

# WORDS OVER WAR

**WORDS OVER WAR**  
**Mediation and Arbitration**  
**to Prevent Deadly Conflict**

Edited by  
Melanie C. Greenberg  
John H. Barton  
Margaret E. McGuinness

---

**CARNEGIE COMMISSION ON PREVENTING DEADLY CONFLICT**

---

CARNEGIE CORPORATION OF NEW YORK

ROWMAN & LITTLEFIELD PUBLISHERS, INC.

*Lanham • Boulder • New York • Oxford*

ROWMAN & LITTLEFIELD PUBLISHERS, INC.

Published in the United States of America  
by Rowman & Littlefield Publishers, Inc.  
4720 Boston Way, Lanham, Maryland 20706  
<http://www.rowmanlittlefield.com>

12 Hid's Copse Road  
Cumnor Hill, Oxford OX2 9JJ, England

Copyright © 2000 by Carnegie Corporation of New York

*All rights reserved.* No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the publisher.

British Library Cataloguing in Publication Information Available

**Library of Congress Cataloging-in-Publication Data**

Words over war : mediation and arbitration to prevent deadly conflict / edited by  
Melanie C. Greenberg, John H. Barton, and Margaret E. McGuinness.

p. cm.— (Carnegie Commission on Preventing Deadly Conflict)  
Includes bibliographical references.

ISBN 0-8476-9892-0 (alk. paper)—ISBN 0-8476-9893-9 (pbk. : alk. paper)

1. Pacific settlement of international disputes. 2. Intervention (International law) 3.  
Mediation, International. I. Greenberg, Melanie C. II. Barton, John H. III. McGuinness,  
Margaret E. IV. Carnegie Commission on Preventing Deadly Conflict series.

KZ6010 .W67 2000  
341.5'2—dc21

99-051392

Printed in the United States of America

Ⓢ™ The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48–1992.

To Anna Rose and Jed, who I hope will inherit a more peaceful world.  
*Melanie Greenberg*

In the hope that our work will be useful to future peacemakers.  
*John Barton*

To my parents, Bill and Madeleine McGuinness.  
*Margaret McGuinness*

## ABOUT THE **Carnegie Commission on Preventing Deadly Conflict Series**

Carnegie Corporation of New York established the Carnegie Commission on Preventing Deadly Conflict in May 1994 to address the threats to world peace of intergroup violence and to advance new ideas for the prevention and resolution of deadly conflict. The Commission is examining the principal causes of deadly ethnic, nationalist, and religious conflicts within and between states and the circumstances that foster or deter their outbreak. Taking a long-term, worldwide view of violent conflicts that are likely to emerge, it seeks to determine the functional requirements of an effective system for preventing mass violence and to identify the ways in which such a system could be implemented. The Commission is also looking at the strengths and weaknesses of various international entities in conflict prevention and considering ways in which international organizations might contribute toward developing an effective international system of nonviolent problem solving. The series grew out of the research that the Commission has sponsored to answer the three fundamental questions that have guided its work: What are the problems posed by deadly conflict, and why is outside help often necessary to deal with these problems? What approaches, tasks, and strategies appear most promising for preventing deadly conflict? What are the responsibilities and capacities of states, international organizations, and private and nongovernmental organizations for undertaking preventive action? The Commission issued its final report in December 1997.

The books are published as a service to scholars, students, practitioners, and the interested public. While they have undergone peer review and have been approved for publication, the views that they express are those of the author or authors, and Commission publication does not imply that those views are shared by the Commission as a whole or by individual Commissioners.

## Members of the Carnegie Commission on Preventing Deadly Conflict

David A. Hamburg, *Cochair*  
President Emeritus  
Carnegie Corporation of New York

Cyrus R. Vance, *Cochair*  
Partner  
Simpson Thacher & Bartlett

Gro Harlem Brundtland  
Director-General  
World Health Organization  
Former Prime Minister of Norway

Virendra Dayal  
Former Under-Secretary-General and Chef  
de Cabinet to the Secretary-General  
United Nations

Gareth Evans  
Deputy Leader of the Opposition and  
Shadow Treasurer  
Australia

Alexander L. George  
Graham H. Stuart Professor Emeritus of  
International Relations  
Stanford University

Flora MacDonald  
Former Foreign Minister of Canada

Donald F. McHenry  
Distinguished Professor in the Practice of  
Diplomacy  
School of Foreign Service  
Georgetown University

Olara A. Otunnu  
Under-Secretary-General  
Special Representative to the Secretary-  
General for Children and Armed Conflict

David Owen  
House of Lords

Shridath Ramphal  
Cochairman  
Commission on Global Governance

Roald Sagdeev  
Distinguished Professor  
Department of Physics  
University of Maryland

John D. Steinbruner  
Senior Fellow  
Foreign Policy Studies Program  
The Brookings Institution

Brian Urquhart  
Former Under-Secretary-General for  
Special Political Affairs  
United Nations

John C. Whitehead  
Former U. S. Deputy Secretary of State

Sahabzada Yaqub-Khan  
Former Foreign Minister of Pakistan  
Chairman, Board of Trustees  
Aga Khan International University—  
Karachi

### *Special Advisors to the Commission*

Arne Olav Brundtland  
World Trade Organization  
Former Director, Studies in Foreign and  
Security Policy  
Norwegian Institute of International  
Affairs

Herbert S. Okun  
Visiting Lecturer on International Law  
Yale Law School  
Former U.S. Ambassador to the German  
Democratic Republic and  
to the United Nations

*Commission Executive Director*  
Jane E. Holl

## The Carnegie Commission Series

### Published in the series:

*Bridging the Gap: A Future Security Architecture for the Middle East*, by Shai Feldman and Abdullah Toukan

*The Price of Peace: Incentives and International Conflict Prevention*, edited by David Cortright  
*Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict*, by Connie Peck

*Turkey's Kurdish Question*, by Henri J. Barkey and Graham E. Fuller

*The Costs of Conflict: Prevention and Cure in the Global Arena*, edited by Michael E. Brown and Richard N. Rosecrance

*Light Weapons and Civil Conflict: Controlling the Tools of Violence*, edited by Jeffrey Boutwell and Michael T. Klare

*Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World*, edited by Bruce W. Jentleson

*The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*, by R. Scott Appleby

*Words over War: Mediation and Arbitration to Prevent Deadly Conflict*, edited by Melanie C. Greenberg, John H. Barton, and Margaret E. McGuinness

### Forthcoming:

*Preventive Negotiation: Avoiding Conflict Escalation*, edited by I. William Zartman

For orders and information, please address the publisher:

Rowman & Littlefield Publishers, Inc.,

4720 Boston Way, Lanham, MD 20706

1-800-462-6420

Visit our website at <http://www.rowmanlittlefield.com>

## Selected Reports Available from the Commission

David Hamburg, *Preventing Contemporary Intergroup Violence*, founding essay of the Commission, April 1994.

David A. Hamburg, *Education for Conflict Resolution*, April 1995.

*Comprehensive Disclosure of Fissionable Materials: A Suggested Initiative*, June 1995.

Larry Diamond, *Promoting Democracy in the 1990s: Actors and Instruments, Issues and Imperatives*, December 1995.

Andrew J. Goodpaster, *When Diplomacy Is Not Enough: Managing Multinational Military Interventions*, July 1996.

John Stremlau, *Sharpening International Sanctions: Toward a Stronger Role for the United Nations*, November 1996.

Alexander L. George and Jane E. Holl, *The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy*, May 1997.

John Stremlau with Helen Zille, *A House No Longer Divided: Progress and Prospects for Democratic Peace in South Africa*, July 1997.

Nik Gowing, *Media Coverage: Help or Hindrance in Conflict Prevention*, September 1997.

Cyrus R. Vance and David A. Hamburg, *Pathfinders for Peace: A Report to the UN Secretary-General on the Role of Special Representatives and Personal Envoys*, September 1997.

*Preventing Deadly Conflict: Executive Summary of the Final Report*, December 1997.

Gail W. Lapidus with Svetlana Tsalik, eds., *Preventing Deadly Conflict: Strategies and Institutions*, Proceedings of a Conference in Moscow, Russian Federation, April 1998.

- Scott Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda*, April 1998.
- Douglas Lute, *Improving National Capacity to Respond to Complex Emergencies: The U.S. Experience*, April 1998.
- John Stremmler, *People in Peril: Human Rights, Humanitarian Action, and Preventing Deadly Conflict*, June 1998.
- Tom Gjelten, *Professionalism in War Reporting: A Correspondent's View*, June 1998.
- John Stremmler and Francisco R. Sagasti, *Preventing Deadly Conflict: Does the World Bank Have a Role?*, June 1998.
- Edward J. Laurance, *Light Weapons and Intrastate Conflict: Early Warning Factors and Preventive Action*, July 1998.
- Donald Kennedy, *Environmental Quality and Regional Conflict*, November 1998.
- George A. Joulwan and Christopher C. Shoemaker, *Civilian-Military Cooperation in the Prevention of Deadly Conflict: Implementing Agreements in Bosnia and Beyond*, December 1998.
- Essays on Leadership* (by Boutros Boutros-Ghali, George Bush, Jimmy Carter, Mikhail Gorbachev, and Desmond Tutu), December 1998.
- M. James Wilkinson, *Moving Beyond Conflict Prevention to Reconciliation: Tackling Greek-Turkish Hostility*, June 1999.
- Graham T. Allison and Hisashi Owada, *The Responsibilities of Democracies in Preventing Deadly Conflict: Reflections and Recommendations*, July 1999.
- Preventive Diplomacy, Preventive Defense, and Conflict Resolution: A Report of Two Conferences at Stanford University and the Ditchley Foundation*, October 1999.
- Arturo Valenzuela, *The Collective Defense of Democracy: Lessons from the Paraguayan Crisis*, December 1999.
- David A. Hamburg, *Perspectives on Prevention: Preventing Contemporary Intergroup Violence, Education for Conflict Resolution*, December 1999.

To order *Power Sharing and International Mediation in Ethnic Conflicts* by Timothy Sisk, co-published by the Commission and the United States Institute of Peace, please contact USIP Press, P.O. Box 605, Herndon, VA 22070, USA; phone: (800) 868-8064 or (703) 661-1590.

Full text or summaries of these reports are available on the Commission's website: <http://www.ccpdc.org>

To order a report or to be added to the Commission's mailing list, contact:  
 Carnegie Commission on Preventing Deadly Conflict  
 1779 Massachusetts Avenue, NW, Suite 715  
 Washington, DC 20036-2103  
 Phone: (202) 332-7900 Fax: (202) 332-1919



# Contents

---

Foreword	xiii
Preface	xvii
Abbreviations and Acronyms	xxi
Maps	xxv
<b>Introduction: Background and Analytical Perspectives</b>	1
<i>Melanie C. Greenberg, John H. Barton, and Margaret E. McGuinness</i>	
<b>Part One: Separation of Nations</b>	13
1 Multilateral Mediation in Intrastate Conflicts: Russia, the United Nations, and the War in Abkhazia	15
<i>Arthur Khachikian</i>	
2 From Lisbon to Dayton: International Mediation and the Bosnia Crisis	35
<i>Melanie C. Greenberg and Margaret E. McGuinness</i>	
3 Croatian Independence from Yugoslavia, 1991–1992	76
<i>Alan Hanson</i>	
4 The Oslo Channel: Benefits of a Neutral Facilitator to Secret Negotiations	109
<i>William J. Bien</i>	
<b>Part Two: Integration of Nations</b>	137
5 The 1991 Cambodia Settlement Agreements	139
<i>Tali Levy</i>	
6 El Salvador	161
<i>Barbara Messing</i>	
7 The Role of International Mediation in the Northern Ireland Peace Process	182
<i>Kevin King</i>	

8	The Arusha Accords and the Failure of International Intervention in Rwanda <i>Joel Stettenheim</i>	213
9	South Africa: The Negotiated Transition from Apartheid to Nonracial Democracy <i>Peter Bouckaert</i>	237
	<b>Part Three: Intermediation in Noncivil Conflicts</b>	261
10	Making Waves: Third Parties and International Mediation in the Aral Sea Basin <i>Erika Weinthal</i>	263
11	The Vatican Mediation of the Beagle Channel Dispute: Crisis Intervention and Forum Building <i>Mark Laudy</i>	293
12	The North Korean Nuclear Proliferation Crisis <i>Rock Tang</i>	321
	<b>Part Four: Conclusion</b>	341
13	Lessons of the Case Studies <i>John H. Barton and Melanie C. Greenberg</i>	343
	Notes	371
	Bibliography	409
	Appendix: Interviews	425
	Index	429
	About the Contributors	445

# Foreword

---

This volume of case studies would have been impossible when I was secretary of state in the Carter administration in the late 1970s. Not even the most prescient diplomat at that time could have looked beyond the Cold War and predicted the collapse of the Soviet Union; the destruction of the Berlin Wall; the fall of apartheid in South Africa; and the wave of democracy sweeping through Eastern Europe, Africa, and Latin America. Moreover, we could not have foreseen the rise of a vibrant international community, with one remaining superpower; a United Nations working without the constraints of the superpower rivalry; and a vast array of international and regional organizations, both official and unofficial.

The challenge that faces us is to coordinate and marshal our resources to prevent deadly conflict; to use joint initiatives and alliances to moderate and help resolve conflict; and to remain engaged in the reconciliation, rebuilding, and peacemaking processes. This challenge presupposes a level of intervention that would have been unfathomable in previous eras. The UN Charter prevents external intervention in the internal affairs of a member nation, and this norm of sovereignty was virtually unbreachable during the Cold War. Since then, however, a new norm has developed favoring the rights of individuals to peace and security.

This volume discusses at length the changing international arena and the role of the international community in mediating deadly conflict. The studies represent a fascinating cross section of conflict in the post-Cold War era. Many of the conflicts considerably predate the past decade, but were resolvable only with the end of the bipolar system.

Three of the chapters in this book, Croatia, Bosnia, and South Africa, are especially close to me not only in that they illustrate the nadir and zenith of violence and conflict resolution over the past ten years, but because I experienced them personally as a mediator.

Under the auspices of the United Nations, in a process paralleling Lord Carington's European Union mediation, I was able in December 1991 to mediate

an accord between Franjo Tudjman, leader of the Croats (and president of independent Croatia), Slobodan Milosevic, and local Serb leaders in Croatia. The plan placed 10,000 peacekeeping forces on the ground and set up UN Protected Areas in and around Serb-held territory, on the condition that the Yugoslav National Army would retreat and Serb irregulars would surrender their weapons. The plan also allowed for the return of refugees to their homes.

From September 1992 to May 1993, Lord David Owen and I, as cochairmen of the International Conference on the Former Yugoslavia, mediated the horrific conflict raging in Bosnia–Herzegovina. Shortly after the declaration of Bosnia's independence, Croatian forces under the indirect control of Franjo Tudjman and Serbian forces led by Radovan Karadzic (acting with the full—if undeclared—support of Slobodan Milosevic) grabbed huge areas of territory contiguous to their home states. They drove Bosnian Muslims from their homes, razed villages and mosques, and destroyed architectural treasures like the Mostar Bridge.

Lord Owen and I faced wrenching issues in the philosophy and process of how the conflict should be resolved, and in the implementation of the potential solution. We had to decide, in choosing the principles behind the Vance–Owen Peace Plan, whether we should try to retain the ideal of multiethnic coexistence or essentially partition the country to reflect the ethnic cleansing and military gains on the ground. Negotiating the plan among the Bosnian Muslims, the Bosnian Croats, and the Bosnian Serbs illuminated the fissures within the Muslim and Serbian negotiating teams (a dynamic alluded to by other mediators in this volume) and the difficulties of reaching a settlement when there is severe conflict within one or more delegations.

Lord Owen and I chose to stand by a solution that preserved the heterogeneity of prewar Bosnia. According to the plan, Bosnia would be divided into ten provinces: three with a Serb majority, two with a Croat majority, three with a Muslim majority, one with a mixed Croat–Muslim majority, and Sarajevo, which would be mixed with a power-sharing arrangement between the ethnic groups. This map agreement, backed up by constitutional principles and significant ground forces, would reverse much of the ethnic cleansing that had taken place and would force significant rollback of Serb advances.

I am often asked whether Lord Owen and I should have negotiated with men who would later be indicted by the War Crimes Tribunal in The Hague. My response to this is that, much as I might have been repelled by the acts of many of the leaders with whom I negotiated, they were the only men empowered to make peace, and peace in the end was the most important goal.

In many ways, the South African peace process was the mirror image of Bosnia and other conflicts in this volume. Whereas other leaders played on the fears of minorities to whip up nationalist fervor, in South Africa the white minority finally relinquished power to the black majority. Leaders, rather than seeking ethnic strife, sought out areas of agreement with the other side and worked together on a process of power sharing and reconciliation. While there was certainly significant bloodletting during the years of the negotiations, the

solidity of the leadership, the vibrant civil society that had been developing, and the sense that there was no going back to the apartheid regime allowed the negotiations to move forward. The Goldstone Commission allowed for the truth of the apartheid years to emerge in a way that encouraged catharsis and honesty without vengeance.

The vast differences in the experiences between Bosnia and South Africa highlight the importance of this book of case studies on mediation. Only by studying different forms of mediation, and at the same time by comparing controlled variables, can we begin to understand how to make mediation more effective and how to use it in our arsenal of tools for preventing deadly conflict. Mediation cannot occur in a vacuum. Rather, it is most often effective when other tools—sanctions, financial assistance, the promise of ongoing international involvement in reconciliation and rebuilding activities, military force in the form of peacekeeping or peace enforcement—can be called into play by the mediator. Once a vibrant civil society is established, its characteristics—a free press and rule of law, freedom to elect just leaders, freedom from fear and poverty, and willingness to accept help from the international community—lay the groundwork for mediation. I sincerely hope that this volume will inspire future mediators in their search for peace and reconciliation.

Cyrus R. Vance, Cochair  
Carnegie Commission  
on Preventing Deadly Conflict

# Preface

---

This book originated at a conference in New York in the fall of 1996, sponsored by the Carnegie Commission on Preventing Deadly Conflict and based on a background paper prepared by Robert Badinter, a member of the French Senate and former minister of justice. The subject of the conference was techniques for international conflict resolution. Lively discussion arose about the feasibility of current dispute resolution mechanisms (mediation, arbitration, etc.) and the possibility for new, creative methods of conflict resolution drawing on both the traditional diplomatic mechanisms and the emerging and very successful commercial mechanisms. John Barton, a professor from Stanford Law School, had views that differed enough from some of those expressed by the group that he offered to prepare a conceptual paper outlining them. A number of weeks later, Jane Holl of the Carnegie Commission on Preventing Deadly Conflict proposed that we follow up the conference with a study of a number of specific cases of actual dispute resolution. The result was this edited volume, financed by the Carnegie Commission, that closely compares twelve conflicts of the post-Cold War period and the role of international intervention in resolving the disputes. Our goal was to examine the role of international organizations in dispute resolution, to analyze the tools and forms of leverage mediators used in successful (and unsuccessful) mediations, and to suggest which structures are most effective for international mediation. We also set out to examine how particular characteristics within the conflicts and the disputing parties themselves affect the outcome of mediation, and to suggest, based on our findings, potential new avenues for conflict resolution. The theoretical framework and information about how we chose the cases is laid out in the introduction to this volume.

The case authors include political science graduate students and graduate-level law students, who brought great sophistication and energy to the project. They wrote first drafts of their case studies, drawing on the framework developed by Professor Barton, Melanie Greenberg, and Margaret McGuinness with thoughtful help from Professor Alexander George of Stanford University and Stephen Stedman, senior research scholar at the Stanford Center for International Security

and Cooperation. The group of case authors, together with the editors, worked as a coordinated unit during this drafting process. We held meetings to discuss emerging themes of the book and seminars focusing on particular areas of mediation. Interviews with mediators and key participants were another important element of the case-writing process. The Carnegie Commission on Preventing Deadly Conflict was able to provide high-level access to mediators and government officials. Authors traveled to Oslo, El Salvador, London, South America, Central Asia, New York, and Washington to interview mediators and primary participants and held interviews by phone when travel was not feasible. These personal discussions greatly enhanced our understanding of mediation dynamics.

In September 1997, the panel of international lawyers who had originally met in New York the previous year reconvened to discuss the case studies and findings. The meeting was tremendously useful in clarifying our terms, sharpening our hypotheses, and finding common elements between the case studies. Case authors attended this meeting and augmented their cases in light of those discussions.

The completed volume represents not only the creative work of the case authors, but also the significant intellectual energy of a number of others. The editors wish to thank, foremost, the Carnegie Commission on Preventing Deadly Conflict, specifically, Jane Holl, Esther Brimmer, and Thomas Leney, for their exceedingly generous financial and intellectual support of the project and the great lengths to which they went to help our case authors make contact with busy, high-profile diplomats and government leaders for their case studies. David Hamburg and Cyrus Vance took a deep personal interest in the project and helped shape our findings with their insight and wisdom. Professor Alexander George, a member of the Commission, spent a great deal of time with us at the beginning of the project, helping to organize our framework and giving generously of his expertise in the case study method. Robert Lande demonstrated remarkable skill and patience with us as the Commission's editor.

Our deep thanks go to the case authors, without whose work and persistence this project would have been impossible. We offer our gratitude to Daniel Froats and Frances Cook, case authors who left the project early because of outside professional reasons, for their help in understanding national minority issues and Bosnia.

We thank the international lawyers who spent time with the manuscript and with the case authors, hammering out the difficult questions at our September 1997 meeting: Philip Allott, Robert Badinter, Abram Chayes, Antonia Chayes, Hans Corell, Lori Damrosch, Theodor Meron, Oscar Schachter, and Paul Szasz.

We owe great thanks to Stanford Law School, for its support of the project, and especially to Susan French, who efficiently managed the travel, financial, and logistical arrangements of the project. Her talents and wonderful spirit kept the authors and editors unified and were key to bringing the manuscript together at the end. A special thanks is also owed the librarians and staff of the Stanford Law Library for their valuable assistance.

The Stanford Center for International Security and Cooperation (formerly the Stanford Center for International Security and Arms Control, CISAC) sup-

ported the book from the beginning and gave us significant assistance as it developed. Thanks, especially, to Stephen Stedman for the time and energy he gave the authors in developing the theoretical framework for the book; to David Holloway for his wisdom and insight into international conflict resolution; to Michael May and Scott Sagan for agreeing to make the book part of CISAC's research agenda; to Lynn Eden for her probing questions; and to Barbara Platt and Helen Neves for their support in administering the project.

Thanks to Byron Bland, Lee Ross, Lorelei Kelly, Maude Pervere, Jonathan Greenberg, and Elizabeth Borgwardt of Stanford University for their deep commitment to conflict resolution, and for the many informal discussions that helped shape our ideas about conflict resolution and prevention. A special thanks to former Secretary of State Warren Christopher, who took time to read an earlier manuscript of this book, and whose own work on the role of negotiators provided inspiration.

Special thanks to our research assistants, Mike Grenier and Pat Sherman, for their tireless work on the final version of the manuscript.

Melanie Greenberg thanks her husband, Lawrence Greenberg, for his thoughtful comments on issues of conflict resolution and his support throughout the process. John Barton thanks the entire research team, and especially Melanie Greenberg and Margaret McGuinness, for their effort, cheerfulness, ideas, and competence. Margaret McGuinness thanks her colleagues at Stanford Law School, whose friendship and intellectual camaraderie were a great source of energy throughout the project.

Finally, we wish to thank the dozens of diplomats, politicians, military officials, lawyers, and academics from around the world who gave generously of their time and wisdom to share with us the lessons of their own mediation experiences. Drawing from their experiences, we hope this book will contribute to a better understanding of the role of mediation.