

The European Union as Peacemaker – Enhancing EU Mediation Capacity

Background Paper

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Introduction

As a peace project since its inception, the European Union (EU) has long had conflict prevention, mediation and dialogue as part of its internal make-up. The promotion of peace and the prevention of conflict also underpin Europe's engagement with the world. These objectives have always been enshrined in the treaties that provided the EU's constitutional basis. Most recently, the Lisbon Treaty, which entered into effect in December 2009, empowered the EU to play a more active political role globally. The institutional re-structuring which followed, notably the creation of the European External Action Service (EEAS) and EU Delegations with global reach, was also intended to enhance the EU's role and capacity in supporting peace processes, including through mediation.

The *2009 Concept on Strengthening EU Mediation and Dialogue Capacities*² further clarifies EU ambitions and constitutes the policy basis for the EU's involvement in international peace mediation. It establishes mediation as “a tool of first response to emerging or on-going crisis situations” and declares the EU's ambition to become more directly involved in mediation and facilitation and also better at supporting mediation and facilitation efforts led by others. Importantly, it establishes a broad definition of mediation which also encompasses facilitation of political dialogue processes at various levels. This means that for the EU mediation is not just about high-profile and high-level mediation of formal peace talks, often conducted by prominent politicians. It is also about engaging in informal political dialogue and supporting other international or local actors who are better placed – or more acceptable to the conflict parties – to facilitate or mediate talks in a specific context.

Some EU staff draw inspiration from the EU's globally-acknowledged role in providing election assistance across the full election cycle. They argue that by strengthening both the EU's political and supportive, technical capacities in mediation, its role as a peacemaker will be in greater demand across the globe and increasingly effective. The 'EU as peacemaker' events aim to offer citizens and practitioners an opportunity to assess the EU's ambition in relation to its role as peacemaker and to shape how it can best be achieved.

Past practice

The EU's ambition as a peacemaker is informed by its rich and varied experience. Drawing on this experience, the 2009 Concept identifies five types of EU involvement in mediation (see Box below)

Types of EU mediation involvement as described in the 2009 Concept

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² Available at <<http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf>>

1. **EU as mediator:** directly acting in high-level mediation, including as part of a mediation team.
2. **Promoting mediation:** providing political support for the use of mediation and dialogue as a tool for conflict prevention, including by other international organisations.
3. **Leveraging mediation:** providing diplomatic leverage as incentives to mediation processes, drawing on EU trade, development and crisis management instruments.
4. **Supporting mediation:** providing technical assistance, including logistical support, substance or process expertise or tailored training to mediation processes led by other actors.
5. **Funding mediation:** providing financial support to formal and informal mediation efforts, at both high and grass-roots levels.

Examples of EU direct high-level engagement in mediation

Perhaps best known of these mediation types, is number 1 – the EU’s direct engagement in high-level mediation efforts. A range of EU actors have been directly involved in formal mediation at the highest political level in the past. These, over the years, have included the High Representative/Vice President (Ashton) – previously the Secretary General/High Representative (Solana) – the EU Presidency, EU Special Representatives (EUSRs), EU Delegations and, on occasion, Heads of EU missions.

There is one current example in which the EU is the lead mediator: the Kosovo-Serbia dialogue. In this case, the talks are managed by an internal EU team, with direct engagement of HR/VP Ashton at critical moments working together with EEAS Director for Western Balkans and Turkey, Gentilini, the EUSR and in close partnership with Member States and other key partners, notably the US.

More commonly, there is more than one formal mediator and the EU serves as a co-mediator in high-level mediation teams. This was, for instance, the case with the joint US/EU mediation team of Solana (EU SG/HR), Léotard (F) and Pardew (US) in reaching the Former Yugoslav Republic of Macedonia (FYROM) Ohrid Agreement in 2001 and the joint Solana and Kwasniewski (P) mediation team in the Ukrainian Orange Revolution in 2004. An example of high-level mediation by the EU Presidency is the lead role played by Sarkhozy and Kouchner (EU Presidency and F) in the mediation of the cease-fire agreement in the 2008 Georgian-Russian conflict.

The EU has often been represented in formal, longer-term peace talks by its Special Representatives (EUSRs). For example, EUSRs represent(ed) the EU in the Kosovo status talks from 2006-2008, the Middle East Quartet, peace talks in the Great Lakes, and the Geneva talks between the parties to the conflict between Georgia, South Ossetia and Abkhazia. EU Delegations have also sometimes played a direct role in peace mediation. For example, the Head of Delegation played an instrumental role in the transition in Yemen 2011 and the Head of Delegation mediated the Accord Politique Global in Togo in 2006.

Formal high-level engagement in peace talks is rarely part of a Common Security and Defence Policy (CSDP) mission’s mandate. Nevertheless, mission leadership has sometimes been called upon to play a mediation role. For example, the Head of the Aceh Monitoring Mission was given a mandate to mediate and, if necessary, arbitrate between the parties in relation to the implementation of the disarmament aspects of the peace agreement. Similarly, the leadership of EU Police Mission in Bosnia and Herzegovina was often engaged in informal, high-level dispute resolution.

Some CSDP missions also support formal dispute-resolution mechanisms that relate to security issues, such as the Incidence Prevention and Response Mechanism supported by the EU Monitoring Mission in Georgia. In short, CSDP Heads of Mission are sometimes called upon to mediate between parties in order to keep the implementation of a peace agreement on track.

Examples of EU mediation support

There are almost no instances in which the EU works alone in mediation and dialogue. Identifying who are best placed to support a process and how the EU can best add value is often the first step in developing a strategy to support a peace process. It is therefore unsurprising that the majority of types of EU engagement in mediation (types 2-5 in the EU Concept) are indirect and less visible. As the EU Concept affirms, these roles – working alongside and in support of the United Nations, regional organisations, international NGOs, local civil society or direct parties to the conflict – are equally as important as its direct engagement in high-level mediation.

Examples of how the EU promotes the use of mediation and dialogue as tool in other organisations includes its advocacy and funding for mediation and dialogue initiatives in the UN and regional organisations. Within the UN context the EU has advocated for a strengthened role for mediation in conflict prevention and resolution, including through the ‘Friends of Mediation’ group in the UN General Assembly. It has also partly funded the UN stand-by team of mediation experts as well as specific UN-led talks, e.g. the UN/AU joint mediation support team in Darfur and the work of the UN Good Offices in Columbia.

The EU also funds the African Union’s Early Response Mechanism – which supports mediation efforts of the AU and other sub-regional organisations – and it makes additional mediation expertise available to the AU through the African Peace Facility (funding) mechanism. This means that there are almost no examples of high-level mediation by the AU which are not funded in some way by the EU. Specific examples of EU-funded peace talks led by African regional organisations include: the AU high-level implementation Panel for Sudan; the ECOWAS-led Accra Peace Conference that reached the 2003 peace agreement in Liberia and the OAU-led talks that led to the Arusha Peace agreement in Burundi.

In addition to providing financial support for formal high-level talks led by others, the EU also supports informal, often confidential, talks designed to influence and support the formal peace processes (track 1 ½ and track 2). For example, it has provided support for: parallel informal talks that aim to support the constitution-making process in Nepal; dialogue between the Laos government and the Hmong diaspora; and national dialogue processes in Libya and Yemen. Perhaps best known of these informal initiatives were the EU-supported talks that ended up with a formal peace agreement in Aceh, Indonesia. These were mediated by former Finnish President Martti Ahtisaari with the INGO Crisis Management Initiative and led in 2005 to the Aceh peace agreement. These cases illustrate that the EU’s support for NGO-led initiatives can also lead to and can directly support high-level formal talks.

More formal or high-level initiatives are often complemented with EU support for mediation and alternative dispute resolution efforts at the community level (track 3). These are often implemented by NGOs that specialise in facilitating mediation and dialogue at the community level. For example,

the EU-funded Confidence Building Early Response Mechanism, established in 2010, financed and opened the door for the implementation of some 68 small scale dialogue and development projects between communities in both Georgia and Abkhazia. Similarly, the EU's engagement in the Philippines (Mindanao) involved financial support for dialogue at multiple levels, facilitated by local NGOs as well as international ones. The community-level engagement is credited with improving the security situation and paving the way for formal talks supported by an International Contact Group (including representatives from EU-funded INGOs).

More generally, many development programmes as well as political or security interventions are designed to build confidence and/or create an environment that is conducive to a political settlement. For example, the mandates of EU Special Representatives often include confidence-building measures (CBMs) contributing to the settlement of conflicts. Using a similar logic the EU Police Mission in the Palestinian Territories (EUPOL COPPS) assumed that building an effective Palestinian state apparatus and police service is a necessary prerequisite for building confidence in the peace process and a two-state solution to the conflict. Similarly, in many post-conflict situations, the majority of EU development and security interventions will be designed to support the peace process by providing peace dividends (jobs), promoting security and justice sector reform and implementing specific aspects of a peace agreement. For example, the EU Police Mission in Bosnia and Herzegovina (EUPM BiH), the EU Police Mission in the Former Yugoslav Republic of Macedonia (FYROM) and the EU's monitoring missions in Aceh and Georgia were all intended to help implement security aspects of a peace agreement.

Challenges and Opportunities in building EU capacity

The institutional re-structuring associated with the Lisbon Treaty and the ambitions laid out in the 2009 Concept have resulted in a number of institutional innovations designed to strengthen the EU's capacity in mediation and dialogue. One clear institutional innovation was the establishment within the European External Action Service of the *Conflict Prevention, Peacebuilding and Mediation Instruments Division* with its mediation support team, which has a mandate to provide mediation support to EU actors – both at headquarters and to the EU Delegations. A European Parliament pilot project helped to kick-start this initiative by providing funding for a range of mediation-support activities that have now been included as part of the regular budget. It initially covered three out of the five positions in the EU mediation support team within the Division, provided support for training and coaching opportunities on mediation for EU staff, and funded the development of new guidance materials (including fact sheets on power-sharing, transitional justice, women's participation and gender issues, electoral violence, national dialogue structures and armed actors in peace processes³).

The 'EU as peacemaker' events are also funded by a European Parliament pilot project and are intended to provide an opportunity to reflect on what has been achieved and on how best to strengthen EU internal capacity for mediation and dialogue and its partnerships with others in future. To guide this work, the EU commissioned a study that assesses the EU's current practice and capacity for specific mediation functions and whether these might usefully be complemented by other initiatives, notably the idea of a European Institute of Peace (EIP). This idea was proposed in 2010 by Sweden and Finland on the assumption that an independent body with links to the EU could

³ Available at <http://eeas.europa.eu/cfsp/conflict_prevention/index_en.htm>

complement the role of the EU in this area. This section highlights some of questions that emerge from the study.⁴

Challenges for building EU mediation capacity

- Can the EU manage its internal relationships to allow for timely, coherent and tailored initiatives?

As suggested by the illustrative examples, the EU is directly active in formal high-level (track 1) and also has a record of supporting informal (track 2) dialogue initiatives aimed at building relationships and influencing formal processes. It also has a strong track-record of supporting grassroots (track 3) dialogue. In theory (2009 Concept) this gives the EU the ability “to pursue both a top-down and a bottom-up approach in parallel tracks.” However, in practice, EU initiatives at different levels involve different EU actors and are normally informed by separate assessment and planning processes. In some cases synergies emerge, but mostly they need to be negotiated. This is invariably time-consuming and some argue that it also stifles the EU’s collective ability to adapt creatively to changing contexts and seize political opportunities.

The challenge of delivering a coherent response that is tailored to local context is a structural one, linked to the EU’s fragmented institutional set-up. Improving information exchange and collaboration between the EU’s different actors is therefore likely to remain an enduring priority for all EU actors. Nevertheless, given the importance of ensuring that engagement is informed by local political realities, a priority for internal mediation support efforts should be to strengthen the capacity and coordination role of those closest to the conflict issues (notably the EU Delegations and EU Special Representatives).

- Can the EU engage in mediation efforts which require talking to proscribed actors?

A second observation based on the EU’s past record is that it has rarely been formally involved in talks with proscribed actors. Its own rules and the importance of maintaining relationships with other governments mean that the EU cannot openly talk to proscribed groups or individuals. This political constraint evidently means that the EU has a limited direct role to play in supporting engagement with or influencing important conflict parties if they are viewed as terrorists or criminals. In practice, the EU has mitigated this constraint and minimized its reputational risk by linking up with independent actors who are less constrained. In this way engagement is always indirect and deniable. However, some argue that the EU could be more effective if it could more formally support or engage in talks with proscribed actors.

- Is the EU able to deploy short-term mediation expertise?

The EU faces significant financial and regulatory constraints in strengthening its own capacities through the deployment of experts. The 2009 EU Concept included a recommendation to explore how to mobilise expert assistance at short notice in response to demand from within the EU. Exploring this issue has shown it to be difficult to implement in practice. Firstly, while experts within the EU staff (notably the 5-strong mediation support team - MST - within the Conflict Prevention,

⁴ Available at <<http://tntexecutive.gr/announcements/the-eu-as-a-peacemaker-enhancing-eu-mediation-capacity/?lang=en>>

Peacebuilding and Mediation Division) have been deployed on occasion in support of other EU actors, the 'no staff growth' constraint imposed by member states mean that it is unlikely that this kind of internal support will be substantially increased. Secondly, the EU's ability to hire external expertise in a timely manner was initially limited, but with a small budget the MST can now deploy external consultants more quickly. Thirdly, systems of deploying experts from within member states are not yet developed in this area and, in any case, tend to be relatively slow or unreliable. This begs the question can these constraints be addressed through internal reforms or should the funding and deployment of short-term expertise be outsourced to a more flexible, external organization?

- Can the EU strengthen its knowledge base and institutional learning?

Given the political nature of mediation engagements and the large range of EU actors involved, internal lessons learning or evaluations have not been systematized. With relatively rapid staff turnover, this means that institutional memory and learning is largely left to personal relationships. There is certainly room for improving this situation, including through establishing an 'informal community of practice' to share experience internally. The mediation support team will also continue to develop lessons learnt and fact sheets, including through contracting external actors.

Opportunities and the idea of the European Institute of Peace

Recent internal reflection as well as the external study reviewed above shows that the EU has become increasingly active in mediation and dialogue at all levels and in partnership with a variety of actors. It also reveals structural, political and financial challenges to strengthening this political work across EU institutions. Some of these challenges may be addressed within on-going processes of organizational change, notably as the EU delegations grow into their more political role and as internal communication systems are improved. However, according to the feasibility study, a number of gaps are unlikely to be addressed under current conditions. These include:

- Engagement with proscribed actors
- Rapid expert deployment for mediation support
- Targeted advice produced at short notice for EEAS staff
- Lessons-learning of some mediation engagements
- Forum for high-level reflection and advocacy on EU mediation engagements

There are potentially a number of ways that these gaps could be addressed. One approach is to build on existing partnerships between the EU and others with a role in operational mediation support, training, research and advocacy. Alternatively, some argue that this scattered approach would compound EU complexity and rather advocate for consolidating EU mediation support and expertise in a new, independent European Institute of Peace. This suggestion has already triggered lively debate to which the 'EU as peacemaker' events aim to provide a constructive contribution.

Conclusion

Clearly the goal of strengthening EU capacity in mediation is backed by substantial commitment from the EU institutions and Member States. Much of the detail of how this support will be delivered has still to be worked out. Whatever the means, the goal should be to enhance the EU's ability to form appropriate alliances of partners from within and outside the EU to mobilise domestic and international support for delicate peace processes in a variety of complementary ways.