

THE INTELLIGENCE REQUIREMENT OF INTERNATIONAL MEDIATION

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ABSTRACT This article explores the intelligence requirement of international mediation, a topic that is ignored in both the literature on conflict resolution and the literature on intelligence. A mediator's strategies and tactics ought to be informed by a deep understanding of the parties' internal calculations about the conflict and its resolution. Intelligence is needed to gain this understanding because the parties typically do not reveal their sensitive deliberations to outsiders. United Nations mediation teams should have a monitoring and analysis unit that endeavours to meet this need and reduce the ignorance that commonly afflicts international mediation.

Introduction

Much has been written about the intelligence requirement of United Nations (UN) peacekeeping operations.¹ In order to achieve their objectives and ensure the safety of

¹ Hugh Smith, 'Intelligence and UN Peacekeeping', *Survival* 36/3 (1994) pp.174-92; Paul Johnston, 'No Cloak and Dagger Required: Intelligence Support to UN Peacekeeping', *Intelligence and National Security* 12/4 (1997) pp.102-12; Wies Platje, Pauline Neville-Jones, Ben de Jong and Robert Steele (eds.), *Peacekeeping Intelligence: Emerging Concepts for the Future* (Oakton: OSS International Press 2003); David Carment and Martin Rudner (eds.), *Peacekeeping Intelligence: New Players, Extended Boundaries* (Oxford: Routledge 2006); A. Walter Dorn, 'United Nations Peacekeeping Intelligence' in Loch Johnson (ed.), *The Oxford Handbook of National Security Intelligence* (Oxford: Oxford University Press 2010), pp.275-295.

their personnel, peacekeeping missions must have intelligence on the location, capabilities, mobility and other features of the armed actors in the theatre of operations. While this requirement has been sensitive historically, the UN now has structures intended to meet the challenge. The joint mission analysis centres (JMACs) attached to peacekeeping missions support senior decision-makers by collecting, processing and assessing pertinent information.² It is no longer taboo for UN officials to describe these activities as intelligence gathering and analysis.³

By contrast, virtually nothing has been written about the intelligence requirement of UN mediation. A number of scholars note in passing the relevance of intelligence to international mediation but do not discuss the matter further.⁴ This article aims to contribute to filling the lacuna. I argue that a mediator's strategies and tactics ought to be informed, to the greatest extent possible, by a deep understanding of the disputant parties' internal calculations about the conflict and its resolution, and that intelligence is needed to gain this understanding because the parties typically do not disclose their sensitive deliberations to outsiders. The argument is based on theory, historical research and practitioner experience. It draws on William Zartman's theory regarding the ripeness of a conflict for resolution through negotiations;⁵ my involvement as a mediator in the African

² Philip Shetler-Jones, 'Intelligence in Integrated UN Peacekeeping Missions: The Joint Mission Analysis Centre', *International Peacekeeping* 15/4 (2008) pp.517-527; Melanie Ramjoué, 'Improving United Nations Intelligence: Lessons from the Field', *GCSP Policy Paper* 19 (2011), Geneva Centre for Security Policy.

³ Claire Bamber, 'UN Intelligence: Possibilities and Limitations', presented to the Folke Bernadotte Academy, 2 April 2009, available at <http://www.jpowerspoint.com/UN-Intelligence-Possibilities-and-limitations--PPT.html#>.

⁴ Chester Crocker, Fen Hampson and Pamela Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases* (Washington DC: US Institute for Peace 2005), p.111; I. William Zartman, 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments', *The Global Review of Ethnopolitics* 1/1 (2001), pp.8-18 at p.9.

⁵ Zartman, 'The Timing of Peace Initiatives'; I. William Zartman, *Ripe for Resolution* (New York: Oxford University Press 1989).

Union (AU) peace process for Darfur;⁶ and interviews conducted with members of UN mediation teams.⁷

The article also aims to highlight and explore the subject of intelligence as a missing element in the literature on ripeness theory.⁸ The concept of conflict ripeness is important and fascinating because it implies that conflicts are not at all times equally susceptible to resolution. Instead, there is a moment or a period in which a conflict is resolvable, or most resolvable and, in the nature of ripeness, that moment might pass. Scholars working on ripeness have attempted to strengthen the predictive power and hence the political utility of Zartman's theory by formulating general propositions and identifying indicators that could be used to detect ripeness in contemporary conflicts.⁹ What is overlooked by these scholars is the vital question of methodology and the practical difficulties of discerning whether a conflict is ripe for resolution. I will show that intelligence is an indispensable asset in this quest.

More broadly, intelligence is required to alleviate the problem of ignorance, which Lakhdar Brahimi and Salman Ahmed describe as one of the 'seven deadly sins of

⁶ In 2005-6 I was a member of the AU mediation team for Darfur, based in Abuja, Nigeria.

⁷ In preparing this article I interviewed two UN officials who had participated in high-level mediation initiatives, New York, June 2010; a UN official who had served in a top post in a mediation in Africa for several years, Addis Ababa, July 2011; a senior military officer involved in UN peacekeeping missions, New York, June 2010; and a Tanzanian government official involved in the 1992-93 mediation for Rwanda, Gaborone, June 2011. All the officials requested that their identity be withheld.

⁸ Zartman, 'The Timing of Peace Initiatives'; Stephen Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980* (Boulder: Lynne Rienner 1991); Daniel Lieberfeld, 'Conflict "Ripeness" Revisited: The South African and Israeli/Palestinian Cases', *Negotiation Journal* 15/1 (1999) pp.63-82; Moorad Mooradian and Daniel Druckman, 'Hurting Stalemate or Mediation? The Conflict over Nagorno-Karabakh, 1990-95', *Journal of Peace Research* 36/6 (1999) pp.709-27; Matthew Preston, 'Stalemate and the Termination of Civil War: Rhodesia Reassessed', *Journal of Peace Research* 41/1 (2004) pp.65-83.

⁹ Ibid.

mediation'.¹⁰ Indeed, they regard ignorance as the 'original sin of mediation' because it leads to poor judgement and flawed decisions, which can result in serious political mistakes with long-lasting consequences. According to Brahimi and Ahmed, 'ignorance-based decision-making' is the norm rather than the exception in international mediation, especially in the early phase of the peacemaking process when mediators are not yet familiar with the parties and the dynamics of the conflict.¹¹

A widely accepted definition of 'intelligence' has proven to be elusive.¹² Nevertheless, intelligence can be understood to encompass the following features: while it does not have to derive exclusively from secrets, it must include at least some information that is not in the public domain; it is concerned not just with gathering and disseminating information but also with the interpretation, evaluation and analysis of information; its purpose is to guide decision-making, reduce uncertainty and manage risk; and it is intended not only to enhance the knowledge of decision-makers but also to provide them with foreknowledge of critical events.¹³

The article is organized as follows. I first present an overview of the theory of conflict ripeness and thereafter examine the AU mediation for Darfur, explaining why peacemakers find it so hard to ascertain ripeness. On the basis of the theory, practitioner experience and interviews with UN officials, I then specify the intelligence requirement of international mediation, consider the structures and methods for obtaining the relevant information and discuss the political and practical constraints on the UN's ability to

¹⁰ Lakhdar Brahimi and Salman Ahmed, *In Pursuit of Sustainable Peace: The Seven Deadly Sins of Mediation*, Center on International Cooperation, New York University, 2008, pp.5-6, available at www.cic.nyu.edu/internationalsecurity/docs/7sinspolicybrief.pdf.

¹¹ *Ibid.*, p.6.

¹² Michael Warner, 'Wanted: A Definition of "Intelligence": Understanding our Craft', *Studies in Intelligence*, 46/3 (2002), available at <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol46no3/article02.html>.

¹³ Warner, 'Wanted: A Definition'; Peter Gill, Stephen Marrin and Mark Phythian (eds.), *Intelligence Theory: Key Questions and Debates* (London: Routledge 2009).

collect intelligence. The focus of the article is not on mediation strategies but on the knowledge that mediators need in order to develop effective strategies.

The Theory of Conflict Ripeness

The notion of conflict ripeness resonates with diplomats involved in peace processes. For example, in 2006 Salim Salim, the AU mediator for Darfur, told the UN Security Council that the conflict in western Sudan ‘seems at last to be ripe for resolution’.¹⁴ Ripeness and timing are pivotal concepts in the account by Chester Crocker, former US Assistant Secretary of State for Africa, of the mediation that led to Namibian independence in 1990.¹⁵ In 1997 Murrack Goulding, the head of UN peacekeeping operations, argued that not all conflicts are ripe for action by the UN and that the Secretary-General should therefore be selective in the use of the organisation’s scarce resources.¹⁶ A decade later the UN Secretary-General rejected the view that the international community should refrain from action while waiting for a conflict to ripen, insisting that third parties can cultivate and foster ripeness at an early stage of the conflict.¹⁷

Zartman’s theory is that a conflict is ripe for resolution when three conditions are present.¹⁸ First, there must be a mutually hurting stalemate. When the parties find themselves locked in a conflict from which they cannot escape and which they cannot win, and this deadlock is painful to all of them, they might be willing to consider an alternative strategy, a way out of the conflict through negotiations. The foreclosure of

¹⁴ Agence France Presse, ‘UN Becoming Anxious over Darfur’, 19 April 2006, available at <http://www.news24.com/Africa/News/Darfur-ripe-for-resolution-20060418>.

¹⁵ Chester Crocker, *High Noon in Southern Africa* (New York: Norton 1992).

¹⁶ Cited in Zartman, ‘The Timing of Peace Initiatives’, p.12.

¹⁷ United Nations Security Council, ‘Report of the Secretary-General on Enhancing Mediation and Its Support Activities’, UN document S/2009/189, 2009, p.5.

¹⁸ The following overview of Zartman’s theory is drawn from Zartman, ‘The Timing of Peace Initiatives’.

their preferred outcome of outright victory makes them receptive to a compromise solution. The deadlock is optimally associated with an impending or recently avoided catastrophe that generates heightened pain or the risk thereof in the future. The stalemate might be protracted or it might arise at the moment when the stronger party loses its ascendancy and the weaker party begins to gain ground. While the balance of power and other objective factors are relevant, ripeness derives from the parties' assessment of these factors and is consequently a subjective matter. If the parties do not think there is a hurting stalemate, then regardless of the opinion of anyone else, the conflict is not ripe for resolution. According to Zartman, the perception of stalemate is grounded in cost-benefit analysis, consistent with public choice notions of rationality.

The second condition for ripeness is met if each of the parties, regarding the situation as one of hurting stalemate, believes that a negotiated solution is possible and that its opponent has the same outlook. The parties do not have to feel certain that negotiations will definitely succeed but they must be convinced that negotiations have the potential to end the conflict through the conclusion of a mutually satisfactory agreement. If the parties lack this sense of a way out because, say, they doubt that their opponent will honour its promises, then the push associated with a hurting stalemate leaves them with nowhere to go. The third condition for ripeness is that each of the parties must have a 'valid spokesman', by which Zartman means a strong leadership that is able to represent the party, negotiate on its behalf and ensure its compliance with agreements.

Zartman's theory has been tested and refined through research on conflicts that have already ended.¹⁹ A fine example of such research is Stephen Stedman's study of the mediation efforts to end the civil war in Rhodesia/Zimbabwe.²⁰ Stedman shows that Zartman's implicit treatment of the disputant parties as homogenous actors is mistaken and that ripeness is profoundly affected by their internal divisions and debates. Stedman draws on the classic works of Fred Ikle, Graham Allison and Thomas Schelling to show

¹⁹ Lieberfeld, 'Conflict "Ripeness" Revisited'; Mooradien and Druckman, 'Hurting Stalemate'; Preston, 'Stalemate and the Termination of Civil War'.

²⁰ Stedman, *Peacemaking in Civil War*.

that a party's course of action in situations of conflict and threat emerges not from a process of rational decision-making by a unitary actor but rather from intra-party politics and bargaining.²¹ Ripeness can be a function of internal changes, such as the emergence of new leaders, the consolidation of a divided leadership or the division of a party that was formerly unified in its war aims.²²

Ripeness thus depends not only on the balance of power between the main protagonists but also on the balance of power between a party's moderates and pragmatists on the one hand and its hardliners and ideologues on the other. As this balance fluctuates due to internal contestation and changing external circumstances, so the prospects for conflict resolution can rise or fall. During the Lancaster House negotiations that brought independence to Zimbabwe in 1980, for example, white Rhodesian leaders held diverse views on the way forward: Ian Smith, the former Prime Minister, was implacably opposed to a settlement for ideological reasons but the military and intelligence chiefs knew that outright victory by the liberation movements was inevitable and saw no alternative to a negotiated solution.²³ On the side of the rebels, Robert Mugabe believed that the minority regime could and should be defeated militarily but his senior commanders, fearing that Mozambique was about to withdraw its support for the guerrilla armies, preferred a victory at the negotiating table.²⁴

Zartman emphasizes that ripeness is a necessary but not sufficient condition for the initiation of negotiations.²⁵ It is not self-fulfilling or self-implementing. It does not lead automatically to negotiations, let alone a successful outcome. Ripeness must be seized by

²¹ Fred Ikle, *Every War Must End* (New York: Columbia University Press 1971); Graham Allison, 'Conceptual Models and the Cuban Missile Crisis', *The American Political Science Review* 63/3 (1969) pp.689-718; Thomas Schelling, *Arms and Influence* (New Haven: Yale University Press 1966).

²² Stedman, *Peacemaking in Civil War*.

²³ Ibid.

²⁴ Ibid.

²⁵ Zartman, 'The Timing of Peace Initiatives'.

the parties, perhaps through the persuasion and with the support of a mediator and other actors. Yet it can only be seized if it can be recognized. It is all very well to investigate ripeness in historical cases but the urgent political task is to ascertain whether current conflicts are ripe for resolution and, if not, for what reasons. Accordingly, as noted above, the conflict resolution literature seeks to develop general propositions and identify indicators for detecting ripeness contemporaneously.

By contrast, the literature pays scant attention to the *method* of obtaining the relevant information. Zartman only deals with this issue schematically, suggesting that finding a ripe moment entails research and intelligence to identify its objective and subjective components.²⁶ He proposes that diplomats should look for objective evidence of a stalemate and pain, such as shifts in the military balance, data on the numbers and nature of casualties and information about the material costs of the conflict. They should also look for expressions of pain and impasse emanating from authoritative representatives of the parties, along with signals that the parties are either receptive to negotiations or determined to overcome the impasse by intensifying the struggle.

Zartman underestimates here the difficulty of detecting ripe moments. As illustrated by the Rhodesian case, the evidence afforded by the objective circumstances is likely to be inadequate because ripeness derives from the parties' perceptions of these circumstances and from their internal politics. Nor are the parties' statements a reliable indication of their true positions. Whether the statements contain a threat to intensify the conflict or a desire for negotiations and peace, they might be nothing more than rhetorical moves. In the following section I explore further the barriers to identifying ripeness and argue that it is desirable for a mediator to penetrate the public posture of the parties and gain insight into their private strategising.

²⁶ Ibid.

The Difficulty of Discerning Ripeness

The AU mediation for Darfur

In November 2005 the AU mediation for Darfur commenced in Abuja, Nigeria. Led by Salim Salim, the former Secretary-General of the Organisation of African Unity, it was structured around three commissions dealing respectively with security, power-sharing and wealth-sharing. The negotiating parties were the government of Sudan and two rebel movements, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM), which had launched their rebellion in 2003 in response to decades of oppression and marginalisation.²⁷ The SLM was divided into two factions, largely along ethnic lines, the one faction led by Minni Minawi, a school teacher from the Zaghawa community, and the other headed by Abdul Wahid el Nur, an iconic leader of the Fur. The Abdul Wahid faction was itself wracked by in-fighting. JEM was headed by Khalil Ibrahim, previously a state minister in the Sudanese government.

The mediation team, on which I served, met every few days to share notes and plot the next steps. The question of ripeness was at the forefront of our minds. It was an extremely troubling question because of the large number of people being killed, raped and displaced in Darfur and because the negotiating parties in Abuja showed no inclination to engage seriously in negotiations. They made no attempt to accommodate each other's concerns and showed no interest in trying to find common ground. There was no bargaining, let alone collaborative problem-solving. Instead, the parties tirelessly reiterated their demands, rejected the claims of their adversaries, traded accusations and recriminations, and in plenary sessions indulged in pious grandstanding in order to elicit sympathy from the international observers. The government and the rebels put more effort into attempting to negotiate with the mediators than into negotiating with each other.

²⁷ Julie Flint and Alex de Waal, *Darfur: A Short History of a Long War* (London: Zed 2006).

The mediators battled to understand the reasons for the absence of progress. Did the parties lack the skills or lack the will to negotiate? Or was the main problem the intense hatred, suspicion and contempt with which they viewed each other? Was the rebels' reluctance to negotiate due also to their internal divisions and their unfamiliarity with some of the technical issues under debate? Alternatively, was each of the parties waiting for its opponent to make the first major concession, opening the way for a reciprocal process of give-and-take? Did any of the parties consider the Abuja negotiations to be a viable way of resolving the conflict? Were the negotiations a strategic arena of struggle or merely a tactical sideshow to please the international community?

More specifically with respect to the balance of power, were the rebels stalling in the expectation that Khartoum would be weakened by mounting international pressure, which included a UN Security Council arms embargo and International Criminal Court (ICC) indictments? Did the rebels assume that the imminent deployment of a UN peacekeeping force in Darfur would restrain Khartoum and tilt the balance in their favour? Was the government, on the other hand, content to hold out because the international pressure on it was offset by the support it enjoyed from Russia, China, the Arab League and many African countries? Did it feel it could win a war of attrition against the rebels through the low-cost use of the proxy militia known as the Janjaweed? Did the government fear that substantial power- and wealth-sharing concessions to the rebels entailed the untenable prospect of having to amend and dilute the Comprehensive Peace Agreement (CPA), which it had signed in January 2005 with the southern Sudanese liberation movement? Had the moderate government leaders responsible for negotiating the CPA gone too far in the eyes of their colleagues and lost ground to hardliners within the state?

Throughout the Abuja process the mediation team was unable to answer these questions with any confidence. It did not have the methods, systems and, indeed, the inclination to seek in-depth answers in a continuous and rigorous fashion. It made no concerted attempt to gather and analyse up-to-date information about military incidents and trends in Darfur, the internal politics of the Sudanese state and relevant developments in Sudan's

neighbouring countries. Despite the fact that the Abuja negotiations took place under the auspices of the AU, the mediators could not obtain on a regular basis the military and intelligence reports prepared by the AU's peacekeeping mission in Darfur.

As a result of the gaps in its knowledge, the mediation team did not have a sound basis for charting the best course of action. We debated at length whether we should concentrate on facilitating negotiations around a ceasefire or around a comprehensive settlement; whether we should organize negotiation skills training for the parties; whether the talks should be suspended in order to give the rebels an opportunity to forge unified negotiating positions; whether we should get more involved in trying to broker unity among the rebels; and whether we should disband the talks and pursue a different peacemaking process. The mediators were under intense pressure from the UN, the AU and the Western sponsors of the negotiations to end the talks quickly.²⁸ In this context, and given the absence of progress, the questions that were simultaneously the most important and the most difficult to answer were whether the parties needed more time to reach a settlement and, if so, how much time, with what support from the mediators and with what pushing and pulling by other external actors?

In March 2006 the AU drew the mediation to a close, presenting the Darfur Peace Agreement (DPA) to the parties on a take-it-or-leave-it basis. At this point, after six months of close interaction with the parties, the mediation team still lacked an accurate grasp of their strategic thinking. We predicted that Minawi would decline to sign the agreement but at the last moment he buckled and penned his signature. We judged Abdul Wahid, his military capacity deteriorating rapidly, to be the only party desperate for a deal but he ended up refusing to sign. We predicted accurately that JEM would reject the DPA. We believed that the government would sign, which it did, but we were uncertain whether it would honour its undertakings. Endorsed by some of the parties and rejected by others, the DPA failed to end the conflict and in certain respects exacerbated it.²⁹

²⁸ Laurie Nathan, 'No Ownership, No Peace: The Darfur Peace Agreement', *Working Papers 2/5* (2006) Crisis States Research Centre, London School of Economics.

²⁹ Ibid.

Explaining the difficulty of discerning ripeness

As noted earlier, Zartman suggests that peacemakers should look for signs of ripeness in objective evidence and in the parties' expressions of pain, impasse and receptiveness to peace talks.³⁰ As was evident in the Darfur case, however, the parties' public expressions are not a reliable indication of their real positions and it is not possible to infer these positions from the objective circumstances. There are several general reasons for this, discussed below.

First, the parties' pronouncements before and during negotiations invariably encompass a great deal of posturing and bluff. The parties issue threats, advance maximalist demands, refrain from divulging the compromises they are contemplating and keep secret their bottom lines. Even if a party has decided to seek a negotiated resolution of the conflict, it is still intent on maximising its gains and minimising its concessions. The tactics for achieving this include 'playing one's cards close to one's chest'. In Abuja the parties' negotiators often shared ostensibly private information with the mediators but their purpose appeared to be manipulative and the disclosures were therefore deemed unreliable.

In a guidance note on conducting negotiations, Lazaro Sumbeiywo, the Kenyan general who headed the mediation that culminated in the CPA for Sudan, explicitly advises negotiators to mask what they really want:

Do not expose yourself to the other side. Sometimes it is useful to create a diversion from the real situation and from your true intention. By being too open, you will jeopardise the mission. This applies to war as it applies to

³⁰ Zartman, 'The Timing of Peace Initiatives'.

negotiations. As any soldier knows, your intentions should never be clear. So use a smokescreen to conceal your movement or your intention.³¹

Second, a party that is hurting and looking for a way out through negotiations is unlikely to admit to a sense of weakness for fear that this will be used against it by its opponent or the mediator. A party's admission that it is suffering badly might reduce substantially its bargaining power, creating the impression that it can be pressurized into making big concessions. No party, whether strong or weak on the battleground, wants to appear weak at the negotiating table. In the worst case scenario, an admission of pain might encourage an opponent to stay away from peace talks and intensify its military campaign. None of the parties in Abuja denied that it was hurting in some way but all of them sought to convey the impression that the pain was bearable.

Third, whereas a party that is keen to embark on negotiations might be reluctant to express this too strongly lest it appear vulnerable, the converse is also possible. In conflicts that have acquired a high profile and command the attention of the UN Security Council, parties that do not have an interest in peace talks might nevertheless declare their fervent commitment to negotiations because they want to avoid being portrayed as spoilers and war mongerers. As Zartman observes, and as occurred in Abuja, the fact that a party has consented to be present at negotiations does not in itself tell us anything about its real intentions.³²

Fourth, in certain cases the balance of power between the belligerents is a matter of interpretation rather than an indisputable fact. This point is underlined by Matthew Preston's observation about the diversity of independent opinion on the military balance between the Rhodesian government and the Zimbabwe liberation movements just prior to the Lancaster House negotiations.³³ Preston cites five authors who claim that the regime

³¹ Lazaro Sumbeiywo, *To Be a Negotiator: Strategies and Tactics* (Centre for Security Studies, ETH Zurich and swisspeace 2009), available at www.css.ethz.ch/box_feeder/negotiator.pdf.

³² Ibid.

³³ Preston, 'Stalemate and the Termination of Civil War'.

was losing the war at that stage and eight authors who regard the state of affairs as having been one of deadlock or at least military parity. If analysts engaged in historical research cannot reach consensus despite the availability of ample evidence, this difficulty is bound to arise in contemporary conflicts.

Fifth, a party's cost-benefit analysis is a complicated business and entails much guesswork: the party has to gauge not only the current balance of military and political power but also the probable future direction of the conflict; not only the amount of pain it is able to endure but also the amount of pain its opponent can withstand; not only the moves of the direct protagonists but also those of their patrons, allies and other powerful actors; and not only the potential benefits, risks and costs of negotiations but also its opponent's attitude to negotiations and the content of a settlement. This complex set of calculations, based on imperfect information, can generate a range of options on the way forward. The best option might be a matter of dispute within the party, and outsiders cannot simply deduce from the objective situation the course of action that is actually chosen by the party.

Sixth, the further complication for peacemakers in search of ripeness is that the parties to a protracted violent conflict are unlikely to undertake a cost-benefit analysis that is strictly rational. Their decision-making might be skewed by ideology, powerful emotions and existential fears and aspirations. Filled with hatred, anger and suspicion, they construct and entrench stereotypes depicting their opponent as demonic. They might be convinced that their adversary seeks their destruction and that their survival depends on the destruction of their enemy. Imbued with these convictions, they are prepared to suffer an immense amount of pain. Even if they are hurting badly, moreover, a mutually satisfactory settlement with a hated enemy might seem inconceivable. If one or more of the parties considers a negotiated settlement to be tantamount to a defeat, the fight might well continue to the point of defeat on the battlefield.

Knowledge-based mediation

The impediments to discerning the strategic thinking of the parties would be trivial if mediation could be conducted successfully in a formulaic manner, proceeding mechanically through a series of steps without regard to the peculiarities of the conflict and the protagonists. Yet this is clearly not the case. The efficacy of peacemaking depends on the mediator having a good analysis of the conflict and the parties' positions. The weaker the mediation team's comprehension of these positions, the weaker is its foundation for designing appropriate strategies and tactics. Peacemakers will probably never have 20-20 vision in a complex multi-party conflict but it matters whether their understanding is impaired to a greater or a lesser extent.

This point is well illustrated by the British government's mediation of the Rhodesia/Zimbabwe negotiations at Lancaster House. Stedman observes that one of the reasons for the success of the negotiations was the mediators' extensive cumulative knowledge of the parties and individual leaders.³⁴ This knowledge, acquired from unsuccessful attempts at mediation over the previous decade, enabled the mediators to apply bargaining leverage within and between the parties with great precision and forethought. By the time of Lancaster House, the British government had 'compiled information that directly affected their choice of strategies and tactics. Their learning was extensive and was divided into knowledge about the actors, politics within the actors, possible solutions, bargaining tactics, and sources of leverage'.³⁵

At the start of many UN mediations, however, the envoys and special representatives of the Secretary-General do not have the benefit of accumulated knowledge and learning. According to Brahim and Ahmed, they are sent to regions with which they are unfamiliar, without an adequate team of regional specialists on their staff, unable to rely on satisfactory knowledge systems in the field or at headquarters and surrounded by interlocutors who have an interest in passing on biased or intentionally misleading

³⁴ Stedman, *Peacemaking in Civil War*, p.224

³⁵ *Ibid.*, p.225.

information.³⁶ As a result, the mediators struggle to acquire a sophisticated grasp of the conflict and can end up making misinformed decisions. Their ignorance also has a negative impact on their credibility with the parties, the quality of their proposals and the parties' willingness to consider these proposals.³⁷ A mediator who comes across as naïve or ignorant will be toyed with by the parties.³⁸ The following section sets out the intelligence focus, methods and structures that could help mediators to avoid or at least minimize these problems.

Operationalising the Intelligence Requirement

Scope

On the basis of the preceding discussion and the interviews I conducted with UN officials, the intelligence requirement of international mediation can be specified as information and analysis that relate principally to the parties' internal calculations about the conflict and its resolution. As one UN mediator put it: 'What I want to know, above all, is the hidden agenda, that is to say, the *real agenda*, of the parties'.³⁹ The focus of efforts to meet this need would depend on the phase of the conflict resolution process. Prior to the commencement of negotiations, the focus would be on identifying ripe moments, the reasons for an absence of ripeness, the possibility of ripeness arising in the future and the potential triggers of ripeness. Once negotiations are underway, the mediator will be interested in the parties' willingness to make concessions and reach a settlement. If the parties sign an agreement, the mediator will want to know whether they mean to implement it in whole, in part or not at all.

³⁶ Brahimi and Ahmed, *In Pursuit of Sustainable Peace*.

³⁷ Ibid.

³⁸ Author's interview with UN official, Addis Ababa, July 2011.

³⁹ Ibid.

More specifically, intelligence might be required to address the following topics and questions:

Perceptions of a hurting stalemate. If a party refuses to enter into negotiations, does its intransigence stem from the perception that there is no hurting stalemate and that the balance of power is in its favour or likely to change in its favour in the future? Alternatively, does the party feel that it is weak and lacks the bargaining power to achieve an acceptable deal at the negotiating table? What forthcoming events does the party expect to have a major impact on the conflict, and with what implications for its own prospects and those of its opponent?

Way out through negotiations. Does a recalcitrant party believe that there is a mutually hurting stalemate but that negotiations do not offer any hope of achieving a satisfactory outcome? Is the party convinced that its adversary will not make the necessary compromises or cannot be trusted to abide by an agreement? Or is the party resistant to negotiations because it doubts the competence or impartiality of the mediator? How have the parties' attitudes towards negotiations been effected by prior peacemaking initiatives?

Valid spokesperson. Is a party unwilling to engage in negotiations because it does not have sufficient internal cohesion and a strong enough leadership to maintain unified and consistent bargaining positions? Is the enemy of such a party averse to negotiations because it does not have a credible bargaining opponent?

Divisions and debates within the parties. Is the party divided between a faction that favours a negotiated settlement and one that rejects negotiations? What are the different interests and ideologies of these factions? Do the parties' constituencies support or oppose a negotiated solution and to what extent are the leaders motivated or constrained by their constituents' preferences?

Patrons and allies. Who are the party's patrons and allies that provide it with arms, sanctuary and political support? What is their motivation? How do they view the balance

of power, the trajectory of the conflict and the potential of negotiations? Are any of them experiencing pain as a result of their involvement in the conflict?

External pressure on the parties. Where the UN Security Council or other external actors have threatened or applied pressure on a party, such as through sanctions or ICC indictments, has the pressure altered the party's strategic reckoning? Has it bolstered the party's hardliners or moderates? And has it made the non-targeted parties more or less receptive to negotiations?

Partial progress and bottom lines. If the parties enter into negotiations, what compromises are they willing to make and what are their non-negotiable bottom lines? What are the reasons for the inconsistencies that sometimes occur during negotiations when progress is made at certain moments but not others, on certain topics but not others or in some negotiating committees but not others? Are the inconsistencies attributable to external developments, the varying tractability of different topics, the disposition of different negotiators or the skill of different members of the mediation team?

Objective factors. The relevant objective factors include the history, causes and dynamics of the conflict; the political and military balance of power; the course of the conflict over time; external support and pressure; previous attempts at peacemaking; and the human and economic costs of the conflict. UN mediators who have laboured to end civil wars stress, in particular, the value of intelligence on the belligerent parties' military actions, capabilities and supply of arms.⁴⁰ This is important for a range of purposes: designing and monitoring adherence to ceasefire arrangements; ascertaining whether the parties have an offensive or defensive orientation; and evaluating their threats of escalation and promises of de-escalation. Close observation of military dynamics helps the mediator to anticipate crises, detect alterations in the balance of power and perceive long term trends.

The issues raised above are never static. The conflict, the international context and the parties' perceptions, forecasts and strategies are constantly in flux. The fluidity of the

⁴⁰ Author's interviews with UN officials and Tanzanian government official.

situation heightens the need for up-to-date intelligence so that the mediation team can identify peacemaking opportunities and threats in good time and fine-tune its strategy and tactics accordingly.

Structures and methods

The remaining questions have to do with the structures and methods by which international mediators can obtain the requisite intelligence. If the mediating body is a state, it will probably get information from its own intelligence agency and from fraternal foreign agencies. Examples of state mediators being supported by their intelligence services include the US in relation to Arab-Israeli negotiations since the mid-1950s;⁴¹ the British government at Lancaster House in 1979;⁴² and the South African government when mediating an end to the Burundi conflict between 1999 and 2006.⁴³ Intelligence services have participated in state-led peace processes not only as providers of information but also as facilitators of dialogue and negotiations. During the 1989 negotiations on Namibian independence, for example, the intelligence agencies of Angola, Cuba, South Africa, the Soviet Union and the US held meetings to identify and forge common ground through a shared analysis of the situation.⁴⁴ In Middle East peace processes led by the US, the involvement of the Central Intelligence Agency has included monitoring agreements, brokering dialogue, arbitrating in disputes, managing crises and acting as an intermediary.⁴⁵

The UN, on the other hand, does not have a mandate and structures to collect political intelligence for peacemaking. In 1992 a group of countries proposed that the organisation

⁴¹ Shlomo Shpiro, 'The CIA as Middle East Peace Broker?', *Survival* 45/2 (2003) pp.91-112.

⁴² Jeffrey Davidow, *A Peace in Southern Africa: The Lancaster House Conference on Rhodesia, 1979* (Boulder: Westview 1984).

⁴³ Johann Mostert, 'Mediation: The Need for Intelligence', presented a seminar hosted by the Department of Political Sciences, University of Pretoria, 14 May 2010.

⁴⁴ Ibid.

⁴⁵ Shpiro, 'The CIA'.

should establish an intelligence capacity for conflict early warning and preventive diplomacy but the proposal was rejected.⁴⁶ Some member states do not want the UN to gather political intelligence lest these states themselves become the target of its intelligence operations. While the historical resistance to intelligence collection for peacekeeping missions has eased, the intelligence requirement of mediation remains threatening to states: it does not have the legitimacy that derives from protecting the lives of peacekeeping personnel; it is weighted towards politics rather than operations; and it would cover not only the belligerent parties but also the neighbouring countries and foreign powers that are involved in the conflict.⁴⁷ The further problem is that political intelligence is associated with spying, dirty tricks, manipulation and thwarting an adversary, activities that are incompatible with the ethos and goals of the UN. In this regard little has changed since 1960 when UN Secretary-General Dag Hammarskjöld refused to support the formation of a permanent UN intelligence agency on the grounds that the organisation must have ‘clean hands’.⁴⁸

In the absence of a standing intelligence capacity for peacemaking, the UN can look to member states to supply it with intelligence. In *An Agenda for Peace*, UN Secretary-General Boutros Boutros-Ghali called on states to be ready to provide the UN with the information it needed for preventive diplomacy.⁴⁹ By logical extension this call could apply equally to mediation for the purpose of conflict resolution. My discussions with UN officials confirm that states do indeed pass on sensitive information and analysis about major conflicts; this is the ‘normal business of the house’, occurring often, with

⁴⁶ These countries were Australia, Canada, the European Community states, New Zealand, the Nordic countries and Russia. See Mark Curtis, *The Great Deception, Anglo-American Power and World Order* (London: Pluto 1998) pp.200-1.

⁴⁷ Author’s interview with UN officials, New York, June 2010. See also Ramjoué, ‘Improving United Nations Intelligence’; and Micah Zenko and Rebecca Friedman, ‘UN Early Warning for Preventing Conflict’, *International Peacekeeping* 18/1 (2011) pp.21-37.

⁴⁸ Cited in Dorn, ‘United Nations Peacekeeping Intelligence’, p.276.

⁴⁹ Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York: United Nations 1992).

varying degrees of formality, at the level of the Security Council, the Office of the Secretary-General, the Department of Political Affairs, the Department of Peacekeeping Operations and the missions in the field.⁵⁰

Nevertheless, UN peacemakers cannot depend on states for intelligence because the provision of this intelligence is not systematic, consistent and available on demand. It is ad hoc and contingent on the sensitivities and interests of states. The problem in its most extreme form was evident in the experience of Roméo Dallaire, the Canadian general heading the UN peacekeeping force in Rwanda at the time of the 1994 genocide. Dallaire complains bitterly about being denied access to intelligence in the possession of states, where ‘not one country was willing to provide the UN or even me personally with accurate and up-to-date information’; without this intelligence, ‘we always seemed to be behind the eight ball, reacting to, rather than anticipating, what was going to happen’.⁵¹

Part of the problem here is that state intelligence agencies are loath to disclose intelligence to non-state actors, including international organisations, as these actors do not have the systems, training and discipline to maintain secrecy. Intelligence shared with a mediator might thus be disclosed to other persons, compromising the agency and its methods and sources. The more sensitive the information, and the more frequent the expected supply of intelligence to a mediator, the more unacceptable this risk will be to the agency. From the mediator’s perspective there is a danger of bias and manipulation if the states that pass on intelligence have material or ideological interests in the conflict and its outcome.

Since UN mediators need intelligence and cannot rely on states to meet this need, each of the organisation’s mediation teams should have a monitoring and analysis unit. The main functions of the unit would be to gather, analyse and present critical information in a manner that is beneficial to planning, strategising and decision-making by the mediator,

⁵⁰ Author’s interview with UN officials, New York, June 2010.

⁵¹ Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House 2003) pp.90 and 194.

with particular emphasis on discerning the undisclosed objectives and positions of the parties. In order to fulfil these functions, the unit should have a comprehensive focus that covers the topics and questions raised above, it should include regional and country specialists who speak local languages and it should have expertise in both collection and analysis of information on conflict dynamics. It should have adequate facilities and funds for travelling and its staff should include retired intelligence officers.⁵²

The design of the units should take account of weaknesses in the JMACs that are part of UN peacekeeping missions, namely insufficient country expertise; a failure to ‘put the pieces of the mosaic together’ through proper collation and synthesis of data; and a high staff turnover, emanating from short-term contracts, which inhibits the attainment of ‘deep analysis’.⁵³ A positive lesson from the JMAC experience is that the centres are most effective when they enjoy the support and attention of the senior mission management.⁵⁴ The mediation team’s monitoring and analysis unit should report directly to the chief mediator, who should be responsible for providing direction to the unit, setting its priorities and giving it feedback on the usefulness of its inputs.⁵⁵

The units would differ significantly from state intelligence agencies in that they could not resort to bugging, infiltration and other intrusive methods of investigation. This is an inescapable limitation whose breach could cause severe damage to the standing of the UN and the mediator. Moreover, the units would be threatening to the parties, and thus harmful to the mediation process, if they resembled and behaved like state intelligence services. Their profile, methods and outputs would therefore have to be modelled on a research think tank rather than an intelligence agency. In their interactions with the parties, the members of the units should be at pains to avoid creating the impression that

⁵² Author’s interview with UN official, Addis Ababa, July 2011.

⁵³ Author’s interview with military officer involved in UN peacekeeping missions, New York, June 2010.

⁵⁴ Ramjoué, ‘Improving United Nations Intelligence’.

⁵⁵ Author’s interview with UN official, Addis Ababa, July 2011.

they are the mediator's emissaries or that they are conducting a parallel, informal mediation.⁵⁶

The units could compensate for the implicit prohibition on the use of intrusive investigative techniques by engaging with a wide range of sources that collectively enhance the depth and accuracy of the mediator's knowledge of the parties' positions and internal debates. These sources would encompass the parties themselves; interlocutors who are close to the parties' leadership; the diplomatic corps; country experts in governments, the UN and other international bodies; high calibre policy institutes like the International Crisis Group; and civil society organisations, journalists and researchers in the arena of conflict. Members of UN mediation teams report that the most valuable sources include the parties' allies, confidants of the parties' leaders, seasoned ambassadors and, less expectedly, waiters and taxi drivers who overhear the parties' private discussions while negotiations are underway.⁵⁷ Useful information is rarely obtained through one-off conversations between the mediation team and these sources; it usually emerges only when a relationship of trust has been built.⁵⁸

International mediators ought to regard continuous interaction with a broad spectrum of local actors as a strategic imperative. Brahimi and Ahmed caution against the 'sin of arrogance' that is committed when mediators fail to acknowledge and address their ignorance, rely on a small number of elite local informants and gloss over the details of the conflict on the false assumption that 'we already know what works and what does not'.⁵⁹ Brahimi and Ahmed offer the following advice in this regard:

The people of the country concerned – the educated and the illiterate, the governors and the governed, the suspected perpetrators of the violence and the victims, the men and the women, alike – understand their own country far

⁵⁶ Ibid.

⁵⁷ Author's interviews with UN officials and Tanzanian government official.

⁵⁸ Author's interviews with UN officials.

⁵⁹ Brahimi and Ahmed, *In Pursuit of Sustainable Peace*, p.6.

better than the foreign mediators who have just arrived on the scene. They will have to live with the consequences of the political process long after the mediator has departed. They also can help the mediator to identify where a potential course of action could lead to a dead-end, fail to command domestic support, or worse, exacerbate political divisions in the country and potentially provoke violence. It is therefore not only a question of shrewd diplomacy, but good sense and basic respect to listen to a diverse range of views in the host country.⁶⁰

The monitoring and analysis unit should be set up at the same time as the appointment of the mediator so that it can assist with the drafting of the mediation plan. UN and AU officials have noted with concern that mediation undertaken by the two organisations is often conducted without a coherent plan and is consequently too reactive and ad hoc.⁶¹ Notwithstanding the necessity for mediators to be flexible and responsive to changing conditions, they should prepare plans that enable a methodical and proactive approach. The foundations of the plan would be the relevant high level resolutions of the UN and the regional body, the mediator's mandate and a 'comprehensive and accurate analysis of the parties, the dynamics and causes of the conflict and the role of external actors'.⁶² By providing critical information and analysis, the unit could make a worthwhile contribution to the mediator's plans and subsequent strategising.

Conclusion

The conflict resolution literature is alert to the desirability of making the concept of ripeness politically useful by developing general propositions and identifying indicators that could be employed to detect ripeness in contemporary conflicts. Stedman, for

⁶⁰ Ibid., pp. 6-7.

⁶¹ United Nations and Africa Union, 'Draft Guidelines on UN-AU Mediation Partnerships', unpublished document, 15 June 2010.

⁶² Ibid., p.13.

example, suggests that scholars should bring more precision to the concept and subject it to more rigorous definition in order to improve its prescriptive utility.⁶³ Based on Stedman's study, Zartman's theory and practitioner experience, this article has offered a comprehensive set of questions to guide the search for relevant information.

However, there are intrinsic limitations to our ability to attain a high level of conceptual precision and predictive accuracy on ripeness. This is partly because conflicts are diverse and riddled with contingencies and partly because ripeness hinges on subjective perceptions and includes non-rational considerations. A party's leaders and factions can have quite different perspectives on a given situation, the rationality of their decision-making might be distorted by emotions, stereotypes, ideology and flawed information, and their internal debates are typically hidden from outsiders. Consequently, peacemakers cannot simply infer a party's intentions from its public pronouncements and objective factors. The problem is as much methodological as it is theoretical and it has to be tackled through expert knowledge, sophisticated analysis and intelligence.

A monitoring and analysis unit that is part of a UN mediation team might never acquire a complete picture of the parties' positions and debates. Its investigative efforts will be constrained by the confidential nature of the parties' internal deliberations, the restrictions on the UN's ability to gather political intelligence and the necessity to protect the reputation and impartiality of the organisation and the mediator. Nevertheless, ignorance and knowledge are matters of degree rather than absolute categories. If the unit were able to make a meaningful contribution to the mediation team's knowledge and understanding, it would help to reduce the risk of error and enhance the mediator's effectiveness and credibility.

Over the past decade scholars and practitioners have collaborated in investigating how intelligence skills and knowledge could be applied to UN peacekeeping.⁶⁴ Through conferences, publications and research on UN missions, this collaboration has contributed

⁶³ Stedman, *Peacemaking in Civil War*, p.240.

⁶⁴ Dorn, 'United Nations Peacekeeping Intelligence'.

to progress in the field. By contrast, in both the academic and policy literature the subject of international mediation and intelligence is still in its infancy. It could be explored fruitfully through research and collaboration on the following topics: the use of intelligence and the role of intelligence services in state-led mediation initiatives; the nature and extent of ignorance in mediations led by the UN and regional organisations; non-intrusive methods of acquiring insight into the thinking of disputant parties; and the suitability of the JMAC structures, procedures and outputs, currently oriented towards peacekeeping, to mediation.

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