six-month sequenced peace plan culminating in the restoration of the Kabbah government on 22 April 1998.

However, the AFRC refused to initiate the agreement's implementation until the release of RUF's leader Sankoh, who was being detained in Nigeria, and on 5 February 1998, ECOWAS launched a military attack on AFRC forces in Freetown. The junta was expelled from the capital on 18 February 1998. President Kabbah returned from exile on 10 March 1998 but the RUF continued to hold almost a third of the territory of Sierra Leone, primarily in the north and east of the country.

In response, the UN Security Council terminated the petroleum imports ban to Sierra Leone on 16 March 1998 and lifted the arms imports restrictions on the government of Sierra Leone and included the leading members of RUF in the travel ban on 5 June 1998. In July 1998, the UN UNSCR 1181 authorized the creation of a small UN Observer Mission in Sierra Leone (UNOMSIL) to monitor the military and security situation in the country as well as the disarmament and demobilization of former combatants.

RUF and AFRC forces regrouped and mounted an offensive to retake Freetown in December 1998 but were pushed back with the help of ECOMOG. President Kabbah and RUF agreed to a new ceasefire on 18 May 1999, and on 25 May 1999 began peace talks that led to the signing of the 7 July 1999 Lomé Peace Agreement. Conducted under the auspices of ECOWAS, the agreement provided for a permanent ceasefire and specified the terms under

which senior RUF members joined a government of national unity.

### **Sanctions-mediation dynamics**

- Throughout the episode, UN and regional sanctions complemented mediation efforts. Used in a flexible and coordinated manner, sanctions were imposed when mediation efforts failed and adjusted in response to political developments.
- The sweeping nature of the UN and regional sanctions measures, together with their strong implementation enforced militarily by a regional organization, helped bring parties to the negotiation table.
- Sanctions threat on neighbouring Liberia played an important role in putting pressure on the RUF to agree to a negotiated settlement.
- The coordinated use of sanctions, military intervention, and mediation sent a strong signal vis-à-vis the conflict parties, legitimized the democratically elected government and created the conditions for the parties' engagement in peace talks.

## **Sierra Leone DECS 2 (July 1999 – May 2002)**

### **Conflict dynamics**

Following the 7 July 1999 signing of the Lomé Peace Agreement between the government of Sierra Leone and the RUF, the UN replaced the small observer mission (UNOMSIL) with a significantly larger peacekeeping operation. Established on 22 October 1999, the UN Mission in Sierra Leone (UNAMSIL) was given a Chapter VII mandate to assist the parties in implementing the provisions of the peace agreement.

On 7 February 2000, in preparation for the planned withdrawal of ECOMOG forces from Sierra Leone, the Security Council revised UNAMSIL's mandate and doubled the number of its military personnel. After the last ECOMOG forces left the country in early May 2000, the RUF renounced the ceasefire and launched an attack on UNAMSIL, rapidly disarming and capturing hundreds of peacekeepers and advancing on Freetown. The RUF attack was halted and the situation stabilized due to a rapid British military intervention in the country. The UN subsequently strengthened its peacekeeping mission, bringing the total number of military personnel to 13,000, and imposed a ban on the export of rough diamonds, the main source of RUF financing, from Sierra Leone in July 2000.

UNAMSIL and ECOWAS launched a new mediation effort to bring the two parties back to the negotiation table. On 10 November 2000, the government of Sierra Leone and the RUF signed the Abuja Ceasefire Agreement, providing for a ceasefire, an enlarged role of UNAMSIL, and the re-start of the disarmament, demobilization, and reintegration process agreed in the 1999 Lomé Peace Agreement.

However, after President Kabbah proposed to delay the elections due to the volatile security situation in January 2001, RUF refused to disarm and demanded that a government of national unity be established instead. ECOWAS and the SRSG Oluyemi Adeniji insisted that the parties stick to the Abuja agreement. On 7 March 2001, following a report of a UN Panel of Experts which established that Liberia's President Charles Taylor was directly involved in supporting the RUF and that the bulk of illicitly mined diamonds by the RUF was passing



through Liberia, the UN Security Council imposed secondary sanctions on Liberia. Designed to pressure President Taylor to stop his support for the RUF, the UN sanctions took the form of a re-imposed arms imports embargo and newly imposed rough diamonds exports ban and travel ban on senior members of the government, armed forces, their spouses, and anybody providing financial or military support to armed rebel groups in neighbouring countries.

The government and the RUF recommitted to a ceasefire on 2 May 2001, when the Abuja Ceasefire Review Agreement (Abuja II), facilitated by the UN and ECOWAS, reviewed the status of the implementation of the November 2000 ceasefire agreement and committed the parties to continue along the lines outlined by the 1999 Lomé Peace Agreement. By January 2002, UNAMSIL had facilitated the disarmament of 72,490 combatants, collected and destroyed 42,000 guns and 1.2 million rounds of ammunition, overseen the return of more than half a million refugees and close to 2 million internally displaced persons, and helped restore the government's authority across the country.

On 14 May 2002, UNAMSIL supervised the holding of the postponed parliamentary and presidential elections in Sierra Leone. President Kabbah was elected for a second term. The AFRC, re-organized in the Peace and Liberation Party, won two seats in the parliament and the RUF, which registered as a political party on 22 October 1999, failed to win any seats with just over two percent of the vote.

### Sanctions-mediation dynamics

- Throughout the episode, UN sanctions were imposed in a coordinated manner in response to violations of peace agreements, complementing the joint UN and regional mediation efforts.
- The type of UN sanctions measures, targeting the main source of income for those undermining the peace process, together with their strong implementation using an industry-wide certification scheme helped persuade them to implement negotiated agreements.
- Secondary sanctions on Liberia played an important role in persuading the RUF to implement the negotiated agreements.
- The coordinated use of peacekeeping, UN sanctions, and mediation sent a strong signal vis-à-vis the conflict parties and helped to keep the peace process on track, contributing eventually to a successful political transition in Sierra Leone.

## Somalia DECS (September 2007 – September 2012)

### Conflict dynamics

Following the ousting of the Islamic Courts Union (ICU) which had taken control of Mogadishu, by Ethiopian troops in early 2007, the UN Secretary-General dispatched a new SRSG Ahmedou Ould-Abdallah in September 2007 to mediate an agreement between the Transitional Federal Government (TFG) and its opponents.

His efforts culminated in the 9 June 2008 Djibouti Peace Agreement between the TFG and the Alliance for the Re-Liberation of Somalia (ARS), an umbrella organization that included remnants of the ICU. The agreement, which was formally signed on 18 August 2008, entailed

the cessation of armed hostilities, deployment of an international stabilization force authorized by the UN Security Council, withdrawal of Ethiopian troops, provision of humanitarian access, and the establishment of a Joint Security Committee. It was rejected by parts of the ARS, as well as al-Shabaab, a radical military wing of ICU that split off in 2006, which continued to call for an overthrow of the government, establishment of Islamic rule in Somalia, and the expulsion of all foreign troops from the country.

To support the peace process, on 20 November 2008, the UN Security Council adopted Resolution 1844, reinvigorating the largely dormant Somalia sanctions regime established in 1992, by authorizing targeted sanctions (asset freeze and travel ban) against individuals who undermine the Djibouti Peace Agreement, violate the arms embargo, or obstruct the delivery of humanitarian assistance. On 23 December 2009, in response to Eritrean support for armed opposition groups, including al-Shabaab, as well as its official rejection of the Djibouti Peace Agreement, UNSCR 1907 imposed an arms imports and exports embargo on the country as well as a travel ban and asset freeze on any designated individuals and entities, including Eritrean political and military leadership.

No designations were made until April 2010 when a number of individuals linked to al-Shabaab, as well as the organization, were listed for UN sanctions. This reflected a shift in the Security Council towards using sanctions for counter-terrorism, rather than supporting the political process mediated by the Special Representative.

In the hope of thwarting moderate Islamist opposition to the transitional government and creating an atmosphere more conducive to dialogue, the UN's chief negotiator Ould-Abdallah supported the ascension to the Presidency of Sheikh Sharif Sheikh Ahmed, former commander in chief of ICU, in January 2009. However, al-Shabaab as well as four other opposition groups that came together under an umbrella organization Hizbul Islamiya continued to oppose the agreement. Ould-Abdallah resigned in July 2010, following failed attempts to achieve de-listing of some of their members as an incentive for engaging in the peace process and a significant increase in violence in the country.

Ould-Abdallah's successor, Augustine Mahiga, sought to support the TFG and end the political deadlock within the transitional government. On 9 June 2011, Mahiga facilitated the Kampala Accords between President Ahmed and the Speaker of Parliament Sharif Hassan Sheikh Aden. Together with the 6 September 2011 meeting in Mogadishu, it led to the drafting of a roadmap to end Somalia's political transition by August 2012.

On 5 December 2011, in response to Eritrea's ongoing violations of UN resolutions, UNSCR 2023 imposed additional sanctions on the country, prohibiting coercive means of collecting a diaspora tax and urging vigilance regarding Eritrean mining sector. In February 2012, Resolution 2036 expanded the dual UN sanctions regime by a charcoal exports ban on Somalia, aimed at limiting al-Shabaab's revenue stream.

The Federal Government of Somalia was established in August 2012. While still not exercising control over all of the Somali territory, it presented the first internationally recognized government of Somalia since 1991. The Somali political transition formally ended on 10 September 2012 with the election of Hassan Sheikh Mohamud as President.

### **Sanctions-mediation dynamics**

- At the beginning of the episode, the adjustment of UN sanctions, including designation criteria to target those undermining the peace process, signalled strong support for the UN-mediated peace agreement.
- In the later stages of the episode, the objectives of the UN sanctions and mediation efforts diverged, with counter-terrorism gaining more prominence, negatively affecting UN mediation.

- The stigmatization of actors through UN sanctions designations, while sending a strong signal in support of the Somali peace and transitional process, made their inclusion in UN-led mediation difficult.
- The inflexibility of sanctions in Somalia and lack of coordination between UN sanctions and mediation actors limited the mediator's ability to use them as leverage. Although the mediator's decision to convey threats of pending sanctions and promises of possible de-listing initially had a positive effect, his inability to persuade the sanctions actors to implement his recommendations reversed any gains.

## South Sudan DECS (December 2013 – August 2016)

### Conflict dynamics

On 15 December 2013, fighting erupted during a meeting of the Sudan People's Liberation Movement (SPLM), the ruling party in South Sudan since its independence in 2011, plunging the country into a civil war with ethnic connotations between forces loyal to President Salva Kiir (Dinka) and former Vice President Riek Machar (Nuer). Kiir accused Machar of attempting a coup.

Attacks targeting predominantly civilians of the Nuer ethnic group ensued, killing or displacing large numbers in the span of days. In response, Machar created SPLM -In Opposition (SPLM-IO) and mobilized the Nuer White Army. Tasked with defending ethnic Nuer, the militia carried out indiscriminate killings of ethnic Dinka. Ugandan forces intervened on the government's side and fighting spread, displacing civilians and leading to a temporary halt in oil production.

At the end of December 2013, the regional organization IGAD held an extraordinary summit of its heads of state and government, which mandated a mediation initiative, led by three IGAD special envoys. On 23 January 2014, IGAD mediation which involved the UN, led to the conclusion of a Cessation of Hostilities agreement between the government and SPLM-IO. However, fighting continued, with both sides committing grave human rights violations. The US imposed an asset freeze and a travel ban on two commanders, one on each side of the conflict, in April 2014. In May, the UN revised the UN Mission in South Sudan (UNMISS) mandate to focus on the protection of civilians.

Following increased international pressure, Kiir and Machar re-committed to the Cessation of Hostilities agreement in May 2014 and agreed to open humanitarian corridors. Kiir subsequently blamed the US for forcing him to sign the agreement. IGAD-led mediation continued with limited results. The EU imposed targeted sanctions in July, and the UN threatened to impose sanctions in August.

Machar refused to sign the 25 August 2014 Protocol on Agreed Principles on Transitional Arrangements towards the Resolution of the Crisis in South Sudan, complaining that IGAD mediation was strongly biased against SPLM-IO interests. The two parties signed an implementation roadmap of the Cessation of Hostilities agreement on 9 November 2014, but the conflict continued. Chinese and Tanzanian diplomatic initiatives tried to break the IGAD mediation stalemate in January 2015, leading to five-point plan and an agreement on SPLM reunification.

In anticipation of a deadline for a peace agreement between Kiir and Machar, the UN Security Council authorized a travel ban and asset freeze on individuals committing acts of violence or obstructing the peace process on 3 March 2015 to put pressure on the parties to reach an agreement. IGAD-Plus, composed of the EU, AU, UN, US, China, Norway, and IGAD, was formed on 11 March 2015 amidst intensified military activities in South Sudan. The UN made its first sanctions designations in July 2015, designating an equal number of individuals from both sides of the conflict.

On 17 August 2015, Machar signed the Agreement on the Resolution of the Conflict in South Sudan. Kiir added his signature, together with a twelve-page annex containing his reservations, on 26 August 2015. Kiir's signing followed strong diplomatic pressure from neighbouring states, the US, and European powers, as well as a threat by the US to broaden UN sanctions by an arms embargo, listing of senior government figures, and an ICC referral. The UN Security Council endorsed the agreement in October, but the two parties made only limited progress in fulfilling its terms. Kiir's decision to divide the country into twenty-eight states complicated the implementation of the agreement, since it was originally developed with the original ten states administrative division of South Sudan in mind.

Attacks against civilians as well as UNMISS personnel from both government and SPLM-IO forces continued, further deteriorating the humanitarian situation in the country and raising concerns among the international community. The UN Security Council asked the parties to take five concrete steps to address the conflict in March 2016, including the filling of senior government positions.

After several delays, Machar returned to Juba on 26 April 2016, where he was sworn in as Vice President, and the Transitional Government of National Unity was formed three days later. However, violence broke out again on 7 July 2016. A ceasefire was negotiated but Machar fled the country after government forces attacked his compound. President Kiir appointed another member of SPLM-IO as new Vice-President on 26 July 2016, after Machar failed to return to the country by his deadline.

### **Sanctions-mediation dynamics**

- The creation of a new UN sanctions regime was in sync with the mediation strategy of IGAD, which sought to strengthen international support of the process and increase pressure on the parties.
- UN sanctions were used in crucial moments of the mediation process to encourage one or both parties to the conflict to sign an agreement.
- The threat of increasing UN sanctions was part of a strategy to pressure parties to sign a peace agreement, but the agreement was signed without genuine consent of the parties and without their ownership of the agreement. When international pressure faded during the implementation period, the parties reneged on their commitment and the agreement collapsed.
- In order not to foreclose a political agreement between the two leaders of the conflict parties, but nonetheless showing its willingness to apply sanctions, the UN Security Council imposed sanctions against mid-ranking officials from both conflict parties.
- The lack of unity among members of the Security Council and between members of the leading regional organization (IGAD) complicated the effective application of sanctions and the complementary use of UN sanctions in mediation processes.

## Yemen DECS 1 (January 2011 – February 2012)

### Conflict dynamics

At the beginning of 2011, Yemen was experiencing a convergence of multiple mutually reinforcing crises, including increasing water and food insecurity, depletion of oil reserves, and a two-year political impasse between the ruling General People's Congress (GPC) party and the Joint Meeting Parties (JMP) opposition bloc over electoral and constitutional reforms. Inspired by the success of the popular uprising in Tunisia, a group of students organized the first protest at the university of Sana'a on 15 January 2011. Despite repression, the protests soon grew in size, attracting a broad range of societal actors calling for the departure of President Ali Abdullah Saleh who had ruled Yemen for thirty-three years.

Mounting tensions between the government and the protesters culminated in the 18 March 2011 violent crackdown on the protesters, which resulted in over fifty deaths and almost two hundreds injured. A series of elite defections – including Ali Mohsen, the most powerful military general, and Sheikh Hussein al-Ahmar, leader of Yemen's most important tribal confederation – followed, shifting the balance of power in the country. Fearing further defections within the ruling party and the army, Saleh entered into negotiations with the opposition, agreeing to step down in principle.

However, as it became clear that the loss of support was not as extensive as originally feared, Saleh pushed back, seeking to set the terms of his departure. In April 2011, the Gulf Cooperation Council (GCC), with heavy involvement of the US, negotiated the GCC Initiative which offered Saleh domestic immunity from prosecution in exchange for stepping down from power. The agreement also outlined the next steps of the transition, including the formation of a government of national unity, and the holding of presidential elections, constitutional referendum, and parliamentary elections. The political opposition signed the agreement on 21 May 2011, but Saleh refused to add his signature, leading to the suspension of GCC mediation efforts. Violent clashes between forces loyal to President Saleh and Al-Ahmar's tribal forces erupted subsequently in the capital, threatening to plunge the country into civil war. The risk did not subside until the departure of Saleh for Saudi Arabia following a 3 June 2011 assassination attempt, which left him severely wounded.

Thereafter, mediation efforts among the various Yemeni stakeholders were led by SASG Jamal Benomar, dispatched to the country in April 2011. During Saleh's absence in the summer of 2011, SASG Benomar led negotiations on a roadmap for post-Saleh transition process in Yemen, which later became known as the GCC Initiative Implementation Mechanism, and emerged as a prominent figure capable of both speaking with and being heard by all the key constituencies.

The situation deteriorated in September 2011, following the surprise return of Saleh to Yemen. In response, the international community stepped up its pressure on Saleh, including through the passing of UNSCR 2014 on 21 October 2011, which urged all Yemeni parties to implement the GCC Initiative and the related UN-brokered Implementation Mechanism. Although a threat of sanctions was not formally made, it was both publicly discussed and conveyed to Saleh in private by SASG Benomar. The threat of UN sanctions, together with the hardening of Saudi Arabia's position vis-à-vis Saleh, limited domestic support, low chances of a decisive military victory, and the violent death of Libyan leader Muammar Qadhafi, contributed to Saleh's decision to engage in face-to-face negotiations and eventually agree to step down, after ten months of mass protests.

Saleh signed the GCC Initiative and its Implementation Mechanism on 23 November 2011. In accordance with the transition agreement, his Vice-President Abd Rabbu Mansour Hadi took over his responsibilities and the Government of National Unity, with ministries split equally between ruling GPC and oppositional JMP, was formed on 10 December 2011. Hadi was nominated as the consensus Presidential candidate on 21 January 2012, after the widely

opposed immunity law for Saleh and his associates was adopted. A month later, Hadi was elected President despite boycott from the Houthis, a Zaydi Shi'a group that had engaged in six rounds of military confrontations against Saleh between 2004 and 2010 in the north, and representatives of the Southern Hiraak Movement, calling for the re-establishment of independence in the south. The formal handover of power from Saleh to Hadi took place on 27 February 2012.

### **Sanctions-mediation dynamics**

- The episode was characterized by an overall convergence between UN sanctions and mediation efforts, both in terms of the goal of facilitating a peaceful political transition in Yemen and the need for Saleh to step down from power.
- Strong coordination between the different international actors in Yemen (the Group of Ten Ambassadors) and between the Special Adviser and the UN Security Council, which was united on the matter, helped make the threat of sanctions more credible.
- The threat of UN sanctions reinforced the ongoing mediation efforts especially in the last two months before the signing of the GCC Initiative, providing the mediator with leverage. The threat's effectiveness was enhanced by the target's concern about a potential imposition of financial sanctions.
- Offer of domestic immunity from prosecution contributed to securing a political agreement.
- Although the UN threat of sanctions and mediation efforts were not the only factors leading to Saleh's decision to step down, the UN's involvement was important in bringing about a peaceful transfer of power, thereby preventing the escalation of violent conflict.

## **Yemen DECS 2 (March 2013 – March 2015)**

### **Conflict dynamics**

After the inauguration of Hadi as President in February 2012, the Yemeni political transition outlined in the GCC Initiative and Implementation Mechanism continued with security sector reform and preparations for a National Dialogue Conference (NDC). Opening on 18 March 2013 in Sana'a, the conference brought together a broad range of societal actors, including political parties, youth, the Southern Movement (Hiraak), the Houthis, civil society representatives, and women to address a broad range of issues facing Yemen, such as Southern secessionist demands, the northern Sa'ada conflict, transitional justice, decentralization and federalism, good governance, and development.

The NDC deliberations took place amidst a deteriorating security situation caused by ongoing clashes with al-Qaida in the Arabian Peninsula, tribal attacks on infrastructure generating electricity blackouts and fuel shortages, calls for Southern independence, and Houthi territorial expansion in the north. Moreover, former President Saleh continued to undermine the central government and destabilize Yemen, despite having stepped down from power in November 2011 and a formal threat of sanctions issued by UN Security Council against individuals undermining the Yemeni government and political transition on 12 June 2012.

When the National Dialogue Conference was extended beyond the six months initially allocated to it and faced an impasse on a number of core issues, SASG Jamal Benomar adopted a more active role and used the informal as well as formal threat of UN sanctions to end boycotts, elicit concessions, and move the NDC process forward. On 21 January 2014, NDC delegates adopted some 1,800 recommendations for a new constitution and the subsequent political transition, and the conference officially closed on 25 January 2014. A month later, the UN Security Council passed Resolution 2140 authorizing sanctions against those threatening “the peace, security or stability of Yemen” in an effort to secure the Yemeni political transition against potential spoilers.

However, the transition began to unravel with the Hiraak and Houthi opposition to the six-part federal structure announced on 10 February 2014 by a presidential committee charged with defining the form of the future federation adopted at the NDC. Hiraak stepped up its anti-government protests in the South, while the Houthis began to broaden their territorial expansion beyond the north. On 21 September 2014, the Houthis seized control of Sana’a, taking advantage of the popular protests sparked by the government’s decision to lift fuel subsidies and the limited resistance of security forces loyal to former President Saleh.

On the same day, Hadi signed a UN-brokered Peace and National Partnership Agreement, providing for a ceasefire, decrease in fuel prices, implementation of economic reforms, and the establishment of a new technocratic government that would include both Hiraak and the Houthi representatives. However, on 7 November 2014, just as the new government was announced, the UN imposed an asset freeze and a travel ban on Saleh and two Houthi military commanders. Consequently, the Houthis and Saleh’s GPC retracted their support for the government and began to openly formalize their alliance. The new government was not approved until December 2014, after it provided GPC with assurances that UN sanctions would not be implemented domestically.

Tensions escalated further in 2015. In January, after the completion of a draft Yemeni constitution, which maintained the six-part federal structure, was announced, Houthis took control over government institutions and placed Hadi and several members of his cabinet under house arrest. Hadi resigned in protest and the Houthis formally took over power on 6 February 2015. On 19 February, SASG Benomar brokered an agreement on a new legislature to fill the existing power vacuum. However, two days later, Hadi escaped from house arrest to the southern city of Aden and retracted his resignation, accusing the Houthis of attempting a coup. Houthi-Saleh forces attacked Aden on 19 March 2015. Hadi, whom the international community continued to recognize as the legitimate President of Yemen, fled to Saudi Arabia. On 26 March 2015, Saudi Arabia-led coalition launched a military operation to reinstate Hadi and roll back Houthi-Saleh advances, effectively ending SASG Benomar’s efforts to negotiate a peaceful solution to the political conflict.

### **Sanctions-mediation dynamics**

- At the beginning of the episode, a closely coordinated threat of UN sanctions reinforced the UN facilitation role and helped to conclude the national dialogue conference.
- Following the conference, the establishment of a UN sanctions regime sent a strong signal in support of implementing the outcomes of the national dialogue conference and the UN mediation efforts in Yemen despite the fact that the chief mediator preferred to use the threat of sanctions to persuade former President Saleh to go into exile.

- Towards the end of the episode, disagreements in the UN Security Council, weaker coordination between UN sanctions and mediation efforts, and their greater diversion from the goals of key regional actors, made successful political transition in Yemen less likely.
- The timing of UN sanctions designations, which coincided with the signing of a UN-mediated agreement, risked the collapse of the political transition by creating a backlash among the sanctioned parties and strengthening their shared interest in opposing Hadi's regime.
- Singling out of parties perceived to act as spoilers emboldened the non-sanctioned actors to undercut attempts at reaching a mediated settlement by demanding additional political concessions and favouring a military to a mediated solution.
- Effectiveness of (the threat of) UN sanctions was lower when targets were not interested in international recognition, had enough time to adjust to the measures, or lacked a clear idea about the conditions for their (potential) de-listing.
- The shift in purposes throughout the episode, from the focus on the former President Saleh to the Houthi military expansions, as well as the fast-changing political situation on the ground, helped precipitate the divergence between UN sanctions and mediation efforts.



# ANNEX II: RESEARCH TEAM COMPOSITION

<b>AFGHANISTAN</b>  <b>Mr Eckart Schiewek</b> Political Affairs Officer UN Department of Political and Peacebuilding Affairs, USA  <b>Ms Rina Amiri</b> Research Associate Center on International Cooperation (CIC), New York University, USA	<b>SOMALIA</b>  <b>Dr Marcos Tourinho</b> Assistant Professor of International Relations Fundação Getulio Vargas, Brazil  <b>Dr Dominik Balthasar</b> Senior Researcher Statehood Program, swisspeace/University of Basel, Switzerland
<b>LIBYA</b>  <b>Dr Jean-Louis Romanet Perroux</b> Visiting Research Scholar Crown Center for Middle East Studies, Brandeis University, USA  <b>Dr Clara Portela</b> Full-time Faculty Member School of Law, University of Valencia, Spain	<b>SOUTH SUDAN</b>  <b>Dr Francesco Giumelli</b> Assistant Professor in International Relations and International Organization University of Groningen, Netherlands  <b>Dr Annette Weber</b> Senior Fellow Middle East and Africa Division, SWP Stiftung Wissenschaft und Politik, Germany
<b>SIERRA LEONE</b>  <b>Dr Lansana A. Gberie</b> Former Coordinator and Finance Expert UN Security Council Panel of Experts monitoring sanctions on Liberia  <b>Dr Joana Amaral</b> Research Associate Centre for Conflict Studies, University of Marburg, Germany	<b>YEMEN</b>  <b>Prof Francesco Mancini</b> Associate Dean & Visiting Associate Professor Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore  <b>Dr Zuzana Hudáková</b> Visiting Lecturer European School of Political and Social Sciences, Lille Catholic University, France

# ANNEX III:

## LIST OF EXTERNAL REVIEWERS

<b>AFGHANISTAN</b>	<b>SOMALIA</b>
Dr Barnett Rubin Center on International Cooperation (CIC)	Charles Petrie Former Senior UN Official
<b>LIBYA</b>	<b>SOUTH SUDAN</b>
Christopher Thornton Centre for Humanitarian Dialogue (HD)	Jamie Pring swisspeace
<b>SIERRA LEONE</b>	<b>YEMEN</b>
Alan Doss, Kofi Annan Foundation	Dr Katia Papagianni Centre for Humanitarian Dialogue (HD)

# ANNEX IV:

## TERMS OF REFERENCE FOR RESEARCH TEAMS

### 1. BACKGROUND AND GENERAL OVERVIEW

- a. Establish the timeline of the conflict situation
- b. Summarize main causes of conflict
- c. Identify main actors
- d. Summarize international intervention in the conflict

### 2. TIMELINES

- a. Briefly describe the DECS, including the beginning and end points.
- b. Construct a detailed timeline of sanctions episodes during the DECS. For each episode, the timeline should differentiate between:
  - i. the threat of sanctions;
  - ii. the application of sanctions;
  - iii. the adjustment of sanctions;
  - iv. the suggestion of possibility of suspension or lifting of sanctions and, if relevant;
  - v. the lifting of sanctions. The research teams were encouraged to build on the sanctions episodes and timelines already identified in SanctionsApp.<sup>i</sup>
- c. Construct a detailed timeline of international mediation during the DECS. The timeline should capture different phases, and related objectives, of international mediation, including:
  - i. getting parties to the table;
  - ii. getting parties to sign an agreement;
  - iii. getting parties to implement an agreement and, where relevant;
- d. Identify points of convergence and/or divergence between sanctions and mediation.

### 3. POLICY INTERVENTIONS

- a. Identify the objective and purpose of the sanctions regime for each sanctions episode, inferring the mandate for sanctions episode from UNSCRs. Begin with the assessments already available in SanctionsApp, but amend them as appropriate.
- b. Identify the objectives of the mediation for each phase of the mediation process. Identify the mandate of the mediation process, for example in relevant Security Council and General Assembly resolutions.

- c. Identify the types of sanctions threatened, applied, or adjusted during each episode.
- d. Identify the different phases of the mediation process.
- e. Identify the co-existing sanctions regimes (by regional organizations and individual states).
- f. Identify the co-existing mediation processes led by other third parties.
- g. Identify any other interventions simultaneously being undertaken, i.e. threats of force, limited use of force, peacekeeping operations (and their intensity), covert activities, referrals to international criminal courts, etc.

#### 4. ANALYSIS

- a. Explore the outcomes of UN sanctions and mediation processes in a given conflict situation.
- b. Explore the effects of UN sanctions on international mediation during different phases of sanctions, i.e. threat, application, adjustment, suspension and lifting.
- c. Explore the effects of international mediation on UN sanctions during different phases of mediation, i.e. getting parties to the table, getting them to sign an agreement, and to implement the agreement.
- d. Identify the instances where sanctions have complemented mediation processes.
- e. Identify the instances where sanctions have complicated mediation processes.
- f. Explore the unintended consequences of the application of one tool on the effectiveness of the other.
- g. Assess efforts of UN officials to coordinate the application of both tools.

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<sup>1</sup> Thomas Biersteker, Zuzana Hudáková, and Marcos Tourinho, SanctionsApp, Computer software, iOS and Android app, updated in July 2018. SanctionsApp contains detailed analyses of every UN targeted sanctions regime applied since 1991, divided into discrete episodes for each sanctions regime. A new episode is defined whenever the Security Council applies a new type of sanction and/or changes the target or the purpose of the sanctions.

