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PROTECTION OF MEDIATORS IN INTERNATIONAL ARMED CONFLICTS

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ABSTRACT

Mediators are also instrumental to mediate and bring about peaceful resolutions in armed hostilities of international cares, though they are not well-defended by International Humanitarian Law (IHL). The present research explores the nature of the legal and real world protection gaps that face mediators with references to four main cases: Colombia, Syria, Yemen, and Qatar. The research employs a comparative case study design that is based on the doctrinal and empirical analysis to determine how the mediators work with fragmented law systems in the framework of the IHL, diplomatic law and soft law mechanisms like the UN Guidance on Effective Mediation. The results indicate that although mediators play a key role in the peace processes, they are overlooked and not mentioned as protective persons under IHL. Diplomatic legitimacy in Colombia provided partial protection whilst mediators in Syria and Yemen had to undergo delegitimization, denial of access and outright security threats. The mediation efforts in Afghanistan, Sudan and Gaza by Qatar demonstrate how goodwill and diplomatic immunity applies as opposed to legal protection. This paper finds that the lack of an established law system exposes the mediators to manipulation and violence compromising their objectivity and professionalism. It advises formal protection of mediators with an Additional Protocol to the Geneva Conventions or a UN Security Council resolution which grants diplomatic immunity and accountability to all mediators. Mediators should have legal recognition that would make their work more credible, secure and sustainable in terms of delivering international peace.

1. INTRODUCTION

It has been argued that mediation existed in Chinese even as early as 4000 BC, whereas Ancient Greece utilized the method of discrepancy by the use of pyroxenites, and even the Roman Empire accepted mediation as a lawful method of dispute resolution (Scheidel, 2009). Mediation is one of the most popular strategies of dealing with armed conflicts. Generally, scholars say that mediation is the intervening of a third party in helping conflicting actors to come up with a mutually accepted solution (Ojo, 2021). This does not seek to make any decision but rather to make the parties come to their own consensus. Due to the relationships between the conflict parties' and an external actor, mediation is usually characterized as the continuation of negotiation, third-party intervention, and a full-fledged conflict management tool (Oztuna, 2024). The United Nations Charter in article 33 acknowledges mediation as an option of peaceful settlement of a dispute. (Oztuna, 2024) the traditional definition of mediation is considered any action of an actor not the one in conflict with the purpose of eliminating tensions and setting the conditions to come to a solution. (Żakowska, 2017)state that, mediation will allow the opponents to commence contact via a neutral and independent third party.

Qatar has become one of the most prolific and operationally important mediators in the global conflict nowadays. The model of mediation is a unique blend of the state diplomacy, humanitarian intervention and mediating positions. The small Gulf state has established itself as a authoritative player having the capacity to overcome ideological, regional, and political splits - a tendency commonly known as niche diplomacy (Leene, 2023). The Qatari policy can be characterized by a non-aggressive attitude, the ability to coordinate opposing groups with the help of old-time networks of diplomatic relations, and the enactment of ethical validation instead of military power. The mediation efforts therefore implemented by Qatar in Afghanistan, Sudan, Lebanon, Gaza, and Yemen help to explain the potential of a state-initiated mediation policy in a disjointed international legal framework as well as the constraints associated with such an approach.

When applied to armed conflicts, mediators are the third party that will enter into the conflicts to help in a dialogue, negotiation and subsequent settlement to the warring parties by the mediators (Żakowska, 2017). The mediators may be people of different levels, starting with very high-level international envoys installed by the United Nations down to the representatives of a political or regional organization, non-governmental organization (NGO), state, or even respected personalities like religious organization leaders or community elders (Malik, Shankar, & Bindlish, 2023). United Nations Envoys Special Envoys a Special Envoy or Special Representatives of the Secretary-General (SRGS) are often deployed by the United Nations to establish a mediation mission (Malik et al., 2023). These are people with operative international interest services who tend to represent peace move. UN envoys often have diplomatic support, technical expertise, and institutional resources; nevertheless, they need to rely on the co-operation of the parties involved to work (Greig & Diehl, 2012). Regional Organizations International organizations like the African Union (AU), European Union (EU) or the Organization Security and Co-operation in Europe (OSCE) are assuming a more prolific role in mediation (Staeger, 2023). It would be understood that regional actors are in most times more conversant with local context or could have access to the conflict parties. As an example, the OSCE was involved in Ukraine after the 2014 crisis as the Intergovernmental Authority on Development (IGAD) mediated the peace process in South Sudan. Non-governmental organizations involve Non-Governmental Organizations (NGOs). They are more flexible and closer to the communities which provides them with the opportunity to establish trust and solve the problems that can be disregarded during formal discussions. But they are usually not as politically powerful as the states or the UN and their security and presence are even more threatened. Individual Mediators Moral authority can also intervene in conflict through people of moral authority, including a religious leader, traditional chief or former heads of state (Adeoye, 2024). They usually have an influence based on their individual credibility or culture instead of being a mandatory thing. On the one hand, such people may create bridges that executive institutions cannot establish, on the other hand, they are some of the most vulnerable people as they seldom have formal protection.

Flexibility and autonomy is also unlike arbitration or adjudication because the mediation process does not take up control of the conflicting parties. These do not force them to subjugate themselves to authoritative decisions but willingly influence the settlement conditions. It is this autonomy that makes agreements obtained in the process of mediation more developed because the agreements are reinforced on a consensus rather than an impending basis. Cost-Effectiveness is the

process of mediation is way less resource consuming compared to military sensitive operations or protracted trials. Where states involved or international organizations are concerned, with limited resources, mediation is an affordable, resourceful way to peace. Establishing the Communication and Trust. The role of mediation is a role that creates contacts akin to the removal and restoration of dialogue and trust in situations of utter lack of the same. This may help decrease hostility even in mediation achieving no settlement yet enabling humanitarian access and future negotiation groundwork. Delegitimization Conflict parties would also tend to find ways of compromising the credibility of mediators (Lin, 2025). International mediators can be faced with the argument that they are foreign powers encroaching on the internal matters of the government, and on the other hand, the rebel staff may charge them of being biased. This delegitimization will interfere with trust and make the functioning of the mediator weak (Lin, 2025).

1.1 Research questions

1. What protection do mediators currently enjoy under IHL and diplomatic law?
2. How have case studies revealed practical protection gaps?

2. LITERATURE REVIEW

Theoretical grounding*: Overview of IHL and mediation (drawing from Turner & Wählisch's Rethinking Peace Mediation*

IHL is primarily aimed at the humanitarian goal of restricting war-inflicted suffering. It is enshrined in Geneva Convention 1949 as well as its Additional Protocols and customary international law (Turner & Wählisch, 2021). These weapons bring laws governing how civilians, politicians of war are to be treated, as well as on humanitarian aid workers. They also established restraints to war means and methods. IHL is rather devised with the aim of monitoring those parties directly involved in states of confrontations and, in some instances, military organizations (Turner & Wählisch, 2021). The third-party actors, who are not direct subjects of hostilities but instead, mediators are outside the pronounced groups of protection. This legal loophole raises doubts on whether mediators are in status and safe position or not. The mediation is voluntary and flexible process through which the parties involved in conflicts have the opportunity to seek the solutions without coercing each other. It is identified in Article 33 of the United Nations Charter as being one of the peaceful security methods of dispute resolution alongside negotiation, arbitration and judicial settlement (Ola, 2021). The mediation is in stark contrast to IHL that prioritizes reduction of harm in conflict situation, but it lists the goal of changing relationships and structuring long-term peace. (Turner & Wählisch, 2021) stress that mediation is no longer enduring or convenient a process; it has become the focal point of the international peacemaking practice. The mediators are supposed to be impartial and effective at the same time, to control complicated power relations, and operate within the further legal and political context of armed conflicts (Ola, 2021). IHL and mediation overlap in most cases even though they conduct their activities in distinct areas. An example of scenarios that mediators have to negotiate under the influence of IHL is the granting of humanitarian access, violation of the law or ceasefire negotiations. Meanwhile, effective mediation may serve to supplement IHL with working out the violence and pathway to the humanitarian aid. However, adding to this, (Turner & Wählisch, 2021) observe that mediation is becoming professionalized and subject to high regulation and this begs the question by what means is legal schemes, such as IHL, going to shape or limit mediators (Stauffer, 2023).

Normative frameworks:

Geneva Conventions & Additional Protocols

International Humanitarian Law (IHL) has its basis on the Geneva Conventions of 1949 (Krasniqi, Hoti, Shala, & Uka, 2023). They were adopted in the aftermath of the World War II to safeguard those individuals that are not, or no longer, engaging directly in hostilities (Bellal & Casey-Maslen, 2022). This covers civilians, prisoners of war and the medical staff as well as the wounded or shipwrecked. The four Conventions along with the Additional Protocols of 1977 and 2005 create a legal framework that is well comprehensive and which governs how armed conflicts, whether international and not, are conducted (Krasniqi et al., 2023). The Conventions and Protocols have to anyhow bound the states and to some degree the armed groups. One of the outlived practices discouraged by them includes torture, collective punishment and attacking civilians. They also develop legal assurances of humanitarian access and aid. Besides that, the treaties promote such a principle as distinction (between combatants and civilians) and proportionality in the employment of force. The Geneva Conventions and the Career Additional Protocols cover neither mediators directly nor indirectly, in spite of their extensive

reach (de Goede, 2021). The readings deal with combats, victims and humanitarian players that include the International Committee of the Red Cross (ICRC) (Kennedy, 2022). Mediators who help in dialogue and negotiation are caught in a grey area. They play a crucial role in alleviating hostilities and making peace agreements though they are not considered as such people as, the so-called, protected persons (Kennedy, 2022).

Vienna Convention on Diplomatic Relations

One of the most powerful treaties in the international legislation is the Vienna Convention on Diplomatic Relations (VCDR) adopted in 1961 (Egba, Benibo, & Boma, 2024). It institutionalizes the principles of diplomatic interaction between states and creates privileges and immunity of the diplomats to be allowed to carry out their operations without interference (Egba et al., 2024). The Convention which is almost universally ratified by nations all over the world is the basic source of modern diplomacy as it is provided by law in the Convention (Egba et al., 2024). The VCDR also provides diplomatic immunity to the diplomatic agents such that arrest, imprisonment, and prosecution in accordance with the laws of the host state are immune (Ahmad, Lilienthal, & Asmad, 2021). They also secure their messages and their homes cannot be invaded. All these are made to ensure that diplomats can perform their mandates without being pressured or harassed by the host government.

UN Guidance on Effective Mediation

The Geneva Conventions or the Vienna Convention is a legally binding treaty, this is just a soft law instrument. It is aimed at offering a universally applicable set of rules and practice which may guide those participating in the mediation process, which may include states, international organizations and individuals (Clayton & Dorussen, 2022). The Guidance has recognized eight principles of effective mediation including consent of the parties, impartiality, inclusivity, national ownership, internationally recognized law and norms, coherence and coordination, preparedness, and quality peace agreements. All of these principles highlight the fact that mediation can, and should be, not solely a technical process; it should be equitable, inclusive, and aware of political situation (Clayton & Dorussen, 2022). The study also indicates that it is important to connect mediation with greater a peacebuilding and post-conflict rebuilding efforts.

Scholarly debates:

Do mediators fall under "protected persons" in IHL?

The International Humanitarian Law (IHL) includes particular groups of the so-called protected persons (Turner & Wählisch, 2021). These are civilians, medical personnel, humanitarian workers and prisoners of war. The rules regarding their treatment are quite elaborate and are set out in the Geneva Conventions and the Additional Protocols, and the safeguards against targeting, violence or unfair trial. These instruments do not however expressly mention the mediators (Lobna, 2022). This leaves them uncertain perhaps regarding their legal position in armed conflicts. Others even state that the mediators might be interpreted as civilians according to the IHL, in terms of taking an active role in hostilities. Civilians usually have the general security against direct warfare, on the condition that they are not and will not take direct part in the combat. Under such interpretation, mediators must enjoy civilian privileges, as their work is not directed to the military purposes but to peaceful coexistence and dialogue. Such protection is, however unequivocal and conditional, leaving mediators in a lurch on the freight of mediators considering themselves partial or supporting one side or another. Mediators enjoy no institutional established privileges nor have privileges of treaties like humanitarian workers like the International Committee of the Red Cross (ICRC). As off as UN envoys, or representatives of regional organizations are concerned, they have to depend upon diplomatic agreements as opposed to the IHL provisions (Lobna, 2022).

Critiques of legal gaps and reliance on political goodwill

One of the strongest trends with regard to the law as it exists is that the kind of intercession given to the mediators is not based on legal requirements but on political goodwill (Amel-Zadeh, Glaum, & Sellhorn, 2023). Although IHL is a mechanism offering the wide coverage of civilians and humanitarian employees, it does not say anything regarding the third-party position (Amel-Zadeh et al., 2023). The ad hoc systems of mediators tend to rely on host state agreement, memoranda of understanding or Security Council mandates. The instruments under these have a certain degree of recognition but with numerous differences in levels and reliability. As an illustration, an UN messenger might enjoy diplomatic privileges, just like the ambassadors, whereas NGO intermediaries, or local community leaders, might

enjoy none whatsoever. This inconsistency presents the mediators with risks which are not as adequately distributed among other neutral players like those of the humanitarian organizations. This dependence on political goodwill, critics posit is the obstacle to the neutrality and credibility of mediation. To the extent that protection follows informal assurances as opposed to the formal law, mediators can be considered by corrupt forces (Amel-Zadeh et al., 2023). Such a dependence may also make the mediators reluctant to solve sensitive matters like war crimes as they don't want to lose access or their security.

Risks of mediator delegitimization, targeting, and manipulation by conflict parties (cases in Syria, Yemen, Colombia)

Empirical studies on mediation in military conflicts bring attention to the numeral risks' mediation personnel are exposed to especially in the highly unstable settings like Syria, Yemen, and Colombia (Vuji, 2023). Such instances demonstrate that the mediation process can result in the unfair delegitimating of the mediators, their direct targeting, and manipulation by dispute parties, which negatively affects the process and makes mediation unsafe. Kofi Annan and Staffan de Mistura all were multiple times accused of biases in Syria by both the government and the opposition. They were not unquestionable, and both sides tried to establish how the mediator can be biased. This pseud pampering diluted their authority and it became more difficult to hold significant negotiations. They were also denied entry to some of them thus, could not interact directly with the people who were affected by the conflict. Mediators in Yemen, including the representatives of the UN and the local civil society, faced even more risks (Alluhaidah, 2023). There was a high possibility of the local mediators being victims of intimidation or violence by armed factions since they were attending to their work without the international protection. Others were not allowed to take part in peace negotiations whereas others were coerced into taking sides. This demonstrates the high vulnerability of mediators with no formal support on a situation of broken authority. Another problem was revealed in the Havana peace process between the government and the FARC (2012-2016) in Colombia: mediator manipulation (Vuji, 2023). Norway and Cuba were a comparatively safe setting; however, the mediators had to deal with divergence by both parties to use the process as a political tool. The legal framing of negotiations was also heavy in nature and thus there were tensions as mediators had to be torn between justice and compromise way (Alluhaidah, 2023).

3. METHODOLOGY

Research Design

This research is based on a comparative case study approach, that seeks to explore how mediators are safeguarded during international armed conflicts. Such great design is guided by the necessity to examine practical settings in which mediation has been one of the main factors considered and by which the dangers and precautions provided to the mediators may be measured. This is because solely conceptual analysis of the law would fail to portray the thick realities of the law before mediators have to deal with on the ground and a case study approach enables one to more fully see how the law umbrella, politics and practice interact. The cases used participation, which comprised of three, namely: Colombia, Syria, and Yemen, were selected because they tend to depict different dynamics of mediation and protection of mediators. Colombia (2012-2016) is an illustration of legalized peacemaking, where the negotiations of the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) in Havana were held in a well-structured and internationally supported (Vuji, 2023). Syria involving a second case depicts mediation amid interested legitimacy and robust sovereignty issues. Later UN Special Envoys and Kofi Annan, Lakhdar Brahimi, Staffan de Mistura tried to intervene between the Syrian government and opposition forces. Yemen (2011-2016) gives a rather different point of view since it emphasizes the importance of international and local mediators. Local actors, as well as NGOs and business leaders played a big role in mediating a large portion of the work that the United Nations was engaged with through the appointment of the Special Envoys. Such an approach has ensured that it is a theoretically informed and empirically informed methodology through the integration of the doctrinal legal than a piece of the comparative case studies analysis.

Cases chosen:

Qatar Cases

Among the most notable models where Qatar played a mediating role is the U.S. Taliban talks, which lead to signing the Doha Agreement in 2020. This procedure revealed the ability of Qatar in diplomacy and being neutral, hosting various stages of negotiation between a world superpower and a non-state armed faction that has been always viewed

as a terror group. It based the mediation on the credibility of Qatari diplomats and their status within the Vienna Convention on Diplomatic Relations (1961), where the diplomat enjoys form and ramparts in the negotiation process (Egba et al., 2024). Nevertheless, in spite of comparative safety of any form of mediator in the political environment in Doha, no codified framework of the International Humanitarian Law (IHL), there was no legal safeguard to Qatari officials and international intermediaries involved in the negotiations in case any were politically retaliated against or disrupted using violence. This highlights one major predicament, the mediation by Qatar was not safeguarded by the humanitarian law but under diplomatic privilege. The Sudanese and Darfur situations also represent another initiative by Qatar to capture various players of conflict in a situation of uncertainty. This tendency was apparent in the Doha peace process in Darfur (2009-2011) and post-2023 aftermath of the Sudanese civil crisis when the Qatari mediators encountered sophisticated security issues when the discussion moved out of the usual channels of influence. In these instances, the Qatari took out its connections in the region and used its financial resources to pave way to the humanitarian corridors and ceasefire talks. However, even with its institutional strength, Qatari mediators faced the same structural susceptibility applied in other instances like Yemen and Syria, however, which is the lack of legal status of mediators as such on IHL. They relied to a great extent on bilateral guarantees and the wish of warring parties, instead of establishing enforceable rules of conduct (Bellal & Casey-Maslen, 2022). The role of Qatar as a mediator has been equated to the humanitarian diplomacy in Gaza and Lebanon. Qatari envoys significantly tend to mediate between Israel and Hamas as well as by the West to broker in acquiring prisoners, ceasefires, and providing humanitarian aid. Compared to the Colombian and Yemeni settings, the role of Qatar in Gaza is characterized with its ability to merge money with a political discussion. Nevertheless, the same approach has thrown Qatari negotiators into a political row, and call of bias against conflicting activities in the region and even parties who view its actions as a geopolitical push and not a neutral one (Alluhaidah, 2023). The lack of a global set of laws ensuring neutrality of mediators under IHL leaves the possibility of such delegitimization actions open and similar problems to the UN intermediary in Syria (Nassar, 2024). The legality of the mediation approach adopted by Qatar discloses the quality and limitation of the diplomatic law-based mediation strategy used by the country as an alternative to the humanitarian protection. According to the Vienna Convention, Qatari diplomats cannot be arrested and prosecuted in host countries. This, though, is not extended to the entire disposition of relations that are formal between diplomats but to the extent of relationships with non-state actors acting outside established governments, which is often a reality of the Afghanistan conflict, Gaza conflict, or Sudan. This means that Qatari mediators occupy a grammatical grey zone within these contexts and where it is custom, reputation as well as soft power that protects them, not the law governing international relations. By extension, the institutional safety of Qatari officials in steady settings, but also where diplomats in unstable regions are at risk of comparable threats like a local or NGO broker in Yemen, who will operate in that position completely without any sort of legal protection, will (Davies et al., 2024). The consistent successes of the mediation efforts by Qatar place an emphasis on the diplomatic credibility of this country but also reveal the loophole in the protection of the mediator that exists in the realm of IHL. The Qatari experience has shown that even a highly endowed, independent mediator needs only to use the legal frameworks available to be sure of safety or legitimacy. The situation with Afghanistan, Sudan and Gaza indicates that the success of Qatar is supported by soft power, neutrality, and moral authority; however, it is not an enshrined is guarantee. Depending on the political will, and not on the legal binding, predisposes Qatari negotiators and their teams to manipulation, Guccilator attack, and operational risks. Therefore, the experience of mediation in Qatar effectively demonstrates how the world requires a new legal regime encompassing the recognition of the mediators as the legal protection as under the IHL of the mediators as the humanitarian staff or peacekeepers.

Colombia (2012–2016) – Legalized peacemaking and the Havana negotiations (Rethinking Peace Mediation)

Colombia (2012-2016) is one such effort of legalized peace making where the termination talks of the government with the Revolutionary Armed Forces of Colombia (FARC) were held in a formal and internationally commissioned system (Ozcelik, 2021). State trading block like the United Nations, Cuba, and Norway were some of the mediators that were involved in the case. They had a relatively safe environment and their work was influenced by the conflict between legal responsibility and political

accommodation (Lara-Rodríguez & Rodríguez-Romero, 2023).

Syria – UN mediation amid contested legitimacy and state sovereignty concerns

The impact of this was known in successive UN Special Envoys such as Kofi Annan, Lakhdar Brahimi and Staffan de Mistura trying to mediate between the Syrian government and anti-government enclaves (Clowry, 2022). The case of Syria demonstrates how vulnerable mediators prove to be in case of scrutiny of their legitimacy, inability to enter in conflict areas, and when leading powers adopt mediation as a political instrument (Clowry, 2022).

Yemen (2011–2016) – Role of local and international mediators, risks faced by NGOs and regional actors

Yemen (2011-2016) provides an alternate view of including the use of both international and local intermediaries. Special Envoys were appointed by the United Nations; however, an important portion of mediation was performed by the local actors, businesses and NGOs (Elayah & Al-Mansori, 2024). The example of Yemen reveals the increased danger of risk to mediators who are lacking a significant institutional endorsement, and also restrictions of international systems to promote the protection of those working outside the formal diplomatic framework (Elayah & Al-Mansori, 2024).

4. RESULTS AND DISCUSSION

4.1 Case Study Findings

Qatar:

However it is also this legalization of peacebuilding which caused the mediators to be vulnerable to domestic politicization. The 2016 vote on referendum rejecting the Havana Accord characterised the failure of legal formalisation to bring social legitimacy. By contrast, Qatar mediations, including the Doha agreement between the U.S. and Taliban in 2020 did not partake in such internal politicization in the approach of silent diplomacy and managed publicity. The analogy highlights the fact that Qatar is better positioned to be power independent and in geopolitical terms to be able to persist in credibility, something the international mediators failed at. The fact that Qatar was not tied down to polarized great-power politics facilitated its flexibility in negotiating with such actors which the UN could not formally participate in like the Taliban or Hamas. However, it is a price that must not be underestimated: without an enforceable IHL framework to refer to, Qatari mediators would be left powerless in case of attack of their neutrality particularly when it comes to dealing with non-state armed forces operating outside of the framework of the diplomatic law.

Colombia:

The case of the Colombian peace process (2012-2016) teaches us that the mediators can be simultaneously both protected by the international legitimacy and undermined through politicization and contest (Perdomo Paez, 2023). It was negotiated at Havana through the backing of Cuba and Norway as the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) negotiated with the backing of the United Nations and other actors of the region (Gonzalez & Alzate, 2022). On the side of international law, although the mediators strictly are not considered as people defined as a subject of the International Humanitarian Law (IHL) as peacemakers, the diplomatic status of Norway and Cuba, as well as the mandate of the United Nations, have simulated functional forms of immunity visually akin to legal immunity (Gonzalez & Alzate, 2022). But the political risks could not protect people against the law as mediators (Beaty, 2022).

In Colombia, this voluntarist aspect up was bound up with domestic legitimacy. Indirectly, the DE legitimacy of mediators was continued to be questioned as criticisms of the legality and constitutionality of the conditions associated with transitional justice and political participation of ex-combatants were made against the peace deal (Beaty, 2022).

Syria:

The Syrian conflict is the most difficult ground than the mediators have met in recent decades. All this was systematically blocked by the issues of sovereignty, recognition and access as between 2011 and 2016 UN Special Envoys, including Kofi Annan, Lakhdar Brahimi and Staffan de Mistura, attempted to continue their efforts to mediate (Nassar, 2024). They derive their status, however, out of the privileges and immunities of the United Nations in the 1946 Convention on the Privileges and Immunities of the United Nations (Michaels, 2024). These safeguards are largely diplomatic in scope and are not established to have a binding responsibility on areas of warfare by non-state actors as well as states that do not acknowledge the authority of the mediator (Michaels, 2024). In Syria, any denial of guarantees to the government and the opposition

caused delegitimization by the mediation and limited their movements (Grabowska-Biernat, 2024). Mediators did not only lose a symbolic legitimization, but it also had operational implications. Mediators were accused of partisanship and refused the visas and barred from influential regions. It was because there was no formal IHL structure identifying the role of mediators as a protective participant whereby no legal process pressurized belligerents to grant access, or security. This legal emphasizes why mediation as a peaceful means of dispute resolution needs to be provided with a lot of attention in the list of IHL protections especially following the centrality of Article 33 of the UN Charter to tackle the central theme of peace through mediation (Grabowska-Biernat, 2024).

Yemen:

The case of Yemen represents how highly vulnerable mediators can be, now that they are not diplomats or representatives of the UN but native agents, non-governmental organizations, or even corporate leaders who can also take the role of mediators (Leene, 2023). The conflict in Yemen between 2011 and 2016 took part in various mediations defined as UN Special Envoys, with those of community-based approaches supported by tribal bosses, women groups, and non-governmental organizations. Local brokers in Yemen could not find institutional security as did the same in Colombia or Syria (Leene, 2023).

Their defenselessness was based on two gaps in the law (Davies, Barbelet, & Mayhew, 2024). The environment of fragmented states could not be guaranteed through the domestic legal system (Davies et al., 2024). This lack of protection through the laws ensured that mediators were very much reliant on the times of goodwill or bad will and its dispensation during times of shifting armed actions. The mediation-like functions of these actors were uncovered and not under a shield of an institution or a law (Davies et al., 2024). They were especially vulnerable due to the fact that their roles eroded the barriers between activism efforts by civil societies and mediation efforts conducted within conventional contexts. Such a state of affairs discloses the incompetence of the current norms as those are based on the state-based or UN-based approaches towards the protection.

4.2 Comparative Insights

Further analysis of the case of Qatar in comparison with the experiences of Colombia, Syria, and Yemen, shows that all three countries found some different differences in mediation systems, sources of legitimacy, and the levels of protection under the law. Although all the four settings put the mediators in a vulnerable position due to the lack of integrity originating in the reasoned international law, Qatar appears to be a resource-supported, diplomatically reinforced, and state-driven structure, imparted with vulnerabilities as contrasted to the UN-reliant process in Syria, the localized approach in Yemen, or the legally legitimized yet politically tainted process in Colombia. Norway, Colombia involved mediation within a formalized international framework mediated by the online presence on the United Nations, Cuba and Norway where the mediators enjoyed institutional legitimacy (Gonzalez & Alzate, 2022).

This difference creates a paradox, in the form of the Colombia mediators had local crises of legitimacy despite legal protection, and those of Qatar managed to have international crises but lack had formal international understanding under the International Humanitarian Law (IHL). Syrian case infers the other pole of the spectrum - a situation, in which mediation was not granted coherence within the institution, or it did not have legal support at all. Like Kofi Annan, Staffan de Mistura and his subsequent UN officials worked with fragmented mandate of the Security Council, faced delegitimization, access denials, and insecurity dangers (Nassar, 2024). These mediators unlike Qatar had boundaries are dictated by the presence of divisions at the international level and absence of enforcement forces which would make parties honor their neutrality. The process of mediation in Yemen has developed in a disintegrated ecosystem with local NGOs, tribal elders, and community leaders (Elayah and Al-Mansori, 2024).

Such actors also had no diplomatic immunity and were subjected directly to violence and intimidation. The mediation role of Qatar in Yemen exemplifies the hybrid stance of the Qatari representatives, who benefited in terms of the official diplomatic immunity of the country representatives whenever they operated in Doha or for the state, but they were weak because they acted similarly to the situation of intermediaries, who were non-state groups. This gap can perhaps be said to represent the long-standing discrepancy between legal privilege at the state level and the realities of thirty-three-plan state mediation. Regarding the wider frame of analysis, Qatari model of mediation falls into the middle ground between formally institutionalized diplomacy of Colombia and informal mediation of Yemen. It enjoys the advantage of state legitimacy, financial limitations and impartiality; however its mediators are subject to

the same structural shortcomings, which renders all mediation ineffective, namely, lack of recognition in IHL. The legitimacy of Qatar is based on the soft power and trust of other countries as opposed to legal status as it is done in Colombia, where legitimacy granted to the mediators was based on the framework of negotiations in form of treaties, or in Syria, where legitimacy was compromised with the efforts of the geopolitical players. Its mediators have the shield of political reputation as opposed to the law. More importantly, the example of Qatar reveals an inherent weakness of the model of international mediation: any time that mediation is undertaken by a sovereign state with complete diplomatic potential, there is no legal protection mechanism that can assure the neutrality or protection of mediators that warring sides will oblige themselves to obey it.

Based on the Colombia, Syria, and Yemen case studies, mediators work in an unpredictable legal context. In all the three regions, a universal understanding of who should be recognized as a mediator as a protected person under the International Humanitarian Law (IHL) does not exist (Vuji, 2023). The Geneva conventions and additional protocols give explicit preventive measures to the civilians, humanitarian workers, and medical members yet they do not mention any special group of mediators (Montewka, Życzkowski, & Zarzycki, 2023).

As opposed to the Colombia, Syria, and Yemen scenarios, Qatar has a long history of mediation whose story can provide valuable insight into how diplomatic privilege interacts with the lack of formal legal protection by International Humanitarian Law (IHL). Qatar has been at the center of many leading mediation missions such as peacekeeping the United States and the Taliban in Afghanistan (2019-2021), between opposing Palestinian groups, and more recently between the Sudanese and Lebanese crisis. Such measures have made Qatar one of the few small states that have always been mediators in both cases of regional and international conflict. Nevertheless, even despite its institutional support and good diplomatic reputation, the protection of Qatari mediators and envoys remains based on political legitimacy and bilateral agreement and not codified under the IHL. Though the diplomatic missions of Qatar act according to the provisions of the Vienna Convention on Diplomatic Relations, the front-line diplomats and technicians in these talks, especially in crisis-ridden areas such as Yemen or Syria face threats of political counterattack, defamation, or embarrassment on the same scale and level of risk posed by non-operative force as witnessed in Yemen or Syria.

The case of Qatar has shown that even highly-endowed mediating states would experience protection lapses when dealing with non-state armed groups. Indicatively, at the Afghan peace talks in Doha, the Qatari government was neutral and secure under the diplomatic infrastructure and international status, but the mediators themselves had no explicit legal safeguard should any hostilities or political backlash arise of the process. Likewise, Qatari mediation of Sudan and Gaza was limited by a lack of an international legal framework that forces parties to take into account the safety and neutrality of mediators. This underlines the same construction frailty observed in other instances: the protection of the mediator is conditional on the goodwill of the disputing parties as well as recognition of the mediation platform by international law and not through a binding legal tool. As a matter of fact, the Qatari system of the mediator diplomacy relies on the moral credibility and the trust of the international community, rather than the norms of protection under IHL. So, the mediation cases in Qatar can serve a useful purpose as a comparative example of the potential and the limitations of state-led mediation in its recent forms within the context of existing legal frameworks.

The flaws of this scheme were more apparent in Syria. The UN Special Envoys worked without any proper legal protection outside what was offered with diplomatic immunities in the Convention on Privileges and Immunities of United Nations (Akanji, 2024).

5. CONCLUSION

The Colombia, Syria, and Yemen analysis demonstrates that mediators of international armed conflicts work under a fragmented legal system. Though the issues covered under the International Humanitarian Law (IHL) safeguards civilians, humanitarian, and peace workers, it does not explicitly seek to safeguard mediators as well. Mediators would however employ diplomatic law, political legitimacy, and ad hoc to the contexts. Relative protection was extended to the mediators but led to the politicization of mediators in Colombia as a result of international legitimacy. In the case of Syria, and it is my opinion that the same situation pertains to other Third World countries, the United Nations envoys enjoyed no binding guarantees, are limited to lack of access and no legitimisation. The local and NGO mediators in Yemen were physically threatened directly without a legal protection. All these cases substantiate the fact that the mediators now have to deal with continuous violations of safety, manipulation, and marginalization.

5.1 Recommendations

And in the effort to solve legal and practical challenges of mediators, a number of steps need to be observed. To begin, mediators should be formally acknowledged by the international law and be regarded as the category of a protected individual due to the IHL just like the humanitarian workers or journalists do. This should be done with an Additional Protocol or a United Nations Security council resolution that enforces obligations on either the state or the non-state actors. Second, diplomatic immunity that presently existed in the diplomats of the UN and state representatives needs to be extended, modified a bit, to the NGO and local mediators who are usually at the highest risk. Thirdly, the UN needs to have a system of monitoring to record any attack, threat, or restriction to the mediators and these measures should have accountability in case they are violated. Lastly, regional bodies and local structures ought to coordinate the initiatives of the protection of the mediators that the protection is not primarily pegged on political goodwill. Such precautions would expose more legal confidence, build mediator credibility and serve to reinforce mediation as a foundation of conflict resolution.

5.2 Limitations

There are a number of limitations that can be considered in this study. This paper will rely heavily on secondary data sources such as legal documents, UN documents and scholarly literature opposed to the actual field summary of the conflict or the mediators themselves. This limits the possibilities of jointly seizing personal life and ground dynamics. An excellent approach, the comparative case study approach gives quite useful insights, although Colombia, Syria and Yemen selection might not necessarily represent the breadth of the context of mediation in the world. Other examples of risk or protection patterns would be seen through other conflicts like in Africa, or Southeast Asia. In addition, the results mirror a representation of a dynamic conflict, variance of which could occur in a short period because of continually changing political environments or the development of fresh global endeavors.

5.3 Future Implications

The implications of the findings, both to law and practice, are significant. Legally speaking, the lack of such explicit protection given to the mediators leaves a huge void in the IHL that needs to be reformed. The next step includes the codification of mediators as persons under protection and perhaps and at least, inclusion of diplomatic like immunities to persons acting in battles. In practice, increased protection would promote large-scale involvement in mediation especially that of NGOs, women, and local actors who are facing disproportionate risks. It would also enhance accountability because the mediator attacks can be subjected to prosecution according to international law. The cases of Colombia, Syria, and Yemen demonstrate that mediation is not merely another political instrument but also a humanitarian requirement, to the policymakers. It would suit the international law to recategorize the mediators as being underscored against the protection of the peacekeepers and humanitarian workers because the mediation is a critical tool towards the obtaining of sustainable peace in conflict-driven areas.

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