The Challenge of Forging Consent to UN Mediation Processes in Internationalized Civil Wars - The Case of Syria

Abstract

This article analyzes how the internationalization of civil wars influences conflict parties' consent to UN mediation processes. Illustrated by the UN mediation in Syria, I argue that internationalization influences consent *directly* by obstructing the advent of a costly stalemate and making it more difficult for UN mediators to present themselves as impartial third parties and *indirectly* by reducing UN mediators' leverage and thereby limiting their tools to foster consent. The article makes three contributions. First, it presents a conceptual framework to understand the impact of internationalization on conflict parties' consent. Second, it provides an analysis of UN mediation in Syria from 2012-2020. Third, it contributes to a broader reflection about the factors favoring a peaceful settlement of conflicts, which is of particular relevance as the prioritization of political over military means to end conflicts that was dominant in the early post-Cold War period has increasingly been questioned in recent years.

Introduction

In a press encounter on Syria in early 2020, United Nations (UN) Secretary-General, António Guterres said "the message is clear: There is no military solution for the Syrian crisis. The only possible solution remains political".[1] He thereby pointed to the importance of finding a negotiated solution to the Syrian crisis. Since 2012, the UN has offered its mediation. However, it has faced great obstacles in ending the conflict. One of the main challenges has been the lack of parties' sustained consent to UN mediation.

The notion of consent denotes the conflict parties' willingness to engage in a mediation process with the intention to explore options for a negotiated settlement.[2] It is a definitional element of mediation as mediation is commonly defined as a process "where those in conflict *seek* the assistance of, or *accept* an offer of help from, an outsider [...] without resorting to physical force or invoking the authority of law [emphasis added]" (Bercovitch 2009: 244). Similarly, the UN defines mediation as "a process whereby a third party assists two or more parties, with their *consent*, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements [emphasis added]" (United Nations 2012: 4). Mediation thus distinguishes itself from other third party interventions, such as arbitration or judicial settlement, by its voluntary nature. The importance of consent is further illustrated by the fact that the UN mentions it as one of eight fundamental principles for effective mediation in its Guidance on Mediation (United Nations 2012: 8-9).

This article analyzes parties' consent to UN mediation processes. Such an inquiry is embedded in the literature on mediation onset and occurrence (Zartman 1985, Greig 2005, Pruitt 2007, Greig and Diehl 2012, Aduda 2019, Lundgren and Svensson 2020).[3] Yet, most studies on mediation onset use a binary variable in

---

[1] See Secretary-General's remarks at press encounter on Syria, at: https://www.un.org/sg/en/content/sg/press-encounter/2020-02-21/secretary-generals-remarks-press-encounter-syria (consulted 20.08.2020).
[2] This article focuses on consent to a mediation process. It does not analyze consent to a specific outcome of the process.
[3] The literature on mediation onset analyzes both parties' motivations to engage in mediation and mediators' motives to offer mediation. This article focuses on parties' motivations and thus presupposes that mediation is offered.

terms of whether a mediation process takes place or not. This overlooks two types of situations. First, situations in which a mediation process starts without the consent of (at least one of) the conflict parties, but for instance due to international pressure. Second, situations in which the parties formally participate in a mediation process, but not out of a willingness to find an agreement or to make peace, but for so-called devious objectives, often related to the desire to gain recognition or for stalling tactics (Richmond 1998, Beardsley 2011). A fine-grained qualitative assessment uncovers such empirical nuances by exploring the motivations behind conflict parties' actions.

This article provides such an analysis by studying conflict parties' consent to the UN mediation in Syria from 2012 to 2020. In that timeframe, the UN Secretary-General mandated four Special Envoys to act as mediators: Kofi Annan (March – August 2012), Lakhdar Brahimi (September 2012 – May 2014), Staffan de Mistura (September 2014 – December 2018), and Geir Pedersen (January 2019 – current).[4] The Syrian armed conflict belongs to the population of internationalized civil wars. An internationalized civil war is an armed conflict between a government and a non-state actor where one or both sides receive direct or indirect support from other states. Direct support denotes the deployment of troops while indirect support includes other financial or logistical support, such as equipment provision or military training, to subsidize the internal ally's war effort (Gasser 1983: 145, Mason et al. 1999: 251, Uppsala Conflict Data Program). Internationalization is not a new phenomenon given the proxy wars during the Cold War, but while at a low level in the early 1990s, it has increased in unprecedented ways since 2012, reaching "a level never witnessed previously in the post-World War II period" (Pettersson et al. 2019: 590-591, see also Melander et al. 2016: 729-730).[5] Despite these numbers, the literature has not explored how internationalization influences parties' consent to mediation. While authors have provided insights on how it affects the

---

[4] The UN and the League of Arab States (LAS) jointly mandated the first two mediators while the UN mandated the second two mediators.

[5] Internationalization constitutes an important change in the nature of armed conflicts. Two other recent trends in the nature of armed conflicts are the increased fragmentation of parties (Findley and Rudloff 2012, Pearlman and Cunningham 2012) and the rise of radicalization leading a higher number of Islamist armed conflicts (Gleditsch and Rudolfsen 2016, Fearon 2017, Svensson and Nilsson 2018, Lundgren and Svensson 2020, Söderberg Kovacs 2020). While all these factors influence mediation, this article focuses on the trend of internationalization.

prospects for civil war termination (Rasler 1983, Gasser 1983, Regan 2000, Balch-Lindsay and Enterline 2000, Regan 2002, Cunningham 2010, Jenne and Popovic 2017, Kane 2020), there is no systematic analysis of its impact on conflict parties' consent to engage in a mediation process in the first place.

This article fills this gap by showing how internationalization influences conflict parties' consent. I argue that internationalization influences consent to UN mediation *directly* by obstructing the advent of a costly stalemate between the parties and making it more difficult for the UN to present itself as an impartial third party. At the same time, internationalization influences consent to UN mediation *indirectly* by reducing UN mediators' leverage and thereby their tools to foster consent. As a result, mediators often extend the circle of actors they engage with in an attempt to forge conflict parties' consent through external pressure.

The article makes three main contributions. First, it presents a conceptual framework to understand conflict parties' consent and how internationalization influences it. Second, it provides a long-term analysis of UN mediation in Syria from 2012-2020.[6] Third, it bears crucial policy implications as the question of how UN mediators can forge conflict parties' consent is embedded in a larger discussion about the normative shift of approach to end civil wars. In the 1990s, civil wars were more likely to end in negotiated settlements than by military victory as the dominant liberal international order delegitimized the idea of ending wars through military means (Howard and Stark 2017/18). Mediation thus became a 'standard treatment' for civil wars (Gowan and Stedman 2018). Yet, this trend has recently been challenged. Indeed, the prioritization of a political over a military end to civil wars is no longer unquestioned, as illustrated in the declining numbers of mediated armed conflicts (Howard and Stark 2017/18, Lundgren and Svensson 2020). Therefore, inquiring into what makes conflict parties consent to a mediation process rather than pursuing their goals militarily is of timely importance to understand current trends in ending civil wars.

---

[6] Earlier works, but only covering parts of the period from 2012-2020, include Greig (2013), Crocker et al. (2015), Hill (2015), Hinnebusch and Zartman (2016), Lundgren (2016), Mancini and Vericat (2016), Lundgren (2019), Vuković and Bernabei (2019).

Besides the scholarly literature on the topic, the main data source of this article are 41 semi-structured in-depth interviews conducted between 2018 and 2020. Respondents included UN Special Envoy Staffan de Mistura, staff of the UN Special Envoys' teams, experts involved in or close to the mediation process, Syrian civil society and political actors, as well as long-term experts on Syria, including from the US and Russia.[7] I complemented the analysis drawn from the interview data with a comprehensive review of briefings and press statements by the four UN Special Envoys for Syria.[8]

The article is structured in two parts. It first provides a theoretical framework to understand conflict parties' consent to a UN mediation process and the way internationalization affects them. It then applies the framework to the UN mediation in Syria.

Theoretical framework: Consent to UN mediation and the impact of internationalization

I define consent as the conflict parties' willingness to engage in a mediation process with the intention to explore options for a negotiated settlement. Consent lays at the very basis of a mediation process. While third parties can take on different roles in terms of the level of intrusion, ranging from purely facilitative to manipulative styles (Miall et al. 1999: 21-22, Bercovitch 2009, Beardsley 2011), their authority is conditional upon the parties' acceptance of a mediation process (Wall et al. 2001: 375).[9] Consent can come in many forms. It is rare that conflict parties give their full consent to a mediation process from the outset. More often, consent is incremental in that parties limit it to specific aspects of a peace process, or partial in that only one of the parties consents to a mediation process (United Nations 2012, Alvarez et al. 2013). Consent is thus often not an either-or question, but one of graduation.

---

[7] Interviews were conducted in English, Arabic, and Russian. I had consecutive interpretation for the interviews in Arabic while [*name omitted for review*] conducted the interviews in Russian. Respondents participated in the interviews with informed consent and had a choice between three options regarding how they are referenced in publications: 1) identification by name and title, 2) identification by generic title only, or 3) no disclosure of identity. I transcribed and coded all the data with the software MaxQDA.
[8] *[information omitted for review]*.
[9] Nathan (2017) considers consent as one form of a mandate a mediator receives amongst other forms, such as the constitutional mandate, the political mandate, the normative mandate, and the mandate from the donors.

Factors influencing consent to UN mediation

The existing literature provides some insights into what influences parties' consent to a mediation offer. Most prominently, Zartman (1985) underlines the importance of timing and analyzes the conditions that make the opening of productive negotiations more likely by arguing that a conflict needs to be "ripe" for resolution. Other authors have built on ripeness theory and added to it (e.g. Haass 1990, Stedman 1991, Kriesberg and Thorson 1991, Goodby 1996, Maundi et al. 2000). Pruitt (2005), for instance, argues that parties have to be "ready" for resolution, focusing on the parties individually, rather than on their joint assessment of a given situation. Both ripeness and readiness theory broadly distinguish between two sets of factors that influence the parties' willingness to engage in mediation: Push factors that relate to the conflict context and pull factors that relate to the mediation context.[10]

Regarding the push factors related to the conflict context, authors point to a combination of two factors that increase the parties' willingness to engage in mediation: a stalemate and high conflict costs.[11] They assert that power parity is an important factor for consent as parties are unlikely to seek a negotiated settlement when they can achieve their preferred outcomes by imposing it (Bercovitch 1989, Kriesberg 1992, Mitchell 1995). Yet, since power parity alone can also increase the willingness of parties to continue fighting as they still hope they may eventually outperform the adversary (Wright 1965), the stalemate situation also needs to be costly (Young 1967, Mitchell 1995, Regan and Stam 2000, Greig 2001). Indeed, as part of ripeness theory,[12] Zartman (2000: 228) developed the concept of a mutually hurting stalemate defined as a situation in which "the parties find themselves locked in a conflict from which they cannot escalate to victory and

---

[10] Zartman (2015) also uses the terms push and pull factors to mediation.
[11] Some authors have studied other factors, such as the emergence of a threat external to the conflict that the parties need to manage jointly (Pruitt 2002), disputants' characteristics for instance in terms of whether the conflict involves a superpower and whether they are democracies, or previous colonial relationships between the mediator and the conflict parties (Greig 2005).
[12] Zartman defines ripeness as a situation fulfilling two conditions: First, that the parties perceive the situation as a mutually hurting stalemate and second, that they see mediation as a way out. For the sake of the article, they are presented separately, but the ripeness theory consists of both these conditions.

this deadlock is painful to both of them". Similarly, Pruitt (2005: 7) sees the parties' motivation to end a conflict as based on either a perception that the conflict is not being won, perceived high costs of the conflict, or the perceived risk of continuing the conflict. Greig (2001) quantitatively demonstrates the importance of a stalemate situation and of high costs in terms of the duration and severity of the conflict (see also Beardsley 2011). Therefore, an important push factor for parties to accept UN mediation is a costly stalemate.

With regard to pull factors related to the mediation process, authors argue that conflict parties must perceive mediation as a 'way out' of their current situation and be optimistic about its prospects (Zartman 2000, Pruitt 2005). In other words, they must consider that a negotiated solution is a valuable alternative to fighting in order to achieve their preferred outcomes (Princen 1992, Zartman 2000, Regan 2002, Maundi et al. 2006, Greig and Regan 2008). Different factors influence this perception,[13] but an ongoing discussion in the literature is whether impartial or biased mediators are more likely to be accepted.[14] Some scholars see impartiality as a key factor for mediator's acceptance as it ensures fairness and installs trust in the conflict parties (Young 1967, Moore 1986, Assefa 1987, Miall 1992, Rauchhaus 2006). Other scholars disagree saying that parties are more likely to accept biased mediators because they have more influence and thus even the party more distant to the mediator will accept it in the hope that the mediator can entice the adversary towards an agreement that would otherwise not have been possible (Touval 1975, Svensson 2007, Sisk 2009, Vuković 2015). Regarding the UN, it usually portrays itself as impartial mediator due to its almost universal membership and its mandate to be the main guarantor of international peace and security as outlined in the UN Charter (United Nations 2012). This is reflected in the literature which conceptualizes international organizations, such as the UN, as impartial as they are either excluded from research on bias in mediation (Favretto 2009, Savun 2009) or described as non-biased (Svensson 2007, Mason and

---

[13] For instance, Greig and Regan (2008) show that mediator's reputation matters as parties are more likely to accept mediation offers from mediators that have a successful track record in other conflicts. Moreover, Maundi et al. (2006) show that parties may engage in mediation to secure necessary political support for potentially unpopular decision they have to take when making compromises.
[14] An even wider debate concerns the question of whether impartial or biased mediators are more likely to be successful. See for instance Smith (1985), Kydd (2003), Savun (2008), Svensson (2009), Favretto (2009).

Sguaitamatti 2011).[15] Indeed, conflict parties are likely to turn to the UN as mediator if they believe that their interests are best (pre-)served by an impartial third party as otherwise they would seek other mediator types, such as states. Therefore, an important pull factor for parties to accept UN mediation is its perceived impartiality.

Based on the above, I argue that conflict parties are more likely to consent to UN mediation if they perceive their situation as being a costly stalemate and the UN as impartial third party. Two qualifications to the push and pull factors are needed. First, in line with Pruitt (2005), I see them as variables that affect the probability and extent of behavior rather than directly causing it. In that sense, as the costly stalemate and impartiality become stronger, the conflict parties are more likely to engage in mediation. Second, the factors are subjective, meaning that even though a situation may objectively qualify as a costly stalemate (Zartman 2000) or an impartial process (Kleiboer 1996: 369), the parties may perceive it differently. This is important as perceptions of military strength and the benefits of mediation often become entrenched in an armed conflict with objective and subjective assessments of the situation starkly diverging.

If consent is not forthcoming, mediators can forge it by influencing the push and pull factors. Regarding the costly stalemate, they have two options. First, they can try to change the objective conditions. Even though they have little leverage themselves, the UN Security Council (UNSC) can increase the costs of the conflict through sanctions, embargos, economic (dis-)incentives, or even military intervention. Second, they can influence the subjective aspects by pointing to objective indicators of the conflict costs and underlining its destructiveness thereby attempting to change the parties' perceptions towards realizing that they are in a situation of a costly stalemate. As Zartman (2015: 481) mentions, mediators can "help the parties feel that they are stuck and it hurts, evoking the objective factors already present". Regarding the parties' perceptions

---

[15] See Lundgren and Svensson (2014) for a noteworthy exception.

of an impartial mediation process, UN mediators can underline their impartiality compared to other mediator types and ensure a balanced process.

The impact of internationalization on consent

The internationalization of civil wars influences both the push and pull factors for consent as well as mediators' options to forge it. Regarding the push factors, internationalization can negatively influence the advent of a costly stalemate. External actors can prevent a stalemate from arriving in three main ways (Mason et al. 1999: 251-252). First, they can increase their support to their internal ally thereby escalating the conflict towards military victory. Second, they can reduce the costs for their internal ally by providing weapons, training, or direct military support. Third, by actively or tacitly promising support to their allies in the future they can strengthen the conflict parties' belief that they can win the conflict militarily and prevent them from perceiving the situation as a stalemate even though it would objectively qualify as such.

Regarding the pull factors, internationalization can negatively affect the perceived impartiality of the UN and thus the conflict parties' perception of a 'way out' through a UN mediated process. Despite an overall perception of the UN as impartial, member states' policies can lead to a (perceived) bias of individual mediation efforts. Analyzing international organizations' bias in mediation, Lundgren and Svensson (2014: 335) argue that they "frequently have member states with clear stakes in mediated disputes". Depending on how these stakes are distributed, an international organization may move away from an impartial stance towards a pro-government or pro-rebel position (Lundgren and Svensson 2014).[16] This also applies to the UN. Especially in internationalized civil wars in which the permanent five member states (P5) of the UNSC are involved, the UN becomes associated with particular agendas of UN member states if they dominate discussions or decisions.

---

[16] An impartial position can be either neutral (non-interested) or balanced (equal distribution of member states' interests) (see Lundgren and Svensson 2014).

Moreover, internationalization of civil wars limits the ability of UN mediators to forge consent. In armed conflicts in which the P5 are substantively involved, they often veto decisions against the parties they are close to and thus block any coercive action. In such cases, UN mediators lack leverage and can hence not threaten with a change in the objective conditions for a costly stalemate, but can only use the 'soft tool' of influencing the parties' perceptions towards realizing that they have arrived at a costly stalemate. At the same time, the stronger the individual member states' stakes in the conflict, the more difficult it is for mediators to convince the parties of their impartiality and ensure a balanced process. As Hampson (2004: 85) says, if the UNSC P5 "are seen by the parties to a dispute as trying to manipulate or divert the Council's agenda (and mandates) to serve their own, narrow, partisan interests, it will be difficult for those on the ground to gain the necessary levels of trust and traction to move a set of negotiations forward".

The above shows that the internationalization of civil wars influences both parties' consent to mediation as well as mediators' ability to forge it. The literature on internationalized civil wars recommends that mediators create separate forums to negotiate with the external parties to a conflict (Cunningham 2010, Jenne 2015, Jenne and Popovic 2017, Kane 2020). Indeed, mediators often extend the range of actors they deal with in internationalized civil wars. The case of the UN mediation in Syria, to which the article will now turn, illustrates these claims.

The UN Mediation in Syria

The Syrian armed conflict started with popular demonstrations for democratic reforms in the context of the Arab Spring in March 2011. Syrian government forces responded with tanks and heavy weapons, brutally repressing the protestors. The conflict increasingly militarized. The military wing of the opposition formed the Free Syrian Army (FSA) on 29 July 2011. Politically, the opposition first organized in Istanbul founding the Syrian National Council (SNC) on 23 August 2011. On 11 November 2012, the SNC merged with other

opposition groups into the Syrian National Coalition of Revolutionary and Opposition Forces (SOC). The SOC later became the negotiating delegation in the UN-led process with its headquarters in Riyadh, but other opposition groups were created in parallel. On 12 December 2015, 34 opposition groups formed the High Negotiation Committee (HNC) to further streamline opposition representation in the peace process.

The Syrian opposition and government both received support from external actors leading to the internationalization of the conflict (Jones and Stedman 2017: 38).[17] The opposition received support in the form of military training and assistance from Turkey, the Gulf States, European states, and the US. The US also conducted retaliatory airstrikes on government targets. The government, in turn, received both military assistance as well as direct troop support from Iran, Hezbollah, and Russia. Most decisively, Russian forces intervened military on 30 September 2015, which helped the government emerge as the military winner of the war.[18] Thus, while the main conflict line is between the Syrian government and the opposition with the core issue being the future of President Bashar al-Assad and his government, the conflict involves external states, and particularly the P5.[19] In the UNSC, this led to an opposition between the US, France, and the UK (P3) who advocated for regime change and Russia and China who supported regime stability.

This internationalization influenced both the conflict parties' consent to mediation as well as the UN mediators' tools to forge it. As will be shown in the following, the first two mediators, Kofi Annan and Lakhdar Brahimi, faced the challenge of a conflict that moved towards a costly stalemate, but was not perceived as such by the parties, and with a mediation context biased towards regime change. The second

---

[17] Interview Syrian doctor #5, 27.06.2018, Interview Syrian civil society actor #13, 31.07.2018, Interview Syrian politician #25, 14.08.2018, Interview expert involved in the peace process #35, 04.12.2018.

[18] Interview Staffan de Mistura, 25.02.2020, Interview expert involved in the peace process #20, 09.08.2018, Interview Syrian civil society actor #32, 30.08.2018, Interview expert involved in the peace process #34, 27.11.2018, Interview expert involved in the peace process #41, 21.07.2020.

[19] Further complicating the situation, the Kurdish-Turkish conflict as well as the international fight against IS were juxtaposed with the Syrian one, which created contradictory alliances. Turkey supported the opposition, but grew increasingly concerned by the strengthened role of Kurdish groups. The Kurdish-led Syrian Defence Forces (SDF) were instrumental in fighting IS and received support from the US. Yet, the SDF consists mostly of fighters affiliated with the PKK, which both Turkey and US have designated as terrorist organization.

two mediators, Staffan de Mistura and Geir Pedersen, found different conditions, in that the conflict moved towards military victory by the government and a mediation context biased towards regime stability.

Phase I (2012-2014): Towards a costly stalemate in a context dominated by a regime change agenda

Conditions for consent and the impact of internationalization

In a first phase, the UN and the League of Arab States (LAS) consecutively appointed former UN Secretary-General Kofi Annan (March – August 2012) and former Algerian Foreign Minister Lakhdar Brahimi (September 2012 – May 2014) as their Joint Special Envoys for Syria.

Regarding push factors for consent in terms of a costly stalemate, the government started out as the militarily stronger party, but the opposition swiftly militarized and gained key territories due to the logistical and financial support, training, and weapons supply from their allies. The conflict heavily escalated until 2013 when the frontlines stabilized with only incremental gains on both sides (Hinnebusch and Zartman 2016: 5).[20] By June 2013, the armed conflict was reported to have almost reached the level of 100'000 battle-related deaths (Price et al. 2013). It engendered extreme human costs and the fragmentation of conflict actors as well as the rise of the Islamic State (IS) rendered it extremely bloody (Crocker et al. 2015: 144). The situation objectively qualified as costly stalemate at this point as it engendered high costs on both sides and the parties did not by themselves have the strength to escalate it towards victory (Zartman 2015: 488). Yet the parties did not perceive it as such (Zartman 2015: 488), partly due to the conflict's internationalization. Indeed, the parties did not feel to be in a hurting stalemate because their external allies reduced the costs of the war for them and strengthened their confidence in their ability to win the war militarily (Asseburg et al.

---

[20] Interview civil society actor #4, 27.06.2018.

2018).[21] Thus, the sustained support by external actors encouraged the conflict parties to pursue the conflict militarily, rather than by peaceful means.[22]

Regarding pull factors in terms of an impartial mediation process as a 'way out', the mediation context was biased towards regime change. The LAS and the P3 made it clear that they supported the opposition and that Assad had to go. The LAS approved sanctions, suspended Syria membership in November 2011, and proposed two Peace Plans that openly favored regime change (Arab League 2011, see also Crocker et al. 2015: 143, Akpınar 2016: 2293-2294). Then US President Barack Obama mentioned on 18 August 2011 that "for the sake of the Syrian people, the time has come for President Assad to step aside" and that they will support regime change by "pressuring President Assad to get out of the way of this transition".[23] European states, such as France and the UK, seconded this public affirmation towards regime change. These voices had a relatively heavy weight in the UNSC despite the fact that Russia and China were opposed to regime change. This was mainly because the *zeitgeist* was dominated by the Arab Spring and Assad's fate looked bleak to most observers at the time, including Russia (Hill 2015: 463).[24] Yet, the regime change agenda rendered offering an impartial mediation process challenging for Annan and Brahimi as they were implicitly expected to mediate a power transition. Indeed, "once Annan was in post, he discovered that many European and US diplomats believed that his purpose was to manage a relatively smooth exit by Assad" (Gowan 2013: 3). A similar mediation environment was found by Brahimi who felt that he "was tasked with producing a process that would – initially or eventually – remove Assad" (Hinnebusch and Zartman 2016: 17).

---

[21] Interview Syrian doctor #5, 27.06.2018.
[22] Interview diplomat close to the peace process #28, 17.08.2018.
[23] See "President Obama: 'The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way'", at: https://obamawhitehouse.archives.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad (consulted 20.08.2020).
[24] Interview long-term expert on Syria #24, 13.08.2018.

Due to the relatively low push and pull factors, the parties did not consent to mediation, but continued prioritizing a military victory over a political solution as they had little incentives to make concessions (Crocker et al. 2015: 5, Hinnebusch and Zartman 2016: 4-5, Asseburg et al. 2018).[25] The fact that they set multiple preconditions for negotiations illustrated their unwillingness to engage. The opposition's precondition was that Assad had to step down before negotiations could start. They felt militarily strengthened counting on potential decisive support from their allies in the future and politically strengthened since they had the broader international atmosphere of the Arab Spring in their favor and thus clung on to maximalist positions (Hinnebusch and Zartman 2016, Asseburg et al. 2018).[26] The government, in turn, portrayed the armed conflict as externally instigated sectarian conflict and the opposition groups as terrorists with whom it would not negotiate (Khatib 2019: 392, Gowan 2013).[27] Indeed, it had little incentive to lend its consent to a process that implicitly foresaw its demise. As mentioned by Hinnebusch and Zartman (2016: 18), "the regime might have responded positively to a mandate aimed at reconciliation and power sharing, but the mandate was to mediate a power transition". As such the internationalization of the conflict in the form of the military support by external actors and the regime change agenda pursued by the LAS and the P3 obstructed conflict parties' consent.

Mediators' strategies to forge consent

Annan and Brahimi had to forge consent in the absence of a costly stalemate and with a mediation context biased towards regime change. Regarding the push factors, they had little leverage given the divided P5 and thus only 'soft tools' at hand to underline the costly stalemate situation. Concerning the pull factors, they needed to convince the parties of their impartiality in an overall biased mediation context. At the same time, they also intensively engaged with the P5, and especially the US and Russia.

---

[25] Interview diplomat close to the peace process #28, 17.08.2018.
[26] Interview expert involved in the peace process #41, 21.07.2020.
[27] Interview civil society actor #14, 02.08.2018, Interview expert involved in the peace process #41, 21.07.2020.

Annan underlined the importance of stopping the fighting by saying "we need to stop the killing and we are pushing very hard for that".[28] He also tried to establish his impartiality by distancing himself from the regime change agenda of the LAS and the P3. Notably, he refused the second peace plan proposed by the LAS that openly called for regime change. Instead, he proposed his own so-called 'Six-Point Plan' in March 2012, which urged the government to cooperate with the Special Envoy. While it clearly asked more from the government, it left Assad's fate open as it talked about a "Syrian-led political process" rather than regime change (Gowan 2013: 4). Thereby, Annan aimed at gaining the government's trust to set the ground for a mediation (Gowan 2013).

Annan also engaged with the P5 to secure their support. He wanted to "line-up the international actors on the two sides of the table" as his "perception was that this was not a Syrian conflict, that this was a conflict between international actors".[29] Before taking up the job, he had called the P5 countries to ensure himself of their support (Hill 2015: 454). In June 2012, he hosted the so-called Geneva I conference to bring together the main regional and international stakeholders on Syria.[30] They negotiated the Geneva Communiqué, an international consensus document that outlined a roadmap for a political transition with a "transitional governing body" (TGB) with "full executive power" to set up a "new constitutional order" (Action Group for Syria 2012: 3). The language of the Geneva Communiqué had been carefully worded and left ambiguous enough to be accepted by both the P3 as well as Russia and China (Hill 2015: 451). It remained vague on Assad's future as it stated that the TGB "could include members of the present Government and the opposition and other groups" (Action Group for Syria 2012). For the P3, this implied that Assad would leave before the negotiations, while for Russia and China, it meant that Assad's departure would be negotiated in the transition process (Hill 2015: 463). Due to this ambiguity, the endorsement of the Geneva

---

[28] See "Press Encounter by the Joint Special Envoy of the United Nations and the League of Arab States on the Syrian crisis", 09.05.2012, at: https://www.kofiannanfoundation.org/news-releases/press-encounter-by-the-joint-special-envoy-of-the-united-nations-and-the-league-of-arab-states-on-the-syrian-crisis/ (consulted 20.08.2020).
[29] Interview Syrian civil society actor #14, 02.08.2018.
[30] Attendees included the UN, LAS, EU, China, France, Russia, UK, US, Turkey, Iraq, Kuwait, and Qatar.

Communiqué by the UNSC should have been a matter of mere formality. However, the P3 insisted on having it adopted as part of a chapter VII resolution, including non-military sanctions in case of non-respect. Russia and China vetoed the resolution on 19 July 2012 as they had previously declared to accept only a non-binding chapter VI resolution. This "collapsed the Annan process" (Hill 2015: 468) and he resigned in August 2012, referring to the lack of consent as well as P5 support saying "I can't want peace more than the protagonists, more than the Security Council or the international community".[31]

Lakhdar Brahimi pursued a similar strategy to forge consent. He also pointed to the costly stalemate by underlining the high costs that the conflict incurred on both sides. He mentioned that "the death toll is staggering, the destruction is reaching catastrophic proportions, and the suffering is immense"[32] with "unacceptable" and "outrageous" violence.[33] He also suggestively said that "both sides understand that the conflict in their country has imposed immense and unacceptable suffering on the Syrian people".[34] Moreover, he underlined his impartiality by offering to meet with all parties to listen, rather than to propose solutions.[35] He tried to propose a balanced process by encouraging both parties to nuance their entrenched demands, as he made an appeal to Assad to voluntarily forego the right to run in the upcoming elections[36] and urged the opposition to soften their precondition that Assad must leave before negotiations could take place (Hinnebusch and Zartman 2016: 13-17).

---

[31] See "Note to correspondents - transcript of a press conference by Kofi Annan, Joint Special Envoy for Syria", 02.08.2012, at: https://www.un.org/sg/en/content/sg/note-correspondents/2012-08-02/note-correspondents-transcript-press-conference-kofi-annan (consulted 20.08.2020).
[32] See "Brahimi's first formal remarks to the UN General Assembly on Syria", 04.09.2012, at: http://un-report.blogspot.com/2012/09/brahimis-first-formal-remarks-to-un.html (consulted 20.08.2020).
[33] See "Transcript of press conference by the Special Envoy for Syria, Lakhdar Brahimi", 28.08.2013, at: https://www.un.org/sg/en/content/sg/note-correspondents/2013-08-28/transcript-press-conference-special-envoy-syria-lakhdar (consulted 20.08.2020).
[34] See "Full transcript of press conference by Joint Special Representative for Syria (JSRS) Lakhdar Brahimi", 31.04.2014, at: https://www.unog.ch/80256EDD006B8954/(httpAssets)/EFB4470D9E3A9ACDC1257C71005B8C6F/$file/31+jan+press+conf+transcript+Brahimi.pdf (consulted 20.08.2020).
[35] See "UNSC Briefing", 24.09.2012, http://www.un.org/apps/news/infocus/Syria/press.asp?NewsID=1249&sID=45 (consulted 20.08.2020).
[36] See "Syria envoy says Assad can't be part of new government", at: https://uk.reuters.com/article/uk-syria-crisis-brahimi/syria-envoy-says-assad-cant-be-part-of-new-government-idUKBRE9081A020130109 (consulted 26.02.2020) and "Syria accuses U.N. envoy Brahimi of interfering", at: https://www.reuters.com/article/us-syria-crisis-brahimi/syria-accuses-u-n-envoy-brahimi-of-interfering-idUSBRE93N10O20130424 (consulted 20.08.2020). Interview #21 with expert involved in the peace process, 09.08.2018.

Additionally, Brahimi tried to secure P5 support, as Annan had done. After a renewed expression of support to a mediation process by world leaders in the first half of 2013, Brahimi held rounds of tripartite meetings between the UN, US, and Russia to discuss details of renewed talks (Allison 2013: 822).[37] When the situation eventually unblocked due to a temporary rapprochement between the US and Russia,[38] the UNSC adopted Resolution 2118 in September 2013, which finally endorsed the Geneva Communiqué and called for renewed talks on Syria.[39] In the absence of parties' consent to the mediation process, Brahimi worked with their external allies to increase the push factors for them to attend the talks. Indeed, both the government and the opposition eventually attended the so-called Geneva II conference due to pressure from Russia and the US respectively. Russia urged the government to attend while the US promised increased supplies to the SOC if it attended and threatened to otherwise cut off aid (Zartman 2015: 489).

Thus, the parties formally accepted to attend the talks, but it was mostly due to outside pressure. While such external pressure can lead to consent, this was not the case for Geneva II. For the opposition, it was a major step to let go of the precondition that Assad must leave before negotiations, but the decision did not have the full support of all opposition fractions, and especially the SNC refused to attend (Hinnebusch and Zartman 2016: 16). Thus, its consent was partial at best. The government attended, but did not consent to mediation, as it firmly clung on to its positions making it impossible to explore common ground. Brahimi suggested four agenda topics: violence and terrorism, the TGB, national institutions, and national reconciliation and dialogue.[40] The government insisted on discussing terrorism first and refused to agree to other agenda items before it was addressed. The opposition rejected the suggestion wanting to ensure

---

[37] See "Briefing to the Security Council on the Middle East, at: https://unsco.unmissions.org/sites/default/files/scb_25_june_2013.pdf (consulted 20.08.2020).
[38] The Syrian government had used sarin gas in the Damascus suburb of Ghouta in August 2013. It thereby crossed a red line previously drawn by the US government. Fearing Western intervention in Syria, Russia swiftly approached the US to deescalate tensions. This led to a temporary rapprochement between the US and Russia.
[39] John Kerry replacing Hillary Clinton as US State Secretary also helped the rapprochement. Kerry and Lavrov shared an interest in holding an international peace conference (Hinnebusch and Zartman 2016: 15, Crocker et al. 2015: 150).
[40] See "Press conference by Joint Special Representative for Syria, Lakhdar Brahimi", at: https://reliefweb.int/report/syrian-arab-republic/transcript-press-conference-joint-special-representative-syria-jsrs-5 (consulted 20.08.2020).

negotiations on the TGB. Brahimi ended the talks underlining the need for the parties to reflect on their commitment to the process.[41] He pointed to the lack of consent by saying that "the players still think of military solutions, and nobody is exhausted to such an extent as to accept a mediator voluntarily, the only thing that the UN can offer" (cited in Hinnebusch and Zartman 2016: 17). Brahimi withdrew in May 2014 expressing his "regret that the parties, and especially the Government, have proven so reluctant to take advantage of that opportunity to end the country's profound misery".[42]

Both Annan and Brahimi had to forge consent without the parties' perception of a costly stalemate or an impartial mediation context. They pointed to objective indicators for the costly stalemate and underlined their impartiality, but in the end focused mostly on securing P5 support to the peace process (Mancini and Vericat 2016: 10).[43] Brahimi managed to bring both parties to the negotiation table, but it was based on pressure from the US and Russia, and not on consent illustrated by the fragmentation it created within the opposition and the intransigence the government continued to exhibit.

In the end, both Annan and Brahimi faced the difficult choice between withdrawing and publically exposing the parties for their lack of consent but admitting failure or continuing a process without the conflict parties' consent and thereby risking its instrumentalization for other objectives than a negotiated settlement. They opted for the first as they withdrew when it became clear that they were not able to forge sustained consent by the conflict parties, nor to secure continued support of external powers.

Phase II (2014-2020): Towards a military victory in a context dominated by a regime stability agenda

---

[41] See "Press conference by Joint Special Representative for Syria, Lakhdar Brahimi", at: https://reliefweb.int/report/syrian-arab-republic/transcript-press-conference-joint-special-representative-syria-jsrs-5 (consulted 20.08.2020).
[42] See "Syria: UN-Arab League envoy Brahimi resigns", at: https://news.un.org/en/story/2014/05/468162-syria-un-arab-league-envoy-brahimi-resigns (consulted 20.08.2020).
[43] Interview expert involved in the peace process #20, 09.08.2018, Interview expert involved in the peace process #21, 09.08.2018.

Conditions for consent and the impact of internationalization

In a second phase, the UN appointed Italian-Swedish Diplomat Staffan de Mistura (September 2014 – December 2018) and Norwegian Diplomat Geir Pedersen (since January 2019) as his Special Envoys for Syria.

Regarding push factors for consent in terms of a costly stalemate, the conflict context changed towards the end of 2015 as the balance of power on the battlefield decisively shifted in favor of the Syrian government due to the Russian military intervention in September 2015.[44] At the same time, Western and regional powers decreased their support to the opposition. The US and European states grew concerned with the political opposition's fragmented presence on the ground and the radicalization of some groups and increasingly focused on fighting IS (Asseburg et al. 2018: 36, Vuković and Bernabei 2019: 425). The Gulf States also reduced their support to the opposition and refocused their attention on the war in Yemen, which was of more immediate concern to them. These developments made the Syrian government emerge as the military winner of the war.[45] It recovered key territories in Syria, such as Homs in December 2015, Aleppo in December 2016, and Deraa – where the revolution had originally started – in July 2018. By mid-2019, the government controlled most of the regions formerly held by rebel forces, except for Idlib. The situation thus both objectively and subjectively moved away from a costly stalemate. It hence provided little push factors for the government to consent to mediation as it counted on ending the war militarily (Zartman 2015: 490, Asseburg et al. 2018: 41).[46]

---

[44] Interview Staffan de Mistura, 25.02.2020, Interview expert involved in the peace process #20, 09.08.2018, Interview Syrian civil society actor #32, 30.08.2018, Interview expert involved in the peace process #34, 27.11.2018, Interview expert involved in the peace process #41, 21.07.2020.
[45] Interview Syrian civil society actor #1, 26.06.2018, Interview civil society actor #4, 27.06.2018, Interview expert involved in the peace process #20, 09.08.2018.
[46] Interview expert involved in the peace process #20, 09.08.2018, Interview diplomat close to the peace process #28, 17.08.2018.

Concerning pull factors in terms of an impartial process as a 'way out' of fighting, the mediation context was biased towards regime stability. The Russian military intervention in September 2015 made it clear that Assad would not leave and the threat of IS rendered his departure a secondary priority for Western powers (Crocker et al. 2014). This influenced the dynamics in the UNSC. The P3 gradually downsized the regime change agenda they had fervently pursued in the initial years of the conflict. The US reduced its involvement in the mediation process, by decreasing their presence and level of representation in the Office of the Special Envoy for Syria (Asseburg et al. 2018: 42).[47] Russia, in turn, increased its presence and became the actor with most influence on the Syrian government given that it had enabled a decisive shift in the military balance of power.[48] It held the key to the government's participation in the UN mediation process, but only used its influence if the mediation process was in line with its interests.[49] Therefore, the Russian regime stability agenda came to dominate the mediation context. This was further accentuated when Russia, together with Iran and Turkey, started the so-called Astana Talks, a parallel peacemaking initiative to discuss options for a ceasefire.[50] Russia underlined the complementarity to the UN-led mediation process,[51] and the UN attended the talks. However, the Russian regime stability agenda clearly dominated the Astana Talks as the agreements struck on ceasefires in four designated zones led to the government's recovery of three of these zones and further cemented its military victory.[52]

---

[47] Interview expert involved in the peace process #41, 21.07.2020.

[48] Interview Syrian civil society actor #1, 26.06.2018, Interview Nikolay Soukhov, Russian researcher and long-term expert on the Middle East, 12.09.2020, Interview Leonid Isaev, Associate Professor, Department for Asian and African Studies, National Research University Higher School of Economics, Saint Petersburg, 02.10.2019.

[49] Interview Syrian civil society actor #1, 26.06.2018, Interview Syrian civil society actor #3, 27.06.2018, Interview Ruslan Mamedov, Program Manager (MENA), Russian International Affairs Council, 27.11.2020.

[50] Interview Nikolay Soukhov, Russian researcher and long-term expert on the Middle East, 17.09.2019, Interview Leonid Isaev, Associate Professor, Department for Asian and African Studies, National Research University Higher School of Economics, Saint Petersburg, 02.10.2019, Interview Ruslan Mamedov, Program Manager (MENA), Russian International Affairs Council, 27.11.2020.

[51] See for instance "Joint Statement by Iran, Russia and Turkey on the International Meeting on Syria in Astana", 24.01.2017, at: https://www.aljazeera.com/news/2017/01/astana-joint-statement-iran-russia-turkey-full-170124133951063.html (consulted 20.08.2020) and "Joint Statement by Iran, Russia and Turkey on the International Meeting on Syria in the Astana format", 11.12.2019, at: https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3949043 (consulted 20.08.2020).

[52] Interview Syrian civil society actor #1, 26.06.2018, Interview Ibrahim Olabi, Syrian civil society actors, 28.06.2018, Interview Razan Brghol, Syrian civil society actor, 28.06.2018, Interview Mutasem Alsoufi, Syrian civil society actor, 02.08.2018, Interview Syrian civil society actor #32, 30.08.2018, Interview expert involved in the peace process #41, 21.07.2020.

The conflict and mediation contexts provided little push and pull factors for the parties' consent.[53] Given the government's strengthened military position, the opposition gradually downgraded its demands by accepting that Assad would not leave before the negotiations, but grew suspicious of a mediation process increasingly influenced by a regime stability agenda. Its consent to talks remained thus highly fragile. The government, in turn, showed no interest in seriously engaging in negotiations and fiercely pursued a military end to the conflict.[54] As such, the internationalization of the conflict in terms of Russian support to the government as well as its regime stability agenda obstructed conflict parties' consent.

Mediators' strategies to forge consent

De Mistura and Pedersen faced a mediation context characterized by an emerging military victory and biased towards regime stability. Like their predecessors, they had little leverage to influence the push factors given the P5 division and thus mostly pointed to the high costs of the conflict as well as the importance of finding a political solution to the conflict. Concerning the pull factors, they tried to balance the overall biased mediation context by underlining their impartiality. At the same time, they engaged with the P5 to secure their support. They also added another strategy in that they included civil society in their mediation efforts.

While a stalemate had moved out of reach, the conflict still incurred high costs on the parties. De Mistura repeatedly highlighted the bloodshed and emphasized the vital need "to end all violence"[55] and that a truce was urgently needed.[56] Moreover, he underlined that there was "no military solution, only a political solution".[57] He presented the UN process as an impartial forum for negotiations. Especially compared to the

---

[53] Interview diplomat close to the peace process #28, 17.08.2018, Interview Staffan de Mistura, 25.02.2020, Interview expert involved in the peace process #41, 21.07.2020.

[54] Interview Staffan de Mistura, 25.02.2020, Interview Nikolay Soukhov, Russian researcher and long-term expert on the Middle East, 17.09.2019.

[55] See "Statement of Special Envoy for Syria Staffan de Mistura", 26.01.2018, at: https://www.un.org/sg/en/content/sg/note-correspondents/2018-01-26/note-correspondents-statement-special-envoy-syria-staffan (consulted 20.08.2020).

[56] See "Transcript of press remarks by Staffan de Mistura", 27.04.2016, at: https://reliefweb.int/report/syrian-arab-republic/transcript-press-remarks-staffan-de-mistura-un-special-envoy-syria (consulted 20.08.2020).

[57] "Welcoming Statement by Staffan de Mistura", 23.02.2017, at: https://www.un.org/sg/en/content/sg/note-correspondents/2017-02-23/note-correspondents-welcoming-statement-staffan-de-mistura (consulted 20.08.2020), see also "Security Council Briefing

Astana Talks, he stated that "only the UN has the legitimacy and credibility needed for a viable, enduring political solution".[58]

In parallel, de Mistura sought to secure P5 support to his mediation. He called repeatedly on the UNSC's unity. He said for instance "the united support of the international community, centred on this Council, will be vital if negotiations are to move forward in a concrete way".[59] He benefitted from a convergence of interests between the two superpowers towards the end of 2015,[60] which enabled the UNSC adoption of resolution 2254 on 18 December 2015 calling for renewed political talks under UN leadership. It provided the framework for the so-called Intra-Syrian Talks that started in early 2016 and proceeded in several rounds in a proximity format with de Mistura shuttling between the parties. In that framework, de Mistura also added another strategy, which was to extend the circle of invited actors to civil society actors (Hellmüller and Zahar 2018). The idea was to create stronger popular pressure on the conflict parties to engage in the mediation process.

Yet, consent was not forthcoming. While both parties attended the Intra-Syrian Talks, the opposition reconsidered its participation in each round of talks given its weakened position on the battlefield and the biased mediation environment.[61] While it showed its general willingness to engage in substantive negotiations, its consent remained fragile.[62] Most importantly, however, the government's consent was absent as it did not engage with the intention to explore options for a negotiated settlement but exhibited a

---

on the Situation in Syria", 27.11.2017, at: https://www.un.org/undpa/en/speeches-statements/27112017/syria, "Briefing to the Security Council", 18.09.2018, at: https://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/30AA6AD72752F5BFC125830D002A0040?OpenDocument (consulted 20.08.2020).
[58] See "Press elements by the President of the Security Council following discussions on Syria at the retreat at Backåkra, Sweden", 22.04.2018, at: https://www.government.se/statements/2018/04/press-elements-by-the-president-of-the-security-council-following-discussions-on-syria-at-the-retreat-at-backakra-sweden-on-22-april-2018/ (consulted 20.08.2020).
[59] See "Security Council Briefing on the Situation in Syria, Special Envoy Staffan de Mistura", 27.11.2017, at: https://www.un.org/undpa/en/speeches-statements/27112017/syria (consulted 20.08.2020).
[60] The US definitely accepted that Assad would not leave in the short-term and Russia wanted to start negotiations before the US elections, as they feared a victory by Hillary Clinton implying a potentially tougher US policy on Syria.
[61] Interview expert involved in the peace process #41, 21.07.2020.
[62] Interview expert involved in the peace process #41, 21.07.2020.

tactic of "long series of delays and procedural arguments".[63] After more than four years in office, de Mistura resigned at the end of 2018 saying that he was "emotionally incapable of qualifying a possible military victory through a peace process".[64] In other words, he realized that there was no consent from the government nor the support from Russia to make any concessions towards finding peace. As he mentioned, "there was never a real beginning of a real negotiation, […] because the government did not want and still does not want to negotiate with the opposition".[65]

Pedersen inherited these challenges. During his term, the process moved towards engaging the parties in a more focused discussion on establishing a constitutional committee.[66] To foster consent to the process, and like his predecessors, Pedersen pointed to the destruction of the conflict thereby underlining the urgency of finding a political solution. He referred to the Syrian war as "a conflict that still defies comprehension in the scale of suffering, brutality, and devastation"[67] and said that "there is no military solution to this conflict".[68] He also underlined his impartiality. He said for instance that "I can promise you that I will work impartially and diligently to discharge the mandate given to me […] to facilitate the political process".[69] Moreover, he carefully balanced both sides by acknowledging the emerging military victory by the Syrian government, while at the same time underlining that a political process was needed to rebuild the country. He mentioned for instance: "I believe there is a shared sense that battlefield developments might be winding down. Nevertheless, the conflict is far from over. And the challenges of winning the peace are staggering in scale and complexity".[70]

---

[63] Interview Staffan de Mistura, 25.02.2020.
[64] Interview Staffan de Mistura, 25.02.2020.
[65] Interview Staffan de Mistura, 25.02.2020.
[66] The preparations to form such a committee to discuss a new constitution had already started during Staffan de Mistura's terms, but it was set up under Pedersen's auspices in October 2019.
[67] See "United Nations Special Envoy for Syria Geir O. Pedersen briefing to the Security Council", 30.03.2020, at: https://reliefweb.int/report/syrian-arab-republic/united-nations-special-envoy-syria-geir-o-pedersen-briefing-security (consulted 20.08.2020).
[68] See "Briefing to the Security Council by Geir O. Pedersen, United Nations Special Envoy for Syria", 27.06.2019, at: https://reliefweb.int/report/syrian-arab-republic/briefing-security-council-geir-o-pedersen-united-nations-special-envoy-0 (consulted 20.08.2020).
[69] See "Security Council Briefing on Syria, Special Envoy Geir O. Pedersen", 28.02.2019, at: https://dppa.un.org/en/security-council-briefing-syria-special-envoy-geir-o-pedersen (consulted 20.08.2020).
[70] See "Security Council Briefing on Syria, Special Envoy Geir O. Pedersen", 28.02.2019, at: https://dppa.un.org/en/security-council-briefing-syria-special-envoy-geir-o-pedersen (consulted 20.08.2020).

At the same time, Pedersen engaged with the P5 to forge their support. He regretted that there was "no currently active international grouping [that] brings together all key international players whose support can guarantee concrete and reciprocal steps" and indicated his will to work in this direction.[71] For instance, at the G20 Summit in Osaka in June 2019, he pressed hard for Syria to become a key topic in order to deepen the dialogue between the US and Russia.[72] He also continued the engagement with civil society that de Mistura had initiated and underlined their importance.[73] However, progress stalled with the government, supported by Russia, pursuing an all-out victory trying to conquer the last opposition-held area in Idlib in early 2020.

De Mistura and Pedersen tried to forge consent against the background of an emerging military victory and with a regime stability agenda dominating the mediation context. While a stalemate moved out of sight, they pointed to the high conflict costs and the importance of a political solution and underlined their impartiality. They also aimed at securing P5 support to the peace process and further extended their strategy to create more pressure on the conflict parties through civil society inclusion in the talks. While the parties formally engaged in some rounds of talks in this second phase, the opposition's consent was fragile while the government's consent remained largely absent indicated by its stalling tactics.

While Pederson is still in the office, de Mistura faced the same difficult choice as Annan and Brahimi of either withdrawing to expose the absence of parties' consent but openly admitting failure or continuing in the hope that consent will still come about thereby risking – or even tacitly accepting – that the parties

---

[71] See "Briefing to the Security Council by Geir O. Pedersen, United Nations Special Envoy for Syria", 27.06.2019, at: https://reliefweb.int/report/syrian-arab-republic/briefing-security-council-geir-o-pedersen-united-nations-special-envoy-0 (consulted 20.08.2020).
[72] See "Briefing to the Security Council by Geir O. Pedersen, United Nations Special Envoy for Syria", 27.06.2019, at: https://reliefweb.int/report/syrian-arab-republic/briefing-security-council-geir-o-pedersen-united-nations-special-envoy-0 (consulted 20.08.2020).
[73] See for instance "Briefing to the Security Council", 16.06.2020, at: https://reliefweb.int/report/syrian-arab-republic/united-nations-special-envoy-syria-geir-o-pedersen-briefing-security-2 (consulted 20.08.2020).

instrumentalize the process for other objectives than a negotiated settlement. He opted for the second choice in that he only resigned after trying to forge consent for more than four years.

Conclusion

This article analyzed how the internationalization of civil wars influences the push and pull factors for conflict parties' consent as well as mediators' strategies of forging it. Illustrated by the case study of the UN mediation in Syria, it showed that internationalization influences consent *directly* by impeding the advent of a mutually hurting stalemate and rendering it more difficult for the UN to present their mediation as impartial. At the same time, internationalization also affects consent *indirectly* by limiting the UN mediators' possibilities for forging it as the UNSC disunity deprives them of leverage. In such situations, mediators can point to the high costs of the conflict and underline their impartiality to forge consent, but they often also extend the circle of actors they engage with to secure P5 support and sometimes also include civil society to increase the pressure on the conflict parties to genuinely engage in a mediation process.

The article shows that when consent is not forthcoming, mediators face the difficult choice between withdrawing to publically expose the parties' lack of consent but admitting failure or remaining engaged to continue to forge it but risking instrumentalization for other objectives than a negotiated settlement. Both decisions bear difficult consequences. Withdrawal obviously leaves a sense of failure and resignation. It can also create a strong feeling of being abandoned and hopelessness in the population suffering from the war. Moreover, the effect of publically blaming the parties for their lack of consent may not last more than a few weeks. Continuation, in turn, raises the difficult question about the extent to which a UN mediation process may become instrumentalized for other purposes than a negotiated settlement. In the Syrian case, for instance, the question remains to what extent the UN's continued engagement despite the lack of government consent may in the end even have been complicit in favoring a victor's peace.

There is no final answer to such questions, but they point to the importance of understanding conflict parties' consent to mediation. Indeed, this question is likely to be one of the most important challenge the UN will be confronted with in the coming years. As the number of internationalized civil wars is growing, the UN is facing highly complex conflicts that pose new dilemmas of keeping actors at different levels engaged. Promoting the peaceful settlement of conflicts has been the main *raison d'être* of the UN since its creation in 1945. Given the recent weakening of the norm to prioritize political over military means to end conflicts that was firmly settled in the liberal world order of the post-Cold War years, the article's insights provide reflections that are not only relevant to potentially improve the UN response to armed conflicts, such as in Syria, but also to maintain the important role the UN plays in maintaining international peace and security.

References

Action Group for Syria. (2012). "Final Communiqué." Geneva: United Nations.

Aduda, Levke (2019). "Failed agreements and their impact on subsequentmediation onset and success in intrastate conflicts." *International Interactions* 45, 5: 893-916.

Akpınar, Pınar (2016). "The limits of mediation in the Arab Spring: the case of Syria." *Third World Quarterly* 37, 12: 2288-2303.

Allison, Roy (2013). "Russia and Syria: explaining alignment with a regime in crisis." *International Affairs* 89, 4: 795-782.

Alvarez, Miguel, Sabina Avasiloae, Roxana Cristescu, Paul Dziatkowiec, Sara Hellmueller, Lars Kirchhoff, Anne Isabel Kraus, Simon Mason, Martha Mutisi, Nathan Stock, Barbara Unger, and Zahbia Yousuf. (2013). "Translating Mediation Guidance into Practice: Commentary on the UN Guidance for Effective Mediation by the Mediation Support Network." Zurich: Mediation Support Network.

Arab League. (2011). "Council Resolution 7438 [Plan of Action]."

Asseburg, Muriel, Wolfram Lacher, and Mareike Transfeld. (2018). "Mission Impossible? UN-Vermittlung in Libyen, Syrien und dem Jemen." Berlin: Stiftung Wissenschaft und Politik.

Assefa, Hizkias (1987). *Mediation of Civil Wars: Approaches and Strategies: The Sudan Conflict*. London: Westview.

Balch-Lindsay, Dylan, and Andrew J. Enterline (2000). "Killing Time: The World Politics of Civil War Duration, 1820-1992." *International Studies Quarterly* 44, 4: 615-642.

Beardsley, Kyle (2011). *The Mediation Dilemma*. New York: Cornell University Press.

Bercovitch, Jacob (1989). "International Dispute Mediation," in Kenneth Kressel and Dean G. Pruitt, 284-299, *Mediation Research, The Process and Effectiveness of Third Party Intervention*. San Francisco: Jossey-Bass.

Bercovitch, Jacob (2009). "Mediation and Conflict Resolution," in Jacob Bercovitch, Victor Kremenyuk and I. William Zartman, 340-354, *The SAGE Handbook of Conflict Resolution*. London: SAGE.

Crocker, Chester A., Fen Osler Hampson, Pamela Aall, and Simon Palamar (2015). "Why Is Mediation So Hard? The Case of Syria," in Mauro Galluccio, 139-156, *Handbook of International Negotiation: Interpersonal, Intercultural, and Diplomatic perspectives*. Cham: Springer.

Crocker, Ryan, William Luers, and Thomas Pickering. 2014. "How a U.S.-Iran Nuclear Deal Could Help Save Iraq." *Washington Post*.

Cunningham, David E. (2010). "Blocking resolution: How external states can prolong civil wars." *Journal of Peace Research* 47, 2: 115-127.

Favretto, Katja (2009). "Should peacemakers take sides? Major power mediation, coercion, and bias." *American Political Science Review* 103, 2: 248-263.

Fearon, James (2017). "Civil War & the Current International System." *Daedalus* 146, 4: 18-32.

Findley, Michael, and Peter Rudloff (2012). "Combatant fragmentation and the dynamics of civil wars." *British Journal of Political Science* 42, 2: 879-901.

Gasser, Hans-Peter (1983). "Internationalized Non-International Armed Conflicts: Case Studies of

   Afghanistan, Kampuchea, and Lebanon," in American University, 145-161, *American University*

   Law Review. Washington DC: American University.

Gleditsch, Nils Petter, and Ida Rudolfsen (2016). "Are Muslim countries more prone to violence."

   Research and Politics 3, 2: 1-9.

Goodby, James (1996). "When war won out: Bosnian peace plans before Dayton." *International*

   Negotiation 1, 3: 501-523.

Gowan, Richard (2013). "Kofi Annan, Syria and the Uses of Uncertainty in Mediation." *Stability:*

   International Journal of Security and Development 2, 1: 1-6.

Gowan, Richard, and Stephen J. Stedman (2018). "The International Regime for Treating Civil War,

   1988-2017." *Daedalus* 147, 1: 171-184.

Greig, J. Michael (2005). "Stepping into the fray: when do mediators mediate?" *American Journal of*

   Political Science 49, 2: 249-266.

Greig, J. Michael, and Patrick M. Regan (2008). "When Do They Say Yes? An Analysis of the

   Willingness to Offer and Accept Mediation in Civil Wars." *International Studies Quarterly* 52, 4:

   759-781.

Greig, Michael (2001). "Moments of Opportunity: Recognizing Conditions of Ripeness for International

   Mediation between Enduring Rivals." *Journal of Conflict Resolution* 45, 6: 691-718.

Greig, Michael (2013). "Intractable Syria? Insights from the scholarly literature on the failure of

   mediation." *Penn State Journal of Law & International Affairs* 2, 1: 48-56.

Greig, Michael J., and Paul F. Diehl (2012). *International Mediation*. Cambridge: Polity.

Haass, Richard N. (1990). *Conflicts Unending: The United States and Regional Disputes*. New Haven:

   Yale University Press.

Hampson, Fen (2004). "Can the UN still mediate?," in Richard Price and Mark Zacher, 75-92, *The United*

   Nations and Global Security. New York: Palgrave Macmillan.

Hellmüller, Sara, and Marie-Joëlle Zahar. (2018). "Against the Odds: Civil Society in the Intra-Syrian Talks." New York: International Peace Institute.

Hill, Tom (2015). "Kofi Annan's Multilateral Strategy of Mediation and the Syrian Crisis: The Future of Peacemaking in a Multipolar World?" *International Negotiation* 20, 3: 444-478.

Hinnebusch, Raymond, and I. William Zartman. (2016). "UN Mediation in the Syrian Crisis: From Kofi Annan to Lakhdar Brahimi." New York: International Peace Institute.

Howard, Lise Morjé, and Alexandra Stark (2017/18). "How Civil Wars End. The International System, Norms, and the Role of External Actors." *International Security* 42, 3: 122-171.

Jenne, Erin K. (2015). *Nested Security: Lessons in Conflict Management from the League of Nations and the European Union*. Ithaca: Cornell University Press.

Jenne, Erin K., and Milos Popovic (2017). "Managing Internationalized Civil Wars." *Oxford Research Encyclopedia of Politics*.

Jones, Bruce, and Stephen John Stedman (2017). "Civil Wars & the Post-Cold War International Order." *Daedalus* 146, 4: 33-44.

Kane, Sean William (2020). "Making Peace When the Whole World Has Come to Fight: The Mediation of Internationalized Civil Wars." *International Peacekeeping* Online First: 1-27.

Khatib, Line (2019). "Syria, Saudi Arabia, the U.A.E. and Qatar: the 'sectarianization' of the Syrian conflict and undermining of democratization in the region." *British Journal of Middle Eastern Studies* 46, 3: 385-403.

Kleiboer, Marieke (1996). "Understanding Success and Failure of International Mediation." *The Journal of Conflict Resolution* 40, 2: 360-389.

Kriesberg, Louis (1992). *International Conflict Resolution*. New Haven: Yale University Press.

Kriesberg, Louis, and Stuart Thorson, eds. (1991). *Timing the De-escalation of International Conflicts*. Syracuse, NY: Syracuse University Press.

Kydd, Andrew H. (2003). "Which side are you on? Bias, credibility and mediation." *American Journal of Political Science* 47, 4: 597-611.

Lundgren, Magnus (2016). "Mediation in Syria: initiatives, strategies, and obstacles, 2011–2016." *Contemporary Security Policy* 37, 2: 273-288.

Lundgren, Magnus (2019). "Mediation in Syria, 2016-2019: A tale of two processes." *Available at SSRN: https://ssrn.com/abstract=3507785*: 1-15.

Lundgren, Magnus, and Isak Svensson (2014). "Leanings and Dealings: Exploring Bias and Trade Leverage in Civil War Mediation by International Organizations." *International Negotiation* 19, 2: 315-342.

Lundgren, Magnus, and Isak Svensson (2020). "The surprising decline of international mediation in armed conflicts." *Research and Politics* 7, 2: 1-7.

Mancini, Francesco, and Jose Vericat. (2016). "Lost in Transition: UN Mediation in Libya, Syria, and Yemen." New York: International Peace Institute.

Mason, Simon, and Damiano Sguaitamatti. (2011). "Mapping Mediators: A comparison of third parties and implications for Switzerland." Zürich: Center for Security Studies.

Mason, T. David, Joseph P. Weingarten Jr., and Patrick J. Fett (1999). "Win, Lose, or Draw: Predicting the Outcome of Civil Wars." *Political Research Quarterly* 52, 2: 239-268.

Maundi, Mohammed, Gilbert Khadiagala, Kwaku Nuemah, Saadia Touval, and I. William Zartman (2000). *Entry and Access in Mediation*. Washington, DC: United States Institute of Peace.

Maundi, Mohammed O., I. William Zartman, Gilbert M. Khadiagala, and Kwaku Nuamah (2006). *Getting in: Mediators' Entry into the Settlement of African Conflicts*. Washington DC: United States Institute of Peace Press.

Melander, Erik, Therése Pettersson, and Lotta Themnér (2016). "Organized violence, 1989-2015." *Journal of Peace Research* 53, 5: 727-742.

Miall, Hugh (1992). *The peacemakers. Peaceful settlements of disputes since 1945*. London: Palgrave MacMillan.

Miall, Hugh, Oliver Ramsbotham, and Tom Woodhouse (1999). *Contemporary Conflict Resolution. The prevention, management and transformation of deadly conflicts*. Cambridge: Polity Press.

Mitchell, Christopher (1995). "The Right Moment: Notes on 4 Models of Ripeness." *Paradigms* 9, 2: 35-52.

Moore, Christopher (1986). *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass Publishers.

Nathan, Laurie (2017). "Marching Orders: Exploring the Mediation Mandate." *African Security* 10, 3: 155-175.

Pearlman, Wendy, and Kathleen Gallagher Cunningham (2012). "Nonstate Actors, Fragmentation, and Conflict Processes." *Journal of Conflict Resolution* 56, 1: 3-15.

Pettersson, Therése, Stina Högbladh, and Magnus Öberg (2019). "Organized violence, 1989–2018 and peace agreements." *Journal of Peace Research* 56, 4: 589-603.

Price, Megan, Jeff Klinger, Anas Qtiesh, and Patrick Ball. (2013). "Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic." New York: Office of the UN High Commissioner for Human Rights.

Princen, Thomas (1992). *Intermediaries in International Conflict*. Princeton: Princeton University Press.

Pruitt, Dean (2002). "Mediator Behavior and Success in Mediation," in Jacob Bercovitch, 41-54, *Studies in International Mediation*. New York: Palgrave Macmillan.

Pruitt, Dean G. (2005). "Whither ripeness theory?" Washington DC: George Mason University.

Pruitt, Dean G. (2007). "Readiness theory and the Northern Ireland conflict." *American Behavioral Scientist* 50, 11: 1520-1541.

Rasler, Karen (1983). "Internationalized Civil War: A Dynamic Analysis of the Syrian Intervention in Lebanon." *Journal of Conflict Resolution* 27, 3: 421-456.

Rauchhaus, Robert W. (2006). "Asymmetric Information, Mediation, and Conflict Management." *World Politics* 58, 2: 207-241.

Regan, Patrick M. (2000). *Civil wars and foreign powers: Outside interventions and intrastate conflict*. Ann Arbor: University of Michigan Press.

Regan, Patrick M. (2002). "Third-party Interventions and the Duration of Intrastate Conflicts." *Journal of Conflict Resolution* 46, 1: 55-73.

Regan, Patrick M., and Allan C. Stam (2000). "In the nick of time: Conflict management, mediation timing, and the duration of interstate disputes." *International Studies Quarterly* 44, 2: 239-260.

Richmond, Oliver (1998). "Devious Objectives and the Disputants' View of International Mediation: A Theoretical Framework." *Journal of Peace Research* 35, 6: 707-722.

Savun, Burcu (2008). "Information, bias, and mediation success." *International Studies Quarterly* 52, 1: 25-47.

Savun, Burcu (2009). "Mediator Types and the Effectiveness of Information Provision Strategies in the Resolution of International Conflict," in Jacob Bercovitch and Scott Gartner, 96-114, *New Approaches to Mediation*. London: Routledge.

Sisk, Timothy (2009). *International Mediation in Civil Wars: Bargaining with Bullets*. New York: Routledge.

Smith, William P. (1985). "Effectiveness of the Biased Mediator." *Negotiation Journal* 1, 4: 363-372.

Söderberg Kovacs, Mimmi (2020). "Negotiating Sacred Grounds? Resolving Islamist Armed Conflicts." *International Negotiation* 25, 3: 1-14.

Stedman, Stephen John (1991). *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980*. Boulder, CO: Lynne Rienner Publishers.

Svensson, Isak (2007). "Bargaining, bias and peace brokers: How rebels commit to peace." *Journal of Peace Research* 44, 2: 177-194.

Svensson, Isak (2009). "Who brings which peace? Biased versus neutral mediation and institutional peace arrangements in civil wars." *Journal of Conflict Resolution* 53, 3: 446-469.

Svensson, Isak, and Desirée Nilsson (2018). "Disputes over the divine: Introducing the religion and armed conflict (RELAC) data, 1975-2015." *Journal of Conflict Resolution* 62, 5: 1127-1148.

Touval, Saadia (1975). "Biased intermediaries: Theoretical and historical considerations." *Jerusalem Journal of International Relations* 1: 51-69.

United Nations. (2012). "UN Guidance for Effective Mediation." New York: United Nations.

Uppsala Conflict Data Program. "Uppsala Conflict Data Program." Uppsala: Department of Peace and Conflict Research, Uppsala University.

Vuković, Siniša (2015). "Soft Power, Bias and Manipulation of International Organizations in International Mediation." *International Negotiation* 20, 3: 414-443.

Vuković, Siniša, and Diane Bernabei (2019). "Refining Intractability: A Case Study of Entrapment in the Syrian Civil War." *International Negotiation* 24, 3: 407-436.

Wall, James A., John B. Stark, and Rhetta L. Standifer (2001). "Mediation: A Current Review and Theory Development." *The Journal of Conflict Resolution* 45, 3: 370-391.

Wright, Quincy (1965). "The Escalation of International Conflicts." *Journal of Conflict Resolution* 9, 4: 434-449.

Young, Oran R. (1967). *The Intermediaries: Third Parties in International Crises*. Princeton: Princeton University Press.

Zartman, I. William (1985). *Ripe for Resolution: Conflict and Intervention in Africa*. New York: Oxford University Press.

Zartman, I. William (2000). "Ripeness: The Hurting Stalemate and Beyond," in Paul C. Stern and Daniel Druckman, 225-250, *International Conflict Resolution After the Cold War*. Washington: National Academy Press.

Zartman, I. William (2015). "Mediation: Ripeness and its Challenges in the Middle East." *International Negotiation* 20, 3: 479-493.