In: IFSH (ed.), OSCE Yearbook 2013, Baden-Baden 2014, pp. 299-310.

*Hesham Youssef*

# Mediation and Conflict Resolution in the Arab World: The Role of the Arab League

The Middle East has more than its fair share of global problems. In fact, the region sometimes seems to almost have a monopoly on major conflicts, many of which have implications that go far beyond the region's borders. Looking at the map of conflicts and crises in the Middle East can therefore be quite a frustrating experience.

During the past three decades or so, the Arab World has suffered from two wars against Iraq (1991 and 2003), two wars against Gaza (2008-2009 and 2012), two wars against Lebanon (1982 and 2006), prolonged intermittent political turmoil in Yemen, a civil war that led to the secession of South Sudan in 2011, another civil war that started in 1991 and led to the failure of the state in Somalia, and a military coup in Mauritania (August 2008). Numerous countries in the region are currently facing daunting challenges of transition hopefully towards democracy and the rule of law. This started with the revolution in Tunisia (December 2010), then the Egyptian revolution (January 2011), which was followed by dramatic developments in Libya, Yemen, and Syria, with changes affecting the region and beyond.

The objective of this article is to examine the role played by the Arab League in attempting to resolve or mediate a number of conflicts in the Arab world through addressing the following elements:

- The legal provisions of the Arab League pertaining to mediation
- The acceptance of a mediator by the parties concerned
- How the Arab League has dealt with the perception of being biased
- Addressing the wrong framing of a conflict
- The time factor
- Reaching and accepting compromises that conflict with the principles of the Arab League
- The role of external powers
- Reform of the Arab League and conflict resolution.

Note: This contribution is presented by the author in his personal capacity, and the views expressed herein do not reflect the position of the Arab League.

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*The Legal Provisions of the Arab League Pertaining to Mediation*

The Charter of the Arab League (1945) emphasized the principle of the peaceful settlement of disputes among Arab countries and the inadmissibility of the use of force.[1]

However, the Charter does not establish any special mediation mechanisms or mechanisms designed solely with the objective of achieving the peaceful settlement of disputes.[2] When referring to the settlement of disputes, the Charter makes reference only to the League Council in which each member has a single vote, and is generally represented by its Minister of Foreign Affairs. It does not refer to the possibility of a role for the Secretary General or individual member-states in this regard.

Furthermore, Article 5 of the Charter limits dispute settlement to cases "which do […] not concern a state's independence, sovereignty, or territorial integrity" and only where "the parties to the dispute have recourse to the Council for the settlement of this difference". It also focuses on "differences which threaten to lead to war between two member-states, or a member-state and a third state […]".

A number of shortcomings are partly due to the fact that the Charter was adopted in 1945, at which time the countries that established the

1 Article 5 of the Charter of the Arab League reads as follows:
"Any resort to force in order to resolve disputes between two or more member-states of the League is prohibited. If there should arise among them a difference which does not concern a state's independence, sovereignty, or territorial integrity, and if the parties to the dispute have recourse to the Council for the settlement of this difference, the decision of the Council shall then be enforceable and obligatory.
In such case, the states between whom the difference has arisen shall not participate in the deliberations and decisions of the Council.
The Council shall mediate in all differences which threaten to lead to war between two member-states, or a member-state and a third state, with a view to bringing about their reconciliation.
Decisions of arbitration and mediation shall be taken by a majority vote."
Article 6 of the Charter of the Arab League
"In case of aggression or threat of aggression by one state against a member-state, the state which has been attacked or threatened with aggression may demand the immediate convocation of the Council.
The Council shall by unanimous decision determine the measures necessary to repulse the aggression. If the aggressor is a member-state, his vote shall not be counted in determining unanimity.
If, as a result of the attack, the government of the state attacked finds itself unable to communicate with the Council, the state's representative in the Council shall request the convocation of the Council for the purpose indicated in the foregoing paragraph. In the event that this representative is unable to communicate with the Council, any member-state of the League shall have the right to request the convocation of the Council." League of Arab States, *Charter of Arab League*, 22 March 1945, available at: http://www.refworld.org/docid/3ae6b3ab18.html.

2 Article 20 of the Charter of the Arab League specified that the Charter "may be amended with the consent of two thirds of the states belonging to the League […] to create an Arab Court of Justice". However, the Arab countries have so far been unable to achieve consensus on the creation of this institution. Ibid.

League were in the process of gaining their independence. Moreover, at that time, it was also difficult to predict how the peaceful settlement of disputes would evolve in the years to come.

These provisions have been interpreted by Arab League Summits, League mechanisms in general, and by the Secretariat of the League in an extremely flexible manner over the last few decades. The role of the Arab League in the area of peaceful settlement of disputes evolved in practice in a manner that clearly surpassed the letter of the Charter. This will become clear from several examples describing the nature of the involvement of the Arab League in attempting to resolve Arab conflicts to be addressed in this article. In the last few decades, the question in many cases was not one of the provisions in the Charter but rather of political will.

The legal requirements did not prevent the active and in some cases decisive involvement of the Arab League in a number of conflicts, including the following:

- *Employing Peacekeeping Forces in the Crisis between Iraq and Kuwait in 1961*
  Shortly after Kuwait gained independence from Britain on 25 June 1961, Iraq made claims over certain Kuwaiti territories (Warbah and Bubiyan Islands). In response, Britain mobilized troops to deter Iraq, as it was feared that a military threat might be imminent. Subsequently, Iraq pledged not to attack Kuwait if the British forces withdrew. The Arab League took over the protection of Kuwait, and British forces withdrew by 19 October 1961. The plan was to send 3,000-3,500 Arab troops. However, only 2,337 were actually deployed.[3] Kuwait then became a member of both the United Nations and the Arab League, and Iraq recognized Kuwait's independence in October 1963.[4]
- *Employing the Arab Deterrent Force in Lebanon in 1976*
  As the Lebanese civil war, which started in April 1975 escalated in 1976, the Arab League created an intervention force with troops from six Arab countries: Libya, Saudi Arabia, South Yemen, Sudan, Syria, and the United Arab Emirates. The Arab Deterrent Force was created by the Riyadh Summit held on 16-18 October 1976, which was attended by Egypt, Kuwait, Lebanon, Saudi Arabia, Syria, and the Palestinian Liberation Organization. This meeting was not formally held within the framework of the Arab League, but a week later the conclusions of the Riyadh Summit were endorsed by the

3 According to the archives of the Arab League, the force of 2,337 that was deployed consisted of military personnel from the following countries: 1,281 from Saudi Arabia, 785 from Jordan, 159 from the United Arab Republic, and 112 from Sudan.

4 Iraq did not totally give up its territorial claims. This constituted part of Iraq's unfounded claims that led to the invasion and occupation of Kuwait in 1990.

Arab League Summit that was held in Cairo on 25-26 October 1976. The plan was to send 30,000 troops, but only 25,100 were deployed. The objective of the force was to maintain stability and implement a ceasefire agreement. Its mandate was renewed by the Arab League Ministerial Council every six months at the request of Lebanon. In the spring of 1979, after the Arab League extended the mandate of the Arab Deterrent Force, the troops from Saudi Arabia, Sudan, and the Emirates departed Lebanon, following Libya (November 1976) and South Yemen (December 1977), and only the Syrian forces remained. The huge influence that this gave Syria in Lebanon had dire consequences, and perhaps even allowed Syria to assume a position of dominance in Lebanese domestic politics.

- *Taking a Major Decision Concerning the Iraqi Invasion of Kuwait*
  Following Iraq's invasion of Kuwait on 2 August 1990, numerous Arab and international attempts were made to convince Saddam Hussein to withdraw from the country, though all were in vain. As a result of this failure, an Arab League Summit was convened and a major decision was taken, facilitating the participation of Arab armies, from Egypt, Syria, Morocco and the Gulf, in the US-led coalition to liberate Kuwait, which began operations on 17 January 1991.
- *Arab League Observer Mission to Syria*
  More recently, in the aftermath of the Arab Awakening, and in its efforts to address the Syrian crisis, the Arab League took a decision to send an Observer Mission to Syria. A protocol was signed between Syria and the Arab League on 19 December 2011, and these observers were on the ground on 26 December 2011. The mandate of the mission was to monitor the full implementation of the cessation of all acts of violence from any source in Syrian cities and neighbourhoods, to ensure that the Syrian security forces and the "Shabiha" (violent armed groups) do not impede peaceful demonstrations, to work for the release of all detainees, to ensure the withdrawal of all armed forces from cities and neighbourhoods where demonstrations were taking place, and to make sure that the Syrian government granted the media entry and freedom of movement in Syria. The mission was suspended on 26 January 2012 due to the critical deterioration of the situation on the ground in Syria.[5]

5 There were a number of shortcomings in this mission as a result of institutional challenges and the lack of experience in these kinds of missions. Efforts are being made to raise the preparedness of the Arab League to address possible future needs of a similar nature in co-operation with the United Nations and the European Union.

*The Acceptance of a Mediator by the Parties Concerned*

Mediation cannot be imposed. No mediation can take place if the conflicting parties refuse mediation in general or refuse the role of a specific mediator. Mediation efforts by the Arab League take place at the request or at least with the consent of the parties concerned in a conflict or a dispute. In many cases, depending on the circumstances surrounding the specific conflict concerned, mediation efforts may also require the approval or a decision by the Council of Foreign Ministers. For all kinds of reasons, the role of the Arab League was not always accepted by the parties concerned.

The Arab League attempted to play a mediating role in Yemen as a result of its deep concern that the war against the Houthis (an armed religious Yemeni insurgent group), the calls for separation by a number of political forces in the south of Yemen, and the challenges resulting from the activities and attacks by terrorist groups associated with Al-Qaeda are escalating and are having a destabilizing effect on the situation in the whole country. These problems had the potential to develop into a fully-fledged crisis.

Amre Moussa, the Arab League Secretary General at the time, requested to visit Yemen. He met the President of Yemen, Ali Abdullah Saleh, in March 2009, and suggested that the Arab League assist Yemen in facing these challenges through the holding of a Yemeni-led inclusive national dialogue. The objective was to try to end the war with the Houthis and to start a process of reconciliation to ensure the unity and territorial integrity of Yemen. The President refused the involvement of the Arab League, arguing that he could handle the situation, promising that this seventh war with the Houthis would be the last, and insisting that he wanted neither to "Arabize" nor to "internationalize" this crisis. Mediation was later accepted from the Gulf Cooperation Council (GCC) in the form of an understanding that had political and financial dimensions.

The Arab League attempted to mediate in the crisis that erupted following the football match that took place in the Sudan in November 2009 between Egypt and Algeria as part of the qualification process for the 2010 FIFA World Cup. There were huge fights between supporters of the two national teams, and each side claimed that the attack was initiated by fans of the opposing team. Many prominent Egyptian public figures attended the game, and this contributed to the immediate and sharp escalation of the crisis. It also resulted in a high level of tension, followed by a significant deterioration in the relations between the two countries.

The League's offer to mediate was rejected by both sides. The Arab League then solicited the assistance of President Muammar Gaddafi, the leader of Libya at the time, to speak to both leaders, as he had close and friendly relations with them. He did intervene, but his attempts were also

unsuccessful. The tension was later reduced through "funeral diplomacy", when Egypt's President Hosni Mubarak visited Algerian President Abdelaziz Bouteflika to pay his condolences when the latter's brother died on 5 July 2010.

Another example is the conflict in the Western Sahara, where the parties concerned decided that mediation efforts should be addressed solely by the United Nations, which is the main reason why neither the Arab League nor the African Union is involved in this conflict.

Other examples can be cited, but the conclusion is clear: There is not much that can be done when the parties concerned reject mediation in general or a specific mediator in particular.

### *How the Arab League Has Dealt with the Perception of Being Biased*

Mediation cannot succeed if the mediator is perceived as being biased.

When the Arab League started its effort with the objective of achieving reconciliation in Iraq it faced huge challenges. Since the member-states of the Arab League are predominantly Sunni, the Shia, who had gained a predominant position in Iraqi politics, were fearful that most of the League's pressure would be directed towards them. The Kurds also believed that the League, as an Arab organization, would surely be biased in favour of the Arabs at the expense of the Kurds. The Arab League has supported numerous Sunni groups since the beginning of the occupation, since the League firmly believes in the right of those occupied to resist occupation. However, despite this support, the Sunnis felt that in order for the Arab League to succeed in its reconciliation effort, it had no choice but to pressure them and hence that reconciliation would be at their expense.

For about a year, the Arab League made extensive efforts to gain the confidence of all the political forces in Iraq. It succeeded in convincing them that its objective is to achieve consensus and that this was possible without pressuring the Shia to give up their political gains, or exert unjustified pressure on the Sunnis, and that it would not be biased against the Kurds.

The Arab League finally convened the Iraqi Accord Conference[6] in November 2005. All the Iraqi political forces were represented, and an

6 The original proposal had been to name this conference the Iraqi Reconciliation Conference, but there were objections to the use of the word "reconciliation" by a number of political forces out of fear that it could be interpreted as suggesting a process of reconciliation with the ousted regime. Other groups insisted on its use and the compromise was to use the word "accord". This indicates the kind of sensitivities that have to be faced by the mediator and the manner in which they are handled even on issues that may not seem controversial at first sight.

agreement was reached between all sides on a document that outlined the requirements to achieve reconciliation in Iraq.

Sometimes there are accusations of bias, but this is not unusual in mediation efforts. On several occasions during the mediation effort in Lebanon, the Arab League was accused by the March 8 group of being biased towards the March 14 group and vice versa.[7] Of course the mediator has to act in an objective manner, since if the mediator loses credibility then success becomes virtually impossible.

### *Addressing the Wrong Framing of a Conflict*

This was the case with regard to the crisis in Darfur. A number of international powers framed this crisis as a conflict pitting Sudanese of Arab origin against Sudanese of African origin. The Arab League strongly believed that this was the wrong way to frame the conflict and that the origin of the conflict was a problem between nomads and farmers competing for scarce resources.

To address this challenge, the Arab League decided to join hands with the African Union and the United Nations, who acted as a troika on all aspects of the crisis in Darfur. The Arab League made sure that any position it adopted was taken after close consultation with the African Union and the United Nations. Consequently, the Arabs, the Africans, and the United Nations were able to see eye to eye on the origin and developments of the crisis as well as on how to resolve this conflict.

### *The Time Factor*

Time is the biggest challenge in a crisis situation. The question "When is the situation ripe for a mediator to intervene?" is one of the most complicated issues discussed in the literature of conflict resolution. Timing can be decisive for the success or failure of mediation efforts.

The Arab League's mediation efforts in Lebanon from 2006-2008 were a real race against time. Lebanon did not have a president, the par-

7 March 8 is a political coalition that was established after the departure of the Syrian armed forces from Lebanon. Its name emanates from a mass demonstration that was called for by this coalition on 8 March 2005 and was reported to have involved more than one million demonstrators expressing gratitude for Syria for its role in supporting the Lebanese resistance against occupation during its presence in Lebanon.

March 14 is a political coalition that opposed the Syrian presence and its role in Lebanon. Its name emanates from a mass demonstration that was called for by this coalition on 14 March 2005 and was also reported to have been attended by more than a million demonstrators. This coalition was adamant on the establishment of the international tribunal to try the assassins of the late Prime Minister El-Hariri, and aimed at ending a situation where Lebanon was considered a theatre for war by proxy in the region.

liament was not functioning, the prime minister was besieged in his palace by the opposition, the economy was sharply declining as investment, tourism, and other sectors suffered, and, more importantly, there were numerous violent incidents and fear that a civil war might erupt at any moment. With every incident, the Lebanese people and millions around the Arab world were wondering whether this would be the spark to ignite a civil war.

The efforts of the Arab League in Lebanon ultimately contributed to averting a civil war.

An all-out civil war was a real threat in Iraq in the aftermath of the American invasion in 2004-2005, and time was of the essence. However, the agreement reached in the Iraqi Accord Conference mentioned above was not implemented and reconciliation was not achieved, though an all-out civil war was probably avoided as a result of this effort. This is why a number of Iraqi political groupings considered this effort to be only a partial failure.

### *Reaching and Accepting Compromises that Conflict with the Principles of the Arab League*

Mediators are frequently faced with agonizing moral dilemmas to which there are no easy answers. What can they do when resolving a conflict may compromise important principles that they cherish? Do they sacrifice these principles for a greater good – in this case, ending a conflict or a crisis or preventing a war or a civil war? Unfortunately, sometimes this is what mediators are forced to accept.

In Lebanon, the Arab League did not compromise important values and principles in addressing two crucial issues. It upheld the right to resist occupation, which satisfied Hezbollah and its allies. It also upheld the principle that no crime should pass unpunished, and therefore, supported the establishment of the international tribunal to address the assassinations that were committed in Lebanon, starting with that of Prime Minister Rafik El-Hariri. This was crucial for the March 14 group. It has to be admitted, however, that the agreement that was reached compromised a number of democratic principles to accommodate sectarian or ethnic positions.

The Arab League had to deal with extremist groups in an effort to resolve the enduring conflict in Somalia. In Darfur, principles pertaining to the rule of law were compromised in attempting to resolve the conflict. In Yemen, the agreement reached to address the crisis included amnesty or impunity aspects that many human-rights organizations argued were unjustified. There are fears that this may be repeated in resolving the current crisis in Syria.

In dealing with the military coup in Mauritania, the Arab League exerted efforts to end military rule in the shortest possible time frame. The African Union is bound by a decision that prevents it from dealing with outcomes of military coups and thus had difficulty in intervening, so the Arab League took a leading role, though it worked closely with the African Union. Together, they were successful in persuading Mauritania's military rulers to end the transitional period relatively quickly.

*The Role of External Powers*

The role of external powers can be decisive in mediation efforts. They can be the key to success or the cause of failure. Outside forces can be helpful in persuading or pressuring the parties involved in a conflict to be more flexible and can contribute to the inclusivity of the process by convincing those conflict parties over which they are able to exert an influence to participate constructively in resolving the conflict. However, external powers may also act as spoilers and may cause one or more of the conflicting parties to harden their positions.

While the Arab League was working to build consensus on a presidential candidate in Lebanon (co-ordinating closely with the United States and France), the latter two countries decided to adopt a position that was clearly in support of one of the parties, by indicating that they were ready to recognize a president elected by 50 per cent plus one member of parliament. This was a very controversial issue from a legal as well as a political point of view and could have led to further escalation and perhaps even the breakdown of political order. The mediation effort was consequently disrupted as the Arab League insisted that the choice of a president has to be agreed by consensus. It took the Arab League a few months to convince the United States and France to support this position, which enabled the resumption of efforts to achieve progress and, ultimately, the election of a president by consensus.

In the League's effort to bring about reconciliation in Iraq, no success would have been possible without the constructive involvement of influential international powers on the Iraqi scene, particularly the United States. This was a necessary requirement in order to persuade – or, in some instances, even to pressure – a number of political forces to abide by their commitments. This could not have been achieved by the Arab League alone, and key international political forces did not accept at the time that reconciliation would be achieved through an Arab formula.

While the Arab League was attempting to address the conflict in Somalia (2006), it arranged negotiations between the Somali transitional government and the Islamic courts in Sudan. The first round of talks resulted in mutual recognition, (the two sides had previously refused

to recognize each other). The second round reached a ceasefire agreement. The third was supposed to discuss ways and means to implement this agreement. At that time, there was pressure on Ethiopia from influential Western powers to intervene militarily, and this is what happened, resulting in a disruption of the mediation efforts. The United States firmly believed that the Islamic courts were associated with Al-Qaeda and insisted that they had to be defeated, while the Arab League argued that the power that could replace the Islamic courts might be even more radical. At a later stage, Al-Shabaab, a more radical political force, did come to dominate the Somali scene.

*Reform of the Arab League and Conflict Resolution*

The Arab League is trying to advance its capabilities in conflict resolution on a number of tracks. First, as part of efforts to reform the League itself, a number of working groups have been formed, two of which will have a direct bearing on its role in the area of conflict resolution. The first is entrusted with the revision of the Charter, and the second is charged with reforming the League's institutional mechanisms and their mandates, including the Peace and Security Council.

Secondly, there are a number of projects and activities that aim at advancing the role of the Arab League in conflict resolution, including the following:

The Arab League established a crisis-management platform to address the areas of early warning, crisis management, and post-conflict needs assessment. This platform was a result of a joint project between the Arab League and the European Union, with the United Nations Development Program (UNDP) assuming the responsibilities of the implementing agency.

The Arab League has also identified a number of gaps in its capabilities to effectively address the peaceful settlement of disputes. Two are relevant here. The first is related to the League's capabilities to respond to post-conflict needs assessment. Activities are planned with the United Nations, the European Union, and the World Bank to enhance the League's capabilities to effectively undertake post-conflict reconstruction and development alongside other international actors. The role of the Arab League in reconstruction efforts in post-war Iraq and post-revolution Egypt and Libya has been extremely limited. The League hopes to play a more effective role in addressing the reconstruction and development needs of Syria. The second gap concerns the League's ability to respond with a presence on the ground during conflicts or periods of crisis. It seeks to build on lessons learned from the observer mission that was sent to Syria. The aim is to enhance the League's capacity to place a

presence on the ground, whether for fact-finding missions, observer missions, or, ultimately, peacekeeping operations. Activities are planned in co-operation with the United Nations and the European Union in order to achieve this objective.

An ambitious programme is being implemented with the objective of building the capacity of officials in the Secretariat of the Arab League by means of numerous professional training modules directly related to conflict-resolution capabilities. This programme is being implemented in co-operation with the European Union and the United Nations and has been extended by the League to member-states as well.

The Arab League has been actively participating in the activities associated with both the Turkish/Finnish initiative on mediation and the Spanish/Moroccan initiative that evolved out of the original initiative regarding mediation in the Mediterranean. It is planned to address this issue in the 68th session of the General Assembly, which opened in September 2013, with a focus on advancing the role of regional organizations in the area of mediation in co-operation with the United Nations.

The Arab League also valued the initiative launched by the Organization of Security and Co-operation in Europe (OSCE) to advance co-operation between the United Nations and other international and regional organizations in the area of mediation and conflict resolution. A first meeting was hosted by the OSCE, the second by the Organization of Islamic Cooperation (OIC), and the Arab League is currently co-ordinating with the United Nations, the OSCE, and the OIC to prepare for the third meeting, which is expected to take place at Arab League headquarters in Cairo. The objective is to start working on implementing a number of practical ideas to advance co-operation between international and regional organizations, for example, by establishing networks of mediators and mediation team members, and compiling lessons learned in mediation and conflict resolution to make them available in an accessible format. These organizations will also co-operate in building their mediation and conflict-resolution capacities.

*Conclusion*

The biggest advantage of the Arab League in conflict resolution is the fact that its main concern is to realize the interests of the people in the conflicts in question. It is not associated with any particular political force. The Arab League supports neither Fatah nor Hamas: Its main concern is to advance the interest of the Palestinian people in their cause. It is biased in favour of neither March 8 nor March 14, but is concerned about the future of Lebanon. It is neither with the Sunnis against the Shia, nor with the Muslims against the Christians, nor with the Arabs against the

Kurds or the Imazighen (Berbers), but is working to advance the interests of its member states individually and as a whole.

Many disputes in the Arab world are far from being completely resolved. Moreover, it is an unfortunate fact that agreements resolving conflicts may also contain the seeds of possible future conflicts within them. Many Lebanese believe that this applied to the Taif Agreement that ended the civil war in Lebanon in 1989,[8] arguing that it amounted to no more than a temporary truce. More recently, in the secession of South Sudan, many Sudanese from both sides of the new frontier believe that the arrangements of the separation contain the seeds of future conflicts between the two states.

Considerable effort has been exerted by the Arab League to address numerous conflicts with varying degrees of success. However, the League still has a long way to go before it can be considered a successful player in resolving conflicts in this important part of the world.

8 The agreement was signed in Taif, Saudi Arabia, on 22 October 1989.