

COVID-19 and Conflicts: The Health of Peace Processes During a Pandemic

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I. INTRODUCTION

On March 23, 2020, United Nations (“UN”) Secretary-General António Guterres, through a virtual press conference, concluded that “[o]ur world faces a common enemy: COVID-19. The virus does not care about nationality or ethnicity, faction or faith. It attacks all, relentlessly. Meanwhile, armed conflict rages on around the world.”¹ The Secretary-General stressed the extreme vulnerability of conflict-affected states to the COVID-19 pandemic, and called for a global ceasefire.² Within a week, 53 states echoed the call for a global ceasefire, and that number continues to increase.³

As some of the strongest healthcare systems on the planet struggle to bear the weight of the COVID-19 onslaught, it is likely that the impact of the virus will be catastrophic in war-torn regions where armed conflict has

1. United Nations Secretary-General, *Secretary-General Calls for Global Ceasefire, Citing War-Ravaged Health Systems, Populations Most Vulnerable to Novel Coronavirus*, (Mar. 23, 2020), <https://www.un.org/press/en/2020/sgsm20018.doc.htm> [https://perma.cc/GT33-XD99].

2. *Id.*

3. Seth Farsides, *COVID-19: 53 Nations Back a Global Ceasefire but Conflict Still Ensues*, INTERNATIONAL OBSERVATORY FOR HUMAN RIGHTS (Mar. 31, 2020), <https://observatory-ihr.org/news/covid-19-53-nations-back-a-global-ceasefire-but-conflict-still-ensues/> [https://perma.cc/8XKC-PYJS]; *Secretary-General Reiterates Appeal for Global Ceasefire, Warns ‘Worst is yet to Come’ as COVID-19 Threatens Conflict Zones*, UNITED NATIONS: MEETINGS COVERAGE AND PRESS RELEASES (Apr. 3, 2020), <https://www.un.org/press/en/2020/sgsm20032.doc.htm> [https://perma.cc/MBW9-Y82U].

decimated healthcare infrastructure. In these places, refugees and internally displaced persons may already struggle to access even basic services, and corridors for humanitarian aid are closing. At the time of writing this Article, though the Secretary-General implored “[s]ilence the guns; stop the artillery; end the airstrikes,”⁴ his call has not been heeded. Perversely, in some conflicts, violence has escalated.

This should not be a surprise. While calling for a global ceasefire is admirable, the process of reaching an agreement between hostile parties to halt hostilities is typically a difficult, intricate endeavor involving international mediation and intense negotiations. These negotiations can sometimes last for years—or longer—and achieving agreement on a cessation of hostilities for a single day is often a substantial breakthrough. At a time when there is intense speculation regarding how even the most powerful international entities can function,⁵ how will peace between hostile parties be brokered?

This Article reviews the status of selected contemporary peace processes in the early stages of the COVID-19 outbreak and explores some of the initial effects that the pandemic has had on those processes. The Article first provides an overview of the 20th and 21st century trend toward internationalized peace processes. Then, it introduces several contemporary mediation efforts that were ongoing at the onset of the pandemic and examines the early impacts of COVID-19 on those peace processes. In so doing, the Article identifies instances where actors have exploited the pandemic and peace processes where momentum has shrunk under COVID-19. The Article also recognizes creative solutions that some actors have deployed in an attempt to counteract that shrinking, as well as contexts where pressure triggered by the pandemic seems to have facilitated progress in negotiations. The Article concludes by considering what the early impacts of COVID-19 on these peace processes may suggest for internationally mediated peace processes in the post-pandemic era. Of course, it must be mentioned that this Article has been drafted in what is likely to be the early stages of the COVID-19 pandemic. It is premature to draw definitive conclusions, and accordingly, this Article does not purport to do so.

4. United Nations Secretary-General, *supra* note 1.

5. *Possible Implications of COVID-19 on International Peace and Security*, WHAT'S IN BLUE (Mar. 21, 2020), <https://www.whatsinblue.org/2020/03/possible-implications-of-covid-19-on-international-peace-and-security.php> [https://perma.cc/N3WM-W7R3].

II. THE INTERNATIONALIZATION OF PEACE PROCESSES AND PRE-PANDEMIC ONGOING MEDIATION EFFORTS

A. *The Internationalization of Peace Processes*

To set the stage prior to analyzing initial impacts of COVID-19 on current mediation efforts, it is critical to provide a brief overview of the internationalization of peace processes. Since World War II, international mediation has become an increasingly frequent feature in peace process frameworks. Much could be and has been written about the benefits and drawbacks of international mediation,⁶ which is largely beyond the scope of this Article. Regardless of their positive or negative attributes, it is difficult to escape that by their very nature, internationalized mediation efforts will be impacted by COVID-19 and the travel and assembly restrictions that it triggered.

Mediation is commonly defined as “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.”⁷ In internationally mediated peace processes, this typically involves an “outside” central actor that does “not have the authority to impose an outcome” on the negotiating parties.⁸ Nonetheless, internationally mediated peace processes and legal work are inextricably intertwined. While mediation is viewed as outside the invocation of the “authority of the law,” meaning that there is no legal rule that is invoked to determine the outcome of the dispute, international mediation as a dispute resolution mechanism relies on a legal foundation, knowledge, and skillset, and generally produces contracted outcomes.⁹ Indeed, much analysis has

6. See, e.g., Kyle Beardsley, *Agreement Without Peace? International Mediation and Time Inconsistency Problems*, 52 AM. J. OF POLITICAL SCIENCE 723 (2006); Bernd Beber, *International Mediation, Selection Effects, and the Question of Bias*, 29 CONFLICT MANAGEMENT AND PEACE SCIENCE 397 (2012); Jacob Bercovitch, J. Theodore Anagnoson, & Donnette L. Wille, *Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations*, 28 J. PEACE RESEARCH 7 (1991); Tobias Böhmelt, *Failing to Succeed? The Cumulative Impact of International Mediation Revisited*, 30 CONFLICT MANAGEMENT AND PEACE SCIENCE 199 (2013); Peter Wallensteen & Isak Svensson, *Talking Peace: International Mediation in Armed Conflicts*, 51 J. PEACE RESEARCH 315 (2014).

7. Bercovitch et al., *supra* note 6, at 8; see also Wallensteen & Svensson, *supra* note 6, at 316.

8. Wallensteen & Svensson, *supra* note 6, at 316.

9. However, there is debate as to the binding nature of some of these outcomes, for instance those between state and non-state actors. See generally Christine Bell, *Peace Agreements: Their Nature and Legal Status*, 100 AM. J. INT'L LAW 373 (2006).

been done on the intersection of law and legal practice and peace processes and their resulting peace agreements, generally concluding that mediated peace-building and international law are interconnected.¹⁰

While prior to the Cold War armed conflicts generally engaged two or more states, in the post-Cold War era, armed conflicts more frequently take place internally within a single state.¹¹ However, even as conflict dynamics shift to more internal patterns, the presence of international actors as mediators to resolve armed conflict continues to rise.¹² Indeed, since the turn of the 21st century, the most common outcome of an internal armed conflict has been a peace agreement mediated by international actors.¹³ As international mediation has increased in prevalence as a conflict resolution mechanism, so have the number and types of international actors engaged as mediators. In the immediate post-World War II era, the UN was the most common international peace mediator.¹⁴ Since that time, other inter-governmental organizations (“IGOs”), such as regional entities like the African Union and Gulf Cooperation Council, as well as individual states, have stepped into a mediation role in various conflicts.¹⁵ The latter class of mediators has included both major powers like the United States and mid-sized and small-sized states.¹⁶ Although less prevalent, in some conflicts, non-state and non-intergovernmental entities have served as international mediators. For instance, Pope Francis and the Vatican have played a crucial role in mediating the conflict in South Sudan.¹⁷ The rise of international

10. See, e.g., *id.* (analyzing the legal status and nature of peace agreements); Ghassem Bohloulzadeh, *The Nature of Peace Agreement in International Law*, 10 J. POLITICS & L. 208 (2017) (discussing the implications of the treaty, constitutional, and agreement nature of peace agreements under international law); Morten Bergsmo and Pablo Kalmanovitz, eds., *Law in Peace Negotiations*, FORUM FOR INTERNATIONAL CRIMINAL AND HUMANITARIAN LAW (2010) (publication series on the intersection of international law and peace negotiations).

11. Wallensteen & Svensson, *supra* note 6, at 317–18.

12. See *id.* at 318.

13. Beber, *supra* note 6, at 397–98.

14. Wallensteen & Svensson, *supra* note 6, at 318.

15. *Id.*

16. *Id.*

17. See Christina Golubski, *Sudan Faces Regime Change, Vatican Hosts South Sudan Peace Summit, and IMF and World Bank Release Growth Projections*, BROOKINGS (Apr. 13, 2019), <https://www.brookings.edu/blog/africa-in-focus/2019/04/13/africa-in-the-news-sudan-faces-regime-change-vatican-hosts-south-sudan-peace-summit-and-imf-and-world-bank-release-growth-projections/>; Linda Bordoni, *South Sudan Leaders: ‘How Can We Not Bring Peace If the Pope Pushes Us to Do So?’*, VATICAN NEWS (Jan. 14, 2020), <https://www.vaticannews.va/en/world/news/2020-01/south-sudan-rome-declaration-pope-saint-egidio.html> [<https://perma.cc/8MHB-KSGL>]. See also, *Rome Declaration on the Peace Process in South Sudan*, RELIEFWEB (Jan. 12, 2020), <https://reliefweb.int/report/south-sudan/rome-declaration-peace-process-south-sudan>.

mediation in peace processes has, in turn, generated an explosion of academic research examining international mediation strategies, effectiveness of mediators, mediation biases, motivations of mediators, and probability of success based on mediation profiles and strategies.¹⁸

However, this academic examination did not anticipate the unique challenges the world would face beginning in the spring of 2020. Prior to the pandemic, the prominence of international mediation swelled as the world became more globalized and travel-accessible. Under ordinary conditions, mediation teams shuttled frequently among negotiating parties, interested or involved third-party states, and IGO-hosted sessions. Over the course of a peace process, international advisors and civil society leaders routinely logged tens of thousands of miles. Moreover, the negotiating parties themselves often travelled to third-party “hosting” venues in foreign states, with popular options including Switzerland and Qatar. Consider, for illustration, the multi-year negotiations between the Syrian Opposition and the Assad regime. Negotiations have been mediated by the (rotating) UN Special Envoy for Syria, with formal negotiations convened in Switzerland, and bilateral consultations held in Istanbul, Damascus, and Moscow. Meanwhile, Russia, Turkey, and Iran mediated ceasefire negotiations in Kazakhstan, and Russia facilitated a one-time conference on constitutional topics with a range of Syrian stakeholders in Sochi, Russia. Moreover, the Syrian parties are not traveling from a single location. While the Assad regime largely resides in, and travels from Syria, most members of the Syrian Opposition delegation are no longer able to safely reside in Syria and thus travel from various locations in Europe, the Middle East, and North Africa. In sum, global travel has become the foundation of most contemporary peace processes. This approach rests on assumptions about global accessibility that COVID-19 has suddenly and gravely challenged.

B. Pre-Pandemic Ongoing Mediation Efforts

As 2020 began, many new and ongoing peace processes were undergoing international mediation. This Article focuses on five case studies: Syria, Sudan, South Sudan, Yemen, and Libya. Each is a highly international pursuit, involving numerous states, IGOs, and other international actors. Consequently, prior to spring 2020, each entailed frequent and sustained travel by the parties, mediators, and international supporters. While full Articles

18. See, e.g., Beardsley, *supra* note 6; Beber, *supra* note 6; Bercovitch et al., *supra* note 6; Böhmelt, *supra* note 6; Tobias Böhmelt, *The Spatial Contagion of International Mediation*, 32 CONFLICT MANAGEMENT AND PEACE SCIENCE 108 (2015); Marieke Kleiboer, *Understanding Success and Failure of International Mediation*, 40 J. CONFLICT RESOLUTION 360 (1996); Wallensteen & Svensson, *supra* note 6.

can and have been dedicated solely to the task of describing each of these complex and multifaceted conflicts and peace processes, this Article provides only brief overviews sufficient to contextualize the impacts of COVID-19.

In 2020, the UN-led Intra-Syrian Peace Process entered its ninth year.¹⁹ This peace process has evolved in fits and starts throughout the almost decade-long conflict, with four successive UN Special Envoys leading mediation efforts.²⁰ In its current iteration, the peace process continues to stagger forward under UN Special Envoy for Syria, Geir Pedersen.²¹ The process currently focuses on constitutional negotiations through a Constitutional Committee framework.²² In late October 2019, Geir Pedersen convened the first meeting of the Constitutional Committee in Geneva with 150 delegates representing the Syrian Government of Bashar al-Assad, the Syrian Opposition, and a third, neutral delegation.²³ A second round was held in November 2019, but talks largely stalled after this convening.²⁴ Nonetheless, in early 2020, Pedersen and his mediation team continued to travel frequently for consultations with the key parties in an effort to generate momentum toward reconvening the Constitutional Committee.²⁵

Meanwhile, in early 2020, South Sudan was hosting and mediating the multi-track Sudanese Peace Talks for its neighbor to the north, Sudan. The Sudanese delegations and South Sudanese mediators converged daily in Juba, South Sudan, filling packed negotiation rooms. After decades of conflict and little progress towards sustainable peace, the Sudanese peace negotiations had gained new life when former President Omar al-Bashir was removed from power in April 2019 by his own military, following months

19. See, e.g., Carla E. Humud & Christopher M. Blanchard, CONG. RESEARCH SERV., RL33487, ARMED CONFLICT IN SYRIA: OVERVIEW AND U.S. RESPONSE 1–2 (2020); see also *Syrian Civil War: Syrian History*, ENCYC. BRITANNICA (Mar. 31, 2020), <https://www.britannica.com/event/Syrian-Civil-War> [https://perma.cc/ZH95-RHQ8].

20. See *Syria Diplomatic Talks: A Timeline*, AL JAZEERA (Sept. 15, 2017), <https://www.aljazeera.com/news/2017/09/syria-diplomatic-talks-timeline-170915083153934.html> [https://perma.cc/VN6J-92Y6].

21. Humud & Blanchard, *supra* note 19, at 19.

22. *Id.*

23. *Id.* at 19–20.

24. See *Syria Constitutional Talks Stuck on First Day of New Round*, MIDDLE EAST MONITOR (Nov. 25, 2019), <https://www.middleeastmonitor.com/20191125-syria-constitutional-talks-stuck-on-first-day-of-new-round/> [https://perma.cc/E4JP-EC4B].

25. See, e.g., *UN Envoy to Visit Damascus to Activate Constitutional Committee's Work*, ASHARQ AL-AWSAT (Jan. 26, 2020), <https://aawsat.com/english/home/article/2099996/un-envoy-visit-damascus-activate-constitutional-committee%E2%80%99s-work> [https://perma.cc/CZH2-XGWP].

of intense and sustained civilian protests against his regime.²⁶ By the fall of 2019, South Sudan began mediating peace talks between the newly minted transitional government of Sudan—composed of civilian and military representatives—and various prominent rebel movements.²⁷

While mediating the peace negotiations for Sudan in early 2020, South Sudan was simultaneously pursuing a resolution to its own multi-year internal conflict. South Sudan is the world's youngest state, having separated from Sudan in 2011. Since shortly after its formation, South Sudan has suffered from internal conflict characterized by periodic surges in violence and brokered peace deals. In 2018 the primary parties to the conflict signed a set of mediated agreements that set forth a path toward peace, including the formation of a unity government.²⁸ However, fighting continued, and the parties did not form a unity government by the original deadline in the 2018 agreement²⁹ or the negotiated extension to the deadline.³⁰ Consequently, when the extended deadline was reached without the formation of a unity government, with the mediating assistance of Uganda, the parties concluded a second extension agreement—giving themselves 100 days to

26. See generally Samy Magdy, *Sudanese Protesters Sign Final Power-Sharing Deal with Army*, ASSOCIATED PRESS (Aug. 17, 2019), <https://apnews.com/ea1cbbbe26044988b958cd8e6288c325> [https://perma.cc/PG6N-R2TB]; SUDAN CONSTITUTIONAL DECLARATION AUGUST 2019, art. 6(2), arts. 67–69 (2019), <http://constitutionnet.org/v1/item/sudan-constitutional-declaration-august-2019> [https://perma.cc/9YWF-46DN] (the Constitutional Declaration, which formed a transitional government for Sudan that shares power between the military and civilians, establishes a timeline for the peace process and issues that must be resolved to achieve a comprehensive peace).

27. See Denis Dumo, *Sudan's Ruling Council, Rebel Leaders Agree on Peace Talks Roadmap*, REUTERS (Sept. 11, 2019), <https://www.reuters.com/article/us-sudan-politics/sudans-ruling-council-rebel-leaders-agree-on-peace-talks-roadmap-idUSKCN1VW2BE> [https://perma.cc/2TY4-QE6K]; *Sudan Government and Rebels Meet for Peace Talks in Juba*, REUTERS (Oct. 14, 2019), <https://www.reuters.com/article/us-sudan-politics/sudan-government-and-rebels-meet-for-peace-talks-in-juba-idUSKBN1WT1OC> [https://perma.cc/3ZCU-ZUPA]; *Sudanese Peace Negotiations Launched in Juba*, RADIO DABANGA (Oct. 15, 2019), <https://www.dabangasudan.org/en/all-news/article/sudanese-peace-negotiations-launched-in-juba> [https://perma.cc/39Q5-9FYA].

28. See Agreement on the Outstanding Issues of Governance (Aug. 5, 2018), <https://www.peaceagreements.org/masterdocument/2111> [https://perma.cc/5F5M-3L4E]; Revitalization Agreement on the Resolution of the Conflict in the Republic of South Sudan ("R-ARCSS") (Sept. 12, 2018), <https://www.peaceagreements.org/masterdocument/2112> [https://perma.cc/FX5L-9D7P].

29. *Id.* at art. 1.1.

30. *A Critical Six Months for South Sudan*, INT'L CRISIS GROUP (May 8, 2019), <https://www.crisisgroup.org/africa/horn-africa/south-sudan/critical-six-months-south-sudan> [https://perma.cc/YJ7H-HVBM].

reach an accord to form the unity government.³¹ The Vatican then assisted in brokering a cessation of hostilities between the parties in January 2020,³² and just before the 100-day deadline, on February 22, 2020, the parties finally agreed to a power-sharing arrangement. The fragile new unity government leaders and international brokers then began refreshed talks on building the national and regional levels of a unity government.

In Yemen, the UN-mediated peace process continued to develop slowly with modest progress on prisoner releases, among other key issues, but all the while tempered by internal delegation discord and spikes in hostilities. The Yemeni process is mediated by UN Special Envoy for Yemen Martin Griffiths, and is largely focused on brokering a ceasefire and political agreement between the internationally-recognized Hadi government and representatives from Ansar Allah, an insurgent group that formed an unrecognized, quasi-government in northern parts of Yemen.³³ This peace process has largely rested in a holding pattern since the stalled 2018 Stockholm Agreement, which included provisions relating to military redeployments, sieges, and prisoner releases, but suffered from slow implementation.³⁴

Finally, in early 2020, after a year of intense fighting in Libya, there appeared to be a modicum of momentum towards peace. Currently, the state is divided between the control of the UN-endorsed Government of National Accord (“GNA”) based in Tripoli, and the control of General Khalifa Haftar commanding the Libyan National Army (“LNA”) and aligned with the Tobruk-based House of Representatives. The UN, France, and Italy, among others, have all attempted to broker agreements between the parties. In July 2019, after a surge of violence in the spring of 2019 when

31. Communique on the Occasion of the Tripartite Summit on the Revitalised Agreement on Resolution of the Conflict in Republic of South Sudan, Nov. 7, 2019, <https://www.peaceagreements.org/masterdocument/2248> [<https://perma.cc/SE4Y-835Q>].

32. Linda Bordon, *South Sudan Leaders Set Date For Truce, Vow to Pursue Peace*, VATICAN NEWS (Jan. 13, 2020), <https://www.vaticannews.va/en/world/news/2020-01/south-sudan-st-egidio-meeting-government-opposition-peace-process.html> [<https://perma.cc/C3XS-PL8Y>]; Rome Declaration on the Peace Process in South Sudan (Jan. 12, 2020), <https://reliefweb.int/report/south-sudan/rome-declaration-peace-process-south-sudan> [<https://perma.cc/5KCR-DVNU>].

33. See generally, Haydee Dijksal, *Yemen and the Stockholm Agreement: Background, Context, and the Significance of the Agreement* 23 AM. SOC’Y INT’LL. INSIGHTS (2019); Ibrahim Jalal, *Yemen’s Stockholm Agreement One Year On: Imaginary Progress?*, MIDDLE EAST INSTITUTE (Jan. 22, 2020), <https://www.mei.edu/publications/yemens-stockholm-agreement-one-year-imaginary-progress> [<https://perma.cc/6BEB-XEJ7>].

34. *Id.*

the LNA launched an offensive on Tripoli, the then UN Special Representative to Libya outlined a three-point plan for a path toward peace.³⁵ In mid-January 2020, as part of the three-point plan, Russia and Turkey convened the GNA and LNA in Moscow to mediate ceasefire negotiations. While the GNA's Prime Minister Fayez al-Sarraj signed the agreement, General Haftar left Moscow without signing. In the following days, Germany convened the planned Berlin Conference, another key component of the three-point plan, bringing together 16 states and IGOs to discuss a path towards peace in Libya.³⁶ The Berlin Conference resulted in a 55-point communiqué calling for actions, including a ceasefire, arms embargo, and a return to political negotiations.³⁷ The outcomes of the Berlin Conference were adopted by the UN Security Council on February 12, 2020.³⁸ Nonetheless, in the subsequent weeks, the UN struggled to gain traction for resumed mediated negotiations between the GNA and the LNA.³⁹

As these five peace processes pressed forward, a novel coronavirus began to attract increasing attention and concern from the international community. In the final days of 2019 and the beginning of 2020, local health authorities in Wuhan, China determined that an outbreak of pneumonia-like symptoms resulted from a novel coronavirus labeled COVID-19.⁴⁰ In the following weeks, although initially concentrated in China, the virus be-

35. United Nations Special Representative Ghassan Salamé, Remarks of SRSNGhassan Salamé to the United Nations Security Council on the Situation in Libya (July 29, 2019), <https://unsmil.unmissions.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-situation-libya-29-july-2019> [https://perma.cc/B6CK-RBZ3].

36. German Federal Government Press Release 31, The Berlin Conference on Libya: Conference Conclusions (Jan. 19, 2020), <https://www.bundesregierung.de/breg-en/news/the-berlin-conference-on-libya-1713882> [https://perma.cc/3A5Z-PWV5] (Affirmed by attending representatives from: Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of the Congo, United Arab Emirates, the United Kingdom and the United States of America and High Representatives of the United Nations, the African Union, the European Union, and the League of Arab States).

37. *Id.*

38. S.C. Res. 2510 (Feb. 12, 2020).

39. See, e.g., *Libya's Warring Sides Pull Out of Geneva Peace Talks*, ALJAZEERA (Feb. 24, 2020), https://www.aljazeera.com/news/2020/02/eastern-libya-legislators-pull-geneva-peace-talks-200224160824800.html?utm_source=dailybrief&utm_medium=email&utm_campaign=DailyBrief2020feb25&utm_term=DailyNewsBrief [https://perma.cc/RC3A-95MX]; Isabel Debre, *UN: Rival Libyan Politicians Meet for Peace Talks in Geneva*, AP NEWS (Feb. 26, 2020), <https://apnews.com/05fda0824df841b89543720d1f2efcc4> [https://perma.cc/XE2V-29JF].

40. Yi-Chi Wu, Ching-Sung Chen & Yu-Jiun Chan, *The Outbreak of COVID-19: An Overview*, 83 J. CHINESE MED. ASS'N. 217, 217 (2020).

gan to spread to other East and Southeast Asian states, and then made continental jumps to Europe and North America.⁴¹ Impacted states began restricting travel, instituting social distancing orders, and closing non-essential businesses. Many states closed their borders in part or in full to travelers from affected regions. On March 11, 2020, the World Health Organization (“WHO”) formally declared COVID-19 a global pandemic.⁴² By mid-March 2020, COVID-19 consumed nearly the entirety of international news. In the span of weeks, the globalized world seized. Flights were grounded. Global staff were recalled. Individuals could not leave their homes, let alone countries. Many states implemented strict regulations on the number of persons allowed to gather together and instituted required physical distances between people when not in their homes. Moreover, global and domestic policy focus and funds poured into triaging the medical and economic consequences of the pandemic.

For perhaps the first time in many readers’ lives, the focus of the world shrunk to a singular and all-consuming focus: COVID-19 and its myriad, fractured ripple-effects. However, while COVID-19 absorbs most of the world’s interest, the armed conflicts that generated the aforementioned peace processes have not halted. How has the pandemic impacted international peace process and the conflicts they seek to resolve?

III. RAISING THE STAKES: COVID-19’S IMPACT ON ARMED CONFLICTS AND CONFLICT-AFFECTED AREAS

The peace processes on which this Article focuses have each been impacted, in diverse and sometimes overlapping ways, by the pandemic. Each process already faced poignant humanitarian challenges prior to the onset of a global pandemic. These conflict-affected states are exceedingly vulnerable to the effects of COVID-19 because of their depleted health systems, reliance on humanitarian aid, and large populations of displaced persons. Additionally, COVID-19 has already caused and may continue to catalyze increases in violence by creating a window for opportunistic parties to make strategic military gains or consolidate power.

41. *Id.*

42. *Coronavirus Disease 2019 (COVID-19): Situation Report 51*, WORLD HEALTH ORGANIZATION (Mar. 11, 2020).

A. Armed Conflict Areas are Highly Vulnerable to COVID-19

These armed conflicts and their corresponding peace processes occur in some of the world's most vulnerable states. The global pandemic magnifies that vulnerability, including both susceptibility to the disease itself (and difficulty treating those infected), as well as the great potential fallout due to COVID-19 restrictions, such as lock-downs and the closure of businesses, that may seriously impact food security.⁴³ Sustained armed conflict has had a deleterious impact on the systems most essential to halting the spread of COVID-19 and treatment of those who are infected. Armed conflict decimates health infrastructure, severely depletes agricultural, economic, and infrastructure-related resources, and creates a reliance on humanitarian aid. As such, the urgency of mediating armed conflict and effectively achieving peace, while already exceedingly important, is even further heightened during this unprecedented time.

Yemen, the poorest state of the Gulf region, is a prime example. The Yemeni conflict is perhaps the most pressing humanitarian crisis of the 21st century. Yemen's suffering healthcare infrastructure has already been ravaged by what many consider to be the most severe outbreak of cholera in modern times. Oxfam estimates that in the past five years, over fifty cases of cholera have been reported *every hour* in Yemen.⁴⁴ This outbreak has not relented during the new pandemic. Moreover, even before the pandemic began, only half of the state's medical infrastructure was functioning at full capacity,⁴⁵ and in 2019 the UN estimated that 19.7 million Yemenis did not have access to adequate healthcare.⁴⁶

Syria, too, represents a community at extreme risk. As of 2019, nearly 11.7 million persons required humanitarian assistance, with nearly a third of the population estimated to be food insecure.⁴⁷ Furthermore, as of 2019,

43. See Abdi Latif Dahi, *'Instead of Coronavirus, the Hunger Will Kill Us.'* *A Global Food Crisis Looms*, N.Y. TIMES (Apr. 22, 2020), <https://www.nytimes.com/2020/04/22/world/africa/coronavirus-hunger-crisis.html> [https://perma.cc/DNN6-DQ5D].

44. Oxfam Int'l, *50 Suspected Cholera Cases Every Hour for Five Years in Yemen*, (Mar. 23, 2020), <https://www.oxfam.org/en/press-releases/50-suspected-cholera-cases-every-hour-five-years-yemen-oxfam> [https://perma.cc/NY8P-AG7E].

45. U.N. OCHA, *Yemen: Situation Report* (Apr. 12, 2020), <https://reports.unocha.org/en/country/yemen> [https://perma.cc/2M7V-GP5F].

46. *Humanitarian Crisis in Yemen Remains the Worst in the World, Warns UN*, UN NEWS (Feb. 14, 2019), <https://news.un.org/en/story/2019/02/1032811> [https://perma.cc/7ZCY-3WJS].

47. U.N. OCHA, *2019 Humanitarian Needs Overview*, at 5 (Mar. 1, 2019), https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Syr_HNO_Full.pdf [https://perma.cc/B7U9-NTTE].

the UN Office for the Coordination of Humanitarian Affairs (“OCHA”) estimated a full 46% of hospitals or primary health care facilities were either non-functional or only partially functional due to damage caused by the conflict.⁴⁸

No less vulnerable is Libya, where nearly 20% of hospitals and primary care facilities are not functional, in large part due to at least sixty-two attacks on healthcare facilities since April 2019.⁴⁹ Due to lack of medical staff, equipment, and supplies, only 6% of functioning healthcare facilities are able to offer a full range of medical services.⁵⁰

In Sudan, the state’s healthcare system had faced decades of corruption, funding issues, and mismanagement under the former regime, and there are just 80 ventilators in the country.⁵¹ Health services suffered significantly within the conflict-affected regions of the state, and those regions are, accordingly, the least capable of addressing the needs presented by COVID-19.⁵²

The first COVID-19 case in South Sudan was identified on April 5, 2020. South Sudan is a state of 11 million people, of whom 7.5 million already require humanitarian assistance and 6 million live on the brink of famine.⁵³ Moreover, less than half of the state’s healthcare facilities are operating, and of those functioning, many are both understaffed and poorly equipped.⁵⁴ In the entirety of South Sudan, there are only twenty-four ICU beds and four ventilators—*again, in a country of 11 million people*.⁵⁵

48. *Id.* at 12.

49. Press Release, International Rescue Committee, *COVID-19 Could Decimate Libya, Warns IRC* (Mar. 25, 2020), <https://www.rescue.org/press-release/covid-19-could-decimate-libya-warns-irc> [<https://perma.cc/K2KW-GD4K>].

50. Faras Ghani, *Libya: Coronavirus Outbreak Could Be ‘Catastrophic’ for Migrants*, ALJAZEERA (Apr. 4, 2020), <https://www.aljazeera.com/news/2020/04/covid-19-outbreak-libya-catastrophic-migrants-200403101356223.html> [<https://perma.cc/48SM-CQU5>]; International Rescue Committee, *supra* note 49.

51. Mohamed Osman, *Sudan Should Not Let COVID-19 Scuttle Transition*, HUMAN RIGHTS WATCH (Apr. 1, 2020), <https://www.hrw.org/news/2020/04/01/sudan-should-not-let-covid-19-scuttle-transition> [<https://perma.cc/5SX2-RRM5>]; *Coronavirus: UN Humanitarian Coordinator Calls for Ceasefire Across Sudan*, DABANGA (Mar. 29, 2020), <https://www.dabangasudan.org/en/all-news/article/coronavirus-un-humanitarian-coordinator-calls-for-ceasefire-across-sudan> [<https://perma.cc/L88U-DR2H>].

52. DABANGA, *supra* note 51.

53. Press Release, International Rescue Committee, *COVID-19 Confirmed in South Sudan; IRC Calls for Rapid Scale up of Support to Stop the Spread of the Disease* (Apr. 2, 2020), <https://www.rescue.org/press-release/covid-19-confirmed-south-sudan-irc-calls-rapid-scale-support-stop-spread-disease> [<https://perma.cc/P4E6-2HJR>].

54. *Id.*

55. Press Release, International Rescue Committee, *New IRC Report Exposes Double Emergency of COVID-19 in Humanitarian Crises; Reveals Grave Shortages of Ventilators and ICU*

Furthermore, states in conflict also often face challenges of insufficient or divided governance, which complicate their ability to respond to a pandemic. Split health structures, held between competing governments, may lead to fractured, inefficient responses to the pandemic that do not serve the wellbeing of their populations. Yemen hosts multiple governing authorities—including two fully separate Ministries of Health. In Yemen, the internationally recognized Hadi government retains authority over the public health system predominantly in the south of the state, whereas Ansar Allah provides its own public health framework predominantly in northern governorates.⁵⁶ By April 29, 2020 there were already reports of at least five cases of COVID-19 in Yemen,⁵⁷ although it is likely that this number is under-representative due to lack of infrastructure and testing.⁵⁸ Even in conflicts that are arguably further along in their peace processes, divisions and vacuums in governance generate distinct vulnerabilities. For instance, in South Sudan, although progress was made towards a unity government in February 2020, neither the national-level ministers nor the governors for the newly agreed upon regional structure had been appointed as the WHO declared COVID-19 a pandemic in mid-March.⁵⁹ The inability of

Beds in Fragile Countries (Apr. 9, 2020), <https://www.rescue.org/press-release/new-irc-report-exposes-double-emergency-covid-19-humanitarian-crises-reveals-grave> [https://perma.cc/9NFD-8SJJ].

56. Bel Trew, *'People Don't Realise What is Coming': How a Coronavirus Crisis Would Unfold in War-Torn Syria, Yemen or Libya*, INDEPENDENT (Apr. 1, 2020), <https://www.independent.co.uk/news/world/middle-east/coronavirus-syria-yemen-libya-cases-update-death-toll-doctors-a9440486.html> [https://perma.cc/7DHX-GYH5]; see *Minister of State Calls for Joint Cell with Sana'a Health Authorities to Tackle Coronavirus*, ALMASDAR ONLINE (Mar. 23 2020), <https://al-masdaronline.net/national/514> [https://perma.cc/S67E-3W] (reporting on statement by internationally-recognized Hadi government Minister of State calling for joint action with Ansar Allah health authorities); see also Afrah Nasser, *COVID-19 in Yemen—A Perfect Storm*, HUMAN RIGHTS WATCH (Apr. 14, 2020), hrw.org/news/2020/04/14/covid-19-yemen-perfect-storm# [https://perma.cc/8CY9-UCRV] (referencing Houthi Health Minister Taha al-Mutawakel); see also USAID, *Yemen - Complex Emergency: Fact Sheet #6, Fiscal Year 2020 2* (Apr. 10, 2020), https://www.usaid.gov/sites/default/files/documents/1866/04.10.20_-_USG_Yemen_Complex_Emergency_Fact_Sheet_6.pdf [https://perma.cc/AP52-HMFM] (referencing the Republic of Yemen Government Ministry of Public health and Population).

57. Declan Walsh, *As Fighting Surges, Yemen is Hit With 1st Cluster of Covid-19 Infections*, N.Y. TIMES (Apr. 29, 2020), <https://www.nytimes.com/2020/04/29/world/middleeast/yemen-saudi-coronavirus-cholera.html> [https://perma.cc/2PDE-FJAS].

58. Stephen Snyder, *With Tests So Scarce, Doctors in Yemen are Flying Blind*, THE WORLD (May 11, 2020), <https://www.pri.org/stories/2020-05-11/test-kits-so-scarce-doctors-yemen-are-flying-blind> [https://perma.cc/ZF5B-WLQT].

59. Benjamin Takpiny, *UN Urges 'Urgent' Appointment of Governors in S. Sudan*, ANADOLU AGENCY (Mar. 10, 2020), <https://www.aa.com.tr/en/africa/un-urges-urgent-appointment-of-governors-in-s-sudan/1761391> [https://perma.cc/ZLK9-QK5A].

insufficient or divided governance to respond in an effective and coordinated manner to the COVID-19 crisis further amplifies the importance of achieving a resolution to the conflicts.

Compounding these already severe living conditions is the significant displaced population in each state, where in some cases key preventative measures to halt the spread of disease may be almost impossible to implement. In Sudan, for example, the most vulnerable populations in the state, refugees and internally displaced persons (“IDPs”), live in crowded camps with lack of access to basic services.⁶⁰ In some contexts, the looming threat of COVID-19 and its potential impact on displaced populations is leading to the premature return of these people. For instance, in Syria, some IDPs are returning to their homes in Idlib despite the fragile nature of the Russian-Turkey ceasefire protecting that territory.⁶¹ In some cases, they do so out of fear of the potential ravages of COVID-19 in highly vulnerable displacement camps along the Turkish border.⁶² This scenario creates a near-impossible choice: face potential aerial assault or even chemical weapons attacks from the Syrian government and its allies, or risk COVID-19 infection in camps with extremely limited medical services.

In each of these contexts, vulnerability to the pandemic exerts extraordinary pressure on international humanitarian actors to take whatever steps feasible to counteract these risks. In a time of isolation, quarantining, and travel bans, however, the delivery of essential humanitarian aid and medical assistance that many of these affected states require to survive—even without a global pandemic—is severely restricted. The implications of COVID-fighting public health policies, while essential to limiting spread of the disease, have dire implications for these humanitarian challenges. In Yemen, where 80% of the population requires humanitarian assistance for survival,⁶³ the impact of the pandemic on humanitarian assistance is already felt. Flights in and out of Yemen (which are heavily utilized by humanitarian organizations) have been prohibited to prevent the spread of COVID-19.⁶⁴ Domestic travel is also heavily limited, restricting usual

60. Osman, *supra* note 51.

61. Khalil Ashawi, *Displaced Syrians Wary of Coronavirus Risk Return to War-Torn Idlib*, REUTERS (Apr. 12, 2020), <https://www.reuters.com/article/us-health-coronavirus-syria-idlib/displaced-syrians-wary-of-coronavirus-risk-return-to-war-torn-idlib-idUSKCN21U0OK> [<https://perma.cc/429J-FQDQ>].

62. *Id.*

63. OCHA, Yemen: Situation Report, *supra* note 45.

64. Ben Parker, *Yemen Coronavirus Lockdown to Hamper Relief Effort*, THE NEW HUMANITARIAN (Mar. 17, 2020), <https://www.thenewhumanitarian.org/news/2020/03/17/yemen-coronavirus-flights-lockdown> [<https://perma.cc/FDZ3-FYQC>].

aid routes, and medical evacuations to Amman, Jordan by the WHO have been shuttered.⁶⁵ Finally, international humanitarian teams have dwindled as a consequence of significant UN and NGO (non-governmental organization) departures from Yemen.⁶⁶ Aid efforts will continue,⁶⁷ for now, but they are likely to be limited in varying ways by these significant strictures.

The fragility of these states, and COVID-19's exacerbation of their existing vulnerability, further demonstrates the urgent nature of peace processes. Peace processes are aimed (in theory) at addressing the underlying issues that have in part contributed to the depletion of resources, fractured governance, and pressing humanitarian need, as these issues are sometimes both a cause and effect of armed conflict. The impacts of COVID-19, while already significant throughout the world, are likely to be particularly devastating in these environments, especially if combined with active and open hostilities. In short, the stakes are simply higher.

B. Exploitation of COVID-19 to Escalate Violence and Consolidate Power

Conflict-impacted states are not only gravely vulnerable to the health impacts of COVID-19, but are also at risk of escalations in violence and exploitation of the crisis to consolidate power among political actors. In both of these instances, actors may violate international law in order to achieve their (reprehensible) objectives. At the time of authoring this Article, the pandemic is still unfolding and in its early months. Nonetheless, it can be argued that in several of the case studies the Article examines, some belligerents do indeed appear to be using COVID-19 to capitalize on the diverted attention of the opposing parties and international community—which are focused on responding to the health crisis—to make strategic military advances. Similarly, it can be argued that some authorities are already using the pandemic as a pretext for further consolidating their control over the population within their territory.

For instance, in Libya, despite what seemed like an uptick in momentum toward peace in early 2020, violence has recently escalated. Although the UN Security Council endorsed the outcomes of the Berlin Conference in February 2020, including calling for a ceasefire between the parties and an international arms embargo,⁶⁸ by March, Libya was seeing increases in hostilities between the Libyan parties and their international supporters. In

65. *Id.*

66. *Id.*

67. *Id.*

68. S.C. Res. 2510, *supra* note 38, at ¶¶ 2, 6, 10.

late March, Turkey, which backs the UN-endorsed Government of National Accord (“GNA”), launched a new coordinated offensive against General Haftar’s Libyan National Army (“LNA”) in the cities surrounding Tripoli, which the LNA countered forcefully.⁶⁹ By mid-May, Acting UN Special Representative to Libya Stephanie Williams expressed alarm at the escalating violence and military build-up in Libya, stating: “From what we are witnessing in terms of the massive influx of weaponry, equipment and mercenaries to the two sides, the only conclusion that we can draw is that this war will intensify, broaden and deepen—with devastating consequences for the Libyan people.”⁷⁰ While affirming COVID-19’s explicit impact on the escalation of violence and belligerents seeing the opportunity to make military advances is challenging at this early stage, the contrast between the early 2020 push by the international community towards peace—including the UN Security Council Resolution—and the rapid increase in hostilities beginning in March is stark.

Moreover, also in Libya, in early April, just as Libya was announcing the first identified COVID-19 cases and preparing for the inevitable outbreak, the LNA began shelling hospitals in GNA-controlled Tripoli, damaging the facilities and wounding patients and healthcare workers.⁷¹ One of the hospitals hit, 400-bed Al-Khadra Hospital, was actively treating two COVID-19 cases and is one of the few hospitals in the fragile country assigned to treat COVID-19 cases.⁷² Indeed, while difficult to prove intent, the LNA targeting of opponents’ key healthcare facilities is not only a significant violation of international law, but it is also difficult not to speculate

69. Fehim Tastekin, *Turkey Pursues Libya Campaign Despite Growing Financial Woes*, AL-MONITOR (Apr. 5, 2020), <https://www.al-monitor.com/pulse/originals/2020/04/turkey-libya-campaign-keep-on-despite-coronavirus-outbreak.html> [https://perma.cc/VPM7-BZ87].

70. ‘Alarming’ Military Build-up Underway in Libya, as COVID-19 Heightens Insecurity, UN NEWS (May 19, 2020), <https://news.un.org/en/story/2020/05/1064422> [https://perma.cc/53KE-8JWP].

71. See, e.g., *Libya’s GNA Fights Haftar Forces as EU, UN Condemn Attacks on Tripoli Hospital*, DAILY SABAH (Apr. 9, 2020), <https://www.dailysabah.com/politics/libyas-gna-fights-haftar-forces-as-eu-un-condemn-attacks-on-tripoli-hospital/news> [https://perma.cc/9LSQ-T2R4] (providing more detail on the shelling of health facilities and the related retaliatory strikes); *UN Condemns Rocket Attack on Tripoli Hospital*, AL JAZEERA (Apr. 7, 2020), <https://www.aljazeera.com/news/2020/04/condemns-rocket-attack-tripoli-hospital-200407140610239.html> [https://perma.cc/T72V-9YDE] (attributing the shelling of health facilities to the LNA); U.N. Secretary-General, Statement Attributable to the Spokesman for the Secretary-General on Libya (Apr. 7, 2020), <https://www.un.org/sg/en/content/sg/statement/2020-04-07/statement-attributable-the-spokesman-for-the-secretary-general-libya> [https://perma.cc/93RR-BVF2] (condemning the shelling of health facilities in Tripoli).

72. DAILY SABAH, *supra* note 71.

that the LNA would be well-aware of the deleterious impacts of damaging the limited healthcare available during the pandemic when choosing to target this hospital.

Separate from military gains vis-a-vis the conflict, some actors and regimes are utilizing the pandemic to consolidate political power.⁷³ Already states have experienced what some are referring to as a “coronavirus coup,” wherein government actors exploit the pandemic to consolidate power in an authoritarian-esque fashion.⁷⁴ Such political challenges are occurring even in states that are generally more stable—at least as compared to conflict-affected states. Most notably, in Hungary the Prime Minister has absorbed the indefinite authority to govern by decree, an evolution that some are describing as a de facto dictatorship.⁷⁵ Other states, including Bolivia, have postponed elections.⁷⁶ Civil liberties—including those related to privacy, freedom of movement, freedom of assembly, and others—are implicated by government measures to restrict gatherings for social distancing purposes and to contact-trace the spread of disease.⁷⁷ And, although there is much to be said about the pre-existing conditions in, for instance, Hungary, that facilitated this quick consolidation of power, these examples each reflect states free of armed conflict with comparatively stable governance frameworks, at least relative to the other states considered in this Article. The opportunity for exploitation and power-consolidation in armed conflict settings, particularly those already prone to such power grabs, is even more heightened. This frailty is particularly concerning for conflict-affected contexts where key opportunities for political consolidation are on the horizon. For instance, in Syria, where the governance of Bashar al-Assad has been a key driver of the conflict, Syria’s 2021 Presidential elections already face serious barriers to being free and fair and are likely to be rigged in favor of maintaining Assad’s power. COVID-19 may add additional cover for voter suppression, lack of electoral monitoring, and fraud. Furthermore, there are recent ominous reports that the Assad regime has utilized a coronavirus

73. See, e.g., Laura Livingston, *Understanding Hungary’s Authoritarian Response to the Pandemic*, LAWFARE (Apr. 14, 2020), <https://www.lawfareblog.com/understanding-hungarys-authoritarian-response-pandemic> [<https://perma.cc/D882-33KV>].

74. Cf. Michael Birnbaum & Terrence McCoy, *As Leaders Seize Powers to Fight Coronavirus, Fear Grows for Democracy*, WASHINGTON POST (Apr. 12, 2020), https://www.washingtonpost.com/world/the_americas/coronavirus-democracy-orban-hungary-surveillance-israel/2020/04/12/ecdff214-729b-11ea-ad9b-254ec99993bc_story.html [<https://perma.cc/HRL8-CVTT>] (discussing the role of COVID-19 in consolidation of power to various degrees across a wide range of democracies).

75. See Livingston, *supra* note 73.

76. Birnbaum & McCoy, *supra* note 74.

77. See *id.*

prevention application in the form of a digital thermometer, to insert spyware into Syrians' cell phones.⁷⁸

The exploitation of COVID-19 to effectuate strategic military or political advantages does not bode well for the peace processes in question. Where a military solution appears to be realistic for a particular actor, that actor may be less likely to find a political solution attractive, particularly if it requires concessions to the other party that would not be necessary under a military solution. Indeed, in late April the GNA in Libya rejected the LNA's unilateral ceasefire announcement for the holy month of Ramadan, and instead the GNA continued forward with its highly successful Turkish-supported offensive against the LNA.⁷⁹ Similarly, if an actor is able to effectively consolidate power and control over their territory and population—like Assad in Syria—that actor may be less motivated to engage in negotiations. This imbalance of power may accentuate the difficulty of garnering genuine and good faith participation of delegations in that state's peace process.

IV. IMPACT OF COVID-19 ON SELECTED CURRENT PEACE NEGOTIATIONS

Against this challenging backdrop of pre-existing vulnerability and exploitation, COVID-19 has had varying impacts on the peace negotiations under consideration in this Article. In every case, the pandemic has limited international mediators' abilities to convene formal negotiations as they likely would have done absent the disease. However, in contexts like Sudan and Yemen, international mediators are taking creative steps using remote technology platforms to advance those peace processes forward. Perhaps surprisingly, in some contexts such as Yemen, the pressure generated by COVID-19 appears to have accelerated aspects of the peace process, creating a sense of urgency towards halting hostilities. In other contexts, however, the additional pressure brought on by COVID-19 has not been sufficient to make tangible headway. This lack of progress in other

78. Sandy Alkoutami & Khulood Fahim, *The Coronavirus Crisis in Syria Has Created Political Openings for Bashar al-Assad's Regime*, CARNEGIE MIDDLE EAST CTR. (May 11, 2020), <https://carnegie-mec.org/diwan/81755> [https://perma.cc/JYU2-JBB4].

79. *Libya's GNA Rejects Haftar's Unilateral Ramadan Truce*, ALJAZEERA (Apr. 30, 2020), <https://www.aljazeera.com/news/2020/04/libya-gna-rejects-haftar-unilateral-ramadan-truce-200430155518838.html> [https://perma.cc/7PYA-388K]. The GNA has also expressed a lack of trust for the LNA's intentions in declaring the unilateral ceasefire, and General Haftar, as he has in the past, may leverage a ceasefire to rebuild the LNA's forces and consolidate control in his territory, particularly as the LNA is losing significant ground to the Turkish-supported GNA. *Id.*

circumstances suggests that other accelerating forces may also be necessary, perhaps including a sufficient threshold of political will or accountability from key parties.

A. Pandemic Limitations on International Engagement and Mediation

Restrictions introduced by the spread of the pandemic have direct and tangible impacts on the ability or willingness of some international actors to engage in mediation.

In certain contexts, early impacts of COVID-19 can be seen in the (perhaps unsurprising) diversion of international attention away from certain international peace processes. As rising domestic crises at home and abroad absorb massive resources, energy, and attention, international actors may have fewer resources or diminished political support that can be dedicated to foreign armed conflicts, particularly where those conflicts do not have a clear nexus to their home state.

While at the time of writing, the world is only weeks into the pandemic, it can already be seen that some of the most impacted states who are scrambling internally to address the crisis are also those who are—or have formally—acted as mediators to the current peace processes. For instance, Italy, France, and Germany have all recently served crucial roles in crafting a resolution to the conflict in Libya,⁸⁰ but are now in the throes of fighting COVID-19 at home, which has undoubtedly diverted focus from their Libyan efforts. Indeed, the impact of COVID-19 has disrupted the international actors' diplomatic initiatives to pressure the Libyan parties to negotiate and move the peace process forward.⁸¹

Moreover, the pandemic presents physical limitations on the ability to travel and convene in-person sessions. These factors have injected at least some uncertainty into a range of peace processes.

For instance, limitations on in-person sessions particularly impact host states that are no longer able to convene meetings in the midst of sweeping

80. See LISA WATANABE, *CTR. FOR SEC. STUDIES, UN MEDIATION IN LIBYA: PEACE STILL A DISTANT PROSPECT* 1–2 (Benno Zogg ed., 2019) (discussing the role of Italy and France in Libyan crisis); Press Release, The Press & Info. Office of the Fed. Gov't, Fed. Republic of Ger., *The Berlin Conference on Libya Conference Conclusions* (Jan. 19, 2020), <https://www.bundesregierung.de/breg-en/news/the-berlin-conference-on-libya-1713882> [<https://perma.cc/5EAA-6XNN>] (highlighting the outcomes of a conference on the Libyan peace process organized by the government of Germany).

81. INTERNATIONAL CRISIS GROUP, *EUROPE REPORT NO. 257, TURKEY WADES INTO LIBYA'S TROUBLED WATERS* 16 (2020) (discussing the impact of travel restrictions imposed to combat COVID-19 on international consultations).

lock-down procedures. Switzerland, for instance, often hosts key peace process meetings, including formal convenings of the Syrian peace process, in the city of Geneva and elsewhere.⁸² In late March, Switzerland introduced significant measures intended to stymie COVID-19, including a prohibition on gatherings greater than five people.⁸³ Regulations of this variety render convenings of entities such as the 150-person Syrian Constitutional Committee near-impossible, and in some contexts (including Syria), this would prevent states like Switzerland from hosting negotiations. As a result of this and other pandemic-induced travel restrictions, in the Syrian context, formal talks have largely ground to a halt. Of course, it would be undue to point solely to COVID-19 as the only proximate barrier to the Syrian political process. The usual specters in that process—failure of international political will, the Syrian government’s fixation on a military solution to the conflict, and more—remain. However, it is difficult to deny that COVID-19 is a significant factor in halting what little progress might have been anticipated in its absence. Furthermore, UN Special Envoy for Syria Geir Pedersen issued a statement in late May, indicating that a remote or virtual convening of the Syrian Constitutional Committee was not possible, and that the Committee would not be able to reinstate formal talks until travel conditions allowed for in-person convenings in Geneva.⁸⁴ Pedersen indicated that virtual talks would not take place because it had proved impossible to generate agreement between the co-chairs of the Committee on a virtual convening, in part due to questions relating to security.⁸⁵

The South Sudan peace process has also suffered from COVID-19-related delays. The process had made huge strides in early 2020 with the

82. See, e.g., Nick Cumming-Bruce & Lara Jakes, *Syria Peace Talks to Open After a Long, Strange Month*, N.Y. TIMES (Oct. 28, 2019), <https://www.nytimes.com/2019/10/28/world/middleeast/syria-peace-talks.html> [<https://perma.cc/4HPF-6PA2>].

83. *Coronavirus: Federal Council Bans Gatherings of More Than Five People*, THE FEDERAL COUNCIL (Mar. 20, 2020), <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-78513.html> [<https://perma.cc/WW7E-DQA8>].

84. United Nations: Political and Peacebuilding Affairs, *Security Council Briefing on the Situation in Syria by UN Special Envoy Geir O. Pedersen* (May 18, 2020), <https://dppa.un.org/en/we-must-all-costs-avoid-reversion-to-all-out-fighting-and-abuses-and-violations-says-special-envoy> [<https://perma.cc/R6HZ-NYLA>]; Al Jazeera, *Syrian Warring Sides Agree to Geneva Constitution Talks: UN Envoy* (May 19, 2020), <https://www.voanews.com/middle-east/un-syria-armed-groups-use-global-focus-covid-escalate-fighting> [<https://perma.cc/DBN5-WNWP>].

85. United Nations Geneva, *Near verbatim Transcript of Press Remarks by Geir O. Pedersen, United Nations Special Envoy for Syria* (May 19, 2020), [https://www.unog.ch/unog/web-site/news_media.nsf/\(httpNews-ByYear_en\)/262860501221549CC125856D0071F914?OpenDocument](https://www.unog.ch/unog/web-site/news_media.nsf/(httpNews-ByYear_en)/262860501221549CC125856D0071F914?OpenDocument) [<https://perma.cc/7BVF-YL5P>].

January Vatican-brokered cessation of hostilities and February agreement, which resulted in agreement on the number of governorates in South Sudan and the swearing in of the leadership of the unity government, with President Salva Kiir retaining his position and opposition leader Riek Machar assuming the Vice President position. In mid-March, the Vatican was set to host the leadership of the newly formed unity government to negotiate the next steps in security arrangements and establishment of the government.⁸⁶ However, this convening was postponed when Italy became the world's COVID-19 hotspot in March 2020. To date, the planned convening has not occurred. Additionally, in mid-May, COVID-19 reached the negotiating parties themselves in South Sudan. On May 18, 2020, the unity government's Vice President Riek Machar and his wife, who is the unity government's Minister of Defense, both tested positive for COVID-19, along with their staff and body guards.⁸⁷ With Machar isolating at home until the virus leaves his system,⁸⁸ COVID-19 has had a particularly direct impact on the South Sudanese process.

B. Creative Mediation Approaches to Unprecedented Problems

In other contexts, however, creative solutions have been introduced to facilitate the continuation of peace processes in spite of social distancing and strict travel regulations. In March, South Sudan, which has been hosting and mediating the Sudanese Peace Talks, issued measures to attempt to prevent and control the spread of COVID-19, including a prohibition on inbound and outbound flights, banning large gatherings for both social and political events, and postponing international conferences intended to take place in South Sudan.⁸⁹ After originally anticipating a deadline of December 14, 2019 for a peace agreement, negotiations had been extended until

86. UN News, *Deadlock Broken, South Sudan on Road to 'sustainable peace', but International Support Still Key* (Mar. 4, 2020), <https://news.un.org/en/story/2020/03/1058621> [https://perma.cc/JA3L-5T2K].

87. Denis Dumo, *South Sudan Vice President, Wife Test Positive for Coronavirus*, REUTERS (May 18, 2020), <https://www.reuters.com/article/us-health-coronavirus-southsudan-machar/south-sudans-vice-president-wife-test-positive-for-coronavirus-idUSKBN22U2SI> [https://perma.cc/Z6H3-8FZL]; *South Sudan's Riek Machar, Wife Test Positive for Coronavirus*, ALJAZEERA (May 19, 2020), <https://www.aljazeera.com/news/2020/05/south-sudan-riek-machar-wife-test-positive-coronavirus-200519063324538.html> [https://perma.cc/AVW3-Q9BF].

88. *South Sudan's Machar is in Good Health, Says His Office*, SUDAN TRIBUNE (May 22, 2020), <https://www.sudantribune.com/spip.php?article69372> [https://perma.cc/E8QG-PZ3A].

89. Nyagoah Tut Pur, *COVID-19 Threatens South Sudan's At-Risk Populations*, HUMAN RIGHTS WATCH (March 24, 2020), <https://www.hrw.org/news/2020/03/24/covid-19-threatens-south-sudans-risk-populations> [https://perma.cc/2YMZ-3MAW]; Benjamin

March 2020. In March 2020, although several negotiation tracks had reached successful agreements, several tracks and issues remained outstanding and negotiations were extended one more time—settling on a date of April 9, 2020,⁹⁰ which would have meant the conclusion of a peace agreement just before April 11, the first anniversary of former President Omar al-Bashir's removal from power. On April 9, the Sudanese parties and South Sudanese mediators announced that the talks required an additional extension to May 9 due to negotiations delays caused, in large part, to the “negative impact of health measures imposed in the state to fight the coronavirus.”⁹¹ As restrictions on large gatherings were instituted in South Sudan, the mediated process that had for months consisted of packed negotiation rooms with dozens of delegates, international representatives, and the South Sudanese mediators, suddenly halted. With direct, in-person meetings on hold, the South Sudanese mediation temporarily transitioned to the tedious process of indirect talks through written notes.⁹² Then, on April 19, utilizing the facilities and technology of international organizations in both Khartoum, Sudan and Juba, South Sudan, the Sudanese Peace Talks transitioned to conducting peace negotiations using video conferencing.⁹³ With limited numbers of negotiators and South Sudanese mediators in the physical rooms to abide by COVID-19 standards, the parties were able to resume live negotiations. While previously the negotiations typically convened six days a week, the video conferencing negotiations schedule anticipates negotiations only three days a week, for four-hour sessions.⁹⁴ Restrictions on the numbers of negotiators present and more limited negotiations sessions could result in delays in reaching an agreement that would not otherwise occur, but the transition to video conference negotiations represents a groundbreaking approach to the unprecedented COVID-19 re-

Takpiny, *Coronavirus: South Sudan Bans Social Gatherings*, ANDALOU AGENCY (Mar. 16, 2020), <https://www.aa.com.tr/en/africa/coronavirus-south-sudan-bans-social-gatherings/1768378> [https://perma.cc/F76Y-PTFQ].

90. *Sudan Peace Talks Extended to 9 May*, SUDAN TRIBUNE (Apr. 9, 2020), <https://www.sudantribune.com/spip.php?article69198> [https://perma.cc/JB6L-29ZL]

91. *Id.*

92. *Id.*

93. *Sudanese Peace Talks to Resume on Sunday*, DABANGA (Apr. 17, 2020), <https://www.dabangasudan.org/en/all-news/article/sudanese-peace-talks-to-resume-on-sunday> [https://perma.cc/ALD6-92YX]; *Sudan Peace Talks Resume via Video*, DABANGA (Apr. 20, 2020), <https://www.dabangasudan.org/en/all-news/article/sudan-peace-talks-resume-via-video> [https://perma.cc/VK68-58KZ].

94. *Id.*

strictions. On May 9, the negotiating parties once again extended the deadline to reach an agreement,⁹⁵ with a targeted deadline to begin signing documents by June 20, 2020.⁹⁶ Although delays to the Sudanese Peace Talks have occurred due to COVID-19, the process is continuing to move forward through innovative means.

Similarly, in the Yemeni context, the UN has indicated that they may convene the parties through video conferencing technology to allow for a dialogue on various proposals, including a comprehensive ceasefire proposal.⁹⁷ The Special Envoy is also conducting virtual bilateral consultations with the parties.⁹⁸ In theory, this could allow for progress on proposal review, drafting, amending, and similar key steps in moving the peace process forward despite social distancing restrictions. Furthermore, this approach could counteract claims from the parties that they do not feel sufficiently safe to travel to key peace process locations to engage in talks. This pause has stalled progress in those processes similar to past delays, as when Ansar Allah representatives refused to travel to peace talks in Geneva until receiving UN guarantees that Saudi Arabia would not be permitted to inspect and potentially sequester their aircraft.⁹⁹ Moreover, the introduction of negotiating options that do not require parties to undertake challenging or risky travel will render it more difficult for parties to make disingenuous claims that such barriers prevent them from engaging in talks. Although these barriers may be very real for some actors, in some circumstances they offer a ready excuse to parties who seek to avoid talks but wish to do so

95. *Sudan Peace Talks Extended Sine Die*, RELIEF WEB (May 10, 2020), <https://reliefweb.int/report/sudan/sudan-peace-talks-extended-sine-die> [https://perma.cc/AX68-QB8V].

96. *New Deadline Set for Sudan Peace Negotiations*, RADIO DABANGA (May 18, 2020), <https://www.dabangasudan.org/en/all-news/article/new-deadline-set-for-sudan-peace-negotiations> [https://perma.cc/8Q4K-SZGP].

97. Stephen Kalin & Aziz El Yaakoubi, *As Coronavirus Spreads, U.N. Seeks Yemen Urgent Peace Talks Resumption*, REUTERS (Apr. 2, 2020), <https://www.reuters.com/article/us-yemen-security/as-coronavirus-spreads-u-n-seeks-yemen-urgent-peace-talks-resumption-idUSKBN21K1P4> [https://perma.cc/TFE3-QV9X].

98. *Press Release by the Office of the UN Special Envoy for Yemen*, OFFICE OF THE SPECIAL ENVOY OF THE SEC.-GEN. FOR YEMEN (Apr. 2, 2020), <https://osesgy.unmissions.org/press-release-office-un-special-envoy-yemen> [https://perma.cc/TW9F-YR4K]; Ahmed Nagi, *Yemen and Coronavirus*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Apr. 14, 2020), <https://carnegieendowment.org/2020/04/14/yemen-and-coronavirus-pub-81534> [https://perma.cc/45BZ-AJX2].

99. Stephanie Nebehay, *Yemen's Houthis Want U.N. Guarantees for Delegation as Peace Talks in Geneva Stall*, REUTERS (Sept. 7, 2018), <https://www.reuters.com/article/us-yemen-security-un/u-n-special-envoy-awaits-houthis-at-yemen-peace-talks-in-geneva-idUSKCN1LN105> [https://perma.cc/95AB-NBK9].

with at least a veneer of legitimacy, so that they are not labeled as spoilers to the effort.

C. *Increased International Pressure for Agreements*

Lastly, in some conflicts, COVID-19 appears to have increased pressure for action on key agreements that have been long-sought, but difficult to achieve.

In Yemen, COVID-19 has contributed to what appeared to be (at least in early days) a surprising *acceleration* of the peace process—although imperfectly so. In pushing for greater momentum to move forward a ceasefire (and resumption of the larger political process), the UN Office of the Special Envoy for Yemen (“OSESGY”) as well as various Western states have publicly referenced the looming specter of COVID-19 as a motivator to encourage parties to engage in ceasefire talks via video conference.¹⁰⁰ These talks would aim both to end the armed conflict, and, according to a statement from OSESGY, to “foster joint efforts to counter the threat of COVID-19.”¹⁰¹ This COVID-19-related urgency from the UN is also reflected, at least partially, in the actions of the parties. For instance, in late March, the parties to the conflict agreed to a nationwide ceasefire for the specific purpose of preventing a coronavirus outbreak.¹⁰² This was the first nationwide ceasefire agreed to since 2016—a significant landmark.¹⁰³ However, as with many short-lived attempts at de-escalation in Yemen, the ceasefire was followed almost immediately by violations and reciprocal strikes.¹⁰⁴

Nonetheless, a further attempt was made on April 9, 2020; the Saudi-led coalition (a collective of states including Saudi Arabia, the United Arab Emirates, and other states, that have intervened in Yemen on behalf of the Hadi government) unilaterally announced a 2-week nationwide ceasefire.¹⁰⁵ In late April, Saudi Arabia extended its unilateral ceasefire for another

100. Kalin & Yaakoubi, *supra* note 97.

101. *Id.*

102. Simeon Kerr, *Warring Parties in Yemen Agree Ceasefire to Prevent Coronavirus Outbreak*, FINANCIAL TIMES (Mar. 26, 2020), <https://www.ft.com/content/f715b4ce-32ff-4aa8-be3a-5ae83e17c929> [https://perma.cc/PSA5-NMGS].

103. *Id.*

104. Aziz el Yaakoubi & Lisa Barrington, *Air Strikes Hit Houthi-Held Yemeni Capital Sanaa - Witnesses*, REUTERS (Mar. 30, 2020), <https://uk.reuters.com/article/uk-yemen-security/air-strikes-hit-houthi-held-yemeni-capital-sanaa-witnesses-idUKKBN21H1H1> [https://perma.cc/9Z5F-Z9FY].

105. Ben Hubbard & Saeed Al-Batati, *Saudi Arabia Declares Cease-Fire in Yemen, Citing Fears of Coronavirus*, N.Y. TIMES (Apr. 8, 2020), <https://www.nytimes.com/2020/04/08/world/middleeast/saudi-yemen-ceasefire-coronavirus.html> [].

month, despite ongoing escalation and non-reciprocation by Ansar Allah.¹⁰⁶ Regardless of whether Ansar Allah continues to refuse to reciprocate, or whether the Saudi-coalition violates its own ceasefire (both of which have allegedly happened repeatedly), the unilateral ceasefire may inject important momentum into the peace process, and pave the way for relaunching the larger political process. Saudi representatives have emphasized that they expect the UN to convene a meeting between all parties on a permanent ceasefire. Negotiation proposals between some among these groups have reportedly been exchanged already.¹⁰⁷ However, the viability of the unilateral ceasefire as a launching point for meaningful new negotiations remains to be seen. Further complicating this potential launch, in the final days of April the Southern Transitional Council, previously embedded into the Hadi negotiation delegation as part of a power-sharing arrangement in the south of Yemen, issued a statement establishing self-governance as well as declaring a state of emergency in what was previously South Yemen.¹⁰⁸

Additionally, despite the UN's ongoing optimism in relation to ceasefire development and its mid-May report to the UN Security Council of "significant progress" towards a durable ceasefire,¹⁰⁹ it is true that April saw a spike in civilian casualties and military operations in areas such as Marib,¹¹⁰ indicating that whatever ceasefire progress is being made, it is far from complete or comprehensive. Nonetheless, UN Special Envoy for Syria Martin Griffiths emphasized that the engagement of both primary parties with UN proposals illustrated to him "important indications" of potential willingness to engage in concessions necessary for peace.¹¹¹ If true, this would mark a potential upward swing in progress in relation to the wider peace process.¹¹² Modest but unexpected progress is still progress, even if delimited by the specter of ongoing ceasefire violations and of course, the

106. Fatima Abo Alasarar, *Fighting in Yemen Continues Despite Ceasefire Extension*, MIDDLE EAST INSTITUTE (Apr. 27, 2020), <https://www.mei.edu/blog/fighting-yemen-continues-despite-cease-fire-extension> [https://perma.cc/Y8ZV-RRAL].

107. *Saudi-UAE Unilateral Ceasefire in Yemen Begins; Houthis Balk*, AL JAZEERA (Apr. 9, 2020), <https://www.aljazeera.com/news/2020/04/saudi-uae-coalition-declares-2-week-unilateral-ceasefire-yemen-200408185013981.html> [https://perma.cc/9FBE-H5TQ].

108. Maged Al-Madhaji, *STC Declaration of Self-Rule in Southern Yemen Aims Sour Relations with Riyadh*, SANA'A CENTER FOR STRATEGIC STUDIES (Apr. 28, 2020), <https://sanaacenter.org/publications/analysis/9780> [https://perma.cc/B7SC-LF99].

109. *'Significant Progress' Made Towards Lasting Ceasefire in Yemen, UN Special Envoy Tells Security Council*, UN News, (May 14, 2020), <https://news.un.org/en/story/2020/05/1064102> [https://perma.cc/5265-C97M].

110. France 24, *UN Reports "Significant Progress" on Yemen Ceasefire Amid Rising COVID-19 Cases* (May 15, 2020), <https://www.france24.com/en/20200515-un-reports-significant-progress-on-yemen-ceasefire-amid-rising-covid-19-cases> [https://perma.cc/P5V4-CPZ2].

111. U.N. News *supra* note 109.

112. Alasarar *supra* note 106.

impact of COVID-19 itself. This is one indicator that the pressures brought by COVID-19 may have contributed to at least some movement, however imperfect, relative to the long stall in the months prior. However, it is of course too early to predict with any certainty the impact this will have on the UN's plans for negotiations (remote or otherwise), particularly when combined with these ebbs and flows in progress. It may be that the pressures brought to bear by COVID-19 do not ultimately yield lasting progress, but rather allow for strategic, unilateral military gains by Ansar Allah. Only time will tell.

Furthermore, although fewer strides have been taken in the Syrian context, international actors are nonetheless spring-boarding off COVID-19 to move forward long-standing negotiating points that are implicated to varying degrees by the virus. For instance, COVID-19 has impacted the release of arbitrarily detained political prisoners—a serious and ongoing international violation conducted by the Syrian government. To mitigate the potentially devastating impacts of COVID-19 on those detention centers, UN Special Envoy Pedersen has called for a mass release of detainees, and enhanced access to detention sites for medical professionals.¹¹³ The United States State Department echoed the demand for the release of arbitrarily detained prisoners for the purpose of preventing the spread of COVID-19.¹¹⁴ These reflect key negotiating agenda items that have been components of the larger Syrian political process for years—now both rendered more urgent by COVID-19. In mid-March, Bashar al-Assad issued a decree providing amnesty for certain prisoners in order to prevent the spread of COVID-19 throughout detention centers.¹¹⁵ However, this amnesty appears to have been applied only to criminal prisoners in government-controlled territory—leaving arbitrarily detained political prisoners vulnerable.¹¹⁶ Amnesty International has already emphasized that the

113. United Nations Meetings Coverage and Press Releases, *Special Envoy Calls for Nationwide Ceasefire in Syria, Stressing Importance of Sustained Calm, Access to Anti-COVID-19 Equipment, Resources* (Apr. 29, 2020), <https://www.un.org/press/en/2020/sc14173.doc.htm> [<https://perma.cc/5G99-NBXN>].

114. *Coronavirus: US Demands Syrian Government Release Civilian Detainees*, MIDDLE EAST EYE (Mar. 25, 2020), <https://www.middleeasteye.net/news/coronavirus-us-demands-syrian-government-release-civilian-detainees> [<https://perma.cc/WX6M-2B85>].

115. Khaled Yacoub Oweis, *Coronavirus: Syrian Regime to Release Prisoners*, THE NATIONAL (Mar. 22, 2020), <https://www.thenational.ae/world/coronavirus-syrian-regime-to-release-prisoners-1.995909> [<https://perma.cc/7QTU-FP3T>].

116. *About Saydnaya*, AMNESTY INT'L (last accessed Apr. 17, 2020), <https://saydnaya.amnesty.org/en/saydnaya.html> [<https://perma.cc/Z3HQ-HTQY>].

COVID-19 spread in these detention centers could have severe consequences.¹¹⁷ Nonetheless, although tangible progress on detainee release remains wanting, COVID-19 appears at the least to have attracted important international attention back to this long-standing issue, and increased pressure for its resolution.

In Libya too, COVID-19 has generated calls for a ceasefire from the international community and mediating actors.¹¹⁸ However, little action to convene the parties or actively push them towards agreement has occurred since the pandemic took hold. This stands in stark contrast to the rapid succession of meetings convened in early 2020: Russia and Turkey hosting the GNA and LNA in Moscow for ceasefire negotiations; Germany convening the Berlin Conference with representatives of 16 interested states and IGOs adopting a 55-point communiqué for peace; and the UN Security Council endorsing that communiqué all before mid-February. While international actors have indeed vocalized a need for a ceasefire and return to negotiations, there have been few concrete actions to move the plans for peace forward or push the parties back to negotiations. During this gap in convening, the pandemic has seemed to pull the Libyan parties further apart. As discussed previously, violence between the GNA and LNA, and their respective backers, has escalated. Perhaps most concerning, after the LNA attacked a hospital treating COVID-19 patients, the UN-endorsed GNA's Prime Minister Fayeaz al-Sarraj accused General Haftar of exploiting the COVID-19 crisis to initiate offensives and asserted, "I will never sit down with Haftar, after the disasters and the crimes he committed against all Libyans."¹¹⁹

Although it is certainly premature to conclude the legacy that the pandemic will leave in terms of accelerating or delaying various peace processes, this is a space to watch. It is possible, if uncertain, that in some contexts, the additional urgency introduced by COVID-19 will place additional pressure on the parties to come to the table, and to make progress on essential issues. However, in other conflict contexts—particularly if the international actors are otherwise occupied by the pandemic and unable to

117. *Syria: Vulnerable Prisoners Should be Released to Prevent Spread of COVID-19*, AMNESTY INT'L (Mar 31, 2020), <https://www.amnesty.org/en/latest/news/2020/03/syria-vulnerable-prisoners-should-be-released-to-prevent-spread-of-covid19/> [https://perma.cc/7KE9-J94C].

118. See, e.g., *Libya Announces 10-day Covid-19 Lockdown, France Pushes for Ceasefire Talks* (Apr. 16, 2020), FRANCE 24, <https://www.france24.com/en/20200416-libya-announces-10-day-covid-19-lockdown-france-pushes-for-ceasefire-talks> [https://perma.cc/4WQP-5Z9F].

119. Giada Zampano, *Libya's Sarraj: Won't Negotiate with Haftar Again*, ANADOLU AGENCY (Apr. 15, 2020), <https://www.aa.com.tr/en/middle-east/libya-s-sarraj-won-t-negotiate-with-haftar-again/1806092> [https://perma.cc/N8H2-FVX7].

take action or to convene negotiations—calls for peace may fall on the deaf ears of escalating belligerents.

V. PRELIMINARY REFLECTIONS ON COVID-19'S IMPACT ON PEACE PROCESSES

It remains perilously early in the arc of COVID-19 to draw firm conclusions relating to the pandemic and peace processes, particularly those with international mediators. However, even at this preliminary juncture, there are useful tentative observations and comments worthy of reflection and ongoing evaluation, particularly as the pandemic—and the peace processes detailed in this Article—continue to evolve in the weeks and months to come. Moreover, the challenges for internationally mediated peace processes presented by COVID-19 are not necessarily unique to a pandemic, though the scope, scale, and global magnitude of those challenges likely are.

A. *There are Consequences to International Distraction*

The early weeks of the COVID-19 pandemic have illustrated that while many international actors are distracted, armed conflicts can, and in some cases do, escalate. As set forth earlier, this has already been the experience in Libya.¹²⁰ Vacuums of international pressure or focus can embolden certain actors to advance and consolidate military or political gains, or stimulate hostile ventures that may have faced a higher barrier to fruition under non-pandemic circumstances.

But where does this leave those interested in supporting successful internationally mediated peace processes? There will likely never be perfect global conditions under which domestic needs of varying urgency do not distract from, complicate, or directly implicate a state's engagement in an international peace process. COVID-19 is an exceptional situation, but the distraction of international actors' attention from peace processes is not a unique or novel issue. The COVID-19 crisis highlights the vulnerabilities that reliance on international mediation can sometimes bring to bear—including that, when those international mediators lose the ability to remain committed, the peace process is likely to face challenges. For this reason, in those contexts where an international mediator is appropriate and desired, mediators should take this responsibility with gravity and serious commitment, knowing that domestic disturbances of a wide range—some of which may be significant—will test that commitment. Contingency plans should be made. As illustrated in this Article, in some contexts, mediators have deployed creative adaptations to disruptions that not only

120. See Fehim Tastekin, *supra* note 69.

maintain but may even accelerate the peace processes in which they are engaged. Although imperfect, these efforts show that it can be possible to continue at least some level of engagement even under exceedingly difficult circumstances.

B. Use of Creative Technology May—or May Not—Continue after COVID-19

Creative solutions deployed by some mediators indicate that technology can play a pivotal role in implementing key dialogues, negotiations, and virtual convenings. Even outside of the extreme limitations during the COVID-19 pandemic, some contexts regularly present serious barriers to travel, which raises the question: why has this practice not been employed with more regularity prior to COVID-19? How might technological practices adopted during the pandemic situate within future peace processes?

Video conferencing technology that is being deployed with effect by some mediators to conduct bilateral consultations and to convene parties has existed for quite some time and is regularly used to conduct international negotiations in the private sector. Yet, as discussed above, many key peace processes nonetheless relied mostly on in-person convenings, often in a third-party host state. The Syrian peace process regularly convened in Geneva, with occasional ceasefire-specific negotiations in Astana, Kazakhstan. Core aspects of the Sudanese peace process were hosted in Juba, South Sudan. And although largely unimplemented, Stockholm was the venue for further talks regarding the December 2018 agreement brokered by the UN in the Yemeni context.

Facilitating the travel of up to hundreds of negotiators hailing from around the globe and often with complex security details is no small feat or expense. As set forth above, in some circumstances, security concerns (genuine or otherwise) may raise barriers to travel, as illustrated by Ansar Allah's hesitation to travel for negotiations in Geneva without security guarantees for their aircraft.¹²¹ Of course, in certain circumstances the opposite may be true—relatively novel video conferencing platforms may open up the possibility for spoilers to utilize potential security limitations to those platforms, as an excuse to avoid engagement. This has already been seen to a degree in the Syrian context, where questions relating to security have been cited as preventing the use of virtual conferencing technology to convene the Constitutional Committee.¹²²

121. Nebehay, *supra* note 99.

122. United Nations Geneva, *supra* note 85.

These issues aside, there may be other reasons why mediators have not shifted more aggressively to adopt video conferencing or other virtual platforms for convening negotiators during the pandemic—and why they may be likely to revert back to in-person gatherings once it is safe to do so. First, in-person negotiations offer opportunities for relationship-building and interpersonal contact between the parties in ways that are imitable, but not wholly replaceable, by virtual conferencing. At in-person convenings, brushing elbows is sometimes unavoidable and proximity can be intentionally engineered by the mediators. These intangible, humanizing moments can substantially impact negotiators who will engage with one another for months and sometimes years. Interpersonal dynamics should not be underestimated, and they can be more consciously developed by mediators when negotiators are engaged directly with one another in the same physical space. Of course, this is not true for every peace process or every negotiating party—for instance, in the international negotiation community, Syria is infamous for its general dearth of face-to-face negotiations.

Furthermore, many in-person negotiations provide a highly visible platform for delegations. In some cases, this is a positive—there is a gravitas and prestige afforded to the process that can be a useful tool. The public nature of the convenings, as well as the presence of press media, can also increase the transparency of the proceedings. This may in turn assist the constituents of delegates in holding their representatives accountable for representing their interests properly. However, in other cases, delegations benefit from lesser visibility and publicity—whether for security purposes or because a veil of secrecy can promote compromises that would be difficult to make publicly. Although video conferencing is not necessary to achieve a lower profile for convening a peace process, nor does it guarantee the confidentiality of its discussions, it is nonetheless one tool that could lower the public visibility of a process where so desired.

Conversely, there are circumstances in which technology offers a productive means to *raise* the visibility of a negotiation. External-facing updates and access to key moments in the peace process can be useful tools for generating trust between negotiators and their constituents. Broadened access to the negotiating room may also hold negotiators accountable for representing their delegations accurately and effectively and provide a measure of inclusion to diverse stakeholders by allowing them to observe and be seen during the negotiations. Video conferencing technology could make such transparency more readily accessible. For instance, in theory, video conferences—or specific sections of them—could be recorded and streamed on social media platforms, allowing key stakeholders to monitor dialogues. Of course, in-person negotiations could be filmed and/or

streamed and sometimes are—but it is possible that certain features of remote convening technology may facilitate or enhance such efforts or otherwise lower the barriers to doing so.

However, in some cases, virtual negotiations may lower the barrier to parties that seek to strategically stall or disengage from peace. Purposeful failure to engage is more obvious in the context of in-person negotiations, where refusal to step onto an airplane or to enter a hotel conference room is tangible and can be publicly renounced by mediators to generate pressure on the non-engaging party. Similarly, once a delegation has arrived at negotiations, there may be a higher threshold to physically leaving the negotiating room than simply closing a laptop and refusing to proceed. Technological-failure excuses, meanwhile, are limitless, and purposeful failures will be particularly difficult to pinpoint given that many negotiators and stakeholders face genuine challenges with connectivity.¹²³

In-person negotiations may also offer, in theory, a more inclusive platform (though there are important limitations to this proposition). The Syrian Constitutional Committee has 150 formal members, many of whom are scattered across the globe. Civil society and women's consultation groups also participate onsite with the mediators. Although popular platforms such as Zoom can join up to 1,000 participants, it is difficult to imagine a video conferencing platform that could facilitate meaningful involvement by over 150 separate participants.¹²⁴ Moreover, mass online gatherings are

123. In Syria, for instance, approximately 33% of the population has internet access. *Freedom on the Net 2019: Syria*, FREEDOM HOUSE, <https://freedomhouse.org/country/syria/freedom-net/2019> [https://perma.cc/82NJ-BB9B] (last visited May 22, 2020). Moreover, essential electrical telecommunication infrastructure has been damaged during hostilities, particularly in non-Regime held territory, limiting telecommunications access in those areas in particular. *Id.* Similarly, in Sudan, only approximately 30.9% of the population had access to the internet as of 2017. *Freedom on the Net 2019: Sudan*, FREEDOM HOUSE, <https://freedomhouse.org/country/sudan/freedom-net/2019> [https://perma.cc/9PSW-SXZW] (last visited May 22, 2020). Throughout 2018 and 2019, internet access was negatively impacted by a large number of electrical outages. *Id.* This, combined with the general lack of regular access to electricity in rural areas and the exorbitant price of internet service, restricts penetration. *Id.* In Yemen, meanwhile, internet outages such as the weeks-long mass cut to internet access for 28 million Yemenis in January 2020, impact access. Lily Hay Newman, *Cut Undersea Cable Plunges Yemen into Days-Long Internet Outage*, WIRED (Jan. 13, 2020), <https://www.wired.com/story/yemen-internet-blackout-undersea-cable/> [https://perma.cc/8G6C-Z4JY]. Similarly, in Libya, although internet penetration appears to increased even in the midst of conflict, with approximately 69% penetration according to some reports, internet access has nonetheless been seriously negatively affected as a result of the conflict, leading to both electrical outages and damage to essential infrastructure to support internet access. *Freedom on the Net: Libya*, FREEDOM HOUSE, <https://freedomhouse.org/country/libya/freedom-net/2019> [https://perma.cc/K984-6G9X] (last visited May 22, 2020).

124. *Zoom Meeting Plans for Your Business*, ZOOM, <https://zoom.us/pricing> [https://perma.cc/8NN7-S64S], (last visited May 22, 2020).

unlikely to capture the key symbolic and optical benefits of ceremonial in-person gatherings of the full 150-member Constitutional Committee. The seemingly simple imagery such as the formal sitting of diverse coalition delegations (such as those of the Opposition) in a unified and present bloc can have a great deal of symbolic power. In a massive Zoom meeting, many of the delegates would likely be reduced to silent lists of names. For these reasons, video conferencing appears better suited to peace processes that incorporate slim negotiating delegations. Furthermore, in the context of armed conflict, not all actors will have equal access to the technology and connectivity required to reliably engage in remote conferencing. This barrier to access is even more likely to be present for certain contexts experiencing lock-down, where the mobility that some individuals rely on to seek improved or more consistent electricity, internet connectivity, or other resources may be limited. For each specific context in question, it is therefore important to consider whether these factors may exclude certain actors from engaging as fully or consistently as they otherwise would, particularly community-level leaders or civil society representatives.

Given the tradeoffs and nuances of in person versus virtual convenings, future engagement will benefit from a responsive mix of in-person negotiations and remote conferencing technology where possible, to maximize participation across groups. For instance, online convenings could be utilized as a supplement to in-person gatherings where parties expressed reluctance or inability to travel. Large ceremonial gatherings might take place in-person where possible, whereas smaller subcommittee meetings focused on agenda-setting, negotiating technical issues, or drafting and reviewing concrete language might take place over video conference. Moreover, in-person negotiating sessions—which are costly in terms of resources and time—could be supplemented with regular video conferencing between in-person sessions to maintain negotiation momentum even when all parties cannot convene. Similarly, large gatherings of civil society advisory rooms or consultations with specific stakeholders (such as women) could take place in person where resources, security, and travel opportunities allow, with virtual meetings acting as a supplement when the conditions for in-person meetings cannot be met. This particular mix might facilitate the important symbolic and relationship-building opportunities of in-person convenings while allowing for more regular and efficient work within smaller sub-groups than may otherwise be possible if travel were required for each meeting. Of course, virtual gatherings for drafting have their drawbacks as well. Ultimately, it remains to be seen whether late night problem-solving in closed-in conference rooms that lead to unexpected breakthroughs, moments of extraordinary creativity, or new-found

camaraderie (both within coalition delegations, between parties and mediators, and sometimes even between opposing parties) can be recreated through a video call.

C. Why Not Pre-Existing Crises?

Finally, international mediators should linger on the question of why COVID-19 has sparked momentum in negotiations while other devastating humanitarian crises have not. For instance, the Yemeni conflict has caused unimaginable human suffering: severe malnourishment, mass unemployment, and a historic health crisis that saw nearly one million cases of cholera in the period from January 2018 to September 2019 alone.¹²⁵ Although these issues have attracted some level of attention and international engagement, the conflict (and the cholera health crisis) persisted for years with comparatively little progress until COVID-19.

It may be that the global community has become desensitized to certain consequences of armed conflict, including unemployment, disease, poverty, and starvation. Or, more simply, perhaps it is that their distance from the impacted communities imparts a lesser psychological impact than the near and immediate COVID-19, which may feel omnipresent, globally shared, and in some way unprecedented. COVID-19 affects certain states within the international community at home in a way that other crises in conflict-affected states generally do not. Not only does this render COVID-19's potential impact on the conflict-affected state somewhat more tangible to international actors, but also it is in the global interest to contain the virus. Moreover, with resources stretched thin domestically, neutral parties in international negotiations may feel increased pressure to bring their roles to a conclusion so they can disentangle their state's resources from a costly peace process. Speculatively, this could motivate mediators to bring new verve to their work to reach an agreement more efficiently. However, efficiency may not necessarily lead to particularly durable (or inclusive) peace agreements. Alternatively, perhaps key international actors perceive COVID-19 as preventable if swift action is taken, whereas mass-starvation due to armed conflict does not give rise to this same perception. Perhaps because it is so singular, so specified and defined and universal, the pandemic captures the attention of a semi-unified international community in a way that more distanced, difficult-to-imagine experiences struggle to do. Of course, it may be that the momentum and energy towards peace that

125. WORLD HEALTH ORGANIZATION, *Epidemic and Pandemic-Prone Diseases: Outbreak Update - Cholera in Yemen, 1 September 2019* (Sep. 19, 2019), <http://www.emro.who.int/pandemic-epidemic-diseases/cholera/outbreak-update-cholera-in-yemen-1-september-2019.html> [https://perma.cc/6BT5-5QRT].

appears to have been triggered by the COVID-19 response will prove to be an overestimation over the course of time, and the international response may not turn out as singular or as driven as it may seem at this early juncture. Lastly, there is an inherent oversimplification in assessing the “global community” as if it were a unified, homogeneous unit, which necessarily limits the reach of this preliminary analysis.

Nonetheless, there are likely important lessons to be gleaned from considering which factors facilitated ceasefires and other measures in the context of COVID-19. Perhaps some of these lessons can be applied to intractable conflicts and mass humanitarian crises even without the looming psychological pressure of a global pandemic.

VI. CONCLUSION

The early impact of the novel coronavirus on the globe has already been sweeping. Those impacts have had a staggering effect on economies, healthcare systems, and political infrastructure. However, even as global attention becomes—perhaps understandably—diverted towards this unprecedented and shared crisis, the myriad armed conflicts and humanitarian crises that pre-existed this pandemic persist. Although COVID-19 is a global problem, its effects are not equally distributed. States engaged in armed conflict are extremely vulnerable to the pandemic, and the vacuum in international attention caused by the pandemic may invite an escalation in hostilities. The rise of internationally mediated peace processes could not have anticipated a moment in which, suddenly, the globe was consumed by a crisis that required physical isolation for an indeterminate period of time, turning decades-old strategies for peace-process mediation on their heads. At the same time that typical strategies for mediation become impossible, international resources and attention are being diverted from armed conflicts. As such, the unfortunate reality is that achieving peace may be both more difficult and more urgent during, and in the wake of, COVID-19.

While the pandemic and its impacts are likely to evolve over months and even years, early observation of the impact of COVID-19 on contemporary peace processes yields observations that may be of use for international mediators. First, there are consequences to international distraction—diverting attention away from an armed conflict and toward COVID-19 by either the international community, or potentially by one party to the conflict, can create windows of opportunity for actors operating in bad faith. Furthermore, the use of video conferencing technology to push certain components of peace processes forward during the pandemic may lead to a larger cultural shift toward using this technology even after it abates.

Lastly, the increase in international pressure on certain armed conflicts and their attendant peace processes raises a question as to why serious pre-existing humanitarian crises in many of these contexts failed to attract a similar response, and what lessons mediators can take forward in their post-pandemic work.