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Carol Naranjo
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A Process of No Return: Mediation in Civil Conflict

Carol Naranjo

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Advisor: Professor Jean Krasno
Second Advisor: Jeffrey Kucik

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Abstract

This thesis project focuses on mediation in the context of civil conflict. There are various possible solutions to civil conflict. The parties may resort to the use of violence through military victories but there are also other peaceful solutions such as mediation. Although several methods are available to solve civil conflict, mediation has shown to have its successes in this area. Mediation, where a third party acts as a facilitator, allows for both warring parties to work quietly with the mediator, present their complaints and use the third party to become a go-between towards finding an acceptable solution that benefits them both. Mediation can happen in many forms, a state, an institution or an individual can sponsor it. This project will mainly focus on the individual acting as a mediator and how this personalized method can increase the prospects for sustainable peace. Additionally, it will look at the challenges that mediators face during the process and how they overcome them and it will look into the aftermath of the mediation process and what steps were taken or created to obtain sustainable peace.

Chapter One

Introduction

This thesis project focuses on mediation in the context of civil conflict. There are various possible solutions to civil conflict. The parties may resort to the use of violence through military victories but there are also other peaceful solutions such as mediation. Although several methods are available to solve civil conflict, mediation has shown to have its successes in this area. Mediation, where a third party acts as a facilitator, allows for both warring parties to work quietly with the mediator, present their complaints and use the third party to become a go-between towards finding an acceptable solution that benefits them both. Mediation can happen in many forms, a state, an institution or an individual can sponsor it. This project will mainly focus on the individual acting as a mediator and how this personalized method can increase the prospects for sustainable peace.

Civil conflict plagues many countries and regions across the globe. Many countries around the world are victims of civil conflict but at the same time hope to find a long-term solution. However, most of the time the parties to the violence are unable to find that solution on their own. Civil conflict does not only affect the country of origin but it also places burdens on neighboring countries. People affected by civil conflict often flee across borders to escape the consequences of war; many have lost their families or even their homes. Rebel groups can also seek refuge in neighboring countries to escape being caught by the government and face charges for their crimes. The consequences of civil conflict create a spillover effect and therefore call for the attention of the international community. This is where the intervention of mediators comes in to help a

country do what they themselves have been unable to accomplish. Mediation, however, is not exempt from failure but it is essential to learn from mistakes made and apply that to future cases. I argue that mediation is an important tool and resource to have during peace talks. I also argue that careful selection of a mediator must include actors who have previous experience in civil conflict resolution and also the ability to help build trust among the parties. Thirdly, I argue that a mediator must maintain his or her impartiality and not be perceived as taking sides with one party or the other. If impartiality is not maintained, the aggrieved party will simply defect. Commitment to the process is also essential in achieving a permanent solution.

My research questions include the following:

- What is a good definition of mediation?
- What are some good examples of successful mediation?
- Who selects mediators and what criteria are they looking for?
- When can we say mediation has been successful?
- How do mediators build trust?
- When is it useful to the peace process to grant perpetrators amnesty?
- Can bias ever help reach peace?
- Why do third parties accept to be a mediator?
- Are mediators ever self-interested?
- What are the most effective strategies in mediation?
- What assets does a mediator bring to the process, things such as incentives for the parties?
- Is there a difference between mediation and leverage and how do they interact?

Mediators can bring assets to the negotiating table. They can bring previous experience in personal knowledge of the history of the region and in some cases have mediated other civil conflicts. Mediators can often garner incentives from states, donors, or international organizations. A mediator often represents an institution or a government, which is usually where incentives for reaching peace come from. Such incentives can be foreign aid, which provides great help to those who have been affected by war. I believe mediation is a personalized method of reaching a peaceful solution, which builds trust and confidence between the warring parties, and this then facilitates the process and assures both parties that they will not leave empty handed. The conflicting parties worry because they feel they can be cheated from something they deserve, but mediators can help both parties build concessions where they will both benefit one way or another. Not only do the warring parties need to commit to the process but mediators should also be willing to commit from beginning to end. They will be the ones who will get to know the process and who will be able to guide the parties to a successful agreement to reach peace. If mediators are present from beginning to end, it can help mitigate the possibility of the conflict from breaking out once again. This thesis will also examine whether impartiality is a requisite to being a mediator. Although some scholars argue that impartiality is not always necessary and that a biased mediator may equally have success, I argue against this position. Impartiality is the key to being a successful mediator.

The methodology undertaken by this thesis relies on academic articles, books, essays, interviews and online sources that have already been written on the subject. I also use United Nations documents written on mediation and the use of mediators by the UN. I

use that information to support my hypothesis and as well utilize case studies of countries that have lived through civil conflict and have found a solution through mediation.

Chapter Two

Review of the Literature

Civil conflict is still widespread in the 21st century, but that does not mean something isn't being done about it. For years civil conflict has divided nations and people leading to the outbreak of war and the creation of guerilla groups. Most of the time these groups have a political goal that they seek to reach, mostly by using violence. This is the case of several war-torn countries around the world, especially countries with weak governments that are incapable of dealing with the issue themselves. Some examples are El Salvador with the FMLN, Hamas in Palestine and the FARC in Colombia, to name a few. Each of these groups has or had a political objective, which they sought to achieve through violence, but at the same time there are other countries, institutions and even people who are willing to intervene in these civil conflicts to bring peace to these war torn countries. Civil conflict has several solutions, the use of hard power by the government or through peaceful solutions through direct negotiations or through third party mediation where both parties are willing to end the conflict and seek a political rather than a military solution. The purpose of this thesis is to demonstrate that peace talks can be successful and although many factors can lead to a successful and peaceful outcome during a civil conflict, mediators play an important role in creating a favorable outcome for both parties in the process.

Solving civil conflict through peace talks is something that lately, seems to be practiced with more frequency and identifying the reasons of how peace talks can be successful can help in future cases. I argue that mediators, as individuals, can lead peace talks to be successful. There must also be a reason why these individuals accept the role

of mediator in a civil conflict. Some argue that a third party may accept becoming a mediator because of "...identity factors such as being a neighboring state to the country in conflict, prior involvement in the dispute, a shared defense pact, and a former colonial tie as increasing the chance that a state will agree to act as a mediator" (Wallenstein and Svensson 2014: 318). It is clear that there must be some sort of tie, whether direct or indirect, between the mediator and the conflict in question. This will become even more evident in the case studies of Colombia with FARC and El Salvador with FMLN. I argue that mediators have a link one way or another to the conflict or to the region and this tie can greatly influence a third party to become a mediator in a certain civil conflict. If this is the case, it will not only increase the chances for peace talks to be successful but also for a peace agreement to be signed by the two warring parties and that consequently peace can be long lasting because of the commitment to the issue.

Mediation as a method

Mediation is defined as the act of intervention, which does not necessarily have to be in civil conflict, but it is a method used to get both conflicting parties together and find a solution to the problem. Wall Jr. and Druckman define mediation as the "... assistance to interacting parties by a third party who may or may not have authority to impose an outcome" (Wall Jr. and Druckman 2003: 694). A discussion of mediation must also include an analysis of leverage. Leverage can be a tool of mediation, which can be defined as "... the use of pressure where actors can utilize a set of instruments that compel others into taking actions or refraining from undesired acts" (Krasno 2004: x). Leverage can enhance the chances of success in resolving civil conflict if the mediator can put pressure on either one of the parties to accept a proposed agreement (Ott 1972:

599). Leverage then, is just a way of enhancing the method of mediation and should not be a tool that is easily discarded as it can make a great difference in the outcome. Things such as leverage are what have helped mediation become a successful tool for resolving civil conflict.

Some scholars conclude that mediation has improved a great deal since it has become the preferred method of conflict resolution compared to military victories (Wallensteen and Svensson 2014). If this is the case, it means that mediation can be successful in its objective but one must be careful about applying the same methods to different conflicts. Mediation is not exempt from facing failures, just like deploying peacekeeping troops has faced failures in the past. It can be a successful method, but it must be molded to the civil conflict in question. I argue that the main strategy for mediation to be successful is commitment. If things seem to fall apart along the way it should not mean giving up on a solution but rather learning from those mistakes and look for an improved solution. This was the case of the Philippines who acted as a mediator in the Sabah dispute with Malaysia and despite many failed efforts it did not give up its role as a mediator (Ott 1972). What makes mediators an important and powerful tool to have is that they are always present in peace talks and can help both parties find a mutually acceptable solution but not to the point where one will be left vulnerable. “Mediators often possess experience in past conflict resolution attempts, carry with them legitimacy, and can provide technical support to the state, each of which may supplement the state's capacity and help all sides come to an agreement” (DeRouen Jr. et. al 2010: 336). More specifically, weak states can benefit from mediators who have experience in past conflict resolution attempts, that way they can guide them through successful peace talks where

neither side gives up too much in order to reach peace. “Both before and after the signing of agreements, mediation focuses on the political process: it tries to keep the signatories of the peace agreement engaged, to bring new parties in the process, and to expand as much as possible political participation” (Papagianni 2010: 245). The idea of having mediators should mean that they will be present from the beginning until the end because if not the process could be vain. Even after signing the peace agreement there is still a chance that fighting may reoccur, however, that is why mediators are present, to keep each party focused on the objective and that no party may go astray from that objective. Scholarly articles highlight two types of mediation methods which are available to make sure the peace process is right on track, the biased mediator versus the impartial mediator.

Biased vs. Impartial

Mediators can assure both parties that there is an equal willingness to reach peace even though one of the parties is in a much weaker position. Biased mediators can be defined as those who lean more towards a certain group and will try to help that group obtain the most gains as opposed to the other group. “Previous research has suggested that biased third parties may mitigate commitment problems between parties, by serving as guarantors for the weakening side” (Svensson 2007: 177). Svensson argues that biased mediators can make sure that the supported weaker party will adhere to their commitments and will be fairly treated throughout the peace process. Additionally, he argues that mediators who are biased towards the rebel group have fewer incentives to protect the government and rebels can end up backing out from a peace agreement (Svensson 2009). However, mediators that are biased towards the rebel group can present problems; amnesty can be granted to perpetrators preventing them from paying for their

crimes. This does not always have to be the case, but should be something to take into account when many of these groups have committed war crimes. Although Svensson's argument can hold true in some cases it still has many holes. It seems almost impossible to believe that a group will accept a biased mediator who is leaning toward the opposing side, knowing that they will face a win-lose situation. If one of the parties sees that a mediator is being biased toward the other group, they can easily back out from negotiations. They would probably have more to gain in continuing the conflict, than in accepting a mediator who is biased and will end up hurting their interests. It is as if you are negotiating the price of a product with the store owner and someone interferes to help out but it turns out that that person is leaning more toward the owner's side. Your ultimate decision would simply be to walk away and not buy the product. The same thing goes for either the insurgent group or the government; no party is willing to end up losing more while the other party gains all the benefits.

On the other hand, impartial mediators, which can be defined as those who choose neither side yet still continue to be part of the peace process, can provide equal chances for successful peace talks. Young argues that, "the existence of a meaningful role for a third party will depend on the party's being perceived as an impartial participant (in the sense of having nothing to gain from aiding either protagonist)..." (Young 1967: 81). If the mediator is to be impartial, it does not mean that he or she has no preference in what the outcome will be but rather that he or she must treat both parties the same way procedurally. Impartial mediators can provide support to both the weak side and the strong side and can equally make sure that no two sides end up giving too much to be left vulnerable before the other. An impartial mediator can build trust with both parties,

something that the biased mediator will never be able to do and trust becomes essential in getting the parties to come together. Mediators as individuals, as opposed to mediators as states, have the highest probability of creating a relationship between the two disputing parties, which will give him/her leverage in the long run. In this aspect, the benefit of having the mediator be an individual instead of a state is that individuals are not as self-interested as states, seeking something in return. Here the requirement of a state or a person is that their goal is peace and not a particular outcome for either party. Mediating states can be self-interested because they can ask the host government for something in exchange for their help in conflict resolution while an individual does not have the authority to demand anything in exchange. In the case of failed peace agreements or in the immediate post agreement period, mediators have the duty of keeping the momentum of the dialogue between the parties in order to keep the public's confidence in the peace efforts. Mediators urge parties to continue negotiating on things that might have been put aside during negotiations. During a peace process, mediation skills never become irrelevant as they can work side by side with peacekeepers to make the process a much stronger one with the hope of it being successful. Mediators can also provide technical experts, to assist the parties in writing constitutions, holding elections, and strategies for power sharing.

This thesis will further support mediation as a tool of conflict resolution by using Colombia and El Salvador as cases studies. For years mediation has been used to solve civil conflict or even many types disputes, not just in civil conflict, and it continues to be a method actors turn to because it works. Some might argue that it doesn't work because there are always such things as interests from each party or even time can be a factor to

question how well mediation works in conflict resolution. Interests, however, is what keeps the process moving; each party is fighting for something. Time should not be a factor that questions a process that relies on time, especially when the conflict has been going for more than a decade. In taking such things into consideration, this thesis gives further insight on the work that is put into mediation in order to have a successful solution. Such things as commissions are especially created to address specific issues, which gives further credibility to the process. Certain steps in the mediation process are replicated in other countries that have lived through or are living through civil conflict but are also actively seeking peace.

Chapter Three

Civil Conflict

Mediation in International and Civil Conflict

Civil conflict is generally between two organized groups in the same country. One of the sides, usually the rebel group, seeks a political outcome usually through the use of violence. Their objectives can range from taking control of the country, self-determination or political participation. Some organized groups get so violent that they go on to be considered as terrorist groups, however, civil conflict can only last so long. Unless a permanent solution has been achieved civil conflicts can be very unpredictable, they can be dormant for a while and restart again. “Since the end of World War II, there have been a total of 231 armed conflicts active in 151 locations throughout the world. During the 17 years since the end of the Cold War, the corresponding numbers are 121 conflicts in 81 locations” (Harbon, Höglbladh and Wallesteen 2006: 617). By 2005, the number of civil conflicts summed up to 31, and although the number has decreased by a large amount since the end of World War II, the Cold War sparked many civil conflicts, especially in South America. Even though the numbers have dropped significantly it does not mean something isn’t being done about it. International organizations such as the United Nations have implemented such things as peacekeeping missions and state actors have intervened through mediation practices in the hope to end civil conflicts.

Mediation efforts have not always been practiced in civil conflict, but it is also a tool used during moments of international conflict, although perhaps more challenging because of the number of big actors involved, however, not impossible. During the 1900s

the international system witnessed so many changes due to ongoing wars that it also affected the means of resolving these wars.

The past fifty years have seen an increase in the demand for mediators, partly because the international system changed profoundly during that period: the end of World War II, the emergence of bipolarity of the Cold War, the rapid decolonization of vast areas of the globe, and the shift to the post-Cold War era. During the Cold War, mediators were used to positive effect in a number of major international crises” (Crocker, Hamson and Aall 1999: 5).

The international system has gone through numerous changes and most of these have sparked civil conflicts. Conflict seems to be a constant thought-out history, whether international or civil. Regardless of the different type of conflict, mediation has always been an option to resolve this problem. “The use of mediation to deal with conflicts in the international system began to rise significantly during the 1960s, more than doubling from 1950-levels. Mediation increased by another third during the 1970s, with its use leveling off during the 1980s” (Grieg and Diehl 2012: 33). With the outbreak of war one would expect for the number of mediation efforts to increase as well. The 1900s were a moment of change; there were numerous wars some more notorious than others and these wars also led to the creation of new states. The creation of more states meant that there were more international actors that could potentially play the role of mediators to prevent the further outbreak of violence. Most of the mediation efforts were focused on interstate conflicts and this led for many to change their focus to civil conflict. “Since the end of the Cold War, the international community and the UN have moved beyond traditional

peacekeeping, becoming much more involved in civil conflicts. Doing so has meant adding a new set of functions—election monitoring, police training, sometimes even administering the state—to facilitate the transition from war to peace” (Fortna 2003: 97). As actors started to change their focus from international conflict to civil conflict the strategies used to resolve these conflicts changed as well. The strategies that were used in mediating international conflict could no longer apply to civil conflict mediation. The United Nations has been one of those entities that has specialized itself in civil conflict mediation, especially after being an active mediator in dangerous conflicts such as the one between India and Pakistan. “The United Nations, however, has devoted its greatest attention to civil conflicts, directing more than one third of its 888 post-World War II mediation efforts to just four conflicts: the civil war in former Yugoslavia, the conflict in Cyprus, Angola’s civil war, and the Western Sahara conflict respectively” (Grieg and Diehl 2012: 68). The United Nations has managed to maintain its role in mediation; this is seen later on in the thesis, with the creation of good offices in the UN that provide mediation support. The United Nations has not been the only actor to provide mediation services; other international organizations have also become great contributors to this effort and even individuals themselves have intervened in ongoing disputes. The fact that the United Nation’s role as an international mediator has decreased is in part because there are many more entities that can provide the same support in civil conflict. Not only has the United Nations been limited by the competition it faces from other organizations but also by the interests of key member states, in particular the interests of the Permanent Five of the Security Council (P5). Due to these impeding interests many states have

decided to participate in mediation through supportive channels such as the friends group of the Secretary-General in peace process led by the United Nations (Iji 2017).

Chapter Four

Mediation

Defining Mediation

This thesis provides insight into how mediation can be used as a tool during conflict resolution. As conflicts evolve so must the way of approaching these problems and mediation has become a tool that many actors turn to. Mediation is not just about having an individual in the middle of conflicting parties and hope that that individual finds a solution. Mediation goes much further than that; it is about creating a relationship with the parties and working with them to agree on a solution. Many scholars have attempted to come up with the best definition of mediation, but for the purposes of this thesis I believe Christopher Moore has provided the best one so far:

Mediation is a conflict resolution process in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist involved parties to improve their relationships, enhance communications, and use effective problem-solving and negotiation procedures to reach voluntary and mutually acceptable understandings or agreements on contested issues (Moore p. 8, 2014).

Mediation can be a very appealing tool to resort to during conflict resolution because in the end it is the conflicting parties that have ultimate authority over the result. This, however, does not mean that mediators do not have influence over decisions; they can have many cards up their sleeves. I will address this aspect later in the thesis in discussing how mediators can use leverage with the conflicting parties. I would also like to provide a definition on what conflict resolution means in order to understand how all

these terms are linked in the mediation process. It is important to note that conflict resolution does not ignore the root of the conflict or even suppress it. Bercovitch and Jackson define conflict resolution as "...a range of formal and informal activities undertaken by parties to a conflict, or outsiders, designed to limit and reduce the level of violence in conflict, and to achieve some understanding on the key issues in conflict, a political agreement, or a jointly acceptable decision on future interactions and distribution of resources" (Bercovitch and Jackson 2009: 14). By providing these definitions I hope to make the mediation process clearer and demonstrate the strength of mediation in conflict resolution. The first step in conflict resolution is to accept that there is a conflict and that there are possibilities of resolving that conflict, in this case the method for a solution, mediation.

Timing of Mediation

Before any mediation activity can start, it must be determined whether it is an appropriate moment to mediate a conflict. "If it is to succeed, a mediation initiative cannot be launched at just any time; the conflict must be ripe for the initiation of negotiation. Parties resolve their conflict only when they have to do so—when each party's efforts to achieve a unilaterally satisfactory result are blocked and the parties feel trapped in an uncomfortable and costly predicament (Zartman and de Soto 2010: 5). Civil conflicts must be addressed with abundant caution; if not, it can further spark the violence and therefore decrease the chances for peace. In order for mediation to be an option both parties must be willing to enter negotiations and seek a solution. When both disputing parties accept that the only solution is through negotiations then one could say that the dispute is ripe. Many times disputing parties struggle to find a solution through other means such as a military

victory, however, most of the time this ends up in a failed attempt hurting both of the disputing parties.

A plateau and its hurting stalemate begin when one side is unable to achieve its aims, to resolve the problem, or to win the conflict by itself; it is completed when the other side arrives at a similar perception. Each party must feel uncomfortable in the costly dead end it has reached. Both must perceive a plateau not as a momentary resting ground but as a flat, unpleasant terrain stretching into the future, providing no later possibilities for decisive escalation or for graceful escape (Touval and Zartman 1989: 125).

This hurting stalemate is produced when neither party thinks that it can obtain victory in the conflict. Continuing the fight would mean great losses for both parties and if they continue to fight it will only hurt them both. When parties reach this plateau, they realize that the only way out of the conflict is through other means besides war, this was the case of the FMLN and the Salvadorian government.

In November 1989, a major offensive by the [FMLN] failed to ignite a popular insurrection against the armed forces, leading it to conclude that negotiation was the only way out; the armed forces' failure to crush the offensive brought the El Salvador government to the realization that, after eight years of effort, it could not defeat the insurgents, leaving negotiation as the only way out (Zartman and de Soto 2010: 12).

The case of the FMLN and El Salvador, one that I will go into further detail later in the thesis, is a great example of two warring parties incapable of defeating each other

militarily and who finally realized that the only way out was through negotiations. This is when one can consider the conflict to be ripe for mediation.

Mediation Process

Mediation is understood to be an extension of negotiation or in other words a set of activities where the outcome will not be win-lose but rather win-win. The first step to take in the mediation process is to choose or find the ideal mediator. “Mediation is a voluntary process. This means that mediators cannot mediate unless they are perceived as reasonable, acceptable, knowledgeable, and able to secure the trust and cooperation of the disputants” (Bercovitch and Jackson 2009: 48). The ideal mediator should be accepted by both parties and should have good knowledge of the conflict he or she is mediating. The next step in the mediation process is either to initiate talks or pick up from where negotiations were left off. Getting to an agreement will be a long process, especially when two parties oppose each other, but Fisher and Ury come up with four principles to make the mediation process be trenchant: 1) Separating the parties from the issues; 2) Focusing on the interests; 3) Come up with more options; and 4) Use objective criteria (Fisher and Ury 1983). Some actors lack the ability to look past the ‘group’ and focus on the issue(s) at stake because they may feel that their interests are threatened. Building a good relationship is essential to the mediation process. That way each party can see from the point of view of the other party, understand their grievances and see themselves as a group working toward a solution and not as enemies. Each party will have their own position on the issue but it is their interests that really matter. The interests are what caused them to take that position (Fisher and Ury 1983). By focusing on the interests, each party will be able to present them and bargain among one another until they reach a

decision that benefits them both. In the third principle, parties may think that the only option is a win-lose situation because they rush to find a solution. The parties should be able to come together and come up with a range of options and pick the one that will benefit them both where the result won't be win-lose. Lastly, the parties to a conflict should not cast aside the opportunity to use objective criteria, in this way parties can decide on what they should or should not agree upon.

Applying these four principles to mediation can increase the chances of reaching a successful agreement; mediation is just the continuation of negotiation by other means (Bercovitch and Jackson 2009). Not only can methods such as these strengthen the role that mediation plays in conflict resolution, but also entities such as the United Nations who have been known to contribute a great deal to international peace and stability can teach others about the mediation process and possible strategies to use. Despite the many criticisms that the United Nations has faced it has done a great job in enhancing world stability by offering its good offices and mediations services (Kaloudis 1993). During the tenure of Secretary-General Kofi Annan, serious efforts to contribute to the growth and strengthening of mediation were evident. The Nigerian diplomat, Ibrahim Gambari who wanted to further strengthen the mediation services that the United Nations provided, recognized the value of mediation. Just as the UN has a stand-by facility in the humanitarian field, Gambari proposed to Secretary-General Kofi Annan to have the same thing but for mediation in the following note: "I have held some useful discussions with the Government of Norway, which would like to assist us in the establishment of a roster of mediation experts. The roster would be similar to existing humanitarian rosters but would consist of a pool of experts in aspects of mediation, facilitation and conflict

resolution” (Krasno 2012: 3947-3948). Gambari also highlighted the importance of making sure that the roster was geographically representative which would give an upper hand in the area of mediation, since civil conflict is widespread and not just in one region of the world. Contributing to this roster of professional mediators would be to strengthen the already established good offices and the mediation support capacity.

The Non-Aligned Movement (NAM), a group of states that does not align with or against any major power bloc, has recognized the contribution of these good offices in the pacific settlement of disputes and calls on the Secretary-General, Kofi Annan, to allocate further resources for his good offices from UN Member States (Krasno 2012: 3437-3438). In improving the capacity, Stephen Stedman, Assistant to Secretary General, proposed the following to Kofi Annan: “training a new generation of international mediators; providing political and analytical support at DPA; providing logistical and other support for mediation and good offices at DPA; identifying UN best practices for mediation and good offices; and establishing better partnerships with regional and other mediators (Krasno 2012: 3437-3438). As noted earlier in this thesis, as conflicts evolve so must the method used to address them, however, this is not the only thing that has to change. People have to change as well, and this means training a generation of mediators that can potentially come up with better strategies. The UN has extensive knowledge in mediation and peacekeeping, probably one of the actors that has the most knowledge in the subject, and therefore can easily identify the best strategies of mediation to date. The UN has provided high quality mediators, some worthy to mention are Álvaro de Soto in the FMLN and Salvadorian government conflict and Staffan de Mistura in the Syrian conflict. Both have demonstrated the high quality of mediation that the UN has to offer.

Although, even those who do not come directly from the UN can equally provide good mediation skills as seen with Hector Acosta in the FARC and Colombian government conflict.

Trust, Credibility and Leverage

One of the biggest obstacles that peace negotiations face is the lack of trust between disputing parties. Mistrust is understandable from both sides of the disputants, neither one is sure of the other's intentions and neither wants to end up losing more than they are going to gain. One of the greatest contributions from mediators is their ability to build trust between the two parties who are unsure of each other's intentions. Mediators can assure the parties that there is a willingness from all sides to reach peace without them having to give into the whims of the other party. I argue that trust is a key element to achieving a successful outcome. Since mediation is a voluntary process, mediators cannot mediate unless they are able to secure trust and cooperation from the disputing parties (Bercovitch and Jackson 2009). Mediators can help parties overcome their mistrust issues by building a relationship with both parties and hearing out their grievances. "Mediators are able to help with mistrust problems. For instance, if two disputants are engaged in an ongoing civil or international conflict but wish to conclude a peace treaty, a mediator can assure each side that the other is genuinely interested in peace and is not attempting to deceive and exploit them" (Kydd 2006: 449). Mediators are therefore the key actors during negotiations and are essential to building trust. Bercovitch and Jackson state that, in order for mediation to be effective mediators must be able to build trust and credibility and must also have a high degree of personal skill and competence (Bercovitch and Jackson 2009). When a mediator possesses such

qualities and is able to build qualities such as the ones mentioned above, mediation has a high chance of being effective.

With building trust also comes the task of building credibility with the disputing parties. “Mediators build credibility with people or groups in conflict by developing expectations that the mediator and the mediation process will help them successfully address the issues in dispute” (Moore 2014: 223). The disputing parties must see that the mediators have the best intentions in helping them present their grievances and in turn helping them reach a solution to those grievances. Credibility is also a reflection of participating organizations, such as the United Nations. Actors will associate credibility with the mediator that is sent by any organization. If they are seen as legitimate and have a reputation for resolving disputes their credibility will be evident with the disputing parties. However, if the organization has a lack of credibility then they will most likely not be allowed to intervene by the disputants. Although the UN has faced failed attempts in conflict resolution, be it through mediation or not, it has not stopped being a global ambassador for maintaining peace and security. This persistence, I argue, has allowed for the UN to maintain its credibility within the international community. The United Nations, however, provides much more than credibility, it provides legitimacy to the process. “Among these roles, mediators play an important role in legitimizing the process and outcome of negotiations. In performing such a role, legitimate power is necessary. For instance, the UN and regional organizations have different sources of legitimacy” (Iji 2017: 94). The UN has unique legitimacy for it has been one of the longest standing organizations that seek to maintain peace and security in the international community. Mediation efforts that are one way or another tied to the United Nations provide great

credibility and legitimacy. Lastly, leverage can be a useful tool for a mediator to use. Leverage gives the mediator a greater source of power and strength during the process. “The tool of leverage at the disposal of the international community through the United Nations encompass three types of ways to influence the behavior of recalcitrant actors: physical force; economic and political leverage, including the carrot of assistance or the stick of sanctions; and ostracism or embarrassment” (Quarterman 2004: 145). Many sources of leverage are available through the United Nations; however, it does not necessarily mean that leverage is only possible through the UN. Individual mediators can equally have leverage over the parties. Mediators can withhold information from one side in order for the other to make concessions, however the mediator should be very careful in using this strategy. Sometimes parties can become too obstinate when it comes to making concessions. Mediators can equally help disputants, especially the insurgents to build up a positive reputation before the citizens of the country; however, they can equally distort that reputation. Through mediation, belligerents can build up their credibility before society, especially if they aspire to be politically active. Trust, credibility and leverage are three essential tools that mediators must possess or use during mediation efforts, which can increase the chances for sustainable peace.

Chapter Five

El Salvador and FMLN

History of the Conflict

The East and West competition during the Cold War exacerbated many revolutions or proxy wars in Central and South America, mostly also because of the economic inequality that the many countries in this region were going through. The civil conflict in El Salvador was a consequence of this, contributing to this revolution was the support given by the Soviet Union. The civil war in El Salvador was not because of ethnic or racial divisions but rather because of ideology and class. The Farabundo Martí National Liberation Front (FMLN) was a Marxist revolutionary group whose goals were largely politically and economically oriented as they sought land and political reform. Additionally, they wanted to transition to a democratic political regime and end the Salvadorian repressive security apparatus. The FMLN was officially created in October 1980 made up of five different guerrilla leftist groups. “The Salvadoran rebels evolved due to deep anger from decades of dictatorship, which festered among the lower classes and frustrated the emerging middle class” (Herrera 2008: 10). One of the many examples was the story of Ana Guadalupe Martínez a member of the FMLN. In an interview with Jean Krasno, Ana is asked the reason for having joined ERP which later on became part of FMLN, and her answer was the following:

It was personal; I didn't have a special motivation per se. I believe that the fundamental motivation came from two things: first the Christian formation of my family and second the direct relationship I had with the faculty of medicine, as a medical student, with the reality of the disease

and the health conditions of the majority of the Salvadorans. It is such an extensive phenomenon of an unhealthy population, of a population with many difficulties to find an answer to a health problem that has motivated me to participate in the revolutionary struggle (Krasno 1997: 2-3).

Many of these rebels were well educated and understood that the only way to obtain that change they so desired was through a revolution. These rebels witnessed the consequences of economic inequality, which in the case of Ana was an unhealthy population in El Salvador. The civil war set off with the assassination of Archbishop Oscar Arnulfo Romero by extreme rightists; this not only led to the final formation of the FMLN in December of 1980 but later on also led to a rebel military attack on the government, seeking to overthrow it (Howard 2007). In reality it was difficult for one side to defeat the other because El Salvador received military and financial support from the United States while the FMLN also received military support from Cuba, the Soviet Union and the Sandinista government in Nicaragua (Howard 2007). The aid that El Salvador was receiving from the United States led the FMLN to resort to guerilla tactics instead of waging open war. At times, negotiations were attempted through President José Napoleon Duarte with the FMLN but they were unsuccessful because Duarte said that a provisional government was out the question (Stern 1987). As the FMLN's main political goal of power sharing and a provisional government were not going to be addressed, the FMLN did not show up to negotiate. Two important things happened that changed the course of the conflict. In June 1989, Alfredo Cristiani became president of El Salvador. He was known to be "[a] decent, honorable, and courageous man with the will and determination to reconcile his country and achieve permanent peace, Cristiani was

undoubtedly the man who anchored the peace agreement for El Salvador” (Arria 2004: 64). It was under the presidency of Cristiani that both groups faced a military stalemate calling for the intervention of a third-party. This is when the United Nations, along with Álvaro de Soto come in to mediate the conflict in search for sustainable peace. The second important thing that happened before official negotiations started was President George Bush taking over for President Reagan. Unlike Bush, Reagan believed that the only solution to the conflict in El Salvador was through military means. Bush on the other hand, understood that not only was a military solution not possible but that it was necessary to have the participation of certain Latin American countries and of course the full intervention of the United Nations (Howard 2007). These two changes brightened the path for full open negotiations to take place between the Salvadorian government and the FMLN. Since both groups had reached a military stalemate they were both aware that only an intermediary would be able to help them reach sustainable peace, in this case international organizations can provide the support to do so. “First, international organizations are usually resorted to because no other actor has been able, or is in a position to, be an effective intermediary. One result of this is that international organizations are often presented with the thorniest or most intractable of problems” (Jonah 1992: 176-177). Organizations such as the United Nations are seen as a legitimate actor to take on such burdens of resolving international conflict; partly because of the immense experience they have acquired in maintaining peace and security. In the rest of the chapter, I will show the great amount of contribution from the United Nations to the civil conflict in El Salvador.

The Road to the Chapultepec Accords

After more than a decade of war and more than 75,000 deaths both groups saw the need for a peaceful process. The conflict was ripe and there was commitment from both parties to reach a solution. One of the key players in helping both groups come together to negotiate was the Contadora Group made up of Colombia, Mexico, Venezuela and Panama. “The aim of the Group was to create an informal and independent Latin American mechanism to intervene in the Central American region where two superpowers had been entangled in the conflict, and where the Organization of American States (OAS) has proved incapable of taking action” (Arria 2004: 58). It was the Contadora Group who laid the foundations for the peace process in El Salvador and insisted that the United Nations mediate the conflict.

After a series of diplomatic moves, including a joint letter supporting the U.N.’s mediation in the conflict signed by then-Secretary of State James Baker and Soviet Foreign Minister Eduard Scheverdnaze, U.N. Secretary-General Javier Pérez de Cuéllar on April 4, 1990, announced that the United Nations would act as mediator. Álvaro de Soto assumed the role of mediator on behalf of the Secretary General (Call 2002: 505).

Álvaro de Soto now had the task to work out a framework for negotiations, which turned out to be very challenging for de Soto. Since the FMLN was very skeptical about face-to-face negotiations without the presence of a mediator, de Soto had to play a very active role in the negotiations. Specifically he used a technique that “...consists of consulting with the parties on each issue and subsequently submitting a text to them, as far as possible simultaneously, and then discussing it with each of the separately and revising it

in light of their reactions so as to narrow down differences, repeating the exercise as many times as necessary “ (De Soto 1999: 359). Through this whole process Álvaro de Soto was able to create a framework for peace negotiations, which is known as the Geneva Agreements signed on April 7, 1990.

The next step would be to create a general agenda and a timetable in order to reach successful peace negotiations. The FMLN insisted that the first thing on the agenda should be to address the subject of the armed forces. Surprisingly the last thing on the agenda was economic and land reform, which was their main goal as an insurgent group. The FMLN saw military reform as one of their priorities because it was important to its own safe reentry to civilian life and later on to be able to exercise power through democratic elections (Call 2002). Cristiani’s government more than anything wanted to reach peace and they, therefore, did not oppose anything that was proposed by the FMLN when it came to the agenda. Álvaro de Soto was surprised by this and narrates:

The government surprised me by agreeing to the FMLN’s proposal that the initial objective would be to reach political agreements on the seven agenda items before a cease-fire would be negotiated. Even though the government’s overriding goal—perhaps its sole one—was to stop the fighting and dismantle the FMLN, it was willing to wait until the FMLN obtained the political agreements it pursued before the government’s own goals were even addressed” (De Soto 1999: 363).

This part of the process became known as the Caracas Agreement, which was signed in May 1990. This agreement set some challenges to the FMLN because of the timelines they had to meet but Álvaro de Soto helped them overcome this problem.

After having agreed that the first thing on the agenda should be military reform it proved to be impossible to get it through during the negotiations in San José, Costa Rica. “When early agreements on the armed forces (and most other items on the agenda) proved to be impossible, in July 1990, the UN intermediary Álvaro de Soto put the issues of human rights on the table and, after a day of intense negotiations, the San José Agreement was signed” (Johnstone 1995: 18). The issue of human rights was essential for the FMLN because of all the deaths that the war caused. Many people felt resentment towards the rebels and for them this was their opportunity to show commitment to the process because they aspired to have political participation. Not only did they want to show their followers that negotiations were effectively happening but it was also a way to garner more support. After having reached the first main accord it was necessary for the United Nations to verify that these agreements would in fact be put into practice and respected. The United Nations had already previously culminated peacekeeping missions that ended up being successful. However, it was a first for the United Nations to begin their ground operation—ONUSAL—before the declaration of a cease-fire agreement (Howard 2007). To begin their groundwork before a cease-fire was very difficult for the United Nations because it was not something that they had previously done but it was something that both parties were requesting. The UN was very hesitant about starting the peacekeeping mission like this mainly because of the security issue, they did not want to face casualties as they had in previous peacekeeping missions. On one side the FMLN was being pressured by local non-governmental organizations and on the other side the government was not so enthusiastic about early deployment but if they opposed they feared damaging their credibility in the process (Johnstone 1995). Several other

agreements were signed thereafter, which addressed other issues on the agenda such as police reform, human rights and judicial issues and socio-economic issues.

After more than two years of constant negotiations a peace agreement would be signed in Mexico City.

After the 31 December 1991 act of New York, the government and FMLN representatives embraced and declared they had reached agreement on all outstanding issues, that the final Peace Agreement would be signed at Mexico City on 16 January 1992, that a cease-fire would take effect on 1 February 1992 and that the armed conflict would end formally on 31 October 1992 (Fishel and Corr 1998: 206).

This peace agreement came to be known as the Chapultepec Agreement, the conclusion of a series of agreements in an agenda that contained many issues. The signing of the final accord meant that ONUSAL's mandate and observation increased. They not only had to observe the San José agreement, which addressed human rights issues, but it now had to verify and monitor the implementation of all the agreements. Although the road to the Chapultepec Agreement contains many more details and events, I have focused on what stands out the most in the whole process. It is also worthy to highlight the work done by Álvaro de Soto and The Friends Group, which I will address below.

Álvaro de Soto – The Mediator

Álvaro de Soto has been recognized as one of the most important characters in the peace process between the Salvadorian government and the FMLN. Without his work as mediator it would have been impossible to reach a peace agreement. Although he was not part of ONUSAL he was a great contributor in helping each party get there. The UN was

invited to play the role as mediator throughout the peace process, but the central mediator was Álvaro de Soto. “The aim of de Soto was to keep the Salvadoran government and the FMLN in continuous talks in order to build an atmosphere of trust” (Fishel and Corr 1998: 205). To begin with, the great amount of distrust, especially from the FMLN, meant that de Soto’s main challenge was either to build trust between the two groups or to overcome that trust issue and help both parties reach an agreement. De Soto himself narrates the challenges that the lack of trust created. “Because of acute distrust between the parties that ruled out direct give-and-take, we wrote much of what they signed as agreements, unassisted by anyone out of the employ of the UN Secretariat” (De Soto 1999: 350). The lack of trust was evident in such things as military reform. The FMLN wanted to purge the military because they feared for their security once they gave up their weapons. This lack of trust led to both parties not wanting to engage in face-to-face negotiations, which increased the role of de Soto as a mediator. It was not only about building trust between the two parties but a lot of it had to do with negotiations and the incentives that came with it.

The duty of a mediator, in this case de Soto, was to persuade both parties on how they would benefit from reaching a negotiated peace agreement. It wasn’t just about telling them how they would benefit or not, he had to show them how and in what way they would benefit from the peace agreement. Incentives can play a big role during negotiations, as de Soto explains in the case of El Salvador: “In El Salvador, the government basically wanted to end the war, to end the onslaught on the state and its resources, and to do so by placating or accommodating the desires of the main supporters of the insurgency. The insurgents, on the other hand, wanted very far-reaching reforms”

(Accord 2008: 24). De Soto had the job of going back and forth between each group and presenting his proposals but also at the same time to make sure that each party made concessions, otherwise it would be impossible to reach a solution. With the FMLN, de Soto assured that he could help them obtain a good amount of the demands they were asking for, the initial reasons they became an insurgent group in the first place. On the other side, de Soto told the government that he could in fact help them end the war and reach sustainable peace. This longed for peace could be reached as long as they could accommodate the reforms that were needed, which were the demands of the FMLN. The government was very flexible when it came to this part because of the leverage that the United States had on them. They pressured the Salvadorian government with withdrawing economic aid if they did not comply or make things easy by cooperating. It is not to say that the Salvadorian government gave in to the FMLN's every demand because that was not the case. Yes, they were flexible but they also stood their ground in many reforms, for example military reform, which the government refused to completely agree to per the demand of the FMLN.

De Soto made sure to not only protect his role as the only mediator but also oppose pressure that could consequently harm the negotiations. The FMLN thought that the Security Council was heavily influenced by the United States and that the U.S. could easily pressure them into doing something. This made the FMLN skeptical of the UN's intervention in the conflict and they proposed the creation of a group that would advise the Secretary-General in order to counterbalance the weight of the Security Council (De Soto 1999). Of course he opposed this proposal because he saw that the interference of more than one mediator in the conflict could cause the parties to potentially play one off

against the other. He made the commitment of nothing more than to be impartial. Some might have accused him of being biased towards the FMLN, I on the other hand argue against this. Looking into the details of the conflict, it is clear that Cristiani was committed to achieving peace. At the same time the government was willing to make the necessary concessions in order for sustainable peace to be possible. Most of the reform proposals on behalf of the FMLN were accepted by the government but not to the point where the government was left completely vulnerable before the FMLN. Álvaro de Soto was in charge of going back and forth between the two parties and if it were true that he was in fact biased then we would most likely not see the still continuous peace in El Salvador.

Four Plus One

No negotiation is ever exempt from facing setbacks and the case of El Salvador and the FMLN faced many. This was particularly because of the lack of trust by the FMLN. In order to prevent further setbacks to the process the United Nations adopted the strategy of the Group of Friends. This group was made up Colombia, Mexico, Venezuela and Spain, and in a certain way reflected back to the Contadora Group, which had become ineffective. “Once the Secretary-General decided to engage the United Nations, the role of the Friends became that of supporters and facilitators of the Secretary-General in his efforts to negotiate and conclude a sound peace and reconciliation agreement” (Arria 2004: 65). Throughout the process the role of the group of friends was to exert pressure on both of the parties to continue on the path to sustainable peace. The United States became the plus one in the group and basically was the main actor that held the most leverage over the government of El Salvador. The group of friends interfered when obstacles presented themselves during reform negotiations. One of the examples was the

reform of the police force where there was disagreement on whether or not to allow previous military police into the new civilian force. Since this concept was a critical part of the reform, the group of friends proposed that there be a two-year transition where not only could current police officers remain in the force, but former FMLN combatants could also enroll themselves in the new police academy (Krasno 2004). One of the most important interventions from the group of friends was when the negotiations encountered a crisis in December 1991, a few hours before Javier Perez de Cuellar's term would be over. In a way they stretched the level of trust that they had with the Secretary-General but if it had not been for this trust, the final agreement would not have been signed. They insisted that the Secretary-General become more involved in the culmination of a final agreement or else all would be in vain. The agreement was finally settled at midnight but if it had not been for the pressure that the group of friends exerted on the Secretary-General, they would have never signed that final agreement (Arria 2004).

The Ad Hoc and Truth Commissions

The Chapultepec Peace Accords brought comprehensive reforms to the armed forces, police, justice system, electoral system, and land and economic reforms (Chapultepec Agreement - UN Peacemaker 1992). This agreement also allowed for the FMLN to become an active political party, which continues to exist up to date. The Chapultepec Peace Accords didn't just bring peace to a twelve yearlong conflict, but also demanded justice because of the serious human rights violations this war brought with it. One of the steps to secure peace and to administer justice was the creation of the ad hoc commission. This commission was meant to purify the Salvadorian military of those who used their positions to commit crimes against the population. "The origin of the ad hoc

commission was the desire of the FMLN to oust the *tandona* class of 1966 graduates of the Salvadoran military academy, who dominated the army and public security forces” (Johnstone 1995: 31-32). The Salvadorian military was responsible for the majority of deaths and human rights violations during the twelve years of war. The ad hoc commission was meant to restore trust between the population and the armed forces. Although the government opposed a direct purge of the armed forces proposed by the FMLN, they did agree on doing a self-purge. “By taking on powerful military officers, including the High Command, the Ad Hoc Commission provided what Buergetal referred to as “the first clear indication...that the days of ‘business as usual,’ of military impunity and cover-ups, might be over” (Ladutke 2004: 106). This commission in particular was very delicate precisely because it was dealing with the military, which at the same time could stall the peace process if they wanted to. The commission called for the removal of several senior officers who were thought to have been integral to the peace process (Johnstone 1995). Although the removal of the listed military officers was stalled because they were waiting for the report of the truth commission, in the end the listed officers were removed from power. Nevertheless some were allowed to retire whenever they wanted and even with full honors, which was a hypocrisy but perhaps necessary to prevent a military coup. The truth commission, however, helped to provide a great amount of information regarding human rights violations, a parallel to the ad hoc commission.

The truth commission was meant to report the names of those who had committed human rights violations from both the government and the FMLN. “The Commission, led by well-respected international figures, was established to investigate “serious acts of

violence... whose impact on society urgently demands that the public should know the truth” about those acts; this task included naming those responsible, when possible” (Thale and Beltrán 2013). The main priority in this commission was the investigation of death squads, which led to the death of thousands of Salvadorians. This commission could gather information and conduct interviews with the objective of giving people the opportunity to know the truth of the atrocities committed during the time of war. The truth commission, although in a way was meant to alleviate the fears of many did not have much power per se. “It was authorized to recommend binding legal, political, or administrative measures that followed from the investigations, but it was expressly forbidden from functioning as a judicial body” (Johnstone 1995: 34). Even though serious human rights violations were committed the truth commission had no power to prosecute these individuals. The commission did not even recommend punishment for the names listed in the report because the judiciary branch of the government did not have the capacity to prosecute these people. The commission hoped that through its report it could provide some sort of relief to the population and allow them to leave all the committed atrocities behind and enjoy the coming peace. Neither the FMLN nor the government was fully satisfied with the truth commission and its recommendations. The government stated that the commission was biased and was persecuting government officials only. While government officials committed most of the violations, President Cristiani quickly called for amnesty before the release of the report closing the opportunity of many of the names in the report to be prosecuted (Johnstone 1995). The FMLN on the other hand accepted the commission’s accusations but refused to comply

unless the government did so. The UN furthermore was not so lenient, they urged for the recommendations in the truth commission to be implemented and pushed hard for justice.

One of the last and most important contents of the final peace agreement was La Comisión Nacional para la Consolidación de la Paz (National Commission for the Consolidation of Peace) (COPAZ). COPAZ was an essential piece of the agreement after the mediation process on behalf of the United Nations and Álvaro de Soto. COPAZ was meant to oversee and make sure that every part of the peace agreements was implemented. It allowed for civilians to actively participate in the change that would come from the negotiations and in this way implement the accords. In order for it to be impartial, COPAZ was made up of two government representatives, two FMLN representatives and one representative of each coalition from the legislative (Review of Agreement: Chapultepec Peace Agreement, n.d.). Although COPAZ culminated its objective in 1996 declaring El Salvador a success it was thought to be weak when it came to the implementation of the accords. In an interview with Jean Krasno, FMLN member Miguel Saenz stated the following about COPAZ: “I wish to reiterate that in terms of monitoring compliance with the peace agreements, COPAZ did not gain authority and did not fully fulfill its role as a national supervisory body” (Saenz 1997: 28). COPAZ may have lacked the necessary tools to fully monitor compliance of the peace agreement but it did a great job in such things as proposals for draft laws for the electoral code, assistance to the disabled due to the war and many decrees to implement land reform. Had COPAZ not been a success El Salvador would not be enjoying the sustainable peace that it enjoys of today.

El Salvador After ONUSAL

There is no doubt that El Salvador had many firsts for the United Nations when it comes to peacekeeping. Both Álvaro de Soto and the Group of Friends were key players in helping El Salvador and the FMLN reach a final peace agreement, which led to ONUSAL. With the presence of de Soto as the main mediator and representative of Javier Perez de Cuellar, he was able to build trust with both parties and use his previous negotiation experience in the process. De Soto has been recognized for his many contributions to the process and has led him to mediate other civil conflicts. Until this day, El Salvador continues to enjoy sustainable peace, where the need for revolution has been replaced with the protection of peace. Although the country faces challenges when it comes to crime and the economy, it can be said that peace has not been challenged.

Chapter Six

Colombia and FARC

History of the Conflict

The civil conflict between the Colombian government and the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) is known as one of the longest running civil conflicts to date. Some argue that the FARC has gone astray from their initial goals but that is yet to be seen in the current peace negotiations.

The foundations of the FARC began forming in 1964, 16 years after the assassination of the populist Liberal Party leader Jorge Eliécer Gaitán little more than 10 years after the establishment of a military government under Gustavo Rojas, when the Communist Party was outlawed the government began officially excluding the left. (Lee 2012: 30).

Jorge Eliécer Gaitan, a Liberal Party member, was a man who offered hope to the millions of impoverished Colombians who at that time were suffering from the lack of social and economic reforms. His assassination triggered major uprisings and deaths between the conservative and liberal party, which came to be known as La Violencia. Like many of the militant groups in Central and South American, the FARC formed during the Cold War. Under the Marxist- Leninist ideology, the FARC found its inspiration in the Cuban Revolution. The initial goal of the FARC was to represent Colombia’s rural poor by seizing power and establishing a new government through armed revolution. The FARC is one of the oldest active guerrilla groups in Latin America, now also considered a terrorist group, because of the tactics that it has used to

achieve its so called political goals and the number of people that have died has reached staggering numbers.

Since its formation, the FARC has been able to garner much support on the local-government level, which has made it difficult to defeat with military tactics. “No real attempts were made to negotiate with the guerrillas until 1982, when Conservative President Belisario Betancur (1982-6) was elected on a platform that included a commitment to peace” (Boudon 1996: 282). He declared general amnesty and peace talks consequently began but the amnesty did not demand disarmament, which led to failure of the premature peace process. “Betancur’s position was a radical departure from that of his predecessors, for he recognized that guerrilla violence was the product of real social conditions and he understood the relationship between those conditions and the demands of the insurgents” (Leech 2011: 41). In Betancour’s presidency the FARC was able to create its own political party, Union Patriótica, which for a leftist party garnered a lot of support and many of its members were able to occupy political offices. Colombia, however, has been known for a mixture of politics and violence and Colombians have had to witness the assassination of many political leaders. Many members of the Union Patriótica were killed, which led them to either drop out of politics or flee to the jungle to join the FARC seeing that the only option to achieve social justice was through armed struggle (Leech 2011). After Betancour’s presidency, little interest was shown in wanting to negotiate peace with the FARC. Not until the election of President Andrés Pastrana in 1998, would the talks of peace negotiations with the FARC come up again.

President Pastrana’s attempt to reach successful peace negotiations with the FARC started positively but then showed little prospects. To begin with, he granted the

FARC a 16,200 square mile safe haven in order to start peace talks that were meant to build confidence, which also started without a cease-fire agreement (Leech 2011). The fact that these negotiations started without a cease-fire meant that outside of the haven area there were still confrontations between the army and the FARC. Pastrana broke three years of peace talks when Senator Jorge Gechen Turbay was kidnapped by the FARC (Colombian army moves against rebels 2002). While both sides were to blame for the failed peace talks, one of the major reasons for failure was that the conflict was not ripe yet. “[N]either side was at the moment that Zartman calls ‘hurting stalemate,’ that is, the conviction that they could no longer achieve their goals, at a tolerable cost, through violence, and that, therefore, they ran the risk that in the future their relative positions would weaken” (Tokatlian 2004: 639). Both parties were really seeking to amass their military power in order to have the possibility to defeat either side; neither party had yet realized that a military victory would not be possible.

Final Peace Talks

Disillusioned by the previous failed attempts to reach a peaceful solution to the insurgency problem in Colombia, President Álvaro Uribe was elected in 2002 under a campaign that promised to be hard on the FARC and that no peace talks would occur unless there was a cease-fire agreement. During his double term presidency, President Uribe only once came close to initiating peace talks between his administration and the FARC. There were several reasons why negotiations under Uribe never came close. To start, there was a great amount of distrust between the two parties; second President Uribe never recognized that there was an internal armed conflict, he saw the FARC as a terrorist group; third he wanted the FARC to give up their arms but didn't want to

negotiate the conflict; fourth whenever he would come close to start negotiations he would always end up insulting the FARC on TV or on the radio making the FARC back out of negotiations and; lastly, because of the way Uribe spoke against the FARC, they in turn hated him (Acosta 2016). In a letter written to Henry Acosta Patiño, the mediator in this conflict, from FARC member Pablo Catatumbo he said: “I regret that this time we have not been able to reach a good solution. But it’s just that, with people so petty, cheating and double faced as those who wrongly govern this country, things become very difficult” (Acosta 2016: 184). The FARC saw President Uribe as a cheater whom they were simply unable to negotiate with. The FARC also feared to sit down to negotiate peace in Colombia because they feared for their own security, this all changed when President Juan Manuel Santos was elected in 2010.

At the beginning of President Santos’ presidency, peace talks between the FARC and the Colombian government looked more promising than ever. Henry Acosta Patiño saw the new presidency as a fresh opportunity to start the talks between the Colombian government and the FARC. He knew that the conflict had already reached a hurting stalemate and the only way out was to seek peace through negotiations. On September 2012 in Havana, Cuba, under the presidency of Juan Manuel Santos, peace talks formally began and after years of negotiations on November 24, 2016, “...[t]he Colombian government and FARC guerrillas declared the final day of one of the world’s oldest wars with the signing of a ceasefire agreement to end more than 50 years of bloodshed” (Brodzinsky and Watts 2016). After many years of conflict, a cease-fire agreement was signed; this would give even more prospects for a final peace agreement. Unlike in the previous failed attempts, the cease-fire agreement meant a lot in this case. The FARC and

the Colombian government asked for the United Nations to continue overseeing the cease-fire agreement even though the final agreement was rejected by 50.2% of the citizens in a plebiscite. The failure of the plebiscite also forced the Colombian government and the FARC to go back to the negotiation table, and the final agreement was signed later by all parties and approved by the Colombian Congress.

If implemented accordingly, the peace accord has potential to further a number of promising social reforms. Among other things it is designed to lead to rural land reform, guarantee political participation for historically-excluded political sectors, facilitate the reincorporation of FARC guerrillas into civilian life [...], provide alternatives to rural farmers who grow coca, and fulfill the rights of truth, justice and reparations for millions of victims (Sánchez-Garzoli and Londoño 2017).

After more than half a century of civil conflict, the peace agreement seems to be on its way slowly but surely. This is made evident with the presence of the United Nations starting March 1 with the laying down of arms. They will identify and register all weapons, which include 26 zones for demobilization and disarmament and transition back into civilian life. It includes storage of weapons and lastly, planning and verification of the destruction of the weapons and munitions in the storage area (UN Mission in Colombia 2017). Violence between the Colombian government and the FARC has come to an end and now it is up to them to continue the implementation of the final peace agreement where they can count on the support of international actors such as the United Nations.

The Guarantors and the Facilitator

The presence of several international actors was an important support to the peace talks. Another reason why previous peace talks failed was the lack of international intervention in the dialogues. Third parties can help provide legitimacy to the process and can also help the parties adhere to the agreements. In the case of Colombia, many neighboring countries provided support along with Norway who is well known to act as a third party in many times of conflict. Norway, Cuba, Chile and Venezuela, "...[t]he four countries supporting peace talks between the Colombian government and FARC rebels have called for an "urgent de-escalation" of armed conflict in the South American country" (Mediators urge de-escalation of conflict between Colombia and Farc rebels 2015). Even with negotiations taking place and before having officially signed the cease-fire agreement there were still outbreaks of violence. The lack of seriousness from the FARC in the process led one of the top negotiators in the peace talks to threaten them with their withdrawal during negotiations. Chief rebel negotiator, Ivan Marquez, recognized that escalated violence could damage the talks and that public support was essential during this process.

Norway and Cuba [have] served as "guarantor countries" while Chile and Venezuela played the role of observers. The four countries were key in resolving disputes that arose during the negotiations, building trust between the two parties and solving logistical issues. While Cuba hosted the talks, Norway provided economic support. Experts from other countries with experience of conflict resolution offered advice and lessons learned (Siegfried 2016).

The role and support of these four countries have been essential to the process or better branded as the 'Group of Friends.' Both Norway and Cuba had the role to make sure that both parties adhered to the rules that were agreed upon during the dialogue since trust can wane during the process. "In addition to their role as guarantors, they are also observers which means that if there is a crisis that may lead to a misunderstanding and misinterpretation, the witness' job is to clarify the disagreed upon points" (Balie 2014: 11). Even when negotiations faced setbacks, both Cuba and Norway made sure that talks continued. Equally, Venezuela played an important role in the process by providing locations during the initial meetings between the FARC and Colombian officials, without this the talks would have not started or would have faced further challenges. One of the greatest contributions by mediators, as mentioned earlier in this thesis, is their ability to build trust between the two parties who are unsure of each other's intentions. There is no doubt that these countries contributed, and continue contributing up to this day, to the ongoing peace process, now in its implementation. Peace talks without mediators would be very difficult and probably even impossible.

The man worth highlighting in this story is none other than Henry Acosta Patiño, who throughout the whole process was referred to as 'the facilitator' by the two warring parties. In reality without his contribution it would have been impossible for Colombia to sign a peace agreement with the FARC. Acosta did what no other person had done in previous negotiations attempts and it is difficult to say whether his role was by chance or not. An economist and former agriculture expert at the United Nations, he is the secret mediator that has guided Colombia to a peace deal. Acosta became involved starting his first encounter with the FARC in 1998 where he had the opportunity to chat with FARC

commander, Pablo Catatumbo (J. Acosta 2016). Initially Acosta had been assigned a project where he had to visit some young kids that had been displaced due to the violence. On his way there a small group stopped him and led him to a house. The man who received him looked at his resume and he saw that Acosta had worked for the United Nations; however, he was even more surprised when Acosta told him he knew that he was Pablo Catatumbo, a FARC member, and that they had gone to school together. Catatumbo was very impressed by all of this and invited Acosta to continue visiting him, because according to him, he was someone he could talk to about politics and books (Acosta 2016). This experience described by Acosta himself is what led him to be the key person between the FARC and the Colombian government. Who would have thought that he had just created a friendship with a top FARC official?

After that encounter Acosta would find himself traveling in and out of the jungle to meet with Catatumbo. In a meeting that Acosta had with Catatumbo, he was able to see the FARC's intentions to sit down and negotiate peace: "We are not going to sit down and talk to the government about just a humanitarian agreement or exchange or call it what you want. Once seated, we will take advantage and talk about the possibility of negotiating this conflict" (Acosta 2016: 73). Despite the many air attacks that the FARC received from the Colombian forces they never changed their minds on the possibility of negotiating peace. Neither side could defeat the other and the FARC had more to gain if they went through with the negotiations. From 2002 until 2016, when the final peace agreement was signed, Acosta remained the main key of communication between the FARC and the government. During the Uribe presidency, peace talks were impossible because of the lack of trust that existed between the two parties and of course the words

that Uribe expressed about the FARC. Uribe did not take advantage of the opportunity and the mediator that he had before him. When President Juan Manuel Santos took office, Acosta immediately wrote to him and proposed to open up peace dialogues with the FARC and Santos immediately seized the opportunity. He didn't waste any time, but rather organized everything in order for the FARC and Colombian officials to meet secretly. He then set a place to start official negotiations, later took place in Havana, Cuba. Acosta describes his role as the mediator in this conflict:

I never met with anyone else, I am not a parallel table, I try to help solve the crucial issues that interfere and sometimes with messages that can't be passed by the table or by other people. It is necessary to understand that the facilitator not only has to have the confidence of the President of the Republic but also of the FARC, a condition that is not easy to find (Acosta 2016: 210).

For about 14 years Acosta acted as the facilitator between the Colombian government and the FARC and there were times that he wouldn't give a message to the FARC because he knew that that would slow down the negotiations. When he had to write a letter, for example, to the FARC on behalf of the government, government officials would revise the letter and ask him to change a specific word. In the end, he did not change the wording because he felt that that was how it should be written. Little things like this are what I believe also contributed to a successful encounter between the two groups. More than anyone, Acosta knew what needed to be said and when, more than anything he had to use the trust and relationship he had built with Catatumbo to find peace for a country so badly in need of it.

Acosta's activities were kept secret because of the kind of role that he had in the negotiations. He was not a person who had experience mediating international conflicts but destiny allowed for him to build a friendship with one of the top official of the FARC, which eventually led to successful peace talks.

Acosta's role in bringing the FARC and government together for talks was confirmed by top officials, including government peace negotiator Sergio Jaramillo. "Henry played an extremely important role. We started exchanging messages with the FARC through Henry Acosta," said Jaramillo, who is also high peace commissioner. "Without Henry none of this would have happened, that is the reality". (Reuters 2016).

Acosta was able to be a successful mediator because of the special relationship he built with FARC leaders but at the same time also encouraged President Santos not to give up on the negotiations. The presidency more than anything entrusted him with the task of being the means of communication between them and the FARC. They recognized that it was only Acosta who could perform this task. After all the hard work from both Acosta and the other supporting governments, the FARC and the Colombian government were able to reach a peace deal. The main point that Acosta teaches us in mediation is that the key to bringing about a successful process is trust. Without trust nothing is possible. Although doubt will one way or another be present during negotiations because the parties don't know what to expect of each other, as long as there is trust between the mediator and the warring parties, that is enough to get the ball rolling. After trust there come other crucial things such as credibility and leverage. Norway was able to exert its

leverage by threatening to withdraw from the peace negotiations. Both international third parties and mediators as individuals make a big difference in the outcome.

Truth, Coexistence and Non-Repetition Commission

The final peace agreement contains rural reform and political participation that seeks to take advantage of the democratic opportunity to represent different visions and interests in society by allowing FARC-EP to participate in politics. The parties to the accord agree to end the conflict through a ceasefire, to lay down arms, and to seek a definitive solution to the illicit drugs problem in Colombia. A truth commission and the commission to verify the implementation of the accords are included in the peace process. The process of peace is not just about signing a final peace agreement so everyone can go home. After the peace agreement is signed, this is when all the hands-on work comes into the picture. In this case, one of the most important things to address is seeking reparations for the victims who have been affected by more than half a century of war. The truth commission, also known as the Truth, Coexistence and Non-Repetition Commission, seeks to elucidate the patterns of violence during the conflict but never acts as a prosecuting organ. “Its objectives are to: Contribute toward the historical clarification of what happened; Promote and contribute to the recognition of the victims; of responsibility for those that were involved directly or indirectly in the armed conflict; and of the society as a whole for what happened; and Promote coexistence across the country” (Summary of Colombia’s Agreement to End Conflict and Build Peace 2016: 29). This commission will have a period of six months to establish itself and three years to complete its objective, the commission will be not be rushed in any way. The commission will neither list names in the final report nor make recommendations of punishment. It is meant to be more

welcoming to perpetrators who don't want to incriminate themselves yet want to confess and for victims who want to speak out about the happenings but fear retributions (Isacson, 2013). This does not mean amnesty will be granted, since the judicial body can seek justice on its own against individuals who have committed any atrocity during the time of war. Regardless of whether the state will seek justice on its own or not, there will be a Special Jurisdiction for Peace which will perform judicial functions on behalf of the Colombian State. They will investigate, prosecute and sanction any crime that was committed during the conflict; there will be no pardon or amnesty (Summary of Colombia's Agreement to End Conflict and Build Peace 2016). These types of commissions are common in transitions to peace from armed conflicts and they seek to recognize the rights of the victims.

Equally important in the signing of any final peace agreement is making sure that all parties comply with the commitments that they have made. The Follow-up, Verification, and Dispute Resolution Commission for the Final Agreement (CSRV) will establish several mechanisms for the implementation and verification of all commitments in the final peace agreement. This commission will be made up of three government representatives and three FARC-EP representatives.

The Commission will be in charge, amongst other functions, of: (1) solving the differences or unforeseen situations which may arise from the interpretation of the agreement; (2) following up the agreement and verifying its compliance and (3) organizing a system of thematic and territorial commissions for the exercise of its functions, with broad citizen

participation (Summary of Colombia's Agreement to End Conflict and Build Peace 2016: 329).

The commission will have a duration of about 10 years and is expected to start in 2019. It will seek to resolve any differences that may come up between the parties during the implementation of the accords and make sure neither party goes astray from what has been agreed upon. "This mission will aim to make recommendations to the Government to ensure greater autonomy and independence in the electoral organization and modernize and make the system more transparent" (Gobierno y FARC instalan comisión de verificación del acuerdo 2016). In a country who has been plagued by corruption on all government levels this will be of great importance in creating a more transparent system and at the same time restoring trust in the governing system by the people. The CSRV will work to establish a framework to make sure that all aspects of the agreement are fulfilled. It will also build the necessary institutions for the funding of the framework, which is vital in successfully monitoring compliance.

Restoring Peace

An air of peace can finally be felt among Colombians. One of the biggest insurgencies in Colombia and one of the longest insurgencies in the world has finally reached an agreement with the Colombian government. The UN's mission to Colombia has already begun with the laying down of arms, and the UN will be in charge of verifying the agreement's implementation. Unfortunately Colombia continues to face new challenges. "While the FARC accord has significantly reduced overall violence in the country, the demobilization of these fighters has created vacuums throughout the country, which are in turn being occupied by paramilitary successor organizations..."

(Sánchez-Garzoli and Londoño 2017). Colombia has yet to finish addressing its problem of other insurgency groups such as the ELN and other paramilitary groups, which are taking advantage of the zones where FARC has evacuated. Colombia still has a long way to go when it comes to enjoying full peace. However, from this specific conflict it is important to highlight the role that mediators and third parties have. When there is commitment to peace and support from various actors there is no peace that is impossible to reach.

Chapter Seven

Conclusion

Mediation has proven to be a useful tool when and only certain requirements are met. Colombia and El Salvador have not been the only countries plagued by civil conflict that have enjoyed the benefits of mediation. If international actors continue to turn to mediation practices as a way to solve civil conflict it must mean that something about it is working. However, one of the requirements for mediation to be successful must be that all conflicting parties have reached a hurting stalemate where no group can defeat the other or in the case of the insurgent group, it cannot reach its goal through armed revolution. Both groups must be willing to sit and negotiate a peace agreement where the issues of all parties will be addressed and an agreement will be reached where it will benefit both parties to the extent that no party will be left losing more than it can gain. If solutions to the conflicts mentioned above have been achievable, it is for several reasons. For starters, initial negotiations took place outside the home country. In the case of Colombia it took place in Venezuela and in the case of El Salvador it took place in Geneva. Initiating the peace process outside of the home country is important especially for the insurgent group. Not only does the insurgency fear for their security in their home country if they were to initiate negotiations there but there is also that air of distrust between the two groups, which creates a greater barrier for negotiations to start. Distrust between the two parties is what allows mediators to play an important role in the process.

Mediators have the immense challenge to create trust between the parties and they must assure that all parties will be equally benefitted in the end. In order for the process to be successful mediators must build trust, both parties must trust the mediator in that

he/she is helping them reach their ultimate goals. When the process becomes stagnant the mediator has the duty to keep the process moving and this was evident in the case of Álvaro de Soto. Negotiations faced obstacles when both parties couldn't agree on the armed forces reform during the negotiations in Costa Rica, and so, instead de Soto placed the issue of human rights on the negotiating table to keep the process moving. Álvaro de Soto coming from the United Nations gave an even greater support to the peace process in El Salvador because it had the full support of the organization as a whole. The Secretary-General was from Latin American and spoke Spanish as did de Soto, this made communication easier. Travel to New York was facilitated by the fact that they were essentially in the same time zone. El Salvador had many firsts for the United Nations, it not only launched ONUSAL before an actual cease-fire was signed but I also created the Friends Group, which allowed for further international support. It also created the first truth commission where both the government and the FMLN could bring forth their grievances and declare crimes committed and those who would do so would not receive any repercussions. Had all these elements not proven successful they would not have been implemented in future peace talks. Until now, these activities have proven to be successful in the peace talks in Colombia.

Up to now, Colombia can be deemed a successful transition from war to peace. It has implemented the Friends Group, the truth commission and a commission to make sure that all agreements are verified and implemented, all having happened previously in El Salvador. Unlike the mediation process in El Salvador where the FMLN reached out to Alvaro de Soto to mediate the conflict, Henry Acosta fell into the position of mediator. Having previously gone to school with FARC member, Pablo Catatumbo this created the

perfect opportunity for him to facilitate the peace process between the FARC and the Colombian government. It can be argued that both the FMLN and the FARC placed a great amount of trust in the mediator, which consequently led to the signing of a final peace agreement. Colombia has become a milestone in the process of seeking peace in war torn countries. It proves that no matter how long the conflict or how many differences exist between the warring parties there is always room for negotiations, making concessions and reaching sustainable peace. During the negotiation phase it is equally important to maintain the negotiation agenda as concise and limited as possible, not everything can be addressed at the same time and so the core issues are to be the main focus. Perhaps one of the main reasons why the peace process in Colombia was successful was the isolation it received in Havana, Cuba. Cuba was the ideal place for such a long war to finish because of the limitations it gave to other parties who might obstruct the talks. For example, Cuba limits the amount of media and has great control on who comes in and out of the country, which in the case of Colombia meant a benefit. The media has constantly been an enemy between the FARC, the people and the government and consequently stalled the peace process at many times. Several methods used in the Salvadorian peace process have proven successful in Colombia and equally many methods in the Colombian peace process can benefit other parts of the world in the termination of conflict, especially Africa that continues to be a continent largely plagued by insurgent groups who seek armed struggle. Mediation continues to prove itself as a successful method to end civil conflict and to reach sustainable peace, therefore an important method to keep in mind as more organizations become involved in maintaining world peace and security.

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