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# The Peacemaker: An Interview with UN Under-Secretary-General Alvaro de Soto

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*Alvaro de Soto, an under-secretary-general at the United Nations, has seen conflict in a way that few others ever will, having served as good officer for the United Nations in the peace negotiations on El Salvador and currently on Cyprus. As Secretary-General Javier Perez de Cuellar's personal representative for the Central American Peace Process, Mr. de Soto helped transform a raging civil war between the Government of El Salvador and the FMLN (Frente Farabundo Marti para la Liberacion Nacional) into a durable peace—a feat often viewed as the prototype for UN peacemaking efforts. In his 20 years at the United Nations, Mr. de Soto has worked under three successive secretaries-general, holding a variety of posts throughout his career. Today, he serves as Secretary-General Kofi Annan's special adviser on Cyprus, a position he has held since late 1999.*

*On October 23, 2001, Mr. de Soto sat down with The Fletcher Forum's Robert Kirsch to discuss his career and experience in dealing with international conflict. In the course of a conversation, sometimes humorous and often sobering, he described the role of the mediator, the UN selection process, and the strategies used to bring two sides to an agreement. In the following pages, The Fletcher Forum offers you a brief and rare glimpse of the world as seen through the eyes of a UN mediator.*

**FORUM:** I would like to begin by welcoming you back to The Fletcher School on behalf of *The Fletcher Forum of World Affairs*. It is certainly an honor to speak with you today.

**DE SOTO:** It's a pleasure.

**FORUM:** When one opens the newspaper or turns on the news, one is increasingly exposed to the concept of mediation, be it in the Middle East, Northern Ireland, or even the current federal proceedings involving Microsoft. Despite this fact, little effort has been made to explain what mediation is and how the process actually works. Having now served as a mediator for the United Nations in both

El Salvador and Cyprus, how do you define mediation and your role in international conflict?<sup>1</sup>

**DE SOTO:** At the United Nations we are rarely entrusted with a mediation task as such. Mediation in our parlance has a rather precise meaning in which the person in the middle is actually able to submit proposals. We refer to ourselves as “good officers,” with a good officer being a person who, acting on behalf of the secretary-general of the United Nations, is there to assist parties to a dispute within a wide range of possibilities. This can be as simple as conveying a message from one side to another or bringing about quiet and confidential meetings. The good-officer role can likewise range from shuttling between the parties to a conflict with a view to finding out the facts of the dispute, all the way up to convening direct face-to-face meetings, even submitting proposals, in writing or orally, for the two sides to consider. It is a broad term that covers a spectrum of possible activities ranging from facilitation to mediation as such.

**FORUM:** To touch on the one extreme you just mentioned about possibly offering options in written form to the parties, you have obviously been successful

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doing this over the years, but how have you managed to navigate the turbulent waters of Article 2(7) and “matters essentially within the domestic jurisdiction of states?”<sup>2</sup>

**DE SOTO:** The rule of thumb at the United Nations in the case of an internal conflict is that the organization can be involved if two requirements are met: one is that the government or governmental party involved in a state—presumably a member of the organization—gives its consent to this involvement by the United Nations. With regard to the second requirement, the secretary-general should have the backing of a mandate.

While this mandate need not be specific, it should come from an intergovernmental body of the organization authorized to confer such a mandate, usually the Security Council.

**FORUM:** Obviously, not everyone at the United Nations has the opportunity to do the kind of work that you are currently doing. Over the years, how have you come to fill this role?

**DE SOTO:** Before joining the United Nations, I was involved in the UN Law of the Sea Conference for 15 years as a Peruvian Diplomat. During this time, it fell to me to be spokesman for the Group of 77—that is, the developing countries—in one very important aspect of the negotiations. This facet of the talks involved

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the exploitation of the deep-sea bed beyond national jurisdiction. As spokesman for the group, I became, by the force of circumstances, a kind of conduit between the developing and industrialized countries. While I was very much a negotiator and defended the interests of the Group of 77, my task also required me to recognize when reasonable and viable proposals or counter proposals had been made by the industrialized countries. Once such proposals were on the table, it was then my role to persuade the Group of 77 members that the time had come to compromise. So I found myself, while a negotiator, mediating in a certain way or at least acting as a kind of good officer. That provided me with a certain amount of experience.

When I joined the United Nations, you might say I joined straight at the top, because I was a special assistant to the secretary-general. Within weeks of my joining, the secretary-general became a good officer in the search for a negotiated solution to the south Atlantic crisis over the Falklands, or Malvinas Islands. I was drafted into this exercise and sat next to him for the several weeks during which he was involved. As a good officer in this dispute, the secretary-general saw both the British and Argentine representatives in order to see whether it was possible to avoid the military action the British were proposing to recover the islands. As it turned out, the effort was not successful for a number of reasons, few attributable to the secretary-general, but this gave me a taste and an experience of what a potential United Nations role could be. That served me later on when I became responsible for the Central American question.

**FORUM:** Building on that, how does the mediator selection process in the United Nations work? Is there specialized training or an emphasis on regional expertise?

**DE SOTO:** There is no specialized training. We keep in the Secretariat a confidential list, which we nickname the "List of the Great and the Good." We do consider various candidates when the need arises, but ultimately, it is the choice of the secretary-general. In selecting a mediator or a good officer, you have to combine a number of virtues and possibly even some faults. What you need is exactly the right person for the particular job in terms of personal qualifications, as well as his nationality, the connections that he has, and his knowledge, or lack thereof, but we do not have any specific training.

**FORUM:** There are obviously examples of the Security Council calling on the secretary-general to play an active role in the settlement of an international dispute. In the case of Resolution 186 in Cyprus<sup>3</sup> and Resolution 637 in El Salvador,<sup>4</sup> the Security Council appears to have opened the door to mediation efforts. However, these two cases are part of a much larger issue. Where does the mediator's role come from in terms of the UN Charter and international law?

**DE SOTO:** Well, I would think that international law is largely agnostic on the

subject. Successful good offices are conducted necessarily with the consent of the parties. They are under no legal obligation to submit to talks within a UN framework. In terms of politics, what we would like to create at the United Nations is an ethos under which it would be considered bad form to reject the secretary-general's good offices without valid and arguable reasons for doing so. By and large, states involved in disputes and conflicts should accept a willingness by the secretary-general to find out the facts and to make a few suggestions without this being seen as undue intervention.

**FORUM:** Is there a particular part of the Charter from which this role of the secretary-general and his special representatives emerges?

**DE SOTO:** None. The Charter is notoriously silent on the subjects. There is a general duty on the part of states to resolve their disputes by a variety of means as outlined in Article 33—facilitation, conciliation, and mediation, to name a few—but there is no role provided for the secretary-general.<sup>5</sup> The development of the secretary-general's good offices is a matter of practice, rather than a matter of law.

**FORUM:** Returning to the case of El Salvador, could you walk me through the process? Having been named the secretary-general's personal representative for the Central American Peace Process, what kind of preparations did you and your staff go through before entering talks with the parties?

**DE SOTO:** I was appointed to that position in early 1987, and by that time, certain of my colleagues and I had already spent a fair amount of time studying the conflict. It was difficult for me to do so, because I was in a rather visible position in the secretary-general's office, but one of my colleagues in particular, Francesc Vendrell, trail-blazer that he is, engaged in discreet discussions with all those who were in a position to provide us with insights and factual information.<sup>6</sup> We spoke with members of the FMLN's roving political-diplomatic commission, who usually turned up on the margins of non-aligned conferences.

In the early years—1986, '87, and '88—our actions were not taken with the view that our role as a third party would evolve as it eventually did, though I will not hide from you that Vendrell and I certainly entertained that possibility. We were convinced that we could approach the conflict in a more calibrated way than was being done by others. At that time, however, we saw that a number of obstacles needed to be overcome before we could play a more active role in the dispute.

**FORUM:** It is my understanding that your efforts in El Salvador centered on the "single negotiating text" approach to mediation, an approach also used to some extent by President Carter during Camp David I and by George Mitchell in the Northern Ireland peace talks. What can you tell us about this approach and your reasons for using it in this particular case?

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**DE SOTO:** It is a matter of method. The “single negotiating text” lends itself best to addressing a dispute where the parties are not on speaking terms, or where the suspicion between them is of such a degree and the positions so entrenched that anything one side proposes is rejected by the other simply because it comes from the other side. In those circumstances, there is really no alternative to a third party helping them along by providing ideas, because there is little basis to hope that they themselves will work out formulas for moving the process forward. In addition, there are solutions which neither side would contemplate if proposed by the other. However, if a third party proposed these same solutions, they may be more palatable.

You have mentioned two cases in which this method was used, and actually, this is the way the UN Law of the Sea Convention was negotiated, though in that case the method was chosen for another reason. At the UN Law of the Sea Conference there were just too many parties, almost 150 countries. It was impossible to have a processing system for individual proposals.

**FORUM:** And how does this process actually work?

**DE SOTO:** One listens very carefully to the positions of the two sides, trying to expurgate what is the position, that is, the public posture or the negotiating position, and getting down to the real interests, concerns, fears, and aspirations that have to be addressed. Once you have a clearer idea of those issues as they apply to both sides, it becomes possible to draw up a compromise which is not necessarily the middle point between the positions of the two sides, but which is fair and viable nevertheless. Then, as good officers, we put the text to the parties as a working paper rather than as a proposal, which is what a mediator would do, at least according to classical definitions.

At this point, we give the parties a bit of time to reflect on the document and to present their comments. We prefer comments to amendments. Then we go back and consider their comments and see how we can accommodate them in a way that is compatible with the comments of the other side, always having in mind interests rather than positions. Eventually, we revise the original working paper and submit a new one, which is identical for both sides. This is all done in the expectation of getting more comments. It may take 20 revisions, it may take 50, and it seems like a very slow way to proceed, but it is remarkable as you go along in a negotiation how the parties’ more extreme negotiating positions can gradually fall by the wayside, a little bit like peeling an onion.

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**FORUM:** Have you used this same approach in Cyprus?

**DE SOTO:** I would rather not get into discussing the efforts that are ongoing just now, but clearly in the case of Cyprus, the positions of the two sides are deeply entrenched, and there exist some of the characteristics that I described earlier, thus making it almost unavoidable that there be a third party to assist the two sides in reconciling their interests.

**FORUM:** Secretary-General Kofi Annan once remarked, "Impartiality does not—and must not—mean neutrality in the face of evil. It means strict and unbiased adherence to the principles of the Charter—nothing more, and nothing less."<sup>7</sup> What are your views on the issue of neutrality versus impartiality? Has it ever been difficult for you to be impartial in a mediation?

**DE SOTO:** Obviously, I would cease to be a human being if I didn't have views and place value judgments on the conduct of the sides to a conflict. I try to keep

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those out of my thinking in approaching a negotiation. What I can say, however, is that the United Nations acts within a given framework defined by the Charter and the body of laws, particularly in the area of human rights, drawn up over the years. One cannot pretend that this framework does not exist. In fact, United Nations representatives of the secretary-general involved in good offices on his behalf have guidelines, which they are expected to follow. These guidelines do allow for flexibility, because no two negotiations are alike, but we do

expect the parties to a dispute to adhere to these ideals in any agreements that they reach.

For a number of reasons, these guidelines are not made public, but to give you an example, the United Nations cannot be associated with an amnesty that would leave war crimes, crimes against humanity, or genocide in a state of impunity. We could not go along with something like that. Obviously, we cannot prevent the sides to a dispute from reaching an agreement on their own, but they will not have our blessing.

**FORUM:** What has been the most difficult lesson for you to learn in your work over the years?

**DE SOTO:** Patience. (Laughter)

**FORUM:** Would you like to elaborate on that one?

**DE SOTO:** I think that says it all.

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**FORUM:** And finally, you have obviously had some incredible experiences throughout your career, experiences that few individuals will ever be fortunate enough to have. If you could identify the three most important lessons that one could take away from the work you have done so far, what would those lessons be?

**DE SOTO:** Never try to trick anyone. You will usually be found out, and whatever you achieve from the trick will not be durable. Second, do not try to sweeten the state of play just to ingratiate yourself with one of the parties. Another way of saying that is, don't tell a party to a dispute or a conflict what he wants to hear, but rather what the situation really is. Third, don't negotiate side deals. The end result should be transparent, as distinct from the negotiations themselves, which should be confidential. Just as there exists the fog of war in which the first victim is the truth, there should exist the fog of diplomacy or the fog of good offices in which the truth should only come out in the end result.

**FORUM:** Thank you. ■

#### NOTES

- 1 For the purpose of this interview, *The Fletcher Forum* defines *mediation* as third-party assisted negotiation, a process that can be facilitative or directive in nature. In this sense, our use of the word mediation is synonymous with Mr. de Soto's use of *good offices*, and not the classical definition utilized by the United Nations. Consequently, when Mr. de Soto is asked about his role as a mediator in later questions, he is being asked about his position as a good officer.
- 2 According to Article 2(7) of the UN Charter, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."
- 3 Operative Clause 7 of Security Council Resolution 186 (March 4, 1964) recommends the designation of a mediator by the secretary-general. This procedure must be approved by the Governments of Cyprus, Greece, Turkey, and the United Kingdom.
- 4 In Operative Clause 5 of Security Council Resolution 637 (July 27, 1989), the Security Council "lends its full support to the secretary-general to continue his mission of good offices, in consultation with the Security Council, in support of the Central American Governments in their effort to achieve the goals set forth in the Guatemala agreement."
- 5 Article 33(1) of the UN Charter states: "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."
- 6 Francesc Vendrell was named personal representative of the secretary-general and head of the Special Mission to Afghanistan on February 1, 2000.
- 7 Kofi Annan, "Address to the Council on Foreign Relations," January 19, 1999 (SG/SM6865).

