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SECTION 1: INTRODUCTION, RATIONALE AND OBJECTIVES

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

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

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

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

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

² S/2015/432, Recommendation 58: Available: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/432&referer=/english/&Lang=E.

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

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

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

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

Objectives

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

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

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

⁵ Griffiths and Barnes, *Powers of Persuasion*, p. 4.

Phases of the Project

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

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

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

Report Overview

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

SECTION 2:

RESEARCH QUESTIONS, APPROACH AND METHODOLOGY

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

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

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

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

Unit of analysis, scope conditions and case selection

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

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

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

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

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

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

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

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

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

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

General Research Approach

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

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

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

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

Elements to be included in each case

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

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

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

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

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

SECTION 3:

FINDINGS

UN sanctions can complement mediation efforts

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

FINDING #1:

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

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

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

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

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

FINDING #2:

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

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

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

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

FINDING #3:

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

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

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

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

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

FINDING #4:

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

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

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

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

FINDING #5:

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

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

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

FINDING #6:

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

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

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

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

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

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

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

FINDING #7:

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

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

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

FINDING #8:

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

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

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

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

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

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

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

FINDING #9:

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

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

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

UN sanctions can complicate mediation efforts

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

FINDING #10:

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

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

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

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

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

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

FINDING #11:

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

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

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

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

FINDING #12:

UN sanctions can embolden non-sanctioned parties.

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

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

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

FINDING #13:

UN sanctions can force premature agreements that cannot be sustained.

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

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

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

FINDING #14:

UN sanctions can close the space for mediation.

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

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

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

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

FINDING #15:

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

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

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

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

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

FINDING #16:

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

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

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

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

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

FINDING #17:

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

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

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

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

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

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

Mediation efforts can influence UN sanctions

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

FINDING #18:

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

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

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

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

FINDING #19:

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

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

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

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

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

FINDING #20:

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

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

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

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

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

FINDING #21:

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

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

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

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

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

FINDING #22:

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

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

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

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

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

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

SECTION 4:

POLICY

RECOMMENDATIONS

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

For the UN Security Council:

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

For UN Sanctions Committees:

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

For envoys/senior mediators and supporters of peace talks:

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

For the UN Secretariat:

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

Avenues for further research:

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