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# Unsuccessful Mediation

The case of Cyprus and the  
division of Korea

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## Abstract

Lo scopo di questa tesi è analizzare la figura, il ruolo e l'attività del mediatore all'interno di un conflitto, guardando con particolare attenzione al suo ruolo nelle mediazioni fallimentari, che quindi portano ad un insuccesso.

La mediazione nei conflitti e nelle relazioni internazionali è stata oggetto di studi e interesse da parte di numerosi studiosi, ponendovi attenzione soprattutto dopo il periodo della Guerra Fredda. Nella prima parte della tesi dunque ho scelto di affrontare il tema della mediazione, analizzando l'identità del mediatore, prima attraverso le varie definizioni che ne sono state date dagli studiosi del campo e successivamente considerando i soggetti che possono intervenire all'interno di un conflitto nel ruolo di mediatori. Tra questi ho individuato le organizzazioni intergovernative, gli stati, le organizzazioni non governative ed i singoli individui.

Successivamente vengono considerate le principali caratteristiche appartenenti ad un mediatore, analizzate precedentemente da autori come Bercovitch e Wehr. Questi autori, insieme ad altri, hanno considerato tra questi tratti la fiducia, la credibilità e le abilità personali. Elementi che, tra questi, hanno creato un dibattito tra gli studiosi per quanto riguarda il loro ruolo e la loro importanza sono l'imparzialità, la capacità di influenzare gli attori coinvolti e lo status del mediatore. Altre possibili caratteristiche attribuite al mediatore sono la sua qualifica, la cultura e la sensibilità alle differenze culturali e le capacità diplomatiche.

In seguito, considero le varie definizioni che sono state date del processo di mediazione e la definizione di crisi internazionale. Vengono analizzate le condizioni necessarie perché si verifichi un effettivo processo di mediazione, che vengono studiate da Stephens, Bercovitch, Kleiboer ed altri studiosi.

Poi vengono considerati i vari stili e le varie strategie che possono essere applicati alla mediazione e alcune delle attività appartenenti al mediatore. Tra queste vengono individuate la persuasione, la dichiarazione, da parte del mediatore, delle sue percezioni e della sua interpretazione del conflitto. Inoltre, ci sono altre azioni, come l'elaborazione e l'inizio dell'attività più concreta di mediazione, in cui il mediatore si trova a sottolineare gli interessi comuni tra le parti in conflitto ed a mettere sul tavolo delle possibili proposte. Tra gli stili vengono analizzati quelli proposti nel suo lavoro da Beardsley: facilitazione, formulazione e manipolazione. Nel primo caso, si considera il mediatore come facilitatore o comunicatore, quindi viene rappresentato come un mezzo attraverso cui le parti coinvolte nel conflitto hanno la possibilità di comunicare e sviluppare un dialogo. Per quanto riguarda la formulazione, il mediatore assume un ruolo più attivo, in quanto si trova nella posizione di dover proporre soluzioni nuove e credibili alle parti in conflitto. Infine, il terzo stile considerato da Beardsley e riportato in questa tesi è la mediazione manipolativa, nella quale il mediatore utilizza la sua influenza e le informazioni che ha per convincere e influenzare le parti in conflitto a compiere determinate scelte ed azioni.

Nella conclusione di questa parte dello studio viene considerata la nozione di successo nell'ambito della mediazione di conflitti internazionali, cercando di definire cosa in realtà possa essere considerato concretamente "successo". Secondo Princen, ad esempio, sono le parti coinvolte a determinare quale sia il punto di equilibrio tra i vari risultati possibili.

Al fine di esaminare in maniera migliore il ruolo del mediatore, con particolare attenzione alle situazioni in cui quest'ultimo non riesce ad essere risolutivo, in questa tesi verranno analizzati come casi-studio due conflitti, partendo dalla loro storia e focalizzando poi l'attenzione sulla figura del mediatore in sé.

Il primo caso-studio che ho scelto di analizzare è quello riguardante la questione di Cipro, o cipriota, con cui si identifica la situazione di conflitto nata all'interno dell'isola mediterranea tra la comunità maggioritaria greco-cipriota dell'isola e quella minoritaria turco-cipriota. Inizialmente il conflitto coinvolgeva i ciprioti e la corona britannica, avendo come obiettivo quello dell'indipendenza di Cipro. L'isola infatti fu un territorio amministrato dal Regno Unito dal 1878 fino al 1914, anno in cui divenne colonia britannica. L'indipendenza venne acquisita dall'isola nel 1959, con la firma del Trattato di Zurigo, e divenne effettiva nel 1960. Tuttavia è dopo aver raggiunto l'indipendenza che il conflitto interno all'isola tra le due etnie si inasprisce, entrambe mosse da ragioni inconciliabili. I greco-ciprioti infatti avevano come obiettivo *enosis*, ovvero l'unione con la vicina Grecia, mentre il movente turco-cipriota era *taksim*, ovvero la divisione dell'isola in due parti: una Greca ed una Turca. Negli anni '60 la rivalità tra le due parti si inasprì, esplodendo anche in conflitti violenti, che portarono successivamente all'intervento delle forze di pace volute dalle tre potenze garanti: Gran Bretagna, Grecia e Turchia. Nel 1964 nacque e venne installata a Cipro la Forza di Peacekeeping delle Nazioni Unite (UNFICYP), missione inviata nell'isola con lo scopo di fermare le violenze tra le comunità greco-cipriota e turco-cipriota, cercando di prevenire l'aggravarsi della situazione. La tensione tra le due parti, però, continuò a salire, portando prima ad un bombardamento turco sull'isola nel 1967, poi all'invasione dell'isola nel luglio del 1974. La tregua tra le due parti venne concordata lo stesso anno e sancì la separazione delle due comunità sull'isola, indicando come confine la *Green Line*, area demilitarizzata istituita dall'ONU che divide l'isola in una parte meridionale, a maggioranza greco-cipriota, ed una settentrionale, a maggioranza turco-cipriota. La rivalità tra le due parti si inasprì poi di anno in anno, anche attraverso spiccati episodi di violenza e decisioni politico-economiche opposte.

I tentativi di mediazione in questo conflitto sono stati numerosi, ma tutti fallimentari. In questa tesi ne ho ripercorso i passi, iniziando con il primo nel

1964, operato da un diplomatico, Sakari Tumioja, indicato dal Segretario Generale delle Nazioni Unite. Dopo la morte di questo, come suo successore viene indicato Galo Plaza, che però non riesce a portare alla risoluzione del conflitto e nel 1965 U Thant, Segretario Generale delle Nazioni Unite, decide di rimuoverlo dall'incarico, vista anche la pressante richiesta della parte turco-cipriota, che sosteneva che questi non avesse rispettato il suo mandato.

I negoziati continuarono e si susseguirono diplomatici incaricati di trovare un accordo tra le parti, tutti indicati dalle Nazioni Unite nella persona del Segretario Generale. Tra questi, mediarono nel conflitto cipriota Carlos Bernades, Kurt Waldheim, Javier Pérez de Cuéllar, Boutros Boutros-Ghali, il Segretario Generale delle Nazioni Unite Kofi Annan e l'altro Segretario Generale delle Nazioni Unite Ban Ki-moon.

L'altro caso analizzato è quello riguardante la divisione della penisola coreana in Corea del Nord (Repubblica Democratica di Corea) e Corea del Sud (Repubblica di Corea). Questa divisione ha inizio nel 1945, anno in cui la Corea viene ufficialmente dichiarata indipendente dal dominio giapponese, a cui era sottoposta dal 1905. L'indipendenza coreana ebbe però concretamente breve durata, in quanto la penisola fu posta sotto il protettorato di Stati Uniti e dell'Unione Sovietica per garantire in un secondo momento libere elezioni che avrebbero portato alla formazione di un governo libero ed indipendente.

L'attesa per le proposte libere elezioni fu disattesa, poiché le due superpotenze rimasero salde a capo dei loro protettorati, sostenendo rispettivamente i propri candidati, sancendo così la divisione della penisola così come la conosciamo oggi, segnata dal 38° parallelo. Questa divisione ha avuto come conseguenza lo sviluppo di due Coree come due nazioni diverse, stati antagonisti con opposti sistemi politici, economici e social-culturali.

L'Unione Sovietica, inseritasi nel nord della penisola, stabilì il Comitato popolare della Corea del Nord, un governo provvisorio *de facto* caratterizzato dalla struttura politica dell'Unione Sovietica e con a capo Kim Il-sung, che nel

1948 vigilò la transizione di quest'organo verso quella che fu chiamata Repubblica Democratica Popolare di Corea, uno stato socialista.

Dall'altro lato, gli Stati Uniti, non trovando un accordo con l'URSS riguardo le libere elezioni, decisero di portare la questione davanti alle Nazioni Unite nel 1947. L'ONU stabilì la Commissione temporanea delle Nazioni Unite sulla Corea (UNTCOK), organo col ruolo di supervisionare le elezioni che sarebbero avvenute nella penisola. Questo organo non fu però riconosciuto dall'Unione Sovietica, dunque le elezioni si tennero solo in Corea del Sud nel 1948 e con queste fu designato Syngman Rhee come presidente, facendo così nascere la Repubblica di Corea. Questa, inoltre, venne dichiarata dall'Assemblea generale delle Nazioni Unite unico governo legittimo in Corea.

La divisione delle due Coree fu confermata successivamente dall'armistizio firmato da queste nel 1953, dopo un attacco ed un'invasione decisa da Kim Il-sung a danno della Corea del Sud. Questa fu supportata da Stati Uniti e Nazioni Unite, mentre l'attacco nord-coreano fu sostenuto dalle forze sovietiche e cinesi. Nel 1951 il delegato sovietico alle Nazioni Unite propose di aprire un dialogo per stabilire un armistizio, firmato due anni dopo, che stabilì il confine al 38° parallelo, linea in cui si era arrestata l'invasione, e stabilì la zona demilitarizzata coreana (DMZ), zona cuscinetto tra i due paesi.

Contrasti e conflitti continuarono anche dopo la firma dell'armistizio e inasprirono divisione e differenze tra le due parti della penisola, allineate con le due superpotenze fautrici della Guerra Fredda, Stati Uniti per quanto riguarda la Corea del Sud e Unione Sovietica per quanto riguarda la Corea del Nord. Fu con la fine della Guerra Fredda che la Corea del Nord vide dissolversi il supporto dell'URSS, ma, nonostante questo, rivalità e tensione con la vicina Corea del Sud non diminuirono e gli incidenti tra le due continuarono.

Nonostante la forte rivalità, tra Nord e Sud Corea ci sono stati numerosi approcci diplomatici per cercare di stabilire l'unità della penisola, primo di tutti la proposta del diplomatico sovietico Yakov Alexandrovic Malik nel 1951 per

l'armistizio tra le due parti, durante gli anni '70 sono i diplomatici delle due Coree ad intervenire per mediare il conflitto e per cercare un possibile terreno d'intesa, successivamente a sovrintendere i negoziati sono i funzionari delle Nazioni Unite e il ruolo di mediatore viene assunto anche dagli Stati Uniti d'America, nella figura del suo Presidente.

I due casi-studio in analisi presentano numerose differenze, ma anche punti di contatto. In entrambe le situazioni il mediatore deve cercare un accordo per quanto riguarda una divisione territoriale, anche se nel caso della Corea l'impegno è più ampio, dovendo cercare non necessariamente e unicamente una sistemazione territoriale, ma un accordo di pacifica convivenza. In entrambi i casi emergono le forti rivalità e tensioni tra le parti, che spontaneamente o grazie a pressioni esterne si trovano a cercare un terreno comune per un possibile accordo, ma fallendo ogni tentativo.

L'elaborato si conclude con una riflessione su quanto il ruolo del mediatore e della mediazione siano di fondamentale importanza, ma non assicurino in nessun modo la fine di un conflitto con un esito positivo che soddisfi tutte le parti. Generalmente, l'esito positivo o negativo di un conflitto non dipende unicamente dal ruolo del mediatore, ma viene influenzato da fattori esterni, oltre che da fattori interni riguardanti direttamente le parti in conflitto.

## Introduction

The goal of this Master Thesis is to analyse the role the mediator has in in the failure of mediation processes during international conflicts.

There are plenty of cases in which the mediator has helped achieving an agreement, for instance Great Britain took the role of mediator in 1825 between Portugal and Brazil, or Pope Leo XIII in 1885 has been the mediator between Germany and Spain for the issue of Caroline Islands<sup>1</sup>. Furthermore, under the Charter of the United Nations, members undertake the obligation to settle their disputes in a peaceful manner, even through the use of mediation. Article 2, paragraph 3, states that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”<sup>2</sup> and Article 33, paragraph 1, states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”<sup>3</sup>. In case of failure, the Security Council may intervene and undertakes the form of settlement it considers suited to the case<sup>4</sup>. Indeed, several commissions appointed by the Security Council and by the General Assembly have had mediatory functions, for instance the India-Pakistan commission<sup>5</sup>.

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<sup>1</sup> Mediation, 2013, The Editors of Encyclopaedia Britannica, Encyclopaedia Britannica inc., <https://www.britannica.com/topic/mediation-international-relations>

<sup>2</sup> Charter of the United Nations, chapter I, art. 2, <https://www.un.org/en/charter-united-nations/index.html>

<sup>3</sup> Charter of the United Nations, chapter VI, art. 33, <https://www.un.org/en/sections/un-charter/chapter-vi/index.html>

<sup>4</sup> Charter of the United Nations, chapter VI, art. 37, <https://www.un.org/en/sections/un-charter/chapter-vi/index.html>

<sup>5</sup> United Nations Security Council Resolution 39, 1948, <http://unscr.com/en/resolutions/39>

Notwithstanding the importance of success in mediation, I wanted to consider the other side of the coin: what happens when the mediator's intervention fails? What are the role and responsibilities of the mediator in a failed mediation?

For the purpose of better examining the role played by mediators in the failure of mediation in international conflicts, I will consider two different cases, both pertaining to the XX century: the Cyprus dispute and the Korean division. The case studies represent only two examples of what the approaches to an international dispute may be, who is considered a mediator and what actions the mediator can undertake. Those cases differ in matters such as localization, background, structures of the parties involved, characteristics of the mediators who have worked on them.

In order to be able to analyse the role played by mediators in unsuccessful mediations, an investigation has been carried out. The method of data collection for this thesis was archival research, mainly through online resources but also through consultation of resources in libraries. Accordingly, the reference list comprises both primary and secondary sources.

The primary sources include mainly official documents issued by the United Nations, as well as international treaties and agreements.

On the other hand, the secondary sources comprise a wide selection of academics' contributions that have been extrapolated from books, articles, reports, papers and websites.

Articles from online newspapers such as *The Guardian* and *The New York Times* have been used to gather some additional information on events that took place before, during and after mediation and on the events that led to the outbreak of the international conflicts under consideration.

Official websites of international institutions, international organizations and governments were consulted to collect documents relevant

for the research. Documents such as reports from the UN Security Council were collected and used for the purpose of the research.

Third, articles accessible from online repositories such as *JSTOR* or the *Ca'Foscari digital library* have also been utilised. Articles from scholar journals were useful and relevant for the goal of this Master Thesis. The journals used or consulted were *The Journal of Conflict Resolution*, *International Studies Quarterly*, *Negotiation Journal*, *Journal of Peace Research*, *Jerusalem Journal of International Relations*, *International Journal*, *International Studies Review*, *Asian Survey*, *The China Quarterly*.

Furthermore, articles from international institutions such as the *International Crisis Group*, the *International Institute for Strategic Studies*, the *National Committee on North Korea*, the *Royal Institute of International Affairs*, and the *European Union Institute for Security Studies* have all been very useful for the conduction of research and data collection.

Finally, books from authors such as Bercovitch, Brecher, Kleiboer, Zartman, Beardsley, Young, Ker-Lindsay and Princen have proven to be of major importance for the research.

This thesis has been divided into four chapters.

The first chapter is focused on the identity of the mediator, presenting various definitions from different authors, such as Mitchell (1981) and Young (1967), and analysing what are the subjects who can interpret the role of mediators. Among them, it is possible to identify the Intergovernmental actors (IGOs), States, Non-governmental actors (NGOs) and individuals that are experts in the field. Successively, the characteristics of the mediator have been considered, for example the knowledge about conflict situations, the ability to understand the positions of the antagonists or communication and diplomatic skills (Wehr, 1979). To these, we can add impartiality, leverage, the mediator's status or his qualification. Continuing the chapter, there is an analysis of what

mediation is, taking in consideration numerous definitions, such as the one proposed by Bercovitch (1991), and the styles and strategies that can be applied to the process of mediation. The latter have been examined mainly through the work of Young (1967) and Beardsley (2006). This first chapter, then, ends with an evaluation of what is to be considered as success in international mediation, what is the outcome that can be regarded as a successful one.

The second chapter presents the analysis of the first case-study: the Cyprus dispute. It comprehends, first of all, the history of this conflict, starting with the signature of the Cyprus Convention in 1878, moving on to the independence of the island in 1960 and then focusing on the clashes and the tensions arisen between the Greek-Cypriot community and the Turkish-Cypriot community. The reasons at the core of the conflict and the points of view of both parties are considered and analysed. The second part of the chapter is centred on a revision of all the attempts of mediation that have been made, on the various mediators that have followed one another and on the motivations that have forced them to abandon their role of mediator.

The third chapter is focused on the second case-study: the Korean division in two states. It begins with an historical analysis of the events, starting from the 1905, when Korea became officially a Japanese protectorate, continuing with the Cairo Declaration in 1943, in which it was stated that Korea should have become independent. Then, it is examined the consequence of the failure in achieving independence in Korea and of the significant pressures and presence of two superpowers: the United States and the Soviet Union. The birth and the developing of North Korea and South Korea as two different and opposed states and the consequence of this division are analysed, taking into consideration the involvement of both the United States, the USSR and the UN. There is a brief focus on how is structured the regime in North Korea and then

inter-Korean relations and diplomatic approaches and mediations among the two nations are analysed.

The fourth chapter presents an in-depth analysis of the mediation efforts operated in the two countries. It is indeed divided in two parts, the first focused on the Cyprus case and the attempts to mediation applied to it and the second focused on the Korean case, with particular attention to the role played by the United Nations in mediating among the two Koreas, without anyway reaching a compromise.

Finally, the conclusions will sum up the most salient outcomes of the analysis conducted in the four chapters and the main contents illustrated in this thesis. The reasons and motivations for the inability to reach an agreement are analysed and it is emphasized the role and the options of a third party mediator facing the two cases taken into account.

# 1. Mediation and mediator

This chapter represents the theoretical background of this Master Thesis and it is focused on the concept of mediation. It considers first of all the ideas of mediator's identity, analysing the different definitions that have been given in this regard, linking the role of third party in a conflict or dispute with the one of the mediator and considering the possible actors that can cover the role of mediator, such as IGOs or NGOs. The chapter then deals with the characteristics and features that belong to a mediator and thereafter it gives definitions of what mediation is and of what styles and strategies can be activated. Finally, it ends with the possible definitions applicable to the notion of success in the context of mediation.

One of the central and leading elements of international relations, especially regarding peace processes, is third party intervention in the form of mediation. Since 1945, the studies regarding mediation has been widened, stressing that third party mediation has taken place in almost 70 percent of all conflicts<sup>6</sup>.

Mediation, although is used often, does not ensure the successful outcome in the resolution of conflict.

It is important to note that any third party intervention has the ability to influence the others and to put pressure on the parties involved to act differently. However, those parties remain autonomous and free to decide.

## 1.1 Identity of the mediator

One of the basic concepts, when we talk about mediation, is the definition of third party. In the words of Mitchell, a third party is "someone

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<sup>6</sup> Wallensteen P, Svensson I., 2014, Talking Peace: International mediation in armed conflicts, *Journal of Peace Research*, Vol. 51 (2), pp. 315-327; Bercovitch J., Gartner S., 2006, Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation, 32:4, pp 329-354

who is external to a certain conflict and who interposes between the conflict parties in order to help them with their conflict management efforts”<sup>7</sup>.

Another definition is the one proposed by Harbottle, according to which third party intervention may be defined as “the intervention into a dispute of a person or an agency whose purpose it is to act as an instrument for bringing about a peaceful settlement to that dispute, while creating structures whereby the foundations of a lasting settlement may be laid”<sup>8</sup>.

Following Young, the process of third party intervention is represented by “any action taken by an actor that is not a direct party to the crisis, that is designed to reduce or remove one or more problems in the bargaining relations and, therefore, to facilitate the termination of the conflict itself”<sup>9</sup>.

Whatsoever the definition preferred, third party intervention is first of all a voluntary action<sup>10</sup>. It should be noted that its effects are supposed to be beneficial, modifying the structure within which the conflict is born and influencing the parties in the conflict in order to get a successful agreement. The third party which intervenes may be invited by one of the two disputants, by both or by an external party, such as an IGO or a regional organization. Furthermore, it is important to note that any action or any path taken by the third party can be conditioned by other factors, such as background factors, goals, conditions, outcomes.

In the process of third party mediation the role of protagonist shifts from the actors in conflict to the mediator. An in-depth analysis concerning the actors who may take the role of third party mediator is made by Bercovitch and

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<sup>7</sup>Mitchell C.R., 1981, *Peacemaking and the Consultant's Role*, Farnborough, Gower Publishing Co.

<sup>8</sup> Harbottle M., 1979-80, *The Strategy of Third Party Intervention in Conflict Resolution*, *International Journal*, 35 (1), pp. 118-131

<sup>9</sup> Young O. R., 1967, *The Intermediaries: Third Parties in International Crises*, Princeton University Press

<sup>10</sup> Bercovitch J., 1984, *Social Conflicts and Third Parties: Strategies of Conflict Resolution*, Boulder, Colorado, Westview Press

Schneider<sup>11</sup> and can be found in “Mapping mediators” by Mason and Sguaitamatti<sup>12</sup> and in the work of Greminger<sup>13</sup>.

The range of possible actors in the mediation market is huge, however the most common are Intergovernmental actors (IGOs), States, Non-governmental actors (NGOs) and individuals that are high level personalities and experts.

Among the Intergovernmental actors, it is possible to identify different types of mediators: global IGOs (for instance, the UN) and regional intergovernmental actors (for instance OIF, OAS, AU, EU, ASEAN, IGAD). The UN is the most famous and experienced actor, committing itself to the greater part of the global conflicts. Moreover, organizations as the UN have significant resources at their disposal. Notwithstanding those characteristics, it is not always involved as mediator for different reasons. For example, the parties of the dispute may want to avoid the risk that the veto power in the Security Council influence the process or the result of negotiations or to avoid that a dispute becomes an international affair<sup>14</sup>. Furthermore, considering the resources at hand of the UN or similar organizations, they are more prone to focus on highly intense and difficult conflicts. In situations in which a global IGO is not desired, the role of regional intergovernmental becomes more relevant; it is possible that regional intergovernmental organizations have some direct interests in that conflict, to assure stability to the region for example, so are more motivated to get involved in the resolution of a dispute. It is possible that both global and regional intergovernmental organizations work together to achieve a settlement in a conflict. Generally, IGOs have more resources and are

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<sup>11</sup> Bercovitch J., Schneider G., 2000, Who Mediates? The Political Economy of International Conflict Management, *Journal of Peace Research*, Vol. 37 (2), pp. 145-165

<sup>12</sup> Mason S.J.A., Sguaitamatti D.A., 2011, Mapping mediators, a comparison of third parties and implications for Switzerland, Center for Security Studies (CSS)

<sup>13</sup> Greminger T., 2007, Mediation&Facilitation in Today's Peace Processes: Centrality of Commitment, Coordination and Context, Directorate of Political Affairs DP- Confederazione Svizzera

<sup>14</sup> Ibid.

more credible as regards their political legitimacy, but they usually need a clear mandate and they are involved most of the time in formal negotiations.

Historically, as presented in the work of Greminger<sup>15</sup>, states were the major third parties, as they were the only actor legitimized in the international system, as only since the end of World War II non-state actors gained importance. States formed coalitions in order to have each a powerful role and to have a better chance to maintain an equilibrium in the global environment. Referring to states as mediators, it is possible to note that various states have various interests in taking part in a conflict, and among those interests you can find for instance the stability in the region, a role of state-peace-mediator that they feel as their own or the desire to demonstrate their power and the use of leverage. This interests may be particularly urgent for a state, so much that state mediator will not be able to be impartial. Compared to the IGOs, the states are more flexible and can be part of negotiations which are less formal than the previous. States, represented in the person of a decision-maker who answers to the state, are the most common mediators. However, they have an important limit, which is they have to be welcome as third party intervenor.

For what concern the nongovernmental organizations (NGO), Sguaitamatti<sup>16</sup> in his work argued that they have assumed a more preeminent role in the last decade, specializing themselves in mediation in peace processes. For the NGOs too it is possible to make a distinction: there are local and international NGOs. The local ones generally have some advantages and some direct interests. They are often very committed and know the context of the conflict better than other bigger actors and mediators for instance. Moreover, they usually represent also the underrepresented in society and work with nongovernmental actors in peace processes. However, they take the

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<sup>15</sup> Ibid.

<sup>16</sup> Mason S.J.A., Sguaitamatti D.A., 2011, Mapping mediators, a comparison of third parties and implications for Switzerland, Center for Security Studies (CSS)

risk of being suppressed by the state or to be not considered by the other actors in the conflict. Furthermore, they are weaker compared to other actors, since they do not have many resources and their main qualities are impartiality and independence, lacking also of features as authority and affectual respect. The international NGOs may intervene in situations in which it is difficult to make contact with non-state parties that can be armed or they play an important role in creating a link between civil society and governmental actors during peace processes.

The last group of actors is the one pertaining to individuals, who generally work within organizations, but differ from ordinary negotiators due to their expertise and reputation. It is important to know that individual mediation in the meaning of mediation by a single and independent person is very rare, as we usually refer to representative of governments or organizations. Indeed, the individual mediator is normally an official representing a government in formal interactions with high-level officials from the conflicting parties. Thus, by individuals' mediation it is meant a mediation that is carried on by individuals who do not fulfil an official, representative function. In this cases, the mediation strategies are more directly linked to their capabilities and experiences, than to external and contextual stimuli.

## 1.2 Characteristics of the mediator

The main characteristic of a mediator is that it has to be accepted by all the conflicting parties and the acceptance of the third party as mediator is determined by how the parties in conflict perceive its ability to resolving the conflict and getting to an agreement which doesn't threat their interests<sup>17</sup>. This aspect is vital for the success of the performance of the mediator functions.

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<sup>17</sup> Kleiboer M., 1996, Understanding success and failure of international mediation, *Journal of Conflict Resolution*

Wehr, in 1979, listed the required attributes of a mediator: knowledge about conflict situations, ability to understand the positions of the antagonists, active listening, a sense of timing, communication skills, procedural skills<sup>18</sup>. Bercovitch, in 1984, added to this list factors such as intelligence, stamina, energy, patience and a sense of humour<sup>19</sup>. Other features are trust, credibility, a high degree of personal skill and competence.

Furthermore, the mediator has to guide the process of agreement and facilitate communication among the parties.

Since mediators themselves have a huge impact on the process of mediation and on the chance of success, they should have some principal characteristics: impartiality, leverage and status and those characteristics are deeply analysed by Marieke Kleiboer<sup>20</sup> and by Young in their works<sup>21</sup>.

The issue of impartiality is a wide argument, as it may refer to different aspects. Thus, impartiality is essentially a question of perceptions of the parties involved in the conflict, as argued by Touval<sup>22</sup>. Impartiality could be related to the mediator's attitudes toward the actors involved in the conflict or to a mediator's attitude in respect to the issues in conflict or to both.

Some authors<sup>23</sup> (Jackson 1952, 125-9; Northedge and Donelan 1971, 299; Assefa 1987, 22; Miall 1922, 62; Hume 1994) consider mediator impartiality as a key characteristic, essential for the success of mediation, because in their view, it triggers a chain reaction: impartiality is fundamental

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<sup>18</sup> Wehr, P. 1979. *Conflict Regulation*. Boulder: Westview Press.

<sup>19</sup> Bercovitch J., 1984, *Social Conflicts and Third Parties: Strategies of Conflict Resolution*, Boulder, Colorado, Westview Press

<sup>20</sup> Kleiboer M., 1996, Understanding success and failure of international mediation, *Journal of Conflict Resolution* 40(2), pp. 360-389

<sup>21</sup> Young O. R., 1967, *The Intermediaries: Third Parties in International Crises*, Princeton University Press

<sup>22</sup> Touval S., Zartman W., 1985, Introduction: Mediation in theory. In *International mediation in theory and practice*, ed. by Touval S. and Zartman W., pp 7-17, Boulder, CO: Westview

<sup>23</sup> Young O. R., 1967, *The Intermediaries: Third Parties in International Crises*, Princeton University Press; Kleiboer M., 1996, Understanding success and failure of international mediation, *Journal of Conflict Resolution* 40(2), pp. 360-389

for the mediator as it provides to him or to her the disputant's confidence which in turn is crucial for the acceptance by the parties in conflict of the mediator itself.

Other authors<sup>24</sup> (Touval 1975, 67; Kochan 1981, 133; Smith 1985, 371; Orme 1989, 60; Jabri 1990, 8) don't recognize impartiality as an essential quality for the success in mediation. They distinguish among an insider-partial mediator and an outsider-neutral. Wehr in this regard argued that "a mediator from within the conflict, whose acceptability to conflictans is rooted not in distance from the conflict or objectivity regarding the issues, but rather in connectedness and trusted relationships with the conflict parties"<sup>25</sup>. However, it is important to note that this kind of mediator usually emerges in cultural settings with face-to-face based political, social and economic exchange.

Still others<sup>26</sup> (Touval and Zartman 1985, 15; Bercovitch, Anagnoson and Willie, 1991, 15) focused on the mediator's bias toward one of the parties and not on the idea of impartiality. In this case, for the parties in conflict a bias mediator could be useful, provided that the mediator has strong ties with the party that has greater control over the conflict: in this case, the mediator's capacity will influence that party, leading to an overall balance.

In the end, for some other researchers (Zartman and Touval, 1985) what counts among the characteristics of the mediator is not so much impartiality, but the possession of resources<sup>27</sup>. This element is fundamental then to get impartiality, thus they focused on leverage.

Leverage refers to "a mediator's ability to put pressure on one or both of the conflicting parties to accept proposed settlement. This assumes a

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24 Ibid.

25 Wehr P., Lederach J.P., 1991, Mediating conflict in Central America, *Journal of Peace Research*, 28, pp. 85-98

26 Kleiboer M., 1996, Understanding success and failure of international mediation, *Journal of Conflict Resolution* 40 (2), pp. 360-389

27 Ibid.

mediator has power and influence resources that can be brought to bear on the parties”<sup>28</sup>. The idea of leverage is linked to the concept abovementioned of sticks and carrots: sticks are negative sanctions and carrots the positive sanctions. To add to these categorization, there is the distinction among material aspects and immaterial ones., as sources of leverage.

Some authors (Cot 1972, 12; Brookmire and Sistrunk 1980, 326; (Touval and Zartman 1985, 15; Bercovitch, Anagnoson and Willie, 1991, 15; Touval 1922, 233) considered leverage as the essential element for a successful mediation outcome, arguing that it is a key element in the capacity of the third party to convince the disputants in accepting a deal or in making concessions to reach an agreement.

Others, for example Yarrow (1978), argued that leverage is not always the main characteristics to convince the parties in conflict to get an agreement, as the acceptance of the third party’s intervention by the disputants may be influenced by the level of weakness of the mediator and strategically weak mediators can appear as more trustworthy.

However, the common point of view regarding leverage is that not the presence or absence, but the abuse of it entails risks for the success of the mediation. Pruitt<sup>29</sup>, for instance, considered that conflicting parties may become too much dependent on further possible compensations by the mediator, or it is possible that the mediator based the mediation process upon the concessions, so that in the case the mediator chooses to become more passive, the process towards settlement presents a deadlock. Furthermore, there is the risk that if the agreement is reached through the abuse of leverage, it will not last, as the deal is built on the imposition and not on the mutual understanding of the parties and on the changing of attitudes and perceptions.

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<sup>28</sup> Ibid.

<sup>29</sup> Pruitt D. G., 1981, *Negotiation Behavior*, New York: Academic Press

Another risk of the extreme use of leverage is the loss of the acceptance of the third party's presence and mediation and the refusal to cooperate.

Another important element is the mediator's status, which stems from numerous factors, such as the personal reputation of the mediator, the expertise and its records. The status can be institutional, that means it derives from the mediator's constituency, as the mediator usually acts together with it and not as an individual. Furthermore, it can be positional, depending on the strength of his position in his country or organization, as the mediator should have the ability to commit his government or executive to support the decisions he takes.

Regarding the status, Kleiboer<sup>30</sup> analysed two concepts: first, there is the idea that the higher the mediator's status, the greater the possibilities of reaching an agreement. The second proposition concerns the relationship among the mediator and the conflicting parties, that should be balanced. For instance, in the event that the mediator has a lower status compared to the parties, there is the risk that he or she will not be taken seriously.

Additional characteristics, proposed and analysed by Young (1967), can be, for instance, the fact that it is important that a third party has a salient position in the eyes of the parties of the crisis, representing the right actor to turn to when involved in a crisis or in a stalemate. Another feature is respect: it is an essential quality for a mediator to be taken into account for intervening in the dispute. There are different kinds of respect, for instance the authoritative respect, the affectual respect or the calculated respect. A further property is continuity: the parties in a conflict will accept and privilege an intervenor that will most likely be present for the entire duration of a crisis.

Clearly, one of the most important and necessary characteristics of the mediator is qualification. This characteristic essentially pertains to the

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<sup>30</sup> Kleiboer M., 1996, Understanding success and failure of international mediation, *Journal of Conflict Resolution* 40 (2), pp. 360-389

mediator itself, although the schooling and the instruction may increase it. Furthermore, this kind of characteristics are subjective in the sense that they pertain to the mediator, but at the same time they are objective as it is possible to say that a third party have them or lack them impartially. Related to the qualification is the knowledge of politico-military affairs, which is another important element regarding the third party. The mediator, indeed, should be able to take actions considering also expectation and calculations of the parties, as well as their history and the various and possible equilibrium, in addition to the knowledge of the possible evolution of the crisis, the nature of bargaining and so on.

Another crucial resource regarding the mediator is the diplomatic and bargaining skill. In this case one considers the sense of timing, for example expressed in the capacity of picking the right moment to take a decision, the way in which proposals and actions are formulated, considering the perception of the parties too, the inventiveness of the mediator, who has to find creative solutions during crises characterized also by a high level of tension, and the ability to convince others to adopt his suggestions. Obviously, an intervenor should be able to take initiatives, that should be taken quickly, inventively and authoritatively.

Another prominent element among the characteristics of mediator is culture, or cultural differences. This element is important as, when people had different backgrounds and come from different cultures, there is the possibility that misunderstandings, incorrect attributions, projections and confusion on symbols and values surge. Indeed, cross-cultural dissonance is particularly profound in international conflicts.

### 1.3 Defining mediation

Deepening the studies, it is possible to find a broad range of definitions and descriptions of mediation. In this Thesis, mediation means a tool and a medium which is resorted to assist negotiations between the parties involved in a conflict and transforming the conflict through the assistance and the work of a third party. The third party in this situation is represented by the mediator, who is involved both in the process and in the substance of negotiations.

An accurate definition of mediation is the one proposed by Bercovitch, Anagnoson & Wille, which argued that “mediation is a process of conflict management where the disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical violence or invoking the authority of the law”<sup>31</sup>. From this definition some key points in mediation emerge: first of all, the presence of an outside party. Then, it is important to notice that mediation is a voluntary process, in which each party involved does not have decision-making power with regard to the other involved actors, each party involved is influenceable, but remains independent. Furthermore, this voluntary process has the aim to solve a conflict in a nonviolent way, for instance by using persuasion rather than coercion and reason and logic. Mediation implies a series of related processes, concerning the actors involved, the decision making processes, the use of resources, the choosing of a strategy.

Since the process of mediation occurs during a crisis, it is important to define this last one concept, focusing on the international crisis. Following the research of authors such as Brecher and Wilkenfeld and the International Crisis Behavior (ICB) project, an international crisis is determined by two primary conditions: “(1) a change in type and/or an increase in intensity of disruptive interactions between two or more states, with a heightened probability of

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<sup>31</sup> Bercovitch J., Anagnoson T.J., Wille D.L., 1991, Some conceptual issues and empirical trends in the study of successful mediation in international relations, *Journal of Peace Research*, 28:1, pp 7-17

military hostilities; that, in turn, (2) destabilizes their relationship and challenges the structure of an international system”<sup>32</sup>.

For mediation as well, in order to take place, there are some necessary conditions. Stephens listed them as follows:

- “A low or decreasing probability of attaining conflict goals through violent struggle, withdrawal or avoidance;
- A decreasing value of the conflict goals, relative to the direct costs of pursuing those goals and relative to other goals;
- A set of common compatible interests between the parties, or at least the possibility of a settlement offering mutual advantages over continued conflict;
- The flexibility by each leadership to consider negotiation”<sup>33</sup>

Other authors added additional conditions to those above. For instance, Bercovitch argued that the use of mediation is more likely in disputes that are long or complex<sup>34</sup>; still the Canadian author, supported by others such as Kleiboer and Hart, claimed that the use of mediation usually starts when the parties in conflict find themselves at an impasse<sup>35</sup>; Gulliver added that the mediator representing the third party have to be available and inclined to intervene<sup>36</sup> and Rubin that it is necessary the presence of some opportunity for intervention, not only the will of the third party<sup>37</sup>. It is important to bear in

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<sup>32</sup> Brecher M., Wilkenfeld J., 1997, *A study of crisis*, Michigan, University of Michigan Press

<sup>33</sup> Stephens J., 1988, *Acceptance of mediation initiatives: A preliminary framework*, in *New approaches to international mediation*, ed. By C. Mitchell and K. Webb, New York, Greenwood Press

<sup>34</sup> Bercovitch J., 1984, *Social Conflicts and Third Parties: Strategies of Conflict Resolution*, Boulder, Colorado, Westview Press

<sup>35</sup> Kleiboer M., Hart P., 1995, *Time to talk? Multiple perspectives on timing of international mediation*. *Cooperation and Conflict*, 30, pp 307-48

<sup>36</sup> Gulliver P.H., 1979, *Disputes and Negotiations: A Cross-Cultural Perspective*, Academic Press

<sup>37</sup> Rubin J., 1992, *Conclusion: International mediation in context*. In *Mediation in international relations: Multiple approaches to conflict management*, edited by J. Bercovitch and J. Rubin, London, Mac Millan

mind that any resort to mediation is part of a strategy focused on the best settlement attainable: probably the solution that the parties of the conflict can reach is not the best or simply they do not want to risk losing their face, risk avoidable through the work of the mediator.

#### 1.4 Bargaining and mediation: styles and strategies

In order to study conflict situations and to investigate third party intervention, it is important to study bargaining situations. The American economist Thomas Schelling, who dealt with this key-theme, considered mutual dependence and shared interests as the basis of the relationships within international relations, when negotiations are concerned. Looking at negotiations, Schelling<sup>38</sup> studied bargaining and strategic behaviour, developing fundamental theories.

First of all, it is important to note that strategic bargaining takes place when two fundamental conditions are met: two or more actors are involved in a conflict and those actors involved try to influence each other or to reach a compromise. It is immediately evident that bargaining involves, as claimed by Schelling, a relationship that is, at some level, a relation of interdependence. Clearly, bargain occurs only in the case it implies a lower cost and is less risky compared to the cost of continuing the conflict. Bargaining as such implies an unavoidable strategic behaviour and even in the case one party wants to avoid this kind of behaviour, it should consider anyway that its adversary will act strategically.

The presence of a third party is analysed also by Young, who studied the various activities undertaken or that can be undertaken by the intervenor in order to facilitate the ongoing mediation process. Among those actions you can find persuasion, which can be understood as the process through which the

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<sup>38</sup> Schelling T.C., 1956, An Essay on Bargaining, *The American Economic Review* Vol. 46 no. 3, pp. 281-306

parties in the conflict realize and acknowledge the interests that may have in common among them and resort to the presence of a third party to take advantage of those shared elements.

Another possible action is enunciation: the declaration of the third party of its perception and interpretation of the conflict and its possible way to get to an agreement.

Along with enunciation you can find elaboration and initiation, in which the third party play a more active role, taking responsibility for highlighting the common interests of the parties and initiating proposals, an action that can be a saving-face for the actors in conflict.

To those activities it is possible to add the interpretative action, in which the third party interpret possible ambiguous or controversial situations, and active participation that is described by Young as “situations of direct diplomatic contact on a three-cornered basis”<sup>39</sup>.

Young deepened his view on this issue, adding that third parties could take some actions, still remaining outside the core of the dispute. Among these, the process of communication of data, that is often underestimated, but that presents many criticisms, primarily misunderstandings and distortions. Concerning the data, the third party may also undertake the responsibility of collecting and processing the data regarding the conflict and its protagonists.

Another category of actions that is analysed by Young is the one of the service activities. Those are essentially actions that aim at facilitating the bargaining process, in situations in which the parties of the conflict are able to reach a settlement, but they do not carry out the agreement for various reason, for instance problems of secrecy or commitment or mistrust. Among those service activities the author has catalogued the communication and contact,

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<sup>39</sup> Young O. R., 1967, *The Intermediaries: Third Parties in International Crises*, Princeton University Press

involving the task of keeping the lines of communication open and acting as messenger between the parties, in cases in which they are unable to communicate, thus facilitating or enabling communication.

Other actions are verification, inspection and monitoring, that are activities often prohibited to the parties in conflict. In such cases the third party will need more resources, a preliminary planning well designed and, in most cases, it will require the authorization of a policy-making organ.

An activity related to those of verification, inspection and monitoring is supervision, which implies a number of actions: “a) the setting up and operating of truce regimes or peace settlements; b) the observation and handling of violations of certain categories of agreed-upon rules during periods of open hostilities or near violence; and c) the temporary administration of areas or territories in dispute”<sup>40</sup>. The concluding action in the analysis of Young is arbitration, a kind of activity rarer than the previous listed above. However, the actions implied in arbitration require first of all a prior bargaining among the parties involved in the dispute and their consent to shift part of their problems and their resolution in the hands of an external body.

Researchers as Touval and Zartman (1985), Bercovitch (1984) and Beardsley (2006) studied the strategies and styles of mediation and identified three major strategies: the facilitative, the formulative and the manipulative ones. To the definitions you should add for instance issues concerning the use of power or of influence from the mediator.

Beardsley analysed the different possible mediation styles and considered three major groups: facilitation, formulation and manipulation<sup>41</sup>.

When we speak of facilitation, we consider a strategy in which the mediator can take the role of a facilitator, or communicator, representing the

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<sup>40</sup> Young, O.R., *op. cit.*

<sup>41</sup> Beardsley K.C., Quinn D. M., Biswas B., Wilkenfeld J., 2006, Mediation Style and Crisis Outcomes, *Journal of Conflict Resolution*, 50 (1), pp. 58-86

medium through which the parties in the dispute can communicate and focusing on a continuous dialogue. This style is linked with the integrative strategy and it is based on the importance of information, as if the actors involved have complete information about their opponents, it is more likely that they find a satisfactory agreement. In this case, the mediator guarantees that the parties involved have the essential information to recognize the best possible outcome and an outcome that turns out to be mutually preferable for all the parties in conflict. In this role, moreover, the mediator can reveal information acquired autonomously in order to avoid possible misunderstandings or misperceptions. However, in this strategy the mediator seems to have a nearly passive role, not exerting any form or control, but only channelling information to the parties.

The second mediation style is mediation as formulation. It is based on coordination, as the mediator in this case has a relevant and active role: it has to propose new credible and possible solutions to the parties involved. This style too is considered part of an integrative strategy, as its goal is to encourage the disputants to find a mutually acceptable agreement. Schelling in this regard claimed that the role of formulator is particularly important in cases such as stalemate, because it forces the parties to consider new possible resolutions.

The third mediation style is manipulative mediation. In this case the mediator uses the influence and the information acquired to persuade the parties in conflict and to increase the chances for a resolution. Mediator can, in the words of Carnevale, offer carrots, or compensations, to actors for achieving peace, or employ sticks or pressing, to increase the costs of non-agreement<sup>42</sup>.

Beardsley concluded the analysis arguing that mediators use mainly facilitation and formulation, and rather rarely manipulation, due to different

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<sup>42</sup> Carnevale P.J.D., 1986, Strategic choice in mediation, *Negotiation Journal*, 2, pp. 41-56

factors, for instance the absence of adequate resources, strategic decision or the context of the crisis itself<sup>43</sup>.

TABLE 1  
Styles in the Context of Mechanisms and Tactics

<i>Mechanism</i>	<i>Style</i>	<i>Tactics</i>
Information revelation	Facilitation	Make contact with parties Gain the trust and confidence of the parties Arrange for interactions between the parties Identify underlying issues and interests Clarify the situation Supply missing information Transmit messages between parties Fact finding Offer positive evaluations Allow the interests of all parties to be discussed
Coordination	Formulation	Control the pace and formality of the meetings Control the physical environment Ensure the privacy of mediation Highlight common interests Control timing Help devise a framework for an acceptable outcome Help parties save face Keep the process focused on the issues Make substantive suggestions and proposals Suggest concessions parties could make
Carrots/compensation Sticks/pressing Enforcement	Manipulation	Keep parties at the table Change parties' expectations Take responsibility for concessions Make parties aware of the costs of nonagreement Supply and filter information Help negotiators to undo a commitment Reward concessions made by the parties Press the parties to show flexibility Promise resources Threaten withdrawal of resources Offer to verify compliance with the agreement Add incentives Threaten punishments Threaten to withdraw mediation

Fig. 1.2: Styles in the Context of Mechanisms and Tactics, K. Beardsley, 2006

Concerning these mediation styles, studies made by Beardsley (2006) discovered that, especially in situations of civil war, formulative mediation has been the most used, followed by the facilitative one, while the manipulative mediation style has been used less often. Both facilitative and formulative

43 Beardsley K.C., Quinn D. M., Biswas B., Wilkenfeld J., 2006, Mediation Style and Crisis Outcomes, *Journal of Conflict Resolution*, 50 (1), pp. 58-86

strategies, moreover, have been the most successful strategies in cases of secessionist or territorial war.

Clearly, the choice of a strategy depends on the nature of the relationship between the parties in conflict, the needs and interests, capabilities and resources and perceptions or misperceptions of the actors involved.

A series of studies analysed by Wallensteen and Svensson<sup>44</sup> asked whether fostering rather than forcing strategies are more useful. Indeed, there are authors (Nathan, 1999) that contend that mediation may be counterproductive in cases of resort to pressures or threats towards the parties in conflict, while others (Sisk, 2009; Touval 1975) assume that a more powerful and strong mediation tactic is the best and most effective solution. In addition, it has been proposed by Bercovitch and Gartner (2006) to distinguish between high-intensity and low-intensity conflicts when studying the most effective strategies, in order to have a more precise and detailed framework.

## 1.5 Mediation and success

In determining the possible outcomes of mediation, it is important to recognize that different conditions may lead to different results. The same factor can increase or decrease the possibility of getting to a settlement of the dispute or can simply change the kind of settlement achieved.

A key factor in bargaining is what Princen called the “indeterminacy of outcome”<sup>45</sup>. The author pointed out that when we speak of bargaining, there is not a single unique solution, but bargaining is a process in which both parties

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44 Wallensteen P., Svensson I., 2014, Talking peace: International mediation in armed conflicts, *Journal of Peace Research* Vol. 51 (2), pp. 315-327

45 Princen T., 1992, *Intermediaries in International Conflict*, Princeton University Press

are presented with a range of possible outcomes and have to decide where is the equilibrium point where the best agreement possible is achievable.

A key question regarding mediation asks when the conclusion of this process is considered a success and what are the criteria used to evaluate the outcome. Frei described success as “a situation in which both parties to the conflict formally or informally accept a mediator and a mediation attempt within five days after the first attempt”<sup>46</sup>. A further measure of mediation success has been considered the ending of any violent action.

Similarly, other authors try to define clearly the notion of mediation success: Bercovitch and Simpson consider mediation success an outcome leading to a cease fire, a partial settlement or the sign of a peace agreement<sup>47</sup>. However, if one considers this definition of success as the most accurate and precise, most of the attempts at mediation have to be considered failed attempts, as they do not result in any formalized outcome. The Romanian author considered as possible conflict outcomes the unsuccessful one, a ceasefire, a partial outcome and a full settlement. Then, gathering data from his studies, he found out that the latter group is rarer than the other outcomes.

Some other studies reviewed by Bercovitch<sup>48</sup> considered that probably the idea of measuring success through peace or other formal agreements is not the most suitable, because too broad, and suggested that a longer term perspective is more appropriate, thus going beyond the idea of the end of violence during the conflict. Furthermore, there are two key elements on that: first of all, you should keep in mind that there is a huge difference between ending a dispute through military victory and ending a conflict through a negotiated settlement, independently of the kind of final settlement. Then, it

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<sup>46</sup> Frei D., 1976, Conditions affecting the effectiveness of international mediation, *Peace Science Society International Papers*, 26:1, pp. 67-84

<sup>47</sup> Bercovitch J., Simpson L., 2010, *International Mediation and the Question of Failed Peace Agreements: Improving Conflict Management and Implementation*, *Peace&Change*, Vol. 35 (1)

<sup>48</sup> *Ibid.*

should be noted that we are dealing with mediation involving a third party, and usually mediators are involved in conflicts that the two parties are unable to resolve on their own, thus considered a possible intractable conflict. Probably, if are regarded only more tractable conflicts, the idea of success and the success rate increases.

## 2. The Cyprus Dispute

This second chapter focuses on the Cyprus dispute and on the division of the island and I used it as a case study for analysing the failure of the mediation operated by a third party. Firstly, it traces the history of the island from the 1570s up to the present day, highlighting the major events and changes. Then, from the second part of the chapter to its end, the numerous attempts towards a solution of the conflict are outlined and analysed, starting from the first efforts in the 1960s.

The Cyprus dispute is an ongoing conflict between Greek Cypriots and Turkish Cypriots that has its roots in the occupation of the Mediterranean island by the British and the Ottoman Empire in 1878. Initially, the dispute was identified as the conflict between the Cypriots and the British Crown and had its focal point on the independence of the Cypriots and on their demand for self-determination. However, the problem developed, becoming an ethnic conflict between the Turkish and Greek islanders.

### 2.1 History of an ongoing conflict

Cyprus is an island with a strategic position, reason why it has passed under the dominion of numerous different rulers. After having been Greek, Roman, Byzantine and Venetian, it has been conquered, between 1570 and 1571, by the Ottoman Empire, which established three centuries of Turkish authority over Cyprus.

In 1878, with the signature of the Cyprus Convention<sup>49</sup>, the island's administrative control from Ottoman became British, while the island remained an Ottoman property, in order to prevent Ottoman possessions falling under Russian control. However, when the Ottoman Empire entered in World War I, supporting the Central Powers, Britain rejected Turkish claims

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<sup>49</sup> The Cyprus Convention, 1878, full text at [http://kypros.org/Kyrenia/Documents/items/cyprus\\_convention\\_1878.htm#\\_ftn1](http://kypros.org/Kyrenia/Documents/items/cyprus_convention_1878.htm#_ftn1)

over the possession of the island and declared it a British colony on 5 November 1914.

In 1925 the island became formally a Crown Colony, known as British Cyprus, and the consequence of this decision has been an open revolt in 1931, driven by the aspiration of *enosis*, the union with Greece. The struggle for it has been suspended during World War II and in 1946 the British government invited the Cypriots to form a Consultative Assembly in order to discuss a new constitution. This invitation, anyway, has been declined by the Greek Cypriots, stating that their sole political aim was *enosis*.

On the opposite side of *enosis*, there was the main Turkish goal, which was *taksim*: the division of the island into Greek and Turkish parts, that allowed, however, the British military presence and installations to remain in the island, since under the British rule the Turkish Cypriots were protected. Furthermore, in response to the growing Greek Cypriots nationalism and support for *enosis*, Turkish Cypriots nationalism grew too, increasingly involving the Turkish government.

Between 1955 and 1959 the tension has increased, almost bursting a civil war. It was at this time that, trying to reach a compromise and a settlement, in 1958 discussions has begun concerning the option of an independent Cyprus, without the involvement of *enosis* or *taksim*, preparing the ground for the foundation of the Republic of Cyprus. This push towards an agreement led to the Zürich-London agreements, the Treaty of Establishment<sup>50</sup>, the Treaty of Guarantee<sup>51</sup> and the Treaty of Alliance<sup>52</sup>, which became the foundation for the Cyprus constitution of 1960. So, Cyprus finally achieved independence on 16 August 1960. Achieved the independence,

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50 Treaty Concerning the Establishment of the Republic of Cyprus, full text at <https://peacemaker.un.org/cyprus-nicosia-treaty60>

51 Treaty Concerning the Establishment of the Republic of Cyprus, 1960, full text at

<http://www.mfa.gov.tr/treaty-concerning-the-establishment-of-the-republic-of-cyprus.en.mfa>

52 Cyprus Treaty of Alliance, 1960, full text at

<http://www.cypnet.co.uk/ncyprus/history/republic/try-alliance.html>

Cyprus became a non-aligned republic with a Greek Cypriot president and a Turkish Cypriot vice-president, the executive authority pertained to a council of ministers composed of Greeks and Turks, with a seven-to-three ratio, due to the fact that the Greek Cypriots represented the 78% of the population, while the Turkish Cypriots the 18% (the remaining 4% is composed by three minority communities). The same ratio was applied also to the House of Representatives, while separate Greek Cypriot and Turkish Cypriots Communal Chambers were provided for matters as religion, culture and education. In any case, numerous disputes started to arise between the two communities and because of the veto system, they found themselves in a deadlock in many situations, thus proving the Constitution of the Cyprus Republic unworkable.

Due to the impasse situations, a thirteen-point proposal for constitutional amendments was presented by the Greek Cypriot President Archbishop Makarios and it was designed to eliminate problems within the functioning of the government. Convinced that the rights given to the Turkish Cypriots in 1960 were too extensive and believing that the existing constitution prevented *enosis*, Makarios wanted to reform the constitution in favour of the Greek Cypriots. However, when the Turkish Cypriots rejected the proposal, tensions grew between the two communities and, on 21 December 1963, the day known as Bloody Christmas, fighting exploded between them, spreading across the rest of the island. In addition, the power-sharing government collapsed. In this situation, the idea of *taksim* was again proposed and Turkey was ready to use the intensified fighting and the failure of the constitution as justifications for a possible invasion.

Due to the eruption of a situation of chaos in the island, Britain, Greece and Turkey, the three Guarantor Powers, created an interim peacekeeping force under British leadership, the Joint Truce Force. The Greek Cypriots aimed at reducing the Turkish Cypriots to a protected minority, while the Turkish Cypriots wanted a physical separation of the communities. As fighting continue

and Turkey renew the threat of an invasion, in March 1964 the UNSC decided the creation of a United Nations Peacekeeping Force for the island, the United Nations Force in Cyprus, UNFICYP<sup>53</sup>. As a consequence, Nicosia, capital and largest city of the island, was divided by the Green Line, with the deployment of UNFICYP troops. In that same year, moreover, the Greek Cypriot led administration was recognized as the legitimate government of the Republic of Cyprus. From this moment on, the Security Council of the United Nations recommended to designate a mediator for proceeding with peace-making efforts, in order to solve the issue.

Due to the tensions arisen, the Turkish Cypriots turned to Turkey for aid, one of the guarantor powers. Turkey brought the problem to international organizations such as NATO and CENTO, but all possible interventions operated by NATO were refused by Makarios, who preferred to bring the dispute to the UN and the Commonwealth. This choice was motivated by the fact that Turkey was a member of the NATO, but both Turkey and Turkish Cyprus were not represented in the Commonwealth meetings, thus Makarios wanted to be in a position of strength<sup>54</sup>.

The scenario worsened on April 1967, when a coup d'état in Greece brought to power a military administration and when, some months later, in Cyprus, exploded a fight among the two communities. An important episode during those attacks has been the Turkish bombing the Greek Cypriot forces, as an answer to an attack on Turkish Cypriot villages that left 37 dead. Furthermore, the bombing appeared to be the background of a possible Turkish invasion. In the end, Greece was forced to capitulate and the Greek Cypriots found themselves in a condition of weakness, that has been exploited by the Turkish Cypriots, who proclaimed their own provisional administration on December 1967. The administration was immediately declared illegal by the

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<sup>53</sup> United Nations Security Council, 186, 1964, [https://undocs.org/S/RES/186\(1964\)](https://undocs.org/S/RES/186(1964))

<sup>54</sup> Ker-Lindsay J., 2011, *The Cyprus Problem: What Everyone Needs to Know*, Oxford University Press

Greek Cypriots, who, however, have to realize that unification of Greece and Cyprus was impossible, due to the actual circumstances, and began to accept the idea that Turkish Cypriots would have to have some degree of political autonomy.

In 1968 intercommunal talks began again between the two sides, once more not bringing any solution. In September 1971 Grivas formed EOKA-B, a pro-union organization, and repeatedly tried to overthrow Makarios. In 1974 he died and EOKA-B passed under the command of Brigadier Dimitrios Ioannidis, the new head of the Junta in Athens. On 15 July Ioannidis overthrew the Archbishop and replaced him with Nikos Sampson, an ultra-national, anti-Turkish and pro-Enosis combatant, as provisional president of the new government. Confronted with the refusal by the Greek side to respect the island's independence and with the inaction of United States and of Britain, the Turkish prime minister Ecevit decided to act unilaterally and ordered a military invasion of the island on 20 July 1974. Ecevit invoked the right to protect the Turkish Cypriots and to guarantee the independence of Cyprus, rights guaranteed by the Treaty of Guarantee. This intervention led to the collapse of the Greek military junta on 23 July, after a ceasefire signed on 22 July by the Turkish, under the auspices of the UN Security Council<sup>55</sup>. After the ceasefire, a new government was installed both in Greece and in the Greek part of Cyprus and peace talks begun again.

At the second round of peace talks Turkey asked for the acceptance of its plan for the creation of a federal state, a cantonal plan that involved the separation of the Turkish-Cypriot areas from one another. In the face of this unexpected request, the Cypriot president explained the need of 36 or 48 hours to consult with both Athens and the Cypriot leaders, but the Turkish rejected the request and started a second invasion of the island. The ceasefire

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<sup>55</sup> United Nations Security Council, Res. 361, 1974, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cyprus%20SRES%20361.pdf>

line of 1974 saw then the separation of the two communities of the island and is referred to as the Green Line. In this context, the aspiration of the Greek Cypriots for *enosis* was finally and definitively dead. Furthermore, as the last invasion operated by the Turkish left them with the control of the 36% of the island, they had no reason to accept union with Greece and demonstrated that at this point the idea of a unitary state was off the table.

Despite the view held both by the international community and both by the United Nations regarding the illegality of the Turkey's action, since the Treaty of Guarantee gave the right to take action only with the aim of re-establishing the state of affairs, on 13 February 1975 Turkey declared the occupied areas of the Republic of Cyprus a Federated Turkish State of Northern Cyprus. This declaration signalled the *de facto* partition of the Republic and the creation of a separate political entity in the north. Furthermore, it was followed by the acknowledgement, on the part of the United Nation, of the sovereignty of the Republic of Cyprus, according to the terms of its independence in 1960. Moreover, in 1983 the Turkish Cypriot assembly declared the independence of the Turkish Republic of Northern Cyprus, exploiting the political situation of Turkey, just returned to civilian rule after a military coup in 1980. The Turkish Republic of Northern Cyprus (TRNC) was recognized by Turkey, but not by the rest of the international community. Indeed, the same year the United Nations Security Council Resolution 541<sup>56</sup> declared this decision invalid and that it would have contributed to a worsening of the situation of the island.

In the following years numerous attempts have been made to make progress and to achieve a settlement, without reaching neither a solution nor a compromise. The talks this time have come to an end due to the Greek Cypriot announcement that they aimed to apply for membership of the European Community. In fact, on 4 July 1990 Cyprus formally applied to join

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56 United Nations Security Council Resolution 541, 1983,  
<http://unscr.com/en/resolutions/doc/541>

the European Community (EC) and both Turkish Cypriots and Turkey, which had applied for membership in 1987, were angered in front of this move by the Greek Cypriots. Furthermore, Denktash argued that Cyprus could only join the EC at the same time as Turkey. However, the EC Council of Ministers that same year decided to refer the Cypriot application to the Commission for formal consideration. In the light of this decision, the climate deteriorated, despite the subsequent talks between the parties.

In 1993, two important events marked the course of the Cyprus conflict: in February Glafcos Clerides took over as the Greek Cypriot leader, fostering a détente of the conflict due to his long-standing relationship with Denktash. The other episode took place on 30 June, when the European Commission returned its opinion on the Cypriot application for membership, pointing out that a settlement would reinforce its European vocation. However, as soon as the possibility of a settlement was surer, Cyprus would be considered ready to start the accession process, even if the settlement is not considered indispensable for the accession.

In 1994 the EU confirmed that both Cyprus and Malta would be included in the next enlargement of the Union and shortly afterwards the European Court of Justice imposed restrictions on the export of goods from Northern Cyprus into the European Union. Furthermore, the relationship between the EU and Turkey worsened, due to the Greek decision of blocking the implementation of a customs union. The idea of the customs union had been unlocked only after Greece had secured a commitment from EU that full membership talks with Cyprus would start. The Turkish Foreign Minister, however, warned that this decision could lead to the permanent division of the island and again highlighted that the accession of the Greek Cypriot part of the island to the EU had to be matched by accession of both Turkey and the TRNC.

In 1996 tensions rose again, so much to result in the most serious clashes in the island since 1974. The situation worsened at the very start of

1997, when turned out that the Greek Cypriots wanted to purchase the Russian S-300 anti-aircraft missile system, move that could bring to a serious and dangerous shift in the balance of power. Turkey replied to this move by signing a joint declaration<sup>57</sup> with the Turkish Cypriots aimed at building up a weaponry that would match the Greek one on the island and added that any improvement in the path of Greek Cyprus joining the EU would quicken the integration between Turkey and Northern Cyprus. In addition, the European Court of Human Rights (ECHR) declared that Turkey was an occupying power in Cyprus<sup>58</sup>.

In 1997 new talks to reactivate the peace processes were started, again with poor results. The background changed that same year, when the European Union decided to confirm its proposal for full membership negotiations regarding Cyprus. At this point, as was previously threatened, Turkey and the TRNC announced the formation of an Association Council with the aim of full economic and financial integration among the two parties and their partial integration for what concerns defence and foreign affairs<sup>59</sup>.

Nevertheless, the negotiations between the parties in conflict begun again. However, at the same time that the members of the European Council decided that formal talks concerning Cyprus entering in the Union would start in 1998, the Council also refused Turkey's request to be accepted as a candidate for EU membership. It has been this decision that killed off any chance for new discussions regarding the internal dispute of Cyprus. Furthermore, Denktash added that he would accept additional talks only if the two sides met on an equal basis, with the Greek Cypriots recognizing the existence of two sovereign states on the island, and that all future talks would be based on the idea of a confederal model. Between the end of 1998 and 1999

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<sup>57</sup> Letter dated 97/02/21 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General, United Nations Digital Library

<sup>58</sup> Case of Cyprus v. Turkey, (Application no. [25781/94](#)), European Court of Human Rights;

<sup>59</sup> Declaration By The Association Council Between Turkey And The TRNC March 31, 1998

there has been an improvement in the Greek-Turkish relations: in December 1998 Clerides announced that the S-300 missiles would not be installed in Cyprus, but in Crete, and in 1999 Greece decided to withdraw its opposition to Turkish EU candidacy.

Given the more cooperative mood, new attempts for establishing a settlement of the dispute have been made, but with no results. On the contrary, on November 2001, Foreign Minister Cem stated that Turkey was willing to make any sacrifice for Cyprus, even giving up European Union membership, and added that, in the case the EU confirmed Cyprus becoming a member of European Union, Turkey was ready to proceed with the annexation of Northern Cyprus.

A year later things changed, when the leader of the Justice and Development Party (AKP) Erdogan won the elections in Turkey, clarifying that one of his main goals was to secure Turkey's accession to European Union, thus solving the Cyprus issue too. A sign of openness was given by the Turkish Cypriot authorities, that decided on 23 April 2003 to end the restrictions imposed thirty years before on crossing the Green Line and allow the people to travel freely around the island since 1974. On 14 December 2003 were held the Turkish Cypriot parliamentary elections, where the main pro-solution opposition parties failed to win, reconfirming the lead to Rauf Denktaş. A new round of talks took place, but neither solution was reached and the main differences on the core political issues remained firmly in place.

On 1 May 2004 Cyprus officially joined the European Union and under the accession conditions the whole island was considered a member of the EU, even though the *acquis communautaire* have been suspended in Northern Cyprus.

Changes of government, referendums, and an indefinite number of renewed talks have followed, but not even a single one of these changes and

activities have led to any result, leaving the Cyprus dispute unsettled and the island divided.

## 2.2 Countless attempts for a settlement

As we have seen, there have been huge efforts to resolve Cyprus conflict, but without any successful outcome. The role of mediator in this dispute has been played by the United Nations, represented by different diplomats in the various round of negotiations and after the numerous stalemates.

First of all, it is important to note that the first settlement concerning Cyprus, the one that made the island independent in 1960, was almost imposed on Cyprus by the three interested powers: Britain, Greece and Turkey. It was applied without considering the differences and the difficulties faced by the different inhabitants of the island, thus, triggering in part the prolonged and ongoing crisis. Actually, the settlement and the constitutional provisions granted in 1960 intensified the ethnic and identity differences that were spread across Cyprus, thus feeding both mistrust and antagonism, in addition to competition and intolerance.

The first attempt has been made in 1964, in connection with the establishment of the peacekeeping force. The Secretary-General, after consultation with the parties of the dispute and the Guarantor Powers, should designate a mediator who will handle the conflict. The first person to be appointed was Jose Rolz-Bennet, the Secretary General's representative for Cyprus. However, it was rejected by Turkey, as he was considered not having the required prestige for the task and, furthermore, he lacked a sufficient knowledge of the island. Later, it has been appointed a Finnish diplomat, Sakari Tumioja. The politician was supportive for what concern the idea of *enosis*, but at the same time he considered inappropriate for a person in his position, thus a UN official, to support a solution that could lead to the dissolution of a UN

member state. In parallel with the Finnish mediation, the United States decided to intervene, following its own path: they decided to follow the plan presented by Dean Acheson, former Secretary of State, in which he proposed the union of Cyprus and Greece. To compensate for the loss, Turkey would receive a sovereign military basis on the island and the Turkish Cypriots would be given minority rights.

However, the United States had to give up to their attempt to establish a settlement, as the proposal had been rejected by both parties. It found its major adversary in Makarios, who argued that giving Turkey the military basis would be both a limitation to *enosis* and a strengthening of the power of Ankara.

In 1964, after the death of Sakari Tuomioja, the role of mediator was given to the Ecuadorian Galo Plaza. The following year he presented a report<sup>60</sup> in which he analysed the point of view of the Greek Cypriot side, the Turkish Cypriot side and the one of the guarantors powers and declared the incompatibility of those positions, criticizing the lack of commitment to reaching a settlement. The Greek Cypriots accepted the report, despite the opposition to *enosis* included in it, but Turkey and the Turkish Cypriots refused it, adding that he should resign, as he had exceeded his mandate by advancing specific proposals, while his role was simply to broker an agreement. Faced with the demand of resignation of Plaza, the Greek Cypriots made clear that if he resigned, they were ready to refuse any replacement.

Due to the deterioration of the situation, in 1965 U Thant, Secretary General of the United Nations, opted for the end of the mediation effort operated by Plaza, who had not been replaced immediately.

In 1966 there has been another attempt at peace-making, under the umbrella of Carlos Bernades, the Secretary General's Special Representative

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<sup>60</sup> Report of the United Nations Mediator on Cyprus to the Secretary-General, United Nations Security Council, 1965

for Cyprus. He avoided the path chosen by his predecessors, opting for a try towards direct dialogue between the two sides, aimed at determining a settlement. However, his attempt turned out to be a dead end, mainly due to the political chaos in Greece at that time.

In May 1968, talks began again under the auspices of the Good Offices of the UN Secretary General. Those talks were conducted by the presidents of the communal chambers: Glafcos Clerides and Rauf Denktaş. During the first and second negotiations round in 1968 the Turkish Cypriots asked for greater autonomy and in return were ready to make several concessions, but Makarios rejected all their proposals. In 1969 took place the third negotiations round, concerning constitutional issues, but again there was little progress. Between 1969 and 1970, after a series of talks and attempts to find a settlement, those efforts had to stop, due to the lack of movement on the sides of both the protagonists and due to the numerous failures attained.

In 1974, after an internal clash between Turkish Cypriots and Greek Cypriots that involved also Turkey and Greece, formal peace talks between Greece, Turkey and Britain were organized in Geneva. During the negotiations, Turkey agreed to halt their advance and a new cease-fire line was agreed. Later, the powers agreed that the withdrawal of Turkey from the island was connected to a settlement that would last and that was acceptable to all parties, adding the possibility of the existence of two autonomous administrations, one representing the Greek Cypriot community and one the Turkish Cypriot community.

In further talks, the Turkish Cypriots insisted on the idea of some kind of geographical separation of the two communities and proposed a federal state, in which the Turkish Cypriot community would have the 34% of the island. In this talks emerged that Turkish Cypriots wanted a bi-zonal federation and Turkey, under American advice, proposed a cantonal plan involving separation of Turkish Cypriot areas among them. These plans were presented

then to the other conflicting side. Makarios, who at first rejected the idea, insisting that Cyprus had to remain a unitary state, afterwards asked for a consultation time between the 36 and the 48 hours. Turkey refused to concede any consultation time, proceeding then with a second offensive and establishing a new partition, in which the 36% of the island was under the control of the Turkish military and in which the United Nation Buffer Zone in Cyprus, or green line, was established to signal the division. From the Greek point of view, the Turkish proposals were made being sure that would be a rejection, and to allow the possibility of a Turkish military base in Cyprus. However, the Greek side could not accept the Turkish side proposals because they allow too much autonomy for the Turkish Cypriot areas. Once again, the negotiations did not lead to any result.

In 1975, the Austrian UN Secretary General Kurt Waldheim started a new mission of Good Offices. The negotiations were attended by Clerides and Denktaş, who discussed numerous humanitarian issues, that deserved particular attention, especially after the crisis of 1974. However, there have been no progresses for what concerned the core of the problems, issues as territory or the nature of the central government. In 1976, talks collapsed. Yet, in 1977, the United Nations convened a meeting between Makarios and Denktaş, who signed an agreement that established that a future Cyprus settlement would be based on a federation, in which central government would have had powers to ensure the unity of the state. Various other issues had been postponed to subsequent discussions, but some months later, in August 1977, Makarios died and the talks halted.

In 1979 the United States, in cooperation with Britain and Canada, proposed a plan as permanent solution to the Cyprus problem: the ABC plan. The project planned a federation between the Greek and Turkish Cypriot communities of the island and consisted of twelve points, the main of which were the creation of a Bicomunal Bizonal Federation, a bicameral legislature,

the withdrawal of all foreign troops and the Turkish Cypriot side giving back to the Greek Cypriots a considerable amount of land. The central government envisaged would deal with foreign affairs, external defence, currency, central banking, inter-regional and foreign trade, communications, federal finance, customs, immigration and civil aviation. Regarding the bicameral parliament, the upper chamber would be proportional to the size of the two populations and it would be maintained the system of a Greek Cypriot president and a Turkish Cypriot vice-president. The ABC plan, however, was rejected by the two states. The Greek Cypriots opposed the plan because it did not include the safeguard of the three freedoms that they considered essential for a just and viable settlement: the freedom of movement, the freedom of settlement and the right to own property.

In May 1979 another set of ten-point proposals was presented by Waldheim. The proposal reaffirmed the High-Level Agreement of 1977, which stated that the parties were seeking an independent, non-aligned, bi-communal Federal Republic; that the territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership; that issues of principles like freedom of movement, freedom of settlement, the right of property and other matters, were open for discussion and that the powers and functions of the central federal government will be such as to safeguard the unity of the country having regard to the bi-communal character of the State. To those points were added a proposal for the demilitarisation of the island and a commitment to avoid any destabilising activity or action.

However, those talks were short-lived, clashing with an unresolvable issue: the idea of bicommunality. In the Turkish Cypriot vision, the Turkish Cypriot federal state would be exclusively Turkish Cypriot and the Greek Cypriot state would be exclusively Greek Cypriot. The Greek Cypriots, instead, had a different view: they thought that the two states will be predominantly of

pertinence of a specific community, but not exclusively, with sovereignty resting with the central state, as in standard models of federation. This time, however, the UN decided not for a complete halt to the talks, but to put negotiations on hold.

In 1980, Waldheim tried again to bring back to life the peace process, proposing an Interim Agreement, which included measures with the aim of encouraging a more positive atmosphere on the island. Successively, the same year, new negotiations started under the Argentinian Secretary General's Special Representative Hugo Gobbi. Those talks centred on improving the levels of goodwill between the conflicting parties, the issue of Greek Cypriot refugees, constitutional matters and territorial issues. Again, the attempt crashed against the incompatibility of view regarding the idea of bizonality or bicommunality.

In 1983, the Peruvian UN Secretary-General Javier Pérez de Cuéllar tried the road of the negotiations among the parties. The first decision he took was to pass a resolution calling for the withdrawal of all occupation forces from Cyprus, a decision that antagonized Turkish Cypriots. Then, the diplomat presented to the two sides a series of proposals that implied a rotating presidency, the establishment of a bicameral assembly and a 60:40 representation in the central executive. The Turkish Cypriot, that gained increased representation, were expected to surrender a quota between the 8% and the 13% of the land in their possession. Surprisingly, both Kyprianou, who replaced Makarios after his death, and Denktaş accepted the proposals.

The cause of the worsening of the situation had been, on November 1983, the unilaterally declaration of independence from the Turkish Cypriots, who took advantage of the instability in Turkey, due to the returning to civilian rule after a military coup in 1980. In front of this act, the Security Council passed a resolution, no. 541, stating that the new state was not accepted and that this unilateral decision cancelled all the efforts towards a settlement. The

Turkish Republic of Northern Cyprus (TRNC) was officially recognized by Turkey, but not by the rest of international community. Moreover, the Security Council passed then another resolution, no. 550<sup>61</sup>, that condemned the exchange of ambassadors between Turkey and Turkish Cypriot leadership.

In 1984 talks resumed: again, it was agreed that Cyprus would be a bi-zonal, bi-communal, non-aligned federation, with the Turkish Cypriots retaining the 29% of their federal state and with all foreign troops leaving the island. In 1985 the two leaders met for the first face-to-face talks since the 1979 agreements. The Greek Cypriot leader clarified that for them the meeting was a chance for further negotiations and not a decision for a final settlement, but at the same time Denktaş claimed that he would not make so many concessions again. In 1986, de Cuéllar presented a Draft Framework Agreement, that planned the creation of an independent, non-aligned, bi-communal and bi-zonal state Cyprus. Yet, the Greek Cypriots were not satisfied with this proposal, arguing that the question of removing Turkish forces from the island had not been taken into account and that there were no guarantees that the fundamental freedoms would be respected. The Peruvian mediator had to give up in front of the irremovability of the conflicting parties, thus the talks halted again.

August 1988 saw the umpteenth attempt of resolution from de Cúellar, who called the two sides' leaders for a meeting with him. Vasiliou and Denktaş agreed to abandon the 1986 Draft Framework Agreement and chose to return to the 1977 and 1979 High Level Agreements. Talks came to a standstill in the moment when the Greek Cypriots announced their intention to apply for membership of the European Community, move contested by both the Turkish Cypriots and Turkey. Anyway, the mediator decided to present a set of ideas to the two parties in 1989. Denktaş immediately refused the proposals, adding

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<sup>61</sup> Resolution 550, 1984, [https://undocs.org/S/RES/550\(1984\)](https://undocs.org/S/RES/550(1984))

also that the UN Secretary-General had no right to present formal proposals to the two sides.

In 1990, the conflicting parties met again, but once again the talks had short life: Denktaş demanded that the Greek Cypriots acknowledge the existence of two different people in Cyprus and the right of the Turkish Cypriots to self-determination, demands that were rejected by the other party.

The issue of accession to the European Community emerged again in July 1990, when Cyprus formally applied. This move has been heavily criticized by the Turkish Cypriots and by Turkey, which had applied for the same membership in 1987. Denktaş added that the only way to allow Cyprus joining the community was the accession at the same time of Turkey. Furthermore, as reprisal, Turkey and TRNC signed a joint declaration in which they decided to abolish passport controls and introduced a custom union. Javier Pérez de Cuellar, in the face of the impasse of the situation, wrote his last report to the Security Council in 1991, under the United Nations Security Council Resolution no. 716<sup>62</sup>, accusing Denktaş for the failure of the talks, due to his request that the two communities have equal sovereignty and a right to secession.

In 1992, a new attempt was made by the new UN Secretary-General, the Egyptian Boutros Boutros-Ghali. The diplomat proposed a plan for the creation of a bi-zonal, bi-communal federation, with the prohibition of any form of partition, secession or union with another state. The Greek Cypriot community accepted the proposal as a basis for a possible agreement, but Denktaş rejected it, arguing again that the UN Secretary-General has exceeded his authority and adding that his community was not recognized by the above mentioned proposal. Moreover, the Turkish Cypriot leader asked for direct talks with the Greek Cypriots, without the involvement of the UN. This proposal was, anyway, rejected.

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<sup>62</sup> United Nations Security Council Resolution N. 716, 1991, <http://unscr.com/en/resolutions/716>

Ghali continued on the path chosen and tried again to convince the conflicting parties to consider a settlement. He encouraged the two sides to accept eight confidence building measures (CBM), that included the reduction of military forces on the island, the restriction on contact between the two sides, the undertaking on an island census and the conduction of studies regarding a solution. Denктаş, facing these points, accepted some of them, but not the whole package. The following year, after that Clerides proposed the demilitarization of Cyprus, Denктаş, who rejected this idea, however announced that it was possible that he would accept the CBM in principle.

At the same time, the European Commission reported its opinion on the Cypriot application for membership, stating that it abstained regarding the immediate negotiations and accession, delaying the decision in 1995 and suggesting further talks and a possible settlement of the dispute to the conflicting parties.

In 1994, the UN presented to the two sides a draft document with the previously proposed measures illustrated in detail. While Clerides was ready to accept it, provided that Denктаş did the same, the Turkish Cypriot leader refused it, contesting that the acceptance of the proposal would upset the balance of forces on the island. He was prone to accept mutually agreed changes, but in this case it was Clerides who refused to negotiate any further change to the proposal. Ghali found himself in a deadlock again.

On 24-25 June 1994, at the Corfu European Council, the European Union confirmed that Cyprus would be part of the next phase of Union's enlargement and, two weeks later, the European Court of Justice imposed restrictions on the export of goods from Northern Cyprus into the European Union. Moreover, some months later, relations between the European Union and Turkey worsened, when Greece blocked the implementation of a custom union. The consequence of this situation was a prolonged deadlock during 1995 and 1996, year in which the situation took an additional step towards the worsening of

the relationship between EU and Turkey, with the last one being declared by the European Court of Human Rights (ECHR) an occupying power in Cyprus.

In 1997 the situation unlocked, following the decision of the European Union to open accession negotiations with the Republic of Cyprus. This move had opponents and supporters: among the supporters, the common idea was that Turkey should not have a veto on Cypriot accession and that those negotiations would encourage all sides to be more moderated and encouraged to find a settlement, while the opponents claimed that it would be this decision to stop any incentive towards a settlement, as the Greek Cypriot will probably use their position of member to use the increased strength to push for a settlement on their terms.

In any case, Denktaş made immediately clear that he would no longer accept the idea of a federation as a basis for the settlement and that he would consider only negotiations on the basis of a confederal solution. The Turkish Cypriot leader decided then to write to Clerides on November 2001, moved by the aim of proposing a face-to-face meeting. Following several face-to-face meeting among the two, a new peace process started under UN auspices on January 2002. The goal again was to reach an agreement as soon as possible, but the negotiations were at a standstill soon and no deal was reached neither when the UN Secretary-General Kofi Annan decided to visit the island, noting that the talks were deadlocked again. Due to this stalled situation, the Security Council decided that the Secretary General should propose to the two disputing sides a plan. The Annan UN peace plan was presented to the two sides by the Ghanaian diplomat on 11 November 2002. It had undergone changes and it was revised a month later, becoming Annan II, hoping that with those changes it would be agreed by the two sides. However, Denktaş, recently subjected to surgery, declined the attendance to the European Council held in December, where it was hoped to agree a settlement. However, a further

revision of the peace plan occurred in 2003 (Annan III)<sup>63</sup>, when Kofi Annan made a second visit to the island.

Annan also asked the two sides to meet with him in order to decide if they were ready to accept putting the plan to a referendum. The Greek Cypriot side, now led by Tassos Papadopoulos, agreed to the idea of the referendum, but again Denktaş refused the proposal to allow a popular vote, therefore making the peace talks collapsing another time.

In 2004, after a meeting between the Turkish leader Recep Tayyip Erdoğan and Kofi Annan, the start of a new negotiation process was agreed. It would be based on two phases: the first would involve only the Greek and Turkish Cypriots and the second would include also Greece and Turkey; furthermore, the phases had to be held in two different places: the first on the island, the second elsewhere. The final version of the Plan was presented to the two sides on 31 March 2004. The final proposal planned that the Republic of Cyprus would become the United Cyprus Republic, a loose federation composed of two states. The Turkish Cypriot state would embrace the 28.5% of the island, while the remaining 71.5% would be due to the southern Greek Cypriot state, with each side having its own parliament. In addition, there would be a bicameral parliament of a federal level, with the Chamber of deputies composed by 23.5% of the seat for Turkish Cypriots and the Senate composed by equal parts of members. The executive would be assigned in a presidential council, that would have a rotating chairmanship between the communities. Moreover, each community would have the right to veto all legislation.

Many aspects of the plan were matter of debate, for instance the possibility of a gradual reduction in the number of Greek and Turkish troops on

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63 Basis for a comprehensive settlement of the Cyprus problem, 2003, [https://www.globalsecurity.org/military/library/report/2004/annan-cyprus-problem\\_maps\\_26feb03.pdf](https://www.globalsecurity.org/military/library/report/2004/annan-cyprus-problem_maps_26feb03.pdf)

the island or even the aim of full demilitarisation. Another point criticized was the maintaining of the Treaty of Guarantee, which allow Britain, Greece and Turkey a right to intervene military in the island's affairs, or the possibility to allow many Turkish citizens who had been brought to the island to remain.

In order to take effect, the plan had to be accepted by the two communities in simultaneous referendums, planned for 24 April 2004. Beside both the support and opposition coming from the two conflicting sides, also external powers gave their opinion: the United Kingdom and the United States supported the plan, accompanied by Turkey, while the Greek government decided to remain neutral. In the referendum, the Turkish Cypriot supported the plan, but the Greek Cypriots voted against it.

Referendum result	Yes		No		Turnout
	Total	%	Total	%	
Turkish Cypriot community	50,5000	64.90%	14,700	35.09%	87%
Greek Cypriot community	99,976	24.17%	313,704	75.83%	88%
Total ballots in all areas	150,500	31.42%	328,5000	68.58%	

After the defeat of the Annan Plan in the referendum, there have been no attempt to restart negotiations, since the UN Secretary General was not willing to restart talks until he was sure that any attempt to negotiations would have had a chance to lead to a settlement based on the Annan Plan of 2004.

The stalemate presented an improvement on March 2008, when the respective leaders of the disputing sides met and agreed to start a new round of talks on reunification and to reopen Ledra Street, which was cut in two since the violence of the 1960s and since that division it became a symbol of the division of the island. On April 2008 there has been held a first meeting of technical committees, a second was planned for May 2008 and a third took place on July 2008, for a final review of the work before the starting of the actual negotiations. The discrepancies appeared immediately evident: Dimitris Christofias, president of Cyprus since the 2008 presidential elections, was expected to propose a rotating presidency for the united Cypriot state, while Mehmet Ali Talat, president of Northern Cyprus, underlined that he would not agree on the abolition of the guarantor roles of Turkey and Greece.

In January 2010, the South Korean UN Secretary General Ban Ki-moon went to the island with the aim of accelerating the talks for the possible reunification of the country. From 2010 to 2012 Ban Ki-moon, Christofias and Eroglu, the new Northern Cyprus leader, met for further negotiations, but they were in disagreement on many core issues. In 2012, however, Ban Ki-moon stated that “there is not enough progress on core issues of reunification talks for calling an international conference”<sup>64</sup>.

In 2014, thanks to a relaxation in the relations between the north and the south of the island, negotiations renewed and the new leaders of the Greek and Cypriot communities, Nicos Anastasiades and Derviş Eroğlu, laid down a joint declaration:

“1. The status quo is unacceptable and its prolongation will have negative consequences for the Greek Cypriots and Turkish Cypriots. The leaders affirmed that a settlement would have a positive impact on the entire region, while first and foremost benefiting Turkish Cypriots and Greek Cypriots,

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<sup>64</sup> UN News Center, <https://news.un.org/en/story/2012/04/409242-cyprus-not-enough-progress-talks-call-international-conference-ban>

respecting democratic principles, human rights and fundamental freedoms, as well as each other's distinct identity and integrity and ensuring their common future in a united Cyprus within the European Union.

2. The leaders expressed their determination to resume structured negotiations in a results-oriented manner. All unresolved core issues will be on the table, and will be discussed interdependently. The leaders will aim to reach a settlement as soon as possible, and hold separate simultaneous referenda thereafter.

3. The settlement will be based on a bi-communal, bi-zonal federation with political equality, as set out in the relevant Security Council Resolutions and the High Level Agreements. The united Cyprus, as a member of the United Nations and of the European Union, shall have a single international legal personality and a single sovereignty, which is defined as the sovereignty which is enjoyed by all member States of the United Nations under the UN Charter and which emanates equally from Greek Cypriots and Turkish Cypriots. There will be a single united Cyprus citizenship, regulated by federal law. All citizens of the united Cyprus shall also be citizens of either the Greek-Cypriot constituent state or the Turkish-Cypriot constituent state. This status shall be internal and shall complement, and not substitute in any way, the united Cyprus citizenship.

The powers of the federal government, and like matters that are clearly incidental to its specified powers, will be assigned by the constitution. The Federal constitution will also provide for the residual powers to be exercised by the constituent states. The constituent states will exercise fully and irrevocably all their powers, free from encroachment by the federal government. The federal laws will not encroach upon constituent state laws, within the constituent states' area of competences, and the constituent states' laws will not encroach upon the federal laws within the federal government's

competences. Any dispute in respect thereof will be adjudicated finally by the Federal Supreme Court. Neither side may claim authority or jurisdiction over the other.

4. The united Cyprus federation shall result from the settlement following the settlement's approval by separate simultaneous referenda. The Federal constitution shall prescribe that the united Cyprus federation shall be composed of two constituent states of equal status. The bi-zonal, bi-communal nature of the federation and the principles upon which the EU is founded will be safeguarded and respected throughout the island. The Federal constitution shall be the supreme law of the land and will be binding on all the federation's authorities and on the constituent states. Union in whole or in part with any other country or any form of partition or secession or any other unilateral change to the state of affairs will be prohibited.

5. The negotiations are based on the principle that nothing is agreed until everything is agreed.

6. The appointed representatives are fully empowered to discuss any issue at any time and should enjoy parallel access to all stakeholders and interested parties in the process, as needed. The leaders of the two communities will meet as often as needed. They retain the ultimate decision making power. Only an agreement freely reached by the leaders may be put to separate simultaneous referenda. Any kind of arbitration is excluded.

7. The sides will seek to create a positive atmosphere to ensure the talks succeed. They commit to avoiding blame games or other negative public comments on the negotiations. They also commit to efforts to implement

confidence building measures that will provide a dynamic impetus to the prospect for a united Cyprus”<sup>65</sup>.

Negotiations talks continued throughout 2014, 2015, 2016 and they were stopped in 2017. However, Greece and Turkey, in 2019, made a declaration in which they stated that they wanted to ease tensions between them, including the tension stemmed from the Cyprus dispute.

### 2.3 Perspectives on Cyprus conflict

A characteristic of this dispute is that many of the formal positions adopted by the conflicting parties have evolved over time and have changed. For instance, the Greek Cypriots have developed from *enosis* in the 1950s, to “self-determination, to the unified state, to the policy of the feasible, to the long-term struggle, to federation”<sup>66</sup>. At the same time, also the point of view of the Turkish Cypriots has changed from local autonomy within a unitary state in the 1960s to a bizonal federation in the 1970s to a loose confederation with demands for secession. However, notwithstanding the numerous changes in formal positions, the adjustments didn’t lead to a transformation in the parties’ fundamental attitudes. Furthermore, in addition to the abovementioned difficulties there was the fact that even for what concern positions with an agreement in principle, there were different interpretations that prevent any agreement. For example, it applies to the idea of the bizonal federation: the Greek Cypriots argued for a centralized or unitary federation without borders, while the Turkish Cypriots want a loose or decentralized confederation of two autonomous states.

It is clear that there are almost no chances that the parties would find a compromise regarding those core positions, as they were perceived as

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<sup>65</sup> <http://cyprus-mail.com/2014/02/11/joint-declaration-final-version-as-agreed-between-the-two-leaders/>

<sup>66</sup> Markides K.C., 1977, *The rise and fall of the Cyprus republic*, New Heaven, CT: Yale University Press

conflicting, incompatible and sometimes also arbitrary and unjustified. Even in the case that a compromise was achieved, there is a great probability that the compromise-solution would fail in the long term, due to the excessive emphasis put by mediators on finding points of equidistance among the official positions of the conflicting parties.

## 2.4 Cyprus conflict as a Prisoner's dilemma

The Cyprus conflict is an international and an intergroup conflict at the same time, within which external parties have a noteworthy influence. Simultaneously, inside Cyprus there is a fundamental political division. It is important to notice that the attempt to impose a solution that came from outside parties resulted in the 1959 London and Zurich Agreements, which has proven to be a failure, leading then to the clashes between the two communities in 1963. This attempt could be interpreted as the impossibility of any external party to impose a solution of any kind, as the solution of the dispute must come from the leaders of the two communities and their willingness to find a settlement.

The core issue of the conflict has always been the opposition between *enosis* and *taksim*. The first one has been associated with the right of the Greek population in the island to self-determination and with the possibility of unification with Greece. To this, it is opposed the idea of *taksim*, the partition of the island between the two communities, since the Turkish Cypriots perceived *enosis* as a threat to their right of self-determination.

The Cyprus conflict can be viewed as the opposition of two democratic and legitimate principles: from one side, the principle of majority rule, as the Greek Cypriot population is the eighty percent of the island's population, and the principle of autonomy presented by an ethnic minority group. Both the positions could be seen as legitimate, however, as each party maintained its attachment to one principle and refused to make any kind of concession or step

forward the other, no solution of conflict has been possible, as it has been demonstrated by the prevailing and almost constant state of hostility.

This context may be compared with the choice between competition and cooperation in a Prisoner's Dilemma, comparison that has been made by Lumsden in his work<sup>67</sup>:

Turkish Cypriots / Greek Cypriots	Modify position	Maintain Position
Modify position	<i>Peace</i>	<i>Taksim</i>
Maintain Position	<i>Enosis</i>	<i>War</i>

Fig.2.1: The Cyprus Conflict as a 2x2 matrix, Lumsden

In this situation it appears evident that Greek Cypriots prefer *enosis* to peace and war to *taksim*, thus they will choose to maintain position. In the same way, the Turkish Cypriots prefer *taksim* to peace and war to *enosis*, so they will choose to maintain position too. The consequent result is a permanent threat of war.

However, it is possible to notice that in the Cyprus conflict communication between the conflicting parties is possible, communication channels exist, but they have helped little in making any kind of progress, thus we can consider this conflict as non-negotiable. In a situation in which

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<sup>67</sup> Lumsden M., 1973, The Cyprus Conflict as a Prisoner's Dilemma Game, Journal of Conflict Resolution, Vol. 17 No. 1

communication exists, but it is tenuous, it is possible that misperceptions and misunderstandings emerge, worsening the relationship between the parties and pulling away the possibilities for a settlement. For instance, in this case, neither side considered war as their worst alternative, but it is possible that one or both sides believe that the other party evaluates war as the worst alternative. This could mean that there is the possibility that each party would threaten war, supposing that the other party would avoid it.

### 3. Korean war: a “Forgotten Conflict”

This third chapter takes in consideration the conflict between North and South Korea and the division of the island and uses it as another example of the possibility of failure from mediated third party intervention. The chapter starts from the historic aspect of the conflict and from the starting point of the division of the peninsula. After a short insight on the organization of North Korea, the chapter analyses the various features of inter-Korean relations and the attempts at reunification, that have failed. The historical study starts from the 1900s, taking into account the main events that have brought to the conflict and division among the two Koreas, and halted to this day, describing how this conflict has not yet come to an end.

The Korean War is known also as “the Forgotten War”, because its importance has been overshadowed by World War II and the Vietnam War. However, this conflict is one of those which shaped the years during the Cold War and then the world where we live nowadays. This is an ongoing conflict related to the division of the Korea between North Korea (Democratic People’s Republic of Korea) and South Korea (Republic of Korea), both of which claim to be the legitimate government of the peninsula.

#### 3.1 Steps towards the conflict

Korea became officially a Japanese protectorate in 1905, after the signing of the Treaty of Portsmouth<sup>68</sup>, which signalled the end of the war between Japan and Russia, in addition to establishing the aforementioned Japanese supremacy over the peninsula. During Japanese occupation, in Korea emerged numerous resistance and nationalist movements, struggling for independence, such as the March First Movement, born in 1919. That same

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<sup>68</sup> Treaty of Portsmouth, 1905, full text at [https://wwi.lib.byu.edu/index.php/Treaty\\_of\\_Portsmouth\\_ending\\_the\\_Russo-Japanese\\_War](https://wwi.lib.byu.edu/index.php/Treaty_of_Portsmouth_ending_the_Russo-Japanese_War)

year was established the Korean Provisional Government in Shanghai, which elected Syngman Rhee as a president and brought together all Korean exiles. However, the government failed to obtain recognition.

In 1943 was formulated the Cairo Declaration<sup>69</sup>, outcome of the Cairo Conference, attended by the United States, represented by the President Franklin Roosevelt, United Kingdom, represented by the Prime Minister Winston Churchill and China, represented by Generalissimo Chiang Kai-shek. At this conference it was established that Japan should lose the territories conquered by force and that Korea should become free and independent.

Subsequently, during the Potsdam Conference in July 1945, the United States insisted on the Soviet entry into war against Japan. The Potsdam Declaration<sup>70</sup> included the pledge that the terms of the Cairo Declaration would be respected and that Korea would have its independence, idea backed both by the Soviet Union and the United States. Thus, on August 1945, the Soviet Union declared war on Japan and advanced into Korea. The General Order No. 1<sup>71</sup>, drafted before the declaration of war, provided that the Japanese would surrender to the Soviets north of latitude 38° N, known as the 38<sup>th</sup> parallel, and to the Americans south of that line.

The end of the Japanese rule had as a consequence confusion among Koreans in both the zones. However, almost all Korean had a common goal: the immediate independence. South Koreans organized a Committee for the Preparation of Korean Independence and later a national assembly proclaimed the People's Republic of Korea. The United States military government, anyway, refused to recognize the republic, asserting that the military government was the only legitimate government in Korea, as stated in General

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<sup>69</sup> Cairo Declaration, 1943, full text at

[https://www.ndl.go.jp/constitution/e/shiryo/01/002\\_46/002\\_46tx.html](https://www.ndl.go.jp/constitution/e/shiryo/01/002_46/002_46tx.html)

<sup>70</sup> Potsdam Declaration, 1945, full text at <https://www.ndl.go.jp/constitution/e/etc/c06.html>

<sup>71</sup> General Order No. 1, 1945, full text at <https://www.mofa.go.jp/mofaj/files/000097066.pdf>

Order No. 1. In December the Council of Foreign Ministers, that represented the United States, the Soviet Union and Great Britain, decided to create a four-power trusteeship of the duration of five years. However, learned this decisions, the Koreans reacted violently. The Council, with the aim of restoring order, created the Representative Democratic Council, which was an advisory body composed of Koreans and with Syngman Rhee as its chairman. Additionally, it was created an Interim Legislative Assembly, half of whose members were elected by the people and half appointed by the military government.

The enduring division had as a consequence the development of the two Koreas as almost two different countries, two antagonistic states with opposed political, economic and social systems. Moreover, both the governments claimed to be the only legitimate government of the whole Korea and both considered the division in North and South Korea as temporary. The Soviet Union, which entered the north with expatriate Korean communists, set up a communist-controlled government. The Soviet Union in this way placed the north under its control avoiding, at the same time, to create a military government, but only leaning on recognized committees throughout the provinces of the northern zone. In February 1946 it was established the Provisional People's Committee for North Korea, a de facto central government that embraced and adopted the political structure of the Soviet Union and had its chairman in the communist leader Kim Il-sung. Indeed, the division deepened and the difference in policy between the U.S. and the USSR was reflected also in the polarization of politics within the peninsula that brought also to the illegality of crossing the 38<sup>th</sup> parallel without a permit.

The Moscow Conference of Foreign Ministers of 1945 was attended by the United States, the United Kingdom and the Soviet Union and it was aimed at discussing problems of occupation and establishing peace at the end of World War II, including also the Korean issue. U.S. and Soviet military command

had to settle the question of establishing a unified Korea. They decided to establish a Joint Commission to make recommendations, but it was treated with suspicion on both sides and it made no progress due to the increasing Cold War antagonism and to Korean opposition. In 1947, at the final meeting of the Joint Commission, the Soviet delegate proposed the withdrawal of both Soviet and American troops and let the Korean people free to form their own government, but this proposal was rejected by the United States.

Due to the inability of the Joint Commission to make progress, the United States decided to present the question to the United Nations in 1947 and the UN General Assembly adopted a resolution, strongly supported by the U.S.A., that required general elections in Korea under the observation of a UN Temporary Commission on Korea, the UNTCOK<sup>72</sup>. The elections would bring to the establishment of a National Assembly and a government that would manage the withdrawal of the troops of the occupying powers. However, the Soviet Union, which considered the resolution not binding, impeded the entrance to the northern zone to the Temporary Commission, arguing that the United Nations could not guarantee fair elections. The South, anyway, held the elections in 1948, designating Syngman Rhee as president. On August 15 the Republic of Korea was born, with Seoul as its capital and ending in this way the military government. Furthermore, the UN General Assembly stated that the republic was the only lawful government in Korea. However, many Koreans were against those separate elections, as they thought that those elections were a precursor for a permanent division of Korea.

In parallel, in 1947 the Supreme People's Assembly of North Korea, that had replaced the Provisional People's Committee, began the work to draft a constitution. This one was adopted in 1948, with Kim Il-sung appointed as a premier and establishing the Democratic People's Republic of Korea, with the

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<sup>72</sup> UN General Assembly Resolution no. 112, 1947, full text at [https://undocs.org/en/A/RES/112\(II\)](https://undocs.org/en/A/RES/112(II))

capital at Pyongyang. Moreover, the USSR recognized this state as the only legitimate government in Korea.

In 1949 the United States occupation forces completely withdrew from Korea, planning anyway a series of military aids and support for economic aid for the fiscal year of 1950. The Soviet occupation forces left North Korea the same year of the Americans, but left numerous advisors to military train the Koreans and, moreover, signing a reciprocal-aid agreement to furnish military equipment to North Korea. Thus, North Korean forces were far superior in respect to those of South Korea and, considering this obvious advantage, Kim Il-sung decided to start the invasion in June, when South Korea was unprepared to resist a total invasion.

Right after the invasion, the UN Security Council approved a resolution condemning it<sup>73</sup> and the Soviet Union couldn't impose any veto, because its delegate was boycotting the meetings as a protest for the fact that People's Republic of China had no representation in the United Nations. The United Nations decided to send aid to Korea<sup>74</sup>, led by the United States, calling for support to the others UN members too.

After a pressing advance of the North Koreans, the UN forces succeeded in fighting off the North Koreans at the division line of the 38<sup>th</sup> parallel. Successively, the UN General Assembly approved a resolution with the aim of permitting the entry into North Korea and the creation of a UN Commission for the Unification and Rehabilitation of Korea. The UN Forces managed to enter in Pyongyang and to reach the Chinese border. However, the Chinese intervened in defence of North Koreans, thus forcing the UN forces to a retreat. The United

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<sup>73</sup> UN Security Council Resolution No. 82, 1950, full text at <http://unscr.com/en/resolutions/82>

<sup>74</sup> UN General Assembly Resolution No. 410, 1950, full text at [https://undocs.org/en/A/RES/410\(V\)](https://undocs.org/en/A/RES/410(V))

Nations immediately condemned China as an aggressor and later the counteroffensive enabled the troops to reach the 38<sup>th</sup> parallel.

In 1951 the Soviet delegate to the United Nations propose to open a dialogue for a cease-fire and armistice. The armistice was signed on July 27, 1953 and the battle line became the boundary between North and South Korea. Moreover, it was established a demilitarized zone (DMZ), created by pulling back the respective forces of 2 km along each side of the boundary. It was decided to establish some commissions too, in order to enforce the cease-fire regulations, among them there was the Neutral Nation Supervisory Commission (NNSC). In addition, it was established a Neutral Nations Commission for Repatriation.

Even after the armistice, guerrilla movements persisted. The United States decided to sign a defence treaty with South Korea in 1953 and in 1958 placed in its territory nuclear weapons. During the 1960s, there have been a series of low-level armed clashes, which became known as the DMZ Conflict, and tensions heightened. In 1961, North Korea decided to sign mutual defence treaties both with the Soviet Union and with China. Over time, the two sides of Korea aligned with the opposing sides in the Cold War and received recognitions as the only legitimate government of Korea by each of their allies. Indeed, South Korea developed strong, anti-communist feelings and, at the same time, North Korea followed the path of a strong Communist state, but different from the Soviet Union and China. It developed the doctrine of *juche* or self-reliance, which became one of its cornerstones. Tensions continued to escalate, for example with the attack on the South Korean Blue House or with the failed attempt made by North Korean commandos to assassinate the South Korean President in 1968. In the 1970s both the parties started the build up their military capacity and South Korea, worried about the possibility of a US disengagement, began a nuclear weapons program too.

With the ending of Cold War, North Korea saw the dissolution of the support it received by the Soviet Union, falling into an economic crisis. Furthermore, facing an increasing isolation, the new leader Kim Jong-il decided to intensify the development of nuclear weapons and intercontinental ballistic missiles. On March, 2010, for instance, a South Korean navy ship sank near the border with North Korea and a team of international researchers argued that the sinking had been caused by North Korea, which anyway rejected this hypothesis. That same year took place some armed disputes among the two parties, keeping high the tension, also due to a North Korean launch of a satellite, that raised the tension with the United States too.

Conflict between North and South Korea continued to intensify over the years and also tension between North Korea and the United States heightened, especially with the election of President Donald Trump, who decided to abandon the Obama's policy of "strategic patience". As a consequence of the numerous tests conducted by North Korea of intercontinental missiles, the United Nations imposed sanctions on the North Korean government, strongly supported by Trump. In response, North Korea announced possible further missile tests that would land near US territory. Those missile tests and the consequent sanctions continued and increased throughout the years, until 2018. In this year a possible relaxation among the parties seemed possible, as the North Korean leader Kim Jong-un and the South Korean President Moon met and announced that their governments would work for a formalization of peace and denuclearization. Further signs of relaxation are represented by summits between Kim Jong-un and President Trump, who became the first setting U.S. President to enter North Korea.

### 3.2 Inside North Korea

In order to understand the Korean conflict, it is important to understand the basis on which North Korea is built.

Basically, Kim Il-song, the Premier of the Democratic People's Republic of Korea (DPRK) and General Secretary of the Korea Workers' Party (KWP) pursued to control and lead North Korean people and, possibly, South Korean people too. He presented himself as the possessor of a "mandate of heaven"<sup>75</sup> and his thought had various aims:

"(1) To articulate North Korea's national goals, (2) to spell out its specific programs, (3) to indoctrinate the North Korean people, (4) to legitimize Kim's political control, (5) to generate a sense of national pride among his people, and (6) to justify the austerity and rigors of North Korean life"<sup>76</sup>.

Obviously, the only person permitted to articulate the national objectives of North Korea was Kim Il-song and all new goals or any modification of the previously outlined goals had to be announced first by Kim alone. Furthermore, it appears clear that Kim's vision appeal to passion and, above all, a strong sense of national identity, besides the request of blind acceptance. Indeed, nationalism is a *sine qua non* of successful national leadership, thus his main focus is on the glorification of the Korean nation and of Koreans. North Korean's national goals are "(1) *juche* or self-reliance in thought, (2) political independence, (3) a self-reliant economy and (4) a self-reliant defence capability"<sup>77</sup>.

By being essentially Communist, North Korean society had to follow some common concepts: everyone must love the people and collectivity, as egoists are not tolerated, and everyone must be ready to give up their life for the interests of the group; besides love toward the group, there must be love of public property and people must love labour. Furthermore, people are

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<sup>75</sup> Koh B.C., 1970, Ideology and Political Control in North Korea, The Journal of Politics, Vol. 32 n.3, pp. 655-674, The University of Chicago Press

<sup>76</sup> Koh B.C., 1970, Ideology and Political Control in North Korea, The Journal of Politics, Vol. 32 n.3, pp. 655-674, The University of Chicago Press

<sup>77</sup> Koh B.C., 1970, Ideology and Political Control in North Korea, The Journal of Politics, Vol. 32 n.3, pp. 655-674, The University of Chicago Press

taught the superiority of socialism and they had to believe in the “revolutionary optimism”, following which revolution will inevitably triumph, despite being a painful process. Furthermore, as illustrated by B.C. Koh<sup>78</sup>, Korean People must have only one loyalty: to Comrade Kim Il-song, the leader of the party.

For what concerns foreign policy, the main goal of North Korea was the undermining of the South Korean government and then the reunification of Korea, under a Communist government.

### 3.3 Inter-Korean Relations

On the contrary of what is commonly thought, South Korea and North Korea have had numerous official talks, agreements, joint declarations and a mutual recognition of rival sovereignty by joining the U.N. simultaneously in 1991, as Hyug-Baeg Im<sup>79</sup> argued. Indeed, both nations have held diplomatic dialogues with the aim of easing and reducing military tensions.

The first diplomatic approach regarding the situation in Korea during the division of the peninsula can be pinpointed in the proposal made by the Soviet delegate to the United Nations for a discussion of the cease-fire and the armistice in June 1951. The negotiation between the UN and the Communists began in July and examined various issues. First of all, the Chinese request that all foreign troops would be withdrawn from Korea. This request, however, was strongly opposed by the United States. Then, it was analysed the issue of the boundary: after the battle had taken place, the communists demanded the restoration of the 38<sup>th</sup> parallel, but the United States wanted to maintain the border on the existing battle line. The last issue to be considered is the one concerning the prisoners: the United Nations held numerous prisoners, and

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<sup>78</sup> Koh B.C., 1970, Ideology and Political Control in North Korea, The Journal of Politics, Vol. 32 n.3, pp. 655-674, The University of Chicago Press

<sup>79</sup> Hyug-Baeg and Yu-Jetong Choi, 2011, Inter-Korean and Cross-Strait Relations through the Window of Regional Integration Theories, Asian Survey, Vol. 51, No. 5, pp. 785-811, University of California Press

many of them were unwilling to return to their homeland communist countries. At the same time, the communists were determined to have all the prisoners back. On this issue the negotiations halted, signalling the first deadlock, which ended only after the death of Stalin in 1953. In April both communists and UN personnel were exchanged at P'anmunjŏn, followed in June by the release of numerous North Korean anti-communist prisoners by Rhee. The armistice was signed in 1953, establishing that the battle line became the boundary between the two Koreas, creating the DMZ, establishing the abovementioned commissions and repatriating the prisoners who decided to be repatriated.

As implied in the terms of the Korean Armistice, in 1954 it was held a Geneva Conference on the Korean issue. The four main points discussed at Geneva were the withdrawal of foreign troops, the elections, a proportionality between North and South and the role of the UN.

Concerning the first issue, it was also the first issue mentioned in the Armistice Agreement, however it was impossible to find a common view: South Korea claimed that Chinese troops would have to withdraw first and that the UN forces should remain until unification was assured, but it was an untenable position. Another proposal implied that there could be a phased withdrawal of both Chinese and UN forces around the time of elections, but there still was no general agreement.

For what concern the elections, the first point made clear was that UN-supervised elections had already taken place in South Korea, so they only had to take place in North Korea. Again, there was no agreement, only a possible compromise on the proposal that new elections would be held in both North and South Korea.

Regarding the proportionality, for the Communist side it was fundamental that North and South Korea would be treated equally, so they proposed an all-Korean Commission, composed by members of the two sides.

Lastly, concerning the role of UN and international supervision, the Communists argued that Korean issues should be settled only by Koreans, after the complete withdrawal of foreign forces. However, the other international actors interpreted this position as a prelude to a North Korean takeover of the South by force, thus insisted on a role for the UN in supervising the withdrawal of the forces, the elections and the unification, under the umbrella of UNCURK, United Nations Commission for the Unification and Rehabilitation of Korea. The Communists made a counterproposal, suggesting a supervision provided by a Neutral Nations Commission. However, the other participants refused the proposal, as they were distrustful towards both North Korea and China. Due to the impasse on the role for the United Nations, the United States and the other participant agreed that it was time to end the conference, signalling another failure towards a successful diplomatic relation and unification of North and South Korea.

There had been other attempts to negotiations between the two diverging parties also during the Cold War. For instance, in 1972, during the preparations for Nixon's visit to China, South Korean President Park Chung-hee started to take contact with North leader Kim Il-Sung and the previous year first Red Cross talks between North and South Korea were held. After various secret meetings among the two opposing parties, on July 4, 1972 it was released the North-South Joint Statement<sup>80</sup>. It contained the Three Principles of Reunifications, arguing that reunification must be taken forward without interference from or reliance on foreign powers; reunification must be realized

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<sup>80</sup> The July 4 South-North Joint Communiqué, 1972, full text at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP\\_720704\\_The%20July%204%20South-North%20Joint%20Communique%C3%A9.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP_720704_The%20July%204%20South-North%20Joint%20Communique%C3%A9.pdf)

in a peaceful way, without the use of armed forces against each other; reunifications promoted the unification of Korea as one ethnic group, overstepping the differences.

In the following approaches to negotiations, with the aim of unification, the two Koreas followed different paths. Until the end of the Cold War, North Korea followed a federalist approach to both reunification and consequent national integration, while South Korea, devoid of a concrete unification policy, followed the idea of “march north for unification” proposed by President Syngman Rhee, with any compromise regarding the legitimacy of the Republic of Korea as the government of all Korea. North Koreans have affirmed frequently that their commitment to unification through peaceful means is honest, but peaceful reunification is considered possible only when a successful revolution that will remove the “imperialistic forces” will take place, establishing “a people’s democratic government”<sup>81</sup>. Following North Korea expectations, this new-formed government will then confer with North Korea on a unified government.

Another peaceful method toward reunification in the view of North Koreans is implied in the establishment of a confederative system, in which the two sides will collaborate in political, military, diplomatic, economic and social-cultural fields and will host general elections for the establishment of a unified central government.

In each proposal for peaceful reunification, however, is implied that the applicability presupposes complete withdrawal of U.S. forces, release of political prisoners and the guarantee of democratic freedoms in the South. The other option is, of course, reunification through military means, but this

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<sup>81</sup> Young C. K., 1977, *Korea’s Future: Pyongyang’s Perspective*, Asian Survey, Vol. 17 No. 11, pp. 1077-1087, University of California Press

possibility will be considered only if war is forced on North Korea by its enemies.

Concerning reunification, President Kim made a speech in June 1973, explaining his idea and proposing “the five great principles for peaceful unification of fatherland”<sup>82</sup>. This program required the elimination of military confrontation and the easing of tensions between the two Koreas; collaboration and interchange in many fields among them; the reunion of a grand national congress; the establishment of a North-South confederation with the name of a single country; the North and South working together for what concern external activities. Moreover, it was added a five-point proposal with the aim of easing tensions and eliminating military confrontations, consisting of: stopping the reinforcement of military power and arms race; withdrawal of all foreign troops; reducing the armed strength of both the Koreas; ceasing the introduction of all weapons or war supplies from foreign countries; concluding a peace agreement between the two sides, guaranteeing that none of the two will use arms against the other. According to the point of view of North Koreans, the abovementioned program will remove misunderstanding and distrust, leading to peaceful reunification.

After numerous meeting of the North-South Coordinating Committee between 1972 and 1975, during the 1980s the numerous attempts of carrying on the negotiations were always accompanied by stalemate or diplomatic or military incidents that halted them. Among those incidents, for instance, there was the Rangoon bombing in 1983, the Team Spirit in 1986, the bombing of Korean Air Flight 858 in 1987.

At the same time, the new South Korean President Roh Taw-woo started the diplomatic initiative known as Nordpolitik. The goal was the diversification of South Korea’s trading partners and assuring peace and security to the whole

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<sup>82</sup> Ibid.

Korean peninsula. The proposal included the promotion of trade, exchanges of visits, humanitarian contacts and Seoul's discontinuation of opposing non-military trade between North Korea and its allies. Moreover, among the objectives there was the normalization of the relations with North Korea, China and the Soviet Union. This policy improved the economy of South Korea and left the North more isolated, even if Roh highlighted that the objective of the Nordpolitik policies was not to isolate North Korea, but to encourage it to open up and reduce military tensions.

In the 1990s, the two conflicting parties seemed to be near to a relaxation, as showed by the signing of the Agreement on Reconciliation, Non-Aggression, Exchanges, and Cooperation<sup>83</sup> and the Joint Declaration of the Denuclearization of the Korea Peninsula<sup>84</sup>. The agreements pledged non-aggression, cultural and economic exchanges, prior notification of military movements, establishment of a military hotline and assured the working on the possibility of replacing the armistice with a "peace regime".

The same year, moreover, both North and South Korean were admitted into the United Nations.

Further parallel negotiations were held among North Korean and the United States and ended in the signing, in 1994, of the Agreed Framework between the United States of America and the Democratic People's Republic of Korea<sup>85</sup>. In 1993, in fact, North Korea proposed to the United States a

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<sup>83</sup> Agreement on Reconciliation, Non-Aggression, and Exchanges and Cooperation between South and North Korea, 1991, full text at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP\\_911213\\_Agreement%20on%20reconciliation%20non%20aggression%20and%20exchangespdf.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP_911213_Agreement%20on%20reconciliation%20non%20aggression%20and%20exchangespdf.pdf)

<sup>84</sup> Joint Declaration of the Denuclearization of the Korea Peninsula, full text at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP\\_920120\\_JointDeclarationDenuclearizationKoreanPeninsula.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KR%20KP_920120_JointDeclarationDenuclearizationKoreanPeninsula.pdf)

<sup>85</sup> Agreed Framework between the United States of America and the Democratic People's Republic of Korea, 1994, full text at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%20US\\_941021\\_Agreed%20Framework%20between%20the%20US%20and%20DPRK.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%20US_941021_Agreed%20Framework%20between%20the%20US%20and%20DPRK.pdf)

negotiation of a package solution to all the issues dividing them and the U.S. accepted, but with the condition that North Korea allowed inspections by IAEA and reopen negotiations with South Korea over nuclear questions. The aim of the agreement was to freeze North Korea's nuclear power program, leading to the denuclearization of the Peninsula, and to normalize the relations between the U.S. and the DPRK. The agreement, however, broke down in 2002, after President George W. Bush labelled North Korea as part of an Axis of Evil and after the discovery of a possible North Korean uranium enrichment program. On January, 2003, North Korea announced its withdrawal from the Nuclear Non-Proliferation Treaty and in 2005 declared that it had manufactured nuclear weapons as "nuclear deterrent for self-defence".

For what concerns the inter-Korean relations, in 1998 South Korean President Kim Dae-jung announced the starting of a Sunshine Policy towards North Korea. Its official title is The Reconciliation and Cooperation Policy Towards the North or The Embracing Policy. The policy was aimed at softening North Korea's attitude towards South Korea, encouraging interaction and economic assistance. The policy emerged in the context of a growing economic gap between the two parties, as the South was moving towards strengthening its nation with economic prosperity and North Korea faced starvation and crisis. Thus, Sunshine Policy was aimed at mitigating this gap and restoring communication between the two nations. Furthermore, this policy was an evidence of an evolving South Korean national identity since the Cold War. The South wanted to make clear also that they did not want to absorb the North or undermine its government, but their goal was only peaceful co-existence and not regime change. The policy was based on the separation of politics and economics and, above all, on the requirement of reciprocity from the North.

In 2000 the representatives of the two governments met and it was the first conference held between the leaders of the two States after the Korean War. At the end of the first Inter-Korean summit it was adopted the June 15<sup>th</sup>

North-South Joint Declaration<sup>86</sup>. The agreement settled mainly on five points and aimed at settling the problem of independent reunification, promoting peaceful reunification, solving humanitarian problems, encouraging cooperation and exchange in the two economies and having a dialogue between the North and the South. Thanks to this policy, trade increased in the two countries so much that South Korea became North Korea's largest trading partner and were implemented many partnerships, for instance since 1998 the Mount Kumang Tourist Region was developed as a joint venture between the North Korean government and Hyundai and in 2003 was established the Kaesong Industrial Region to allow South Korean Businesses to invest in the North. However, after the summit, talks between the two parties stalled and the Sunshine Policy was formally abandoned by the new South Korean President Lee Myung-bak in 2010.

The successive years saw an escalation of tensions between North Korea and South Korea, also because of numerous military incidents and unilateral decisions, such as the North Korean choice to launch a scientific and technological satellite, choice that had been condemned by the United Nations Security Council Resolution 2087<sup>87</sup>, backed by the United States and Japan. As a consequence, there had been an extreme escalation of rhetoric by the new North Korean administration under Kim Jong-un, threatening an imminent nuclear attack against South Korea, Japan and the United States.

In 2015, Kim Jong-un, in his personal New Year's speech to the country, stated that he was willing to resume high-level talks with South Korea. However, that same year some incidents led to another heightening of tensions among the two parties. Furthermore, despite peace talks in 2016 regarding the

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<sup>86</sup> South-North Joint Declaration, 2000, full text at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%20KR\\_000615\\_SouthNorth%20Joint%20Declaration.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%20KR_000615_SouthNorth%20Joint%20Declaration.pdf)

<sup>87</sup> Security Council Resolution n.2087, 2013, full text at <http://unscr.com/en/resolutions/doc/2087>

North's missile test, North Korea continued to progress in its missile testing, carrying out its fifth nuclear test.

In May, 2017, Moon Jae-In was elected as President of South Korea and promised a return to the Sunshine Policy. Furthermore, the following year, the Seoul-Pyongyang military hotline was reopened after almost two years. Moreover, there had been numerous signs of relaxation of tensions in those years.

A summit took place between Moon and Kim in the South Korean zone of the Joint Security Area in 2018. It was the first time since the Korean War that a North Korean leader had entered South Korean territory. The summit was focused on North Korean nuclear weapons program, denuclearization of the Korean Peninsula, peace establishment and improvement of inter-Korean relations. The two leaders met at the line that was dividing the countries and their meeting ended with both pledging to work towards a complete denuclearization, cooperation and peace among the parties, and vowing to declare an official end to the Korean War with the conversion of the Korean Armistice Agreement into a full peace treaty. Moreover, the leaders promised to end hostile activities between their nations, the resumption of reunion meetings for divided families, to improve connections along their border and for the cessation of propaganda broadcasts. They signed the Panmunjom Declaration<sup>88</sup>, which was submitted to the United Nations General Assembly in September, 2018.

In May, 2018, the two leaders met again, on the North Korean side of the border. The meeting was mainly focused on North Korean leader's upcoming summit with the President of the United States Donald Trump, that

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<sup>88</sup> Panmunjom Declaration for Peace, Prosperity and Unification of the Korean Peninsula, 2018, full text at [https://www.mofa.go.kr/eng/brd/m\\_5478/view.do?seq=319130&srchFr=&srchTo=&srchWord=&srchTp=&multi\\_itm\\_seq=0&itm\\_seq\\_1=0&itm\\_seq\\_2=0&company\\_cd=&company\\_nm=&page=1&titleNm=](https://www.mofa.go.kr/eng/brd/m_5478/view.do?seq=319130&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1&titleNm=)

took place on June, 2018. Throughout the whole 2018 there had been evident signs and actions of cooperation among the two sides of Korea. For instance, in September, during a meeting, Kim agreed to dismantle North Korea's nuclear weapons facilities, if the United States took reciprocal action, and the two leaders agreed on establishing buffer zones on their borders.

However, this atmosphere of easing tensions halted in 2019. In June Kim and Moon meet again and they were joined by the US President Trump. At the same time North Korea was conducting a series of missile tests and later on the United States and South Korea took part in joint military exercitations. Thus, in August 2019, North Korean leader criticized the South for the exercitations and for buying US military hardware, he defined it as a grave provocation, adding that there would be no more negotiations.

## 4 Third party interventions in Cyprus and Korea

This chapter presents a deeper analysis of the mediation efforts operated in the two countries considered in the two case-studies. It is divided in two parts, the first focused on the Cyprus and the second focused on the Korean case. The attention is focused on the mediation and on the role of the mediator, on the decision that the different mediators took and on the impossibility to conclude a successful mediation.

### 4.1 Cyprus case

For what concerns the Cyprus case, the intervention of the United Nations as third party should, as suggested by Richmond and Ker-Lindsay<sup>89</sup>, be studied at two different level: at the diplomatic level, the UN as mostly failed in its task, while at other levels, such as social or political interaction, it has been more successful. Indeed, it has been the entity that had to prevent Cyprus becoming a threat to international peace and security and in this task it has been successful, as it achieved averting that the conflicting parties started violent confrontation. It is important to note that within the UN Charter, international mediation is considered a diplomatic mean of key importance in avoiding and solving conflicts, but yet UN-sponsored mediation has failed in its diplomatic tasks.

The official involvement of the United Nations started in the 1950s, when the question of the Cypriot community regarding self-determination was brought before the General Assembly, against the United Kingdom vision, that was one pertaining to the island's colonial power refusing to end its colonial rule over a territory. The decision to internationalize the dispute, through the participation of UN since 1949, marked a turning point towards the escalation

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<sup>89</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgarve Macmillan

of the dispute. Regarding this stage of the dispute, it is important to note that large part of both Greek and Greek Cypriot thought that basing the discussion on the right of self-determination at the United Nations would result in a resolution in support of their goal and of *enosis*, but they didn't consider the means and limitations of the organization. In fact, in 1957 George Averoff claimed that: "the UN was not a court of justice which decided on the basis of its Charter. It was rather a universal political arena in which the interests of all nations clashed. The maximum outcome to be expected was moral and political pressure for the solution of problems"<sup>90</sup>. In this context, Stephen Xydis argued that "Greek policy makers never expected to attain their ostensible revolutionary goals in the UN but sought international attention through which Britain would eventually be forced to engage in bilateral negotiations outside the UN"<sup>91</sup>.

The United Nations could have been the right forum for promoting the independence causa, as it was established to settle differences among states, support decolonisation and to give voices to weak nations too. However, it lacked the means to carry out its tasks and never had the means to enforce implementation of its resolutions. Indeed, the UN did a little to solve the Cyprus dispute, nothing more than adopting non-binding resolutions that were vague and, in the end, the conflict was not resolved in the UN.

However, the Cyprus question illustrated a general problem of the organization. Indeed, the United Nations' involvement as independent party in world politics was not supported by the big powers and without the support of most of the permanent member of the Security Council, it became an almost powerless organ. As stated by Richmond and Ker-Lindsay, "concerning any involvement of the UN in the Cyprus question, the General Assembly divided

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<sup>90</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgarve Macmillan

<sup>91</sup> *Ibid.*

into those who encouraged a more active role of the UN and those who favoured a neutral stand and no active international mediation”<sup>92</sup>. Actually, until the 1990s the United Nations has proved to be unable to engage in conflicts without the support of all conflicting parties and, in the case of Cyprus, its involvement was supported only by the Greek side.

The involvement of the UN proved to be so crucial for Cyprus that its Permanent Representative to the UN, Zenori Rossides, was doing any effort to bring a direct involvement of the United Nations in the island. Eventually, U Thant decided to send a representative, whose task could be no more than observe the general situation and report to the Secretary General. Moreover, the parties involved agreed that the representative should have the rights of freedom of movement and communications over all the island, that his personal security would be assured and that would not be able to receive individual complaints on cease-fire violations. The parties in conflict and the Secretary-General then found an agreement on Resolution 186 (1964): it was meant to be a way to prevent any fighting that could represent a threat to international peace and security and “recommend the creation, with the consent of the Government of Cyprus, of a United Nations peace-keeping force in Cyprus, whose composition and size would be established by the Secretary-General, in consultation with Cyprus, Greece, Turkey and the United Kingdom, and whose commander would be appointed by the Secretary-General and report to him. The Secretary-General would keep the Governments providing the force fully informed and would report periodically to the Council on its operations”<sup>93</sup>. Indeed, on March 1964 the UN Security Council permitted the creation of a UN peacekeeping mandate “to prevent a recurrence of fighting

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions”<sup>94</sup>.

The vague mandate of the UNFICYP was intended and it allowed the UN force changing with the change of circumstances in 1974. It was agreed that UNFICYP could only use force in self-defence, had only limited means available to try to halt conflicts and promote peace, but it should do its best to interpose itself and negotiate ceasefires. In addition to sporadic violence, Cyprus had to face and solve also two important crises and an invasion in 1974 and it proved to be successful. The UNFICYP, in practical terms, had some principal tasks on Cyprus, such as the supervising of the cease-fire and the encouraging the path towards negotiation of a peace settlement and had tasks concerning humanitarian activities. It is evident that the force established by the United Nations had proved successful in its tasks, avoiding or solving numerous incidents within the island and diminishing the possibilities of war in Cyprus, creating also a better atmosphere that may be conducive to peace.

The case of UN mediation in Cyprus and the establishment of UNFICYP has showed the difficulties that UN mediation and peace-making faced. Both the peacekeeping and peace-making operations were supposed to be complementary: the UNFICYP could exist without the presence of a mediation, if the international community was ready to sustain this kind of operation, but without a mediation process, its presence and tasks would be indefinite. Moreover, the UN mediator could not operate without the existence of UNFICYP. This body was required to prevent fight and help returning to “normal” conditions, without specifying what “normal” meant in this case. In order to solve this issue, a mediator was appointed and his role was to promote the creation of a compromise agreement which would in the end led to a return of political and constitutional stability of the island. The Resolution declared:

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<sup>94</sup> Birgisson, 1993, United Nations Peacekeeping Force, in William J. Durch, 1933, *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, New York: St. Martin's Press

“that the Secretary-General designate, in agreement with the Government of Cyprus and the Governments of Greece, Turkey and the UK, a mediator, who shall use his best endeavours with the representatives of the communities and also with the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security. The mediator shall report periodically to the Secretary-General on his efforts”<sup>95</sup>.

The parties in conflict however understood that their negotiating power and the achievement of their goals were dependent on the United Nations’ mediation and on the assigned mediator, but only after they had been established. Indeed, the disputants did not recognize the need for mediation in 1963, when the conflict started. The UN mediation was considered by the two parties both as an aid in finding a settlement and as an obstacle in the achievement of each side’s main objectives, thus they tried to interpret the aims, actions and statements of the United Nations’ mediation in most suitable way for their goals, reinforcing each side’s position.

Furthermore, the fact that the mediator should be guided by the UN Charter and not by the 1960s Treaties showed a conceptual problem of UN mediation and its link with UN peacekeeping. Indeed, since the Security Council stated that the two parties should come to an agreed solution, each party felt authorized to reject the proposals made by the mediator, making thus the mediation completely reliant on the intentions of the disputants.

Appointing the UN mediator was a task pertaining to the Secretary-General and revealed a hard task, as all parties strongly required a neutral third party which would not work against their objectives. Among the mediators that

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<sup>95</sup> UN Security Council Resolution 186, 4 March 1964

had embarked in the negotiations of the Cyprus dispute, there is Galo Plaza, who decided to focus on the intercommunal level of the problem, instead of the international one, contradicting the main idea of the Resolution 186. However, the mediator argued that “he would search for a solution primarily *in Cyprus*”<sup>96</sup>, adding that, in the case that no mutually agreed solution was found, he declared that he could make his own suggestions. In his report, in 1965, Plaza insisted that the two sides should have more responsibility in the search for a solution, adding: “I gained the impression that the Governments of both Cyprus and Turkey, both of which had requested the General Assembly to discuss the Cyprus problem, each expected the Assembly to support its respective stand and would not yield to any substantial compromise until a decision had been taken by the Assembly”<sup>97</sup>. In front of this, there is the firm unwillingness on the side of the Turkish Cypriot community, to go on with negotiations mediated by Plaza, as he had exceeded his mandate in presenting suggestions. In fact, “the mediator could not use his personal views to make suggestions which were clearly incompatible with his findings”<sup>98</sup>. Thus, the mediation process was ended and Plaza stated: “clearly my first duty was, as I have said, to undertake consultations with each of the parties in order to explore the possibility of their reaching agreement among themselves. I have done that, and it had led me to believe that, without a change in the present circumstances, no such possibility exists. It has accordingly been suggested to me that my next responsibility is to bring forward in this report my own proposals for those conditions of a settlement which in my opinion, would allow the parties to go as close as circumstances permit to their *legitimate objectives*”<sup>99</sup>. He then added that his suggestions were not recommendations,

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<sup>96</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgarve Macmillan

<sup>97</sup> *UN Doc. S/6253* para. 8.

<sup>98</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgarve Macmillan

<sup>99</sup> *UN Doc. S/6253*, para. 121.

the only recommendation he made was that the parties should meet in order to start direct talks<sup>100</sup>.

The end of the direct mediation showed that Plaza was aware that the old situation could not be restored and this had the effect of reinforcing the Greek Cypriot position and reinforcing their vision that the goals of the mediator were close to theirs. As a result of this failure, tension began to increase among the Greek Cypriots and the Turkish Cypriot. This stalemate stressed the need for a mediation process that was backed by both the parties and for a mediation with a clear mandate, but it also highlighted the non-cooperative attitudes of the disputing parties towards an agreement.

At this stage, the Secretary General was in a crucial position, as direct mediation had to be replaced and, at the same time, it should be avoided the turning away of the two sides and it should be maintained the integrity of UN involvement. However, a new mediator could not be appointed, as it seemed that he had to resign every time one side protest against his recommendations. In this situation, it seemed that any further escalation of tension would make it more improbable the restarting of the peace-making operation.

Those problems and the rising of tensions led the intercommunal talks into deadlock after deadlock, until the Greek coup and the fighting of 1974. Moreover, the discussions over the Cyprus problem were vain and lacking of goodwill and trust among the parties. From this point forward, as stated by Richmond, “procedural issues as venues, the presentation of proposals and maps by both sides, the nature of the process of discussion and the level of involvement of the Secretary General and his representatives have been constant sources of competition between the two sides which appeared to have been motivated more by a need to avoid being blamed for the failure of

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<sup>100</sup> Ibid., paras. 169-70

talks, rather than by the need to solve the problem”<sup>101</sup>. Indeed, the two side’s points of view regarding peace-making by the United Nations remained always conflictual and the Secretary-General and his representative continued to be divided between making something more concrete and merely operating at procedural level.

In the 1990s, the Secretary General Boutros Boutros Ghali succeeded in making proposals and suggestions with the aim of moving the process forward, rightly after a discussion concerning the Set of Ideas and confidence building measures and concerning the mode, means and procedures of UN peace-making. In the end, the choice was for a more dynamic UN involvement and the Secretary General was forced to try more coercive methods in order to bringing the disputing parties closer to an agreement. He was, moreover, almost forced to lay the blame directly on the Turkish Cypriot side, due to their intransigence and their resistance and opposition towards the wished of the international community.

At the end of the 1990s, the peace-making role of the United Nations seemed to have become completely unproductive and apathetic, and it was almost supplanted by the role of other actors as third parties, such as the role of American, British and EU representatives.

The UN mediation went through various stages: the initial phase was characterized by the tendency of the two sides “to perceive the mediation process as being a vindication of their negotiating positions and of their attempts to empower themselves”<sup>102</sup>.

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<sup>101</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgrave Macmillan

<sup>102</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgrave Macmillan

When the attitude and considerations of Galo Plaza emerged, it was clear that UN mediation in an ethnic conflict such as the Cyprus one, with serious international implications, was undermined by the real international system in which it developed, that was focused on individual human rights, sovereignty, non-intervention and territorial integrity. In this context, the best a mediator can do is try to bring the parties to agree to some modifications on their requests, lessening their unwillingness to negotiate sovereignty and self-determination. The mediator, therefore, was limited to trying to maintain cease-fire status quo, as he could do little. The case of Plaza represents an example: he tried to comment on the main issues of the conflict and this had as a consequence the ending of the mediation process, risking also to undermine further possible negotiations.

The case of Cyprus showed the disputing parties involved in what is called “a game of waiting”, as they waited for international norms and regional balance of power to change, hoping that at that point their demands will be satisfied and reinforced by another third party. They choose this strategy, as opposed to the possibility of agreeing on a settlement under the existing norms and, in situations like these, the United Nations can do little more than wait and the mediators are able to do little more than strengthen the local and emerging status quo, in part ignoring their objectives.

Another example of third party intervention in Cyprus is the one of Waldheim, who exercised significant leadership and authority in his peace-keeper role, facilitating local agreements between the parties. He succeeded in bringing the two leaders face to face for the first time since the Geneva conference dissolved and, even if the subjects were modest, such as the return of prisoners and other humanitarian issues, the talks had been constructive, creating the basis for further meetings. However, it was suggested by the Security Council that the Secretary-General “undertake a new mission of good offices and to that end to convene the parties under new agreed procedures

and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices and with his direction as appropriate thereby be facilitated.”<sup>103</sup>

Waldheim had a direct input into the intercommunal dialogue, but the main issue remained unsolved: the disagreement about the nature of the constitution and the state of Cyprus. The mediator played a prominent role, in fact in 1978 all sides had agreed to let him judge if the proposals for discussions were “substantive enough to warrant the resumption of intercommunal talks”<sup>104</sup>. In 1981, furthermore, Waldheim added his own proposal to those of the parties, trying to identify a common ground. The Turkish Cypriot side this time did not oppose, stating that “as it would not be right for the Secretary-General himself to make proposals, his evaluations were described as ideas or guidelines”<sup>105</sup>.

A difficult mediator role was the one of Perez de Cuellar, who inherited a “treadmill for diplomacy” with the Cyprus dispute, in which he had no opportunities to involve his Office in low-level peacekeeping and peace-making efforts, due to the de facto partition that was established. In 1984 de Cuellar presented his five-point paper with confidence-building measures, ideas for the development of a governmental structure and territorial adjustments. Those were the basis for the “proximity talks” began in September 1984 in New York and for the subsequent summit planned for January 1985. In this case, it has been important also the role of outside parties such as US and Britain, interested in preventing serious conflict between two NATO members. Moreover, Perez de Cuellar was reported to have been relying upon the United

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<sup>103</sup> Security Council Resolution 367, adopted at the 1820th meeting on 12 March.

<sup>104</sup> Richmond O. P., Ker-Lindsay J., 2001, *The Work of the UN in Cyprus Promoting Peace and Development*, Palgrave Macmillan

<sup>105</sup> M. Necatigil, *The Cyprus Question and the Turkish Position in International Law* (Oxford: Oxford University Press)

States for putting pressure on Turkey in order to encouraged Denktash to make concessions<sup>106</sup>. The summit, however, was another failure, mainly because, regardless the mediation of the third party and the outside pressure, the parties in conflict were not uncomfortable with the situation at it stood.

Boutros Ghali had to work under the pressures of the Resolution 774, that expressed the Council's expectation of progress<sup>107</sup>, and was successful in arranging numerous talks in 1992. The mediator decided to use the previous set of ideas as a basis for an overall settlement, but added the use of them as a tool for incrementing confidence building measures, bringing a mutual advantage. As he later explained, "their purpose is to serve as a catalyst in the negotiations leading to a comprehensive overall solution"<sup>108</sup>. Even though all the efforts and an earlier acceptance by both parties, the negotiations failed and the Secretary-General, in 1994, took the step of blaming one of the parties by stating: "the absence of agreement was due essentially to a lack of political will on the Turkish Cypriot side"<sup>109</sup>. He added that, unless the parties would be willing to commit to a negotiated settlement, he would recommend the mission to be suspended. This move was made also as a way to encourage parties to make concessions, as neither party wanted to appear intransigent or responsible for the collapse of talks.

The subsequent mediator, Kofi Annan, choose a different approach, starting with direct talks with the parties in 1997, proposing a set of suggestions to use as a framework for future efforts. This involved "a process of negotiations, leading to the incremental construction of the juridical framework within which the Greek Cypriot and the Turkish Cypriot communities will forge a new partnership promote an increasingly fruitful

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<sup>106</sup> *The Financial Times*, 23 January 1985, p. 2; *The New York Times*, 26 February 1985, p. 2.

<sup>107</sup> B. Boutros-Ghali, 'Report on the Work of the Organization', September, 1992, para. 117; Security Council Resolution 774, 26 August 1992, para. 9

<sup>108</sup> B. Boutros-Ghali, 'Report on the Work of the Organisation', September 1993, para. 392

<sup>109</sup> B. Boutros-Ghali, 'Building Peace and Development', para. 496

convergence of views and positions, in a process which will acquire its own momentum- and thus produce the kind of consensual trade-offs that a negotiation necessarily involves”<sup>110</sup>.

There had been also some independent diplomatic efforts in tandem with the UN Secretary-General, and those had different effects. In certain cases, the Secretary-General is strengthened by those initiative, as high profile representatives of major powers can often have more authority with the parties, by having greater sanctions at their disposal. However, it happened that those independent diplomatic missions have made more difficult the Secretary-General’s work, for instance by introducing new issues or issues at variance with the United Nations’ approach. Furthermore, the independent diplomatic initiative will reflect the priorities of their promoter, that may be different from those of the Secretary-General, complicating the issue.

The Security Council Resolution 939 put the Secretary-General in a crucial position regarding the peace-making process, giving it the status and the authority as a mediator and encouraging it to focus on international efforts. The Office also assured room for manoeuvre in the development of negotiations, through the coordination of CBMs or the work of facilitation of cooperation between the parties on various issues.

## 5.2 Korea case

The case of the division of Korea is a more challenging one, compared to the Cyprus dispute. Historians mainly tend to agree that neither occupying power nor its respective associated Korean leader would have accepted a settlement that jeopardise their own predominance in a united Korea.

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<sup>110</sup> Secretary-General's press release, SG/SM/6282, 9 July 1997

Even though the United Nations, in 1948, authorized the establishment of the Republic of Korea in the South, permitting elections, won by Rhee as president, and recognized his government, the problem of the division remained. Indeed, with strong encouragement by the Soviets, the leader of North Korea did not accept the UN sponsored elections, thus decided to proclaim unilaterally the Democratic People's Republic of Korea, at that moment not recognized by the United Nations. In this new equilibrium, both Korean governments had one goal in common: the elimination of the other and the unification of Korea under their own control. In the same year it was established a UN Temporary Commission in Korea.

The United Nations had a major role subsequently the North Korean military attack in 1950. The United Nations Commission on Korea, established by the General Assembly in December 1948, had the task to observe and report threats to and violations of the northern frontier of the Republic of Korea by armed forces from the north. However, the efforts of the Council to assure a cessation of hostilities and the withdrawal of North Korean forces proved to be useless, as North Korean leadership did not consider binding those decisions. The strong presence and the efforts operated by the United States in support of the Republic, furthermore, contributed to aggravate the situation. Indeed, until the end of August 1950, it was the only member of the UN to have ground forces in Korea.

The Security Council in the Resolution of June 27, sponsored by the United States, declared that the assistance was crucial to restore international peace and security in the area, and recommended that the members of the United Nations "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area"<sup>111</sup>. However, there had been no United Nations' system

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<sup>111</sup> Goodrich L.M., 1953, *The United Nations and the Korean War: A Case Study*, Proceedings of the Academy of Political Science, Vol.25 No. 2, pp. 90-104

established to give constant political guidance to the United States in that situation.

The determination of the conditions needed for the restoration of peace and security and the manner for their implementation was a political task and, as the Korean operation was considered an issue to be treated by the United Nations, it was essential the work of an appropriate organ of the UN with this aim. In this way, it was important permitting the restoration of international peace and security on the most favourable basis. However, with the presence of the Soviet representative, the Security Council became incapable of taking action in respect of the situation in Korea, due to the constant vetoes of the Soviets. This situation had led to making thus the General Assembly the only organ competent to act and capable of making a recommendation with respect to the conditions of peace and security that had to be restored, it became the organ through which the United Nation exercised its political guidance over collective action. By being an operation pertaining to the United nations, measures, machinery and procedures had to be developed, in order to have the possibility of laying down the broad political principles that had to guide this operation and, even more important, in order to give continuing political guidance in the conduction of the operations.

An important obstacle to the UN operations has revealed to be the Soviet bloc, that argued that the activities of the United Nations were contrary to its own principles. In fact, the United Nations Committee on Korea (UNCOK), was intervening in the domestic affairs of Korea, instead of protecting it from any possible foreign interference. They described the activities of the UNCOK as a plain and simple expression of the colonization policy of the American imperialist in Korea, making it “an obedient tool of the US Department of State”<sup>112</sup>. To support their view, they considered the Article 2 of the Charter,

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<sup>112</sup> Ibid.

that dealt with non-intervention in the domestic affairs of a nation. In fact, the Soviet representative Vyshinsky stated that “The provisions of Chapter VII were illegally applied to the civil war whereas those provisions do not relate to civil war, to internal conflicts that were between two sections of the people of one and the same state, of one and the same country, temporarily split into two hostile governmental camps but to war between states”<sup>113</sup>, adding that any issue regarding the unification of Korea and the establishment of a unified and democratic state was a concern of the Koreans only, thus it should be left to the Korean people themselves.

The Soviets stressed the idea that the United States and its allies were willing to comply only with the provisions of the Charter that suited them, neglecting the other, proper Articles. They added that all matters concerning the use of force had to be of exclusive competence of the Security Council, view based on Article 1(2), 24, 43 and 47 of the Charter. Thus, even if invested of a great power, the General Assembly could not be a substitute for the Security Council.

Against this view, the Anglo-American group rejected all the allegations, holding that the actions taken by the General Assembly and the Security Council were valid. Furthermore, they added that the objections based on Article 32 were not correct, as it was difficult to establish the identity of the true representatives of the Korean people. They stated then that if the Security Council was given primary responsibility for the maintenance of international peace and security under the Charter, it followed also that the General Assembly had secondary responsibility on these matters.

The General Assembly therefore, adopted a resolution, under pressure exerted by the United States, and recommended steps to be taken in order to establish an independent, unified and democratic Korea. Furthermore, it

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<sup>113</sup> Ibid.

authorized the creation and the action of the Unified Command for the destruction of North Korean forces, so as to enable the restoration of international peace and security.

It is important to note that, following Article 43 of the United Nations' Charter, collective action is strongly linked to the fact that agreements have to be concluded in sufficient numbers, thus making the Security Council limited in recommending the action to be taken by members. The latter, inevitably, will reach their decisions on the basis of what the national interest requires in a specific moment. The United Nations, in the Korean case, is viewed and perceived principally as a supplementary guarantee of security, but not as the principal guarantor and mediator. This role was in part attributed to the United States, which had a dominant position in the United Nations' pushing back action towards North Koreans. At the same time, the United States had also weakened the collective character of the UN's actions, which had been described as "an American military operation undertaken under the advice and support of certain members of the United Nations"<sup>114</sup>. The additional danger in giving so much space and power to one member of the UN, in the context of a mediation on behalf of the United Nations, is that the member had an excessive share in the operation and it will use it to carry out its own national policies, that may not be in line with the interests and policies of the other members of the United Nations.

Moreover, the Korean experience suggested also that a United Nations operation to halt aggression, avoid further hostilities and restore international peace and security must be, due to its nature, an operation with limited goals. Among those, the first and more important of course should be to oppose the

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<sup>114</sup> Goodrich L.M., 1953, *The United Nations and the Korean War: A Case Study*, Proceedings of the Academy of Political Science, Vol.25 No. 2, pp. 90-104

aggression and the aggressor, and then imposing a settlement, that should be accepted by the parties involved.

## 5 Conclusions

After having analysed the history of two important conflicts of this century, that in the long run has proven to be world-shaping, some observations are due.

First of all, notwithstanding the many and different meanings that success has in the context of international mediation, neither the Cyprus dispute nor the Korean division have reached an agreement or a settlement that can be defined successful. In both the scenarios what is left after years of negotiations, mediation and alternating reconciliations and estrangements, are two apparent divisions of territories.

It appears evident that in both cases, the impossibility to reach an agreement is due to many factors. The numerous failed attempts are not a whole fault bearing on the shoulders on the various mediators who followed one another. The problems that showed up are many and different, and the responsibility of solving those issues was of the mediating third-party as much as of the conflicting parties.

Indeed, in both cases it has emerged as main feature a strong nationalism and patriotism, a strong sense of belonging to a restricted community, completely unwilling to compromise any of its characteristics.

From this severe nationalism it develops, moreover, common misunderstandings and misperceptions among the parties. Indeed, there is no level of trust among any of the conflicting parties, neither in the Cyprus dispute nor among North and South Koreans. Thus, mediating in this context proves to be a hard task, since misunderstanding and misperception, in turn, foment a feeling of distrust, creating in this way a vicious circle that is difficult to break.

The role of third party or mediator has proven to be hard, even for a supranational and powerful entity such as the United Nations. One of the main

problems that the United Nations faced during their operation in Cyprus has been the confusion due to the blurred roles that the various forces had in the island. Furthermore, while the Secretary General and his representatives tried to build their positions and approaches to finding a solution on the principles of the UN Charter, the Turkish Cypriot and Turkish side were able to sidestep, due to the Secretary General's lack of leverage and lack of access to coercive resources or major incentives. Therefore, both the Turkish Cypriots and Turkey were able to persist in their struggle for their initial goals, rather than settling a compromise. Indeed, as the sequence of events has demonstrated, any compromise settlement has proven to be sufficiently attractive to one side or other to persuade them to abandon the status quo, thus the division of the island.

The case of Korea, as I have already argued, is different from the case of Cyprus. First of all, it involved a dictatorship, thus the pattern of negotiations in part changes: the third party has to bargain with the one person in power, who is the only depositary of authority and leadership. In this case, the choices are more susceptible to the willingness and, potentially, the whims of a single person.

In addition to the issue of bargaining with a dictator, the division in Korea presented other problems. As in the case of Cyprus, unwillingness, misunderstandings and misperceptions are all difficulties that the mediator had to face. However, in the Korean case the other problem is represented by the many interests at stake, and not only the one of the North Korea and South Korea, but also the interests of the powers that supported the two disputants.

Furthermore, it appears evident also that both the North and the South Koreans have been comfortable proposing some form of long-term confederation in lieu of absolute unification. Indeed, in 1960, 1973, and 1980, Kim Il-Sung proposed different versions of the Democratic Federal Republic of Korea (DCRK): in his view, both Koreas would have one seat in the UN, and

they would unify their currency and foreign policies, but maintain two separate socio-economic systems. Indeed, it seems obvious that there are two very different cultures on the Korean peninsula, and that some acknowledgement of these differences, whether defined as cultures or as ethnicities, is required.

The war as it has developed in Korea raises a fundamental question with respect to the role of the United Nations in the maintaining of international peace and security. The fundamental UN objective was attained; aggression was stopped by the UN forces, but the political goal of unification was not achieved.

The United Nations. succeeded in bringing about the armistice and solved the problem of prisoners of war, but it failed to achieve its declared objective, that is, the independence and unification of Korea.

In any case, both in the case of the division of Korea and in the dispute in Cyprus, mediation has led to no results in unifying the conflicting parties. It has not been a complete fault of the mediator, since any means used has proven almost useless, not because the mediator was unfit or unable to employ the chosen strategy, but because in the process of mediation the factors influencing the result and the success of the third party intervention has proven to be much stronger than the mediation and the third party intervention itself.

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