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# SPECIAL REPORT

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## ABOUT THE REPORT

This report is based on two group meetings and over twenty individual interviews with current and former envoys and other officials and on their memoirs and published reflections.

We consulted envoys who had addressed conflicts involving Northern Ireland, the Balkans, North Korea, the Middle East, Afghanistan, Iraq, Sudan/South Sudan, Liberia, Sierra Leone, and the Democratic Republic of the Congo. Literature review also covered other situations, including Mozambique, Angola, and Sri Lanka. Most interviews were with Americans, although UN, European Union, UK, Norwegian, and Chinese envoys provided further insights. We also drew on an earlier United States Institute of Peace (USIP) study of the use of special envoys and other studies of this diplomatic practice.

## ABOUT THE AUTHORS

Princeton N. Lyman spent forty years in the US diplomatic service. Appointments included deputy assistant secretary of state for African Affairs, ambassador to Nigeria, director of the Bureau for Population and Refugee Affairs, ambassador to South Africa, assistant secretary of state for International Organization Affairs, and presidential special envoy for Sudan and South Sudan. He is currently senior adviser to the president of USIP. Robert M. Beecroft is a career minister-counselor (retired) in the US Foreign Service, with posts across Europe, the Middle East, and Africa, and an American Academy of Diplomacy member. In 2011, he conducted an in-depth report for the American Academy of Diplomacy on the professional education and training of American diplomats.

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*Princeton N. Lyman and Robert M. Beecroft*

# Using Special Envoys In High-Stakes Conflict Diplomacy

## Summary

- Special envoys or representatives (SE/SRs) have been used by nearly every administration to address high-stakes conflicts. They are most useful when a conflict situation is of major importance to the United States, has strong regional as well as bilateral aspects, and exceeds the State Department’s capacity to address it.
- To be effective, an SE/SR must be recognizably empowered by the president and the secretary of state, have clear mandates, and enjoy a degree of latitude beyond normal bureaucratic restrictions.
- While the secretary of state needs to be actively engaged in the conflict resolution process, the envoy should be sufficiently empowered to ensure that the secretary’s interventions are strategic.
- Chemistry matters: in minimizing tensions between the SE/SR and the relevant State Department regional bureau and with ambassadors in the field, in overcoming State-White House rivalries over policy control, and in mobilizing support of allies. There are no “cookie cutter” solutions to overlapping responsibilities and the envoy’s need for staff and resources; rather, mutual respect and flexibility are key.
- Senior State Department officials have the required skills for assignments as SE/SRs. Enhancing the department’s resources and reinforcing the ranks of senior department positions would increase such appointments and the department’s capacity to support them.

## Introduction

An SE/SR for conflict zones is a unique tool in the foreign policy toolbox, and one that must be better understood if it is to be effectively applied against the range of security challenges the United States faces today. Most often, SE/SRs are designated as representing either the

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president or the secretary of state. They come from varied backgrounds: retired ambassadors, politicians, military leaders, and regional experts. SE/SRs are asked to address situations with a degree of attention outside the capacity of the State Department and other regular bureaucratic structures. While SE/SRs are also designated for other purposes, such as climate change negotiations or outreach to the Islamic community, this report focuses on those addressing conflicts. Conflict situations are distinctive in their demands and urgency (e.g., where large-scale violence and humanitarian crises are occurring or, as in the Middle East, where long-standing conflicts pose a continuing threat to national security).

The decision to appoint an SE/SR often comes in response to congressional and public demands for special attention to a particular crisis rather than as an element of the State Department's existing diplomatic activities. Not surprisingly, the selection of SE/SRs for conflict situations can attract attention and sometimes controversy. Their use poses particular challenges inside the State Department, where crisis management and crisis resolution are integral to the daily work of existing structures and leadership.

The use of SE/SRs will nevertheless very likely continue under future presidents and administrations. Historically, efforts to phase them out in order to signal policy shifts from one administration to another give way, over time, to the reality of these envoys' usefulness, both domestically and internationally. Their flexibility (in mandate, bureaucratic structures, resource/staffing, and timing) can make them an appealing mechanism for an executive or legislative branch wishing to signal enhanced attention to a conflict or issue. And even then, there is debate around when to deploy SE/SRs and toward what type of objective, how to empower them, and what sort of person is best suited for these special diplomatic missions. The objective of this report is to address these issues and make the use of SE/SRs most effective.

## SE/SRs: An Ongoing Practice (and Debate)

Arguments for and against the use of special envoys have not changed much over the years. SE/SRs have several fundamental advantages. They can

- represent directly the views of the president or secretary in unconventional situations;
- convey a high level of US interest;
- overcome bureaucratic constraints to mobilize and deploy various elements of US power and influence;
- address regional and international aspects of a conflict beyond the reach of any one ambassador or regional assistant secretary;
- provide more intense focus on a given issue than an assistant secretary or regional bureau can afford;
- in certain circumstances, engage in diplomacy with enemies or other "unfavorables" where formal diplomatic contact would be inappropriate; and
- reassure Congress and the public that an issue important to either of these constituencies is being adequately addressed.

Opponents of SE/SRs see them as

- undercutting and disempowering the State Department, which should be structured and staffed more fully for this purpose;
- unduly increasing the number of senior officials reporting directly to the president or secretary;
- responding symbolically to congressional or public pressure rather than representing the administration's serious commitment to address a challenge;
- introducing outsiders with little knowledge of the situation, who are insufficiently sensitive to its wider implications;

- aggravating State-White House rivalry over policy control;
- placing a special interest above other important elements in a bilateral or multilateral relationship; and
- creating a freelancing bureaucratic structure that competes with the responsibilities of other government entities.<sup>1</sup>

Some political appointees agree that SE/SRs have been overused but are right and necessary in some cases. In this view, such appointees should be limited to matters of significant presidential concern and should report directly to the president. One former senior White House official argued that the White House must set policy in these especially important or sensitive cases, with the envoy speaking thereafter for the president, since the department cannot assume this responsibility.

From another point of view, it is worth noting that in two prominent conflict situations that might have merited the appointment of an SE/SR—the three-year conflict in Bosnia-Herzegovina, brought to an end by the Dayton Peace Accords, and the complex ending of South African control of Namibia and the withdrawal of Cuban troops from Angola—the intense and ultimately successful US diplomacy was directed by the regional assistant secretaries.<sup>2</sup> And several SE/SRs have been retired ambassadors—a recognition of the skills of the career service. Despite these examples, some see reliance on SE/SRs as a reflection of the department’s dysfunctional structure. As one respondent said, “You want to cut down the number of special envoys? Strengthen the assistant secretaries.” Another experienced diplomat saw a need for the department to establish undersecretaries with broad regional responsibilities akin to the regional authority of US military commanders. This would address the department’s limitations when addressing conflicts with broad regional reach, especially where close coordination with the Department of Defense and other agencies is required.

This debate will surely continue, but the reality is that administrations have made frequent use of special envoys in the past and will almost surely continue doing so in the future. This practice has been true even amid policy pronouncements about limiting them. For example, George W. Bush’s administration announced in its first year that it would eschew the use of special envoys. Half of those established under the Clinton administration were abolished. But by the end of Bush’s second administration, the number of such positions had ballooned to the same number as under Clinton. Despite frequent commentary that the Obama administration had “restored” the practice, the numbers of such positions under Obama and at the end of the preceding administration are roughly the same, suggesting that the practice transcends partisan lines.

Obviously, administrations find the practice useful or at least politically desirable. In nearly every case we examined, over several administrations, the impetus to appoint an SE/SR was a combination of congressional pressure and the administration’s readiness to give the matter higher-level attention. Sometimes, the decision originated with the president’s personal interest in an issue. The decision whether to make the appointment presidential, by the secretary, or, in some cases, from within the regional bureau varied with the intensity of both pressure and interest. These pressures and responses will undoubtedly continue.

The priority should be to make the practice as effective as possible. Special envoys can continue to be a valuable diplomatic lever. This report focuses on their use in conflicts because such appointments share a number of special characteristics and challenges, respond to matters of urgency and loss of life, and are most often presidential. This narrowed focus enables us to identify specific commonalities and recommend constructs for those situations. Nevertheless, some of our recommendations would also pertain to these other categories.

## Purpose, Empowerment, and Policy Authority

*The mandate.* Several interviewees stressed the need to define in detail the focus and purpose of the US role when planning to establish an SE/SR. One interviewee advised that envoys are needed precisely because focus is needed in a complex situation with many moving parts. What is the US interest? Is the focus the conflict per se, or are deeper problems within countries at the root of the conflict? Is the US role one of mediation or facilitation? Will it lead to a broader multilateral effort? Once these questions are answered, the SE/SR and ambassadors in the field should, in the words of experienced envoy Daniel Kurtzer, “be empowered to act flexibly, creatively, and boldly.”<sup>3</sup>

Developing an SE/SR’s mandate can also be a valuable process for revealing and resolving serious policy differences that may exist within the administration. A mandate that covers up policy differences only hampers the SE/SR’s efforts. We found several cases where acting to resolve policy differences inside the administration was one of the SE/SR’s more valuable contributions, whereas failure to do so undercut the mission. In one case, the SE/SR found that key policymakers in Washington had already picked the “winners” in the conflict he was assigned to and resisted his efforts to widen the dialogue. In the end, the putative winners proved to be a liability rather than an asset. In another case, an SE/SR dealing with security arrangements found himself undercut by a senior National Security Council (NSC) staff member who had policy objectives inconsistent with the security initiative.

Even when policy is agreed upon, defining the scope of an SE/SR’s mandate is not always easy. Special Representative for Afghanistan and Pakistan (SRAP) James Dobbins argued, while serving in another capacity, that a peacekeeping operation should be judged not by whether the country’s underlying problems are solved but by the degree to which political, ethnic, or other rivalries are channeled into political processes rather than into violence. The countries in question may at this point still be poor, undemocratic, or otherwise troubled, but dealing with such challenges is the province of other processes.

Other cases of relatively narrow mandates proved effective. Daniel Serwer served in Bosnia-Herzegovina under Assistant Secretary Richard Holbrooke as the special envoy for the Muslim-Croat Federation. Serwer felt he was successful in part because his mandate was narrow, consisting of working with Bosnia’s Muslims (Bosniaks) and Croats to create a viable political entity. He was not caught up in broader (and sometimes competing) aspects of US policy in resolving the Balkan conflict. Under Holbrooke’s “protection,” he had latitude to act quite freely within his mandate.<sup>4</sup>

Defining the mandate narrowly may nevertheless be difficult where there are multiple sources of actual and potential conflict even after a peace agreement has been reached. The underlying problems of governance and tribal or religious discrimination often reignite conflict and may require attention as intensive and sustained as that needed to end the violence. By the spring of 2013, the United States could look back at a successful multiyear effort to implement the Comprehensive Peace Agreement (CPA) in Sudan, which had involved no fewer than six SE/SRs. South Sudan had emerged peacefully as a new state in 2011, and by early 2013 the major issues between the two countries had largely been settled. But less than a year later, South Sudan’s fragile political system collapsed and the country fell into civil war, with not only the peace with Sudan but the stability of the entire region threatened. South Sudan’s internal weaknesses were clearly a continuing threat to peace and needed much greater focus. In the current situation, the SE/SR’s role has been revitalized as part of a complex regional mediation effort.

An excessively narrow mandate can have other downsides. In one case, a senior diplomat was offered an SE/SR position with responsibility for working with only one party in the conflict. Such a situation would have been not only limiting but almost surely a potential source of conflicting agendas within the administration. He turned it down.

Richard Haass cautions that an envoy assigned to pursue only one facet of the US relationship with a country or region can have an impact on other US equities. “Double-hatting”—combining the designation of SE/SR with related responsibilities within the department—is one way to avoid this. Haass, for example, served as special envoy for Cyprus in 1983-85 and was given wide leeway and authority. But he was also in charge of Greece’s and Turkey’s bilateral relations with the United States, as well as policy planning with Europe and US-European cooperation beyond the continent, for the State Department’s European Bureau. Though congressional opinion ran heavily in favor of the Greek side in the Cyprus crisis, other equities were involved. US-Greek bilateral relations were strained, while relations with Turkey were more favorable. EU interests were also important in the equation. An envoy dealing with the Cyprus situation alone would not have been empowered to draw on multiple levers of influence and, hence, would not have served US policy as effectively.

Mandates can atrophy. Use of SE/SRs, especially in protracted situations, can sour over time when there are no new initiatives or other steps to revitalize the mission. When the seventh consecutive SE/SR was appointed to Sudan and South Sudan in 2013, the Sudanese government objected. It linked the SE/SR’s role to issues between Sudan and South Sudan, which Sudan considered no longer relevant after South Sudan’s independence and the settling of most issues between them. Moreover, previous envoys had not delivered what Sudan wanted most from the United States: the lifting of sanctions and removal of Sudan from the list of state sponsors of terrorism. Sudan preferred a fully accredited ambassador. Similar problems have arisen concerning SE/SRs for the Middle East. In some cases, the appointment of an SE/SR, especially when below presidential level, makes foreign government officials question whether the appointment signifies increased US attention or a diversion.

In summary, objectives and scope need to be determined carefully at the outset, examined regularly in light of the situation, adapted to reflect changing US priorities, and reassessed when they seem to be losing credibility. But before ending the appointment, it is better not to rush judgment. Peace processes ripen slowly and are susceptible to sharp reversals.

**Empowerment.** Authority comes first from empowerment. Foreign governments (and, indeed, many people within the USG) are keen to gauge whether an SE/SR is truly important. The SE/SR title can convey some of this authority, but not all envoys are empowered purely by the title. Direct access to the president is one sign that foreign governments look for, manifest through the SE/SR’s being able to speak on the president’s behalf, the SE/SR’s presence at relevant meetings between the president and foreign officials, and presidential statements on the conflict that emphasize the SE/SR’s role. Regional and country experience is a factor. A positive reputation in the region can also be empowering.<sup>5</sup>

Several envoys told us that being seen as the president’s envoy made a difference in their work. Special Envoy to the Sudan John Danforth felt that he spoke for the president. A department official who worked closely with Danforth commented that when he arrived at a negotiation, he had the “presence” of a presidential envoy and knew how to use it.

Failure to empower undercuts an envoy and works against the interests of the policy. In one case, the secretary of state, accompanied by a newly appointed SE/SR, was having a first meeting with the foreign minister of a country. The secretary began by inviting the foreign minister to step into another room for a one-on-one chat, leaving the SE/SR outside. It was deadly to the SE/SR’s future efficacy. The SE/SR never gained sufficient attention or credibility with that government, whose foreign minister saw himself as having a direct relationship with the secretary.

Symbolic gestures are important, but in the end, empowerment comes from the commitment and direct engagement of the president or secretary of state. Aaron Miller, with years of engagement in Middle East diplomacy, argues that envoys are necessary but not

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sufficient without the secretary's direct engagement. The secretary of state must become "the repository of the confidences of the parties." A balance must be struck, however. The secretary must retain an appropriate distance and detachment to avoid being taken for granted. In Miller's words, the secretary must retain the "mystique and authority" required for key negotiations. To protect that distance while keeping a full-time connection to the parties is the task of a senior envoy reporting directly to the secretary. The secretary, in turn, must have the full confidence of the White House.<sup>6</sup>

There are good examples of timely high-level support backing the work of an SE/SR. Secretary Clinton clinched the agreement with the Government of Sudan for an all-Ethiopian peacekeeping force to be sent to Sudan's disputed Abyei region, ending a dangerous standoff. She later secured the agreement of South Sudanese president Salva Kiir to an oil agreement with Sudan, ending a yearlong shutdown of South Sudan's oil production. More recently, Secretary Kerry worked out an agreement between Afghanistan's two presidential election rivals on how to address charges of election rigging.

Of course, Miller, Kurtzer, and others are talking of crisis situations that demand attention from the highest levels of the US government (USG) and from senior-level SE/SRs (e.g., for the Middle East, Afghanistan, Sudan). It is important to note other successful efforts at lower levels of presidential or secretarial engagement. Ambassador Howard Jeter, with little support from the department and backed primarily by the NSC senior adviser on Africa, succeeded in engaging the West African heads of state, in particular the leader of Nigeria, in bringing an end to the terrible civil wars in Liberia and Sierra Leone.

Envoys appointed at lower levels are often the administration's or the bureau's way to deflect congressional pressure for high-level "special envoys" outside bureau control. In both the Bush and Obama administrations, partly with this in mind, bureau-level envoys were designated to deal with the civil war in the Democratic Republic of the Congo (DRC) and the surrounding Great Lakes region. But these appointees, though dedicated and hardworking and with strong support from their assistant secretaries, were not empowered to have the needed impact. More than five million people have died in the DRC's wars, and a horrendous level of sexual violence has elicited the direct concern of Secretary Clinton. But Ambassador Barrie Walkley, appointed in 2012, as a part-time envoy living in California, could not play a serious role in policy formulation, found some of the field ambassadors fiercely resistant to his role, and only partly assuaged congressional concern. In 2014, Senator Russ Feingold was appointed as a full-time presidential SE/SR for the African Great Lakes, giving this situation higher-level focus.

**Policy Authority.** Most SE/SRs interviewed felt that they had a role in policy formulation. But the roles varied. Some were clearly the leading voice in policy formulation, advancing those policies within the US government and mobilizing resources behind them. They were given considerable leeway. Others were more restrained, participating in the policy process but not leading it substantively or bureaucratically. Sometimes, the difference concerned the SE/SR's seniority and authority; other times, it reflected the SE/SR's own perceptions of his or her role.

A problem arises when serious policy differences are not resolved. Usually, NSC staff act as mediators on policy issues through various interagency groups and subgroups. When the NSC structure or personnel cannot forge consensus, the vacuum creates a feeding frenzy as interested players throughout the bureaucracy compete for input into the policy. The result is endless meetings, papers, and inconclusive debates. Such situations also contribute to State-White House rivalry over policy direction. Even without major policy differences, peace processes can stall if bureaucratic consensus remains low, allowing for no new thinking or initiatives. Such problems have arisen over time regarding Rwanda's role in the peace process in the DRC, negotiating with the Taliban in Afghanistan, and defining a path to normalization of relations with Sudan.

This is where leadership from the SE/SR is most valuable. We have found cases where SE/SRs were skillful and credible in achieving an agreed policy or even producing agreement on bold policy initiatives. Examples include SE Dennis Ross's ability to keep Israel-PLO negotiations alive amid repeated security crises and SE Feingold's role in ending a rebellion in eastern DRC and obtaining agreement on principles for regional cooperation.

We also found cases where the system failed. Sudan is an example. In the summer of 2010, a paralyzing difference over policy existed within the USG. The problems in this case derived early on from the lack of agreement on policy when the SE/SR was selected and from the absence of assurances that the right chemistry and trust would exist between the SE/SR and key policymakers. When the SE/SR tried to stake out one position, he was opposed at high levels within the administration and by outside advocacy groups. Only when NSC Deputy Director Denis McDonough, at the president's behest, presided over a long, intensive, and sometimes contentious process of hammering out an agreed position were the differences resolved and a "road map" for normalizing relations with Sudan approved. Sudan is not the only instance of personality-charged challenges: Differences within the Obama administration over Middle East diplomacy appear to have led to George Mitchell's resignation as envoy in May 2011. "Later reports suggest there was tense discord at the time within the administration, including deep divisions between Mitchell and [Dennis] Ross."<sup>7</sup>

To lead, the SE/SR must have earned and must continue to display the skills of building consensus and trust with US colleagues, important public constituencies, and counterparts abroad. These criteria must go into the SE/SR's initial selection. Then the SE/SR's authority must be consistently supported by the president and the secretary. Policy, chemistry, leadership, and collaboration are all critical elements in the success of an SE/SR.

## Dealing with "Unfavorables"

One potential advantage sometimes ascribed to SE/SRs is that they can be allowed a degree of leeway in dealing with foreign individuals or groups that are considered war criminals, "rogues," or terrorists, if such contact is valuable in resolving the conflict. Because SE/SRs may at times operate outside normal diplomatic channels, this contact could be considered exceptional or even irregular. These actions do not confer any formal recognition of such groups or individuals or provide assurance that regular diplomatic contacts might be established in the future, but to ignore the roles these actors can play in conflict resolution would be counterproductive.

Not everyone agrees that dealing with "unfavorables" is desirable. One former senior official argued that since the SE/SR speaks for the president, she or he should not engage in outreach inconsistent with the president's policy regarding such people. Others suggest caution. Engagement could, in some cases, undermine rather than advance the SE/SR's objectives. Although General James Jones had no official restrictions placed on outreach when he was developing security arrangements in the West Bank and Gaza, he determined that engagement with Hamas while serving as envoy would subvert his efforts to empower the Abbas regime as the sole Palestinian political interlocutor. The SE/SR should have good reason, with the risks carefully assessed, before contacting unfavorables.

The arguments for and against such contacts are fairly obvious. In favor: To end a conflict with an outcome that does not demand total victory of one side over the other, one must deal with those who are fighting. Put bluntly by one CIA officer in Mitchell Reiss's book *Negotiating with Evil*, "Everyone has blood on their hands, if they matter. If you want to talk to people without blood on their hands, then they don't matter."<sup>8</sup> Haass, addressing the situation in Northern Ireland, made a distinction between current and former terrorists: "I wasn't going to meet with terrorists any way. Ex-terrorists, sure. A lot of my career is in the

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'dialogue with former terrorists' business. I'm okay with that."<sup>9</sup> There can be more nuanced reasons for such contacts: to understand the nature and objectives of the organization in question, to make clear the principles on which the peace process can proceed, to encourage those more willing to compromise, and, when the prospects for serious negotiations are real, to help move the peace process forward. These were among the points in Marc Grossman's case for being willing to talk to the Taliban.<sup>10</sup> As James Dobbins points out, understanding the people involved in the conflict matters; to be successful, an envoy needs to know "how they see the world...their visions, views, and concerns."<sup>11</sup>

At the same time, the risks are real. Such contacts can appear to confer legitimacy on an unsavory individual or group, can be used to embarrass the US government or allies, or can lead negotiators down false paths with people unable to deliver on their promises.

Reiss proposes some guidelines for maintaining the integrity of such contacts, including full transparency and a serious assessment of the risks such talks pose within the USG, red lines or principles that must not be compromised, good intelligence about the interlocutors and the local situation, and recognition that the results of such outreach may be slow in coming. "Patience," he advises, "is more than a virtue." Grossman laid out clear principles to the Taliban that would guide further negotiations with them. It was evident then, and remains so now, that such principled peace arrangements in Afghanistan may still be years ahead.

Even with all these precautions, the risks are still significant when such talks reach the political level. Reiss, again speaking more specifically of terrorists but with relevance to other unfavorables, notes, "Once the government publicly announces a negotiation, the negative aspects of talking are almost always booked immediately. And because no one knows at the start if the talks will ultimately be successful, any future benefits are unrealized gains. The government is betting that the benefits will outweigh the liabilities, but the full and accurate accounting may not be possible for many years. In the meantime, it has to reassure the public that the risks are worth taking."<sup>12</sup>

Valuable as they are, these guidelines are not necessarily applicable in cases where circumstances may demand greater flexibility.

SE/SRs and other high-level officials have responded to individual situations accordingly, making judgments on the basis of the particular situation. These included Mitchell's and Haass's contacts with the IRA/Sinn Fein, a US ambassador's contacts in Iraq with Iran about regional security issues, Grossman's outreach to the Taliban, Princeton Lyman's meetings with Sudanese civilian and military officials who have histories of brutality, and other less publicized contacts. In most (but not all) cases, such contacts were approved by the NSC and in line with an agreed policy. Where red lines were not sharply drawn, several SE/SRs did not feel constrained and could make necessary decisions largely on their own. Those dealing with the Balkans have worked with a great number of unsavory characters, later indicted by the International Criminal Court (ICC), who were nevertheless key to the peace process. In these cases, the SE/SR saw it as a priority to bring the people—even the "bad" people, as one former envoy bluntly put it—together. As a US ambassador who was appointed as an administrator in the Balkans said, the envoy in these instances is not employed to "act a judge" about his or her contacts' previous misdeeds but rather to reach a peaceful resolution, consistent with US interests, to an ongoing conflict. Justice often, as in the Balkans, comes later.

The choices are more difficult where red lines have been drawn. Sudan offers one such example. The United States takes the position that it will not have direct diplomatic contact with those indicted by the ICC. Sudan's president Omar Al-Bashir has been indicted on counts of genocide, war crimes, and crimes against humanity. This limitation reduced the US role from leadership, as in negotiations over the 2005 CPA, to support for the African Union's mediation. Currently, the United States must rely on others to convey its positions to, and



exert leverage with, the leader of Sudan. There was periodic frustration in the White House over the pace of negotiations under the African Union mediation, but it was impossible for the United States to reassert a leadership role without being allowed to talk to one of the key decision makers (i.e., the president of Sudan).

Lyman, when assuming the position of SE/SR for Sudan in 2011, reserved the right to seek an exception to this limitation from the NSC if he deemed it essential to getting an overall peace agreement, but he never reached that point. The prospects of success from such contacts never outweighed the risks of the meeting going bad. Potential fallout included US embarrassment by a public rejection of our approach and Sudan's trumpeting a US "retreat" from our principles regarding the ICC. Nevertheless, Lyman believed that if the calculations were to change, the SE/SR would be the right person to have such a meeting, reinforcing that the purpose of the meeting concerns the urgency of peace and does not involve other issues or change our position on principles of accountability.

With lower-level contacts, an argument can be made for allowing SE/SRs greater leeway. One SE/SR believed that only through contacts with persons not approved by Washington was he able to travel to conflict-related areas. In one instance, it enabled him to broker a key part of a peace agreement. In these cases, the meetings did not become known publicly, were not authorized (giving Washington deniability), and were productive. The SE/SR also felt that had he sought approval from Washington when these opportunities arose, the debate would have been so long-drawn-out that the opportunities would have been lost. The SE/SR in this case chose to assume the risks, accepting the possible outcome that if the meetings became a public embarrassment or caused the United States other difficulties, the SE/SR would bear the responsibility. Indeed, in one of these instances, the SE/SR kept the meeting hidden from his staff to avoid compromising them should it go bad.

Good SE/SRs must be allowed some discretion for making such decisions and should be backed up when they do. Being too constrained in interactions undermines the very value of having an SE/SR. But that leeway, and the risks involved, should be discussed as part of the SE/SR's mandate, as well as in assessing the qualifications, skills, and judgment of the SE/SR being selected. And an SE/SR must be prepared to take the risks associated with making those decisions and understand the consequences of judging badly.

Aside from dealings with terrorists or other "unfavorables," viewing the SE/SR as the appropriate person to separate America's peace objectives from other objectives can have wider implications. The United States frequently has multiple—and sometimes conflicting—objectives in a region or with a particular country. Separating the various messages can move the peace process, especially where regional peace processes compete with bilateral issues. There are instances where the SE/SR has been able to play exactly this role. Ambassador Jeter engaged with Nigeria's dictator, Sani Abacha, with a view to maintaining Nigerian peacekeepers' presence in Liberia and Sierra Leone. Jeter and the administration correctly perceived Abacha as a key actor in ending this conflict, but he was also a particularly harsh and corrupt leader who had virtually shut down engagement with the resident US ambassador and had spurned US efforts to engage bilaterally, including on Nigeria's human rights situation. Confining his discussion with Abacha to the regional peace processes enabled Jeter to get agreement for Nigerian peacekeepers in Liberia and Sierra Leone, and—though only a small victory—made possible some of the rare meetings between Abacha and the bilateral US ambassador, who always accompanied Jeter. But during these meetings, no separate bilateral matters were discussed, by mutual consent.

Haass's admonition that an SE/SR's mandate should be within the context of overall US policy in the region is relevant here. Washington has to decide when such compromises or competing messages are justified. The United States had such a debate before asking Ethio-

***Competing objectives must be carefully balanced. The United States must ensure that temporary compromises supporting conflict termination do not undermine longer-term objectives of accountability, democracy, and human rights.***

pia to contribute peacekeepers for a contested and unsettled region in Sudan, recognizing that this would elevate Ethiopian support in the region vis-à-vis our bilateral concerns. The decision was that the crisis in Sudan justified making the request. But keeping the messengers separate in such cases can help make clear that one US interest does not necessarily cancel out the other. It also empowers SE/SRs by enabling them to advance the mandate that is the basis of their mission.

The bottom line is that competing objectives must be carefully balanced. That includes how the conflict itself is brought to conclusion. The United States must ensure that temporary compromises supporting conflict termination do not undermine longer-term objectives of accountability, democracy, and human rights. Peacebuilding experiences in Sudan, South Sudan, Afghanistan, and Iraq all serve as good examples of how difficult this balance can be to achieve. As noted earlier, these considerations need to be part of the SE/SR's mandate.

## **Structure (and Turf Battles)**

Aaron Miller asserts that “form has to follow function.” If you get the objective and purpose right, the rest will follow. But the line from purpose to form has not always been clear or consistent. The bureaucratic structure for SE/SRs has varied depending on the issue, the SE/SR's preferences, the availability of resources, and the attitudes of the White House and State Department. Unsatisfactory experience with one structure often led to a sharply different structure in the next administration.

In almost every case, SE/SRs are physically located at the State Department and depend to one degree or another on its support. The most predictable problem that arises with SE/SRs is friction with the assistant secretary and others in the regional bureau. Few assistant secretaries relish seeing one of their most important issues delegated out to others.<sup>13</sup> When an SE/SR is presidential, with direct oversight from the NSC, this can exacerbate the rivalry between State and the White House over policy control. How serious these issues have been depended in part on the personalities of those involved and on the nature of the issue. Johnnie Carson, as assistant secretary for Africa, faced the challenge of having to increase the authority and the number of senior staff for the SE/SR for Sudan and South Sudan, thereby reinforcing the SE/SR's role, which was heavily under White House direction. To deal with this situation, for the SE/SR and other senior roles, Carson recruited retired ambassadors whom he knew and could trust to respect the department's role and coordinate closely with him on policy and administrative matters. He assigned to the Office of the US Special Envoy for Sudan and South Sudan (USSESS) an office director who saw it as his duty to keep the bureau and USSESS in close working harmony.

Several retired ambassadors who became SE/SRs felt that such problems were manageable because they understood the department and were personally respected within it; some, as retirees, felt that they also benefited from not being competitors for follow-on assignments. Overall, structure mattered less than understandings and commitments to coordinate. When those were absent, structures became more important.

Several SE/SRs operated with quite limited staff—sometimes no more than one or two. In some cases, this was satisfactory, especially when the regional bureau provided additional support when needed. Sometimes, however, it was a source of frustration. This was especially true when the SE/SR felt that the bureau was not supportive on policy or logistics. As a condition for assuming an SE/SR role for Middle East diplomacy, Ross made it a condition that he would have an independent staff and far-reaching policy authority. Some others sought support from the NSC when not satisfied with support from the regional bureau.

There are three instances when SE/SRs have established significant, largely autonomous offices. One was the Office of the Special Middle East Coordinator (SMEC), headed by Ross in the Clinton administration. SMEC was not large, did not supervise the desks, and did not administer financial resources in the region. At Ross's request, however, it was more autonomous and had more independent policy authority than the office Ross had directed in the previous administration. It was also notably less integrated with the department. A second autonomous SE/SR office has been the Special Representatives for Afghanistan and Pakistan (SRAP), created under Secretary Clinton and headed first by Richard Holbrooke. SRAP sought to illustrate the "whole of diplomacy" approach advocated in the Quadrennial Development and Diplomacy Review that Secretary Clinton initiated. It brought under one office the diplomatic, aid, and security elements of policy and extended its purview over bilateral, regional, and peace issues. The third such structure is the USSESS in the Obama administration. This, too, was a sharp departure from the past. After considerable friction between Sudan SE/SRs (most of whom had been part-time) and the Africa Bureau in the George W. Bush administration, and the lack of SE/SR authority over staff or resources, the USSESS brought the Sudan and South Sudan desks under the direction of the SE/SR.<sup>14</sup> It contracts through the Bureau of Conflict and Stabilization Operations (CSO) for a cadre of conflict-resolution specialists drawn from academia and the private sector to augment its Foreign Service officer (FSO) staff, administer tens of millions of dollars of aid resources voted specifically for Sudan/South Sudan by Congress, and exercise considerable policy authority over the embassies.

Each of these arrangements has pluses and minuses. Respected policy leadership, direct access to the president and the secretary, and the ability to work with relative freedom undoubtedly added to SMEC's capabilities. Over time, however, some believe that SMEC became too isolated from the department, especially depriving itself of the department's expertise on Palestinian, Arab, and Islamic needs.<sup>15</sup> Department resources were often ignored. Embassies were not brought into the ongoing negotiations. The process became too exclusive, cutting out ambassadors in the field whose judgments were important to managing and succeeding in the negotiations.

SRAP has the advantage of taking a broad regional approach to the problems it confronts. It contains representatives of many relevant agencies as part of its whole-of-government approach and exercises policy authority with the field. "The embassies work for me," said one SRAP director. Thus, SRAP can address both the regional dimensions and those underlying causes of conflict and instability that a narrower approach might overlook. But SRAP's mandate was controversial, and its work was often seen as too far-reaching. Delving deep into bilateral development issues was one example cited. Also, liaison officers in an office such as SRAP do not have the authority to commit their agencies on major policies or programs and do not substitute for higher-level coordination. To be effective, the whole-of-government process must operate at several levels. SRAP has had some serious differences with USAID and, sometimes, other agencies and the NSC, where such policy differences might have been resolved. SRAP, under Holbrooke in particular, was seen as overly aggressive and was therefore held at arm's length. One NSC official said, "With Holbrooke, it was like holding a runaway chariot back... he was creative in his own way." As noted earlier, Holbrooke's successor, Grossman, pruned back SRAP's focus, and apparently so did SRAP Dobbins, though the office retains considerable authority.

USSESS was formed not only with the previous administration's difficulties in mind but also to reflect intensified US attention to a peace process that appeared to be losing steam. The significantly autonomous structure is a good example of form following function. Policy and bilateral matters so overlapped in the Sudan/South Sudan case that the integration of

the desks into USSESS, authority and collaboration with the embassies, and some financial capability made USSESS far more effective both in the field and in the deliberations in Washington than if these authorities had been divided. Financial resources allowed USSESS to fund politically oriented projects (diaspora radio, for example) and some security and stabilization projects that embassies and USAID could not have handled. Access to CSO specialists on multiyear contracts was critically important for USSESS, given the rotation demands on FSOs and the value of these specialists. CSO, in fact, provided much of the initial field staff for the fledgling consulate, later embassy, in South Sudan. This experience serves, perhaps, as a model of how to give the department surge capacity for such complex, long-standing diplomatic processes.

With all these advantages, problems arose nevertheless. The first SE/SR for USSESS made poor use of the embassies, cutting them out of both the policy and negotiating process and Washington policy debates. They were asked, in effect, to serve simply as travel and logistics support for the SE/SR and were often not included in meetings in the country. This lowered morale in the embassies and bifurcated reporting and analysis channels. The next SE/SR reversed this practice and brought the embassies fully into both policy and on-the-ground diplomatic processes. In programming resources, USSESS was not structured well to oversee all the projects it initiated, some of which were ill conceived and poorly supervised. Over time, USSESS also strayed into areas better handled by USAID. FSO and contract staff in USSESS didn't always get along well until their assignments were realigned and responsibilities and opportunities better shared.

Even when integrated into policy, ambassadors under SE/SR authority, like SRAP and USSESS, are in a difficult position. Their policy direction may come from the SE/SR, but their careers lie with the assistant secretary. When policy differences arise between the SE/SR and the assistant secretary, the ambassadors can get caught in the middle. SE/SRs need to be conscious of this and not force ambassadors to "choose" whose position to follow. Those differences have to be worked out between the assistant secretary and the SE/SR.

State-NSC rivalry has occurred in almost all these cases. But it can also enhance the role of the SE/SR in helping manage this issue. State rather cleverly co-opted the SE/SR for Sudan to help address its rivalry with the NSC over day-to-day policy direction. The secretary's office, bothered by the demands on so many senior State staff to attend weekly NSC meetings on Sudan at the White House, asked the SE/SR to coordinate State's position in advance on any matter coming up at the meeting. Thus, only the assistant secretary and the SE/SR need attend. The process worked well and enhanced the SE/SR's relations and coordination throughout the department.

The SE/SR in turn insisted that there be only one reporting channel from his office, not one for the NSC and another for State. Officially reporting to the president through the secretary of state, he regularly sent a single report to the secretary, copying the senior levels of the NSC, senior levels of the department, and both embassies. SE/SR papers for a deputies' meeting for State and the NSC were identical. Everyone was literally on the same page.

There are no cookie-cutter ways to address these inevitable problems involved in structure, rivalry, and turf. Rather, they require sensitivity and quick, innovative action from senior officials to resolve them.

## Outreach

**Congress.** Most SE/SRs briefed Congress often, sometimes in hearings but more frequently in informal briefings. Only a few did not think that was part of their mandate. On the whole, SE/SRs report good relations with Congress. That should not be surprising, given that Congress

was often instrumental in their appointment. But none felt that they worked for Congress. They believed they could relay administration positions and their personal views of the situation.

**Advocacy Groups.** Advocacy groups are an important part of American democracy and represent citizens' deep feelings about aspects of foreign policy. Most SE/SRs found it valuable to stay in touch with advocacy groups. The influence of such groups varies. In some cases, they are influential with Congress and have a broad national constituency. This is certainly the case with Sudan and South Sudan, where religious groups, conflict resolution groups, and antigencide groups have all been active and have coalesced. The White House frequently calls on the SE/SR on Sudan to participate in conference calls with these groups, as it does with other SE/SRs where public interest is high. Special interest groups made up of diaspora, as seen in the Northern Ireland conflict and in the Balkans, were identified by SE/SRs as influential. On the whole, because these groups are also often instrumental in calling for the appointment of an SE/SR, their relations with the envoy are reasonably good. Only when they feel that the SE/SR has gone down the wrong track is there serious friction.

But SE/SRs have often had to deal with advocates' biases. In the case of Cyprus, they were overwhelmingly sympathetic to the Greek side when the United States had other equities at stake. Haass managed these differences well. But with Sudan, the results were mixed. In the summer of 2010, the groups reinvigorated high-level focus on a stalled peace process, and they have kept a focus on the horrific events in Darfur. But their demand for strong and consistent denunciations of the Sudan government for its human rights deprivations, together with their passionate defense of the south, may well have inhibited more even-handed administration criticism of southern leaders when the latter, too, were violating human rights and stumbling into a civil war of their own. The administration took a dimmer view of the South Sudan leadership but did so more behind the scenes than publicly. For the SE/SR, that was a constant concern and a long-standing debate with both the advocacy groups and their congressional supporters.

**Civil Society in the Conflict Areas.** Almost universally, SE/SRs regretted being unable to get civil society more directly involved or influential in the peace process. The practice of "the people with the guns sit at the table" has prevailed in many peace processes. The United States Institute of Peace has focused much attention on this subject and on ways to empower civil society. The subject deserves more attention than it can receive here, but a few comments from the experience of SE/SRs are in order.

Almost all the SE/SRs reported meeting regularly with civil society groups, and the US government has provided financial and technical support to civil society in many conflict situations (e.g., women's groups, human rights organizations, think tanks, universities).<sup>16</sup> But bringing civil society into the actual peace negotiations is harder. In many cases, the belligerents resist civil society involvement. The matter was put before the parties negotiating the Sudan post-CPA arrangements by the African Union's chief mediator, but the parties rejected the idea of including civil society. They argued that the CPA specifically mandated that the two political parties negotiate the peace. They employed a common argument: that adding significantly to the number of parties at the table would only prolong the process. The parties to the conflict in South Sudan are similarly maneuvering to keep civil society out of the decisions on the mandate and authorities of a proposed transitional government. In other cases civil society could not mobilize sufficient on-the-ground strength to demand such a role.

More fruitful in these situations has been the work of SE/SRs to keep civil society and the public informed of the negotiations through public statements and meetings with civil society. This has been particularly important in situations where neither party made an effort to keep the public informed (or informed accurately), as in Sudan. Most SE/SRs we interviewed used access to the media in this way.

Haass, who returned to chair the Northern Ireland peace process in his private capacity in 2013, was particularly pleased to work more with civil society than when he had been a formal mediator. It was a different situation, however. The basic agreements had been negotiated; the challenge this time was to have them respected and implemented by the parties and their supporters. At this stage, civil society had an essential role in mobilizing popular support for having the parties develop and keep to the peace agreements.

## Conclusion

SE/SRs have played, and will continue to play, a major role in the USG's efforts to bring an end to conflict. They are a valuable means of signaling that the White House and, often, the secretary of state are paying high-level attention to a particular conflict, especially when pressed by the Congress and the public. The appointment of an SE/SR can also strengthen White House control over a particular policy or situation that is important to the president. But the SE/SR can be fully effective only if sufficiently empowered by the president and the secretary of state. SE/SRs offer another advantage if the United States wishes to reach out to unfavorable persons or organizations outside normal diplomatic channels to test prospects for further negotiation and peace.

Recognizing the elements that make for success in the SE/SR model—empowerment, authority, and staff and resource support—assistant secretaries could more often play this role, especially when the president is not directly or personally engaged. But in recent years, shortages of staff and of time to develop the necessary skills have limited the department's number of senior diplomats available for this role. The past success of at least two assistant secretaries in doing this should demonstrate that this is a role that the department can play and should be resourced and empowered to play more in the future.

## Policy Recommendations

- Selection of an SE/SR is most useful when a conflict situation (a) reaches a high level of interest and concern within the USG, including Congress; (b) has strong regional as well as bilateral aspects; and (c) exceeds the capacity of the normal State Department system to address on its own. Envoys selected simply to respond to congressional or public pressure, and are not given high-level support within the administration to do the job, are less effective and can burden the system.
- The mandate should be clear and limited. Whether through public policy, a clearly written policy paper, or explicitly enunciated guidance from the president or the secretary of state, the mandate should be well defined and should specify both the intent and level of the US engagement and the scope of the envoy's responsibilities.
- Senior-level envoys must be empowered, and recognized as such, by the president and the secretary of state. That means having direct access to the president or secretary as needed and making it clear, both within the USG and to foreign counterparts, that the envoys possess such status and authority. Timely direct support from the president or the secretary is essential.
- SE/SRs require a certain degree of latitude. Their ability to operate outside normal bureaucratic restrictions, including restrictions on whom they contact, is one of their potential strengths. This latitude should be established at the outset or through policy-level agreement when needed.
- In the case of presidential envoys, it is essential that the secretary of state remain engaged and that the State Department be adequately involved. One means for

achieving this is for a presidential envoy to report to the president through the secretary of state. Properly empowered, the SE/SR also acts as a buffer between the secretary and day-to-day negotiations, allowing for the secretary to intervene selectively when such high-level action is most needed.

- Chemistry matters. The appointment of an SE/SR can infringe on the role of an assistant secretary of state or ambassador in the field or even create fissures between the White House and State Department over policy direction. These problems have no cookie-cutter solution, but mutual respect and flexibility can forge paths around them. An especially close working relationship must be established at the outset between the SE/SR and the relevant assistant secretary of state and with the ambassadors in the field. Our interviewees saw failure to do this as the most significant cause of bureaucratic problems. Our research shows that envoys, whether coming from the Foreign Service or elsewhere, were less encumbered by these problems when they demonstrated respect for the systems, responsibilities, and capacities of the State Department and drew upon the support that the department could provide. In some cases, the assistant secretary was directly involved in the SE/SR selection process.
- Envoys need staff support, whether by dedicated staff from the regional bureau or through assignment of other department personnel. The CSO is well equipped to provide such expertise, as it has for Sudan, Afghanistan, and other conflict situations. The size and scope of such support can vary depending on the mandate and complexity of the conflict, the views of the SE/SR, and the regional bureau's readiness to dedicate sufficient bureau support. In some cases, the SE/SRs benefit from having control over financial resources. This is especially true when politically sensitive programs are needed, including those that USAID may not be prepared to undertake. Autonomous structures created under the SE/SR must avoid losing appropriate contact and coordination with the rest of the foreign policy structure.
- Reinforcing the department's senior ranks and the capacity of its senior officers to serve in SE/SR positions should be one of the objectives in addressing conflict situations in the future. Assistant secretaries who have carried out diplomatic efforts as SE/SRs, and several presidential SE/SRs who are retired ambassadors, confirm that the skills and capacities for such assignments exist within the State Department. But because of past gaps in recruitment and hiring, such people are in short supply at the senior level today. If assistant secretaries or other high-level career Foreign Service officers are given the same support accorded to "outside" SE/SRs, State Department personnel could perform effectively as SE/SRs in conflict situations.
- Criteria defining the end of an envoyship must be defined. A few such positions have lingered well beyond their relevance or morphed and expanded to fold in additional functions. In some cases, the long-term existence of such special offices may have impaired the effective development and management of policy, keeping them too long from integration into broader objectives and operations.

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## Endnotes

1. See for example, Michael Fullilove, "All the President's Men: The Role of Special Envoys in U.S. Foreign Policy," *Foreign Affairs* 84, no. 2 (2005): 13; John K. Naland, "U.S. Special Envoys: A Flexible Tool," USIP Peace Brief no. 102, Aug. 15, 2011; American Foreign Service Association's QDDR Special Envoys Working Group, "Special Envoys Recommendations," April 2014, [www.afsa.org/Portals/0/qddr\\_special\\_envoys.pdf](http://www.afsa.org/Portals/0/qddr_special_envoys.pdf).
2. Both were, however, political appointees with connections to political leadership, which may well have enhanced their authority to carry out negotiations.
3. Daniel C. Kurtzer, *Pathways to Peace: America and the Arab-Israeli Conflict* (New York: Palgrave Macmillan, 2012), 201.
4. Daniel Serwer, author interview, Nov. 2013, Washington, DC.
5. Zalmay Khalilzad notes that when he was appointed US ambassador to Afghanistan, President Karzai thought his previous title of special envoy conveyed more authority and a more direct link to the US president. So he asked Khalilzad if he could retain both titles, which Khalilzad did.
6. Aaron David Miller, "Memorandum to the President," in Kurtzer, *Pathways to Peace*, 142-43.
7. Daniel Kurtzer, Scott Lasensky, William Quandt, Steven Spiegel, and Shibley Telhami, *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989-2011* (Ithaca, NY: Cornell University Press, 2013), 262.
8. Mitchell Reiss, *Negotiating with Evil: When to Talk to Terrorists* (New York: Open Road Media, 2010), 244.
9. Richard Hass, author interview, April 2014, New York.
10. Marc Grossman, "Lessons from Negotiating with the Taliban," Cohen Group, Oct. 6, 2013, [http://cohengroup.net/news/op\\_ed/op\\_ed10082013.cfm](http://cohengroup.net/news/op_ed/op_ed10082013.cfm)
11. James Dobbins, author interview, Nov. 2013, Washington, DC.
12. Reiss, *Negotiating with Evil*, 243.
13. A notable exception occurred when Grossman was appointed assistant secretary for Europe. He insisted on a special envoy for the Balkans, recognizing that that issue alone would take too much of his time from other critically important responsibilities.
14. Initially, the envoy was designated for "Sudan," thus, USSES. When South Sudan became independent, the title was amended to include "Sudan and South Sudan," adding "SS." This report uses the current acronym "USSESS" throughout.
15. Kurtzer, *The Peace Puzzle*, 128-29.
16. Princeton Lyman, "Women's Role in Bringing Peace to Sudan and South Sudan" (unpublished article submitted to State Department, March 2013), available from the author.

## Of Related Interest

- *The Go-Between: Jan Eliasson and the Styles of Mediation* by Isak Svensson and Peter Wallensteen (USIP Press, 2010)
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- *American Negotiating Behavior* by Richard H. Solomon and Nigel Quinney
- *Herding Cats: Multiparty Mediation in a Complex World* edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (USIP Press, 1999)
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