FIIA REPORT 34

Strengthening the EU's peace mediation capacities

Leveraging for peace through new ideas and thinking

Tanja Tamminen (ed.)

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Introduction

Tanja Tamminen

WHY MEDIATION MATTERS

The evening news brings the conflicts of the world to the living rooms of the EU's citizens every night. There is no excuse for ignorance when it comes to the amount of human suffering in the world. The information is available. Most of the conflicts that today cost human lives are no longer between states but are instead intra-state. Some of them are labelled as civil wars, while some escape the headlines. Twenty years ago the violent breakup of Yugoslavia was in the spotlight, today the eyes of the world are focused on the Arab world — and most recently the appalling violence in Syria. A number of violent conflicts ravage the African continent — some more familiar some less so to the European audience. The situations in Afghanistan and in Iraq remain causes for concern from year to year.

At the same time, debates over the best ways to ease the suffering and help the victims of violence become more and more complex and confronting. In recent years, conflicts have not become any easier to solve. The ethnic cleansing in Bosnia and Herzegovina was only stopped in 1995 because of a NATO intervention (Sarajevo remained under siege for almost four years), and still the Dayton Peace Agreement has not created a basis for sustainable reconciliation and development in the country. Recently, Kofi Annan, the previous UN Secretary General who served as mediator on the behalf of the UN and the Arab League in the Syrian war, decided to leave his position as he felt that his work had been made impossible by "the Syrian government intransigence, increasing militance by Syrian

rebels and the failure of a divided Security Council to rally forcefully behind his efforts".[1] Annan had already criticised the world powers' "destructive competition" over Syria.[2]

The recent wars and conflicts in Northern Africa and the Middle East have shown the limits of the tools that international actors such as NATO, the UN and the EU have at their disposal when dealing with violent conflicts. These international actors now turn to their tool-boxes in order to find better suited mechanisms to prevent conflicts from erupting into full-scale wars. *Mieux vaut prévenir que guérir* — from the creation of "early warning" mechanisms, the emphasis has now shifted to enhancing the capacities of "early action".

The European Union, despite its internal problems and institutional challenges, is becoming increasingly involved in conflict management and peace processes around the world. On the European continent, EU itself is renowned for being a successful peace project. The European Union was awarded the Nobel Peace Prize in October 2012. The President of the European Commission, José Manuel Barroso, described the award as "a great honour" and said it was "justified recognition for a unique project which works for the benefit of its citizens and the benefit of the world."[3] In fact, the Nobel Peace Prize Committee noted that the prize was awarded to the European Union (EU) because it had "for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe".[4] At a time of economic crisis, the Nobel Committee wanted to remind Europeans that the Union had emerged from the Second World War and has since successfully prevented new conflicts among its member states. The Committee praised the EU's achievements in managing Greece, Spain and Portugal's transition from fascism and overcoming the division of the continent by enlarging the union to include the former Warsaw Pact countries.

1 GLADSTONE, RICK. "Resigning as Envoy to Syria, Annan Casts Wide Blame", *The New York Times*, 1 August 2012. Available at: http://www.nytimes.com/2012/08/03/world/middleeast/annan-resigns-as-syria-peace-envoy.html?pagewanted=all

2 BLACK, IAN. "Kofi Annan attacks Russia and west's 'destructive competition' over Syria", *The Guardian*, 6 July 2012 Available at: http://www.guardian.co.uk/world/2012/jul/06/kofi-annan-syria-destructive-competition?INTCMP=SRCH

3 JOSÉ MANUEL BARROSO: 'European Union Nobel Peace Prize 'a great honour', on *BBC News*, 12 October 2012. Available at: http://www.bbc.co.uk/news/world-europe-19920644

4 The Nobel Peace Prize for 2012, http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html

As the whole identity of European integration is based on a peace process, it is natural that this work continues and also characterises the Union's foreign policy. More effective instruments are being identified to make the EU not only a successful peace project but also an efficient peace maker. Indeed, The Lisbon Treaty that entered into force in December 2009 stipulates that the EU's aims are to "promote peace, its values and the well-being of its peoples" (Art. 3.1) and to "preserve peace, prevent conflicts and strengthen international security" (Art. 21.2(c)).

Peace mediation, despite its obvious limits as we have just witnessed in the case of Syria, is an effective tool in finding sustainable solutions to conflicts. The European Union has set itself the goal of using mediation in a more systematic way as an instrument to prevent and resolve conflicts. This has been agreed upon on a strategic level, but is the EU, in practice, getting more actively involved in mediation, facilitation and dialogue processes?

THE BACKGROUND OF THIS REPORT

The idea for this report arose out of two meetings that the writers of this report had in Helsinki to discuss their thoughts during the spring of 2012 in the framework of a two-year research project at the Finnish Institute of International Affairs. The first FIIA report published by the project was launched in March 2012, and it dealt with new global networks of mediation and the prospects for Finland as a peacemaker.[5] The purpose of this second FIIA report on peace mediation is to discuss the role of the EU in peace mediation and explore how the EU could best use its leverage for sustainable peace processes.[6]

Today *mediation* and *dialogue* are proposed as better ways of dealing with the warning signs of emerging crises as well as the different stages of ongoing conflicts. The EU has set itself the goal of using mediation in a "more systematic way as an efficient and

5 PIIPARINEN TOUKO and VILLE BRUMMER (ed.) 2012: *Global networks of mediation: Prospects and avenues for Finland as a peacemaker*, Helsinki: FIIA. Available at: http://www.fiia.fi/en/publication/248/

6 We want to express our gratitude to the Ministry for Foreign Affairs of Finland for its interest in this research and the financial support that we received for the preparations of this report as well as for organising an event in Brussels to discuss the findings of the study.

cost-effective instrument to prevent and resolve conflict". In 2009, the European Council adopted the "Concept on Strengthening EU Mediation and Dialogue Capacities", which sets the EU the objective of becoming more "actively involved in mediation, facilitation and dialogue processes, and to engage in a more effective way both directly as a mediator/facilitator and when providing political, technical and financial support".[7] These goals were reiterated in the 2011 Council Conclusions on Conflict Prevention.[8]

Since then, institutional innovations have been set up and others proposed to reach this goal: the European External Action Service, for example, has a new *Division for Conflict Prevention, Peace-building and Mediation*. Thanks to a pilot project supported by the European Parliament, this Division can now prepare coaching and training for EEAS staff involved in mediation; produce lessons-learned; discover the best practices and guidelines; and prepare for the establishment of a roster of deployable experts in mediation and dialogue processes. These are all preliminary steps for concrete engagement.

Finland has been actively encouraging the EU and other actors, such as the UN and the African Union, to take a more active role in peace mediation activities. It has also taken a number of high-profile initiatives. Finland, together with Turkey, established the "Friends of Mediation" group within the United Nations and initiated a UN General Assembly resolution which i.a. calls on regional organisations to strengthen their mediation efforts. This UNGA resolution on mediation (65/283) was endorsed in June 2011[9]. In December 2011, Finland published a National Action Plan on Mediation which underlines Finnish efforts to develop international mediation. In the EU framework, Finland "upholds the central role of mediation within EU conflict prevention and in the discussion on the EU security strategy, and Finland works to influence the strengthening of EU's mediation concept."[10]

7 COUNCIL OF THE EUROPEAN UNION, "Concept on Strengthening EU Mediation and Dialogue Capacities", Brussels, 10 November 2009.

8 COUNCIL OF THE EUROPEAN UNION, Council conclusions on conflict prevention, 3101st Foreign Affairs Council Meeting Luxemburg, 20 June 2011, pp. 26–27.

9 UN General Assembly Resolution, 'Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, Conflict Prevention and Resolution' A/RES/65/283 (2011), 28 July 2011.

10 MINISTRY FOR FOREIGN AFFAIRS OF FINLAND, Action Plan for Mediation, December 2011, Available at http://formin.finland.fi/public/download.aspx?ID=88395&GUID=%7B81F61C85-52AF-47D0-93DC-625299A5C4EC%7D

In addition, Finland has devoted special attention to the role of women in peace processes and the implementation of the UN Security Council Resolution 1325 on Women, Peace and Security, from 31 October 2000, in the Common Foreign and Security Policy as well as the Development Policy of the EU. For example, Finnish–Afghan cooperation on Women, Peace and Security focuses on supporting the role of women in peacebuilding.[11] Afghan women have serious concerns when it comes to the future and the departure of the international presence in the country.[12]

This report aims to take part in the debate in Finland as well as at an EU level with regard to the practices the EU should adopt in order to strengthen its capacities in mediation, while bringing them in line with the UNGA resolution (65/283) and UN Security Council Resolution 1325. In particular, it looks at the specific added value that the European Union can offer peace processes around the world.

QUESTIONS POSED

This FIIA Report provides a picture of the still quite modest EU peace mediation activities and raises new ideas regarding the enhancement of EU capacities in the field. The contributors examine the prospects for and avenues available to the EU in the field of peace mediation. All the writers are, in one way or another, involved in strengthening European peace mediation capacities (brainstorming, planning, implementing institutional reforms, or concretely carrying out peace mediation work themselves). It is our intention in this report to give a short overview of the current EU frame in the field of mediation and dialogue and discuss the different ways of how to enhance the EU's capacities in this field.

The report has been organised into three parts. The first section takes stock of the record of the EU's activities in the field of peace building. Johannes Schachinger from the EEAS mediation support team provides an insightful overview of the first steps

11 MINISTRY FOR FOREIGN AFFAIRS OF FINLAND, UN Security Council Resolution 1325 (2000)"Women, Peace and Security" Finland's National Action Plan 2012–2016, June 2012, Available at http://formin.finland.fi/public/download.aspx?ID=98322&GUID=%7B3DAB961C-AE41-42D3-99CB-4BE77BA8941D%7D

12 KHALEELI, HOMA, "Afghan women fear for the future", *The Guardian*, 4 February 2011. Available at http://www.guardian.co.uk/lifeandstyle/2011/feb/04/afghan-women-fears-for-future

that have been taken by the EU to implement the 2009 Concept on strengthening EU mediation. Andrew Sherriff (ECDPM) explores the European Commission support of conflict prevention, raising a number of pertinent recommendations on how mediation would fit into the picture. Tanja Tamminen (FIIA) then offers an overview of the recent Council Conclusions and the CSDP's language on peace and mediation. To conclude the descriptive and evaluative part on current and past activities, Noelle Higgins presents a case study of one peace process, that of Aceh in Indonesia, where the EU was actively involved.

In the second part of this report, Antje Herrberg and Luis Peral discuss whether a European Institute of Peace (EIP) could be an answer to the challenges the EU is facing in peace mediation. In 2010, the Foreign Ministers of Sweden and Finland presented the idea of a European or European Union Institute of Peace to the High Representative, Catherine Ashton. In 2011, Sweden and Finland presented a more elaborated proposal regarding EIP. The initial idea was that the EIP should be an independent organisation with close links to the EU, focusing on mediation and dialogue in countries where the EU has interests but cannot be directly involved itself. According to the Finnish Action Plan on Mediation from 2011, "a possible European Institute of Peace or a corresponding network would be an independent think tank based on the common values of the EU, which would develop the contents and methods of operation of the EU's mediation activities, support the mediation efforts of different actors and complement diplomacy by utilising different kinds of expertise."[13] Both Antje Herrberg (mediatEur), who has participated in the planning process of the EIP, and Luis Peral (EUISS) analyse the prospects and challenges of such an initiative. Even though planning continues, the proposal has not yet been formally discussed in an EU setting. Luis Peral shares some of the optimism expressed by Antje Herrberg with regard to the European Institute of Peace initiative, but he also raises a number of pertinent questions about its viability.

In the third part of the report, the writers aim to broaden the focus in order to bring out new thoughts concerning the debate on the EU's activities. Ann Isabel Kraus and Lars Kirchhoff suggest a number of theoretical and practical questions designed to help us understand

13 MINISTRY FOR FOREIGN AFFAIRS OF FINLAND, Action Plan for Mediation, December 2011.

the EU's capacities and its limits in the field of mediation. They contend that if the EU is to succeed in supporting peace processes more effectively, a certain healthy self-reflection and analysis is a necessity.

Catriona Gourlay (Peacenexus) and Norbert Ropers (Berghof Foundation) clarify the distinction between insider and outsider mediators and explain the importance of the role of insider mediators, which should be taken into account when planning EU mediation support activities. In this thought provoking piece, Gourlay and Ropers argue that in focusing its support on the capacity building of 'outsider' mediators, the EU is missing an opportunity to engage in a joint effort with many active peace mediators who work within the context of their own conflict. Tarja Väyrynen's essay draws attention to the gender issues. Väyrynen insightfully underlines that gender is a multi-faceted issue and should be approached as such, while Pirjo Jukarainen builds bridges between EU civilian crisis management and mediation. At the end, all the writers give recommendations from their specific point of view. Some selected recommendations are regrouped in the Conclusions section of this report.

Current institutional framework

1

European External Action Service engagement in mediation and mediation support

Johannes Schachinger

INTRODUCTION

The Concept for Strengthening EU Mediation and Dialogue Capacities[14], adopted by the Council in November 2009, constitutes the policy basis for the EU's involvement in international peace mediation.

Through the Concept, the EU commits itself to developing a more professional and active approach in the area of mediation and mediation support. In fact, mediation is to be established "as a tool of first response to emerging or on-going crisis situations". The Concept thus helps to narrow the perceived gap between the EU's engagement in long-term conflict prevention on the one hand, and crisis management and post-conflict rehabilitation on the other.

Mediation is defined in the Concept in a wide sense, reflecting the great variety of ways in which the EU uses this tool at different levels and through different actors and financial instruments. Mediation is also understood to encompass facilitation and the support of dialogue processes, as well as different roles associated with all of these (mediating and facilitating, funding, providing political and financial leverage, making technical support available, promoting the wider use of mediation and dialogue by national and international actors).

This chapter attempts to give an overview of where the EU stands with its efforts to strengthen and professionalise its mediation engagement and, drawing an analogy with the EU's role in election observation and assistance, sketches out possible future priorities.

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

IMPLEMENTATION OF THE 2009 CONCEPT

Significant institutional changes have occurred since the adoption of the Concept in late 2009, in particular the creation of both the position of High Representative/Vice President and of the European External Action Service (EEAS), as well as the establishment, within the EEAS, of a *Conflict Prevention, Peacebuilding and Mediation Instruments Division*.

The main tasks of this Division, in addition to providing mediation support, are to set up an early warning / early action conflict prevention system for the EEAS and to provide operational support to geographical services, both at headquarters and in EU Delegations, on conflict related issues. The mediation support team currently comprises five persons, or about one third of the staff of the Division.

The changes introduced by the Lisbon Treaty mean that some of the wording used in the Concept is no longer fully in line with the post-Lisbon institutional set-up of the EU. The Concept still mentions the position of the Secretary General/High Representative, which was transformed into the significantly expanded – in terms of tasks and responsibilities – position of High Representative/Vice President; the CSDP has become the ESDP and Commission Delegations has been turned into EU Delegations. Overall, however, and as far as its substance is concerned, the Concept continues to be relevant as the principle document that defines EU policy on mediation and, just as importantly, mediation support.

The Concept opened the door for the adoption by the European Parliament of a pilot project which provided funding to the EEAS for the staffing of the mediation support team (covering three out of the five positions in the mediation support team) and the development of training and coaching opportunities, as well as for the deployment of internal and external mediation expertise and the production of guidance documents. Furthermore, the project was to ensure that lessons are learnt. The pilot project thus played an essential role in getting the implementation of the Concept off the ground, even though the fact that its beginning coincided with the creation of the EEAS caused some initial delays in its implementation.

Other challenges remain, in particular those related to institutional restrictions, including some provisions of the financial regulation, which force the mediation support team to accept contractual options which are not ideal in terms of efficiency and speed of delivery. Still, other issues are of a more structural nature, especially the challenge of blending internal, as in EEAS in-house, and external expertise.

Overall, since 2009 the EU has made substantial progress in the area of providing effective mediation support. But how much progress has there been with regards to making the EU a more active and effective actor in peace mediation? This more ambitious objective is harder to implement, because it requires:

(a) A change in the EU's self-perception and a shift in its organisational culture away from project implementation to a more political role. This process naturally takes time.
(b) A better understanding of the fact that mediation is not just about high profile and high level mediators such as Martti Ahtisaari and Kofi Annan. The knowledge that mediation is a broader concept with many different actors involved at different levels is growing. This awareness-raising work is also helped by the efforts of the UN Friends of Mediation, initiated by Finland and Turkey, the June 2011 resolution of the UN General Assembly entitled "Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution"[15], the report of the UN Secretary General with the same title[16] and, in particular, the "Guidance for Effective Mediation" document, which was attached to that report.
(c) Acceptance by the conflict parties of a mediating role for the EU. On the demand side, questions may be asked regarding the EU's mandate and legitimacy, given that it is the only regional organisation which acts as a mediator outside its own sphere. This may be an issue in speeches and policy statements, but in practice and at a technical level it is much less relevant. Based on the fact that it is seen to bring added value to the negotiating table, the EU will continue to engage when and where there is enough political will to do so. Over time, this will contribute to making mediation part of the EU/EEAS DNA.

FUTURE PERSPECTIVES OF MEDIATION SUPPORT

It will be essential to create a financially and institutionally sustainable basis for the EU's engagement in mediation and mediation support which guarantees that the necessary infrastructure and

15 A/RES/65/283
16 A/66/811, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/66/811

capacity (people with the right skills and money), as well as tested and well-functioning mechanisms and an accepted normative framework, are put in place.

Inspiration could be drawn from, and an analogy made with, the well developed and widely accepted model of election observation and election assistance that covers the full election cycle. The EU has an undisputed role in the area of election support which goes far beyond the provision of project financing. This model provides a good example of how the EU/EEAS plugs into external expertise and mixes it with internal capacities. The policy lead lies in the EEAS and electoral support is provided through the Instrument for Stability and DEVCO mechanisms, which provide access to reliable and relevant external expertise.

CONCLUSIONS

As far as mediation goes, the EU still has a long way to go before it can develop a model that is as well established and functional as the one already in place for election observation and assistance which covers the entire election cycle. EU peace process support which covers the full conflict cycle should, over time, play an equally important role.

The first steps in this direction have already been taken. Knowledge products such as a peace mediation handbook and fact sheets on, for example, power-sharing, accountability and transitional justice and women's participation and gender issues have been already been made available to the EU actors concerned. The draft EEAS budget for 2013 contains a mediation and conflict prevention budget line which, if adopted by the budgetary authorities, will ensure that funding for the EU's mediation support work continues to be available after the end of the EP's mediation pilot project in December 2012. Different options regarding the pairing of EEAS-internal and external mediation expertise are being tested; mediation training courses and individual coaching sessions have been made widely available for EU actors; and there is an increasing use of intra-European experience (e.g. Northern Ireland) in EU peace processes support.

In addition to the high-level mediation role played by the HR/VP, for example in the context of the E3+3 talks on Iran, one of the strongest assets of the EU is its wide network of Delegations. These are, in addition to many other tasks, offering elections expertise to their host countries. They would be well placed (together with EUSRs

and CSDP missions) to increasingly offer mediation expertise and play a more active direct role in mediation and dialogue initiatives.

To conclude, the EEAS, since the adoption in 2009 of the Mediation Concept, has made significant progress in building up its mediation and mediation support capacities and engagement. Election assistance could serve as a model and an inspiration for future steps.

What have we learned from the past regarding EU conflict prevention and peacebuilding — and where could mediation and dialogue fit in?

Andrew Sherriff

INTRODUCTION

For over a decade the European Union has had a policy framework for conflict prevention — most notably the EU Programme of Action for the Prevention of Violent Conflict of 2001. For even longer, the EU has been active in this area of its external relations. The terminology of peacebuilding is more recent but as a peace project itself, the EU has had plenty of relevant experience. The belief that the EU can do better in terms of conflict prevention and peacebuilding has gathered a small but committed band of devotees from inside the institutions, amongst civil society and from member states at the political and official levels. The common lament is that with the vast range of tools, instruments and supposedly political and economic power at its disposal, the EU should be a critical and important actor in this field.

While within its borders the EU as a peace project has an impressive record, outside its borders it is more than a little disappointing. In 2009, when during the Swedish EU Presidency the issue of mediation was put squarely onto the agenda, there were certainly a group of naysayers. The contention from them was that the EU did not do mediation, that others were already doing it or were more appropriate, or that when the EU had tried to do it had been unsuccessful. Yet within a broader approach to understanding the EU's successes and failures, when it comes to conflict prevention and peacebuilding (CPPB), it is possible to see there is a significant role for mediation and dialogue (widely understood) and that the EU has been an active player in this area.

However, the pendulum should not swing too far in the opposite direction in the sense that a clear understanding of what has been learned about EU institutions' past engagement in conflict prevention and peacebuilding, as well as where mediation fits in, should inform future work in this area. This short chapter seeks to draw on the comprehensive thematic evaluation of the European Commission's support of conflict prevention and peacebuilding in 2001 – 2010, in order to provide some insight on the issue.[17]

THE EU CONCEPT FOR MEDIATION AND THE RELEVANCE OF THE 2010 EVALUATION

It is unlikely that the 2009 Concept for EU Mediation and Dialogue Capacities[18], agreed during the Swedish EU Presidency, is a document that has been widely viewed by the EU family —at least not outside the small community —with particular interest. This should not necessarily be a cause for concern given the positively thousands of documents that the EU produces on its external relations. It is the sentiment and vision contained rather than that specific document that is important.

There are, however, a number of interesting things about the Concept, not least that it adopts an enlarged definition of mediation incorporating both facilitation and, importantly, dialogue. It then goes on to talk about the various ways in which the EU can engage in mediation and dialogue, namely: 1) as a party to the mediation or mediator 2) promoting mediation, 3) leveraging mediation, 4) supporting mediation, and 5) funding mediation. Indeed, under each of these areas there are a number of things have been undertaken. A brief selection of examples from a much wider list includes Georgia in 2008 —following the crisis the EU was a direct party to the mediation. In terms of promoting numerous statements, one such example related to the Foreign Affairs Council's conclusions on Mali "calls

17 This evaluation was completed by ADE and comprised a team of EDWIN CLERCKX, ELEANOR O'GORMAN, VIRIGINIE MORILLION, ANTOINE HANIN, LAURA EID and ANDREW SHERRIFF. *Thematic Evaluation of European Commission Support to Conflict Prevention and Peacebuilding 2001–2010,* Final Report, Vol. 1 (ADE, October 2011). Main Report is available from the DG DEVCO evaluation website at: http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm

18 COUNCIL OF THE EUROPEAN UNION, 2009, Concept on Strengthening EU Mediation and Dialogue Capacities, 15779/09, Brussels, 10th of November, available at http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf

on Mali's neighbours to play an active and complementary part in the mediation activity of ECOWAS and the AU".[19] The EU, however, has drawn less on its own internal experiences of mediation — for example in Northern Ireland — to promote the concept externally, something that has been criticised.[20] The EU has also, since 2011, supported mediation through a package of training and capacity building, which has undertaken workshops and coaching in Africa and Asia. In terms of funding, the EU is a significant donor, supporting a number of initiatives including the UN Mediation Support Unit and national authorities and civil society initiatives aimed at mediation and dialogue in almost all regions. This has been particularly furthered through the increased utilisation of the Instrument of Stability which, in 2011, was funding mediation-related activities in Central African Republic, Dominican Republic, Georgia, Haiti, Indonesia, Bosnia and Herzegovina and Bolivia.[21] At times it has used multiple approaches, such as during the Kosovo-Serbia dialogue — where the EU has been both a party to the mediation and also leveraged mediation through its CSDP mission and the enlargement negotiations with Serbia. In Madagascar, since 2010, the EU has sought to promote both SADC mediation and the roadmap that was agreed with parties, while at the same time leveraging mediation through a variety of incentives and disincentives such as the suspension of certain types of aid and political engagement.[22]

Yet the broader question is: how does EU mediation fit into a wider approach to EU conflict prevention and peacebuilding? There is a danger that if this question is not asked and clarified in each instance then mediation and dialogue becomes an end in itself. EU mediation

19 COUNCIL OF THE EUROPEAN UNION, Press Release 3183rd Council meeting Foreign Affairs, Brussels, 12800/1/12 REV 1
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131990.pdf

20 See for example, OPINION of the European Economic and Social Committee on The role of the European Union in peace building in external relations: best practice and perspectives Brussels, 19 January 2012.

21 EUROPEAN COMMISSION, Commission Staff Working Document Volume 1 — Report from the Commission... 2011 Annual Report on the Instrument for Stability, Com (2012) 405 Final, Brussels, 24.7.2012
http://eeas.europa.eu/ifs/docs/ifs_annual_report_2011_workingdoc1_en.pdf

22 See, EUROPEAN COMMISSION, Proposal for a Council Decision amending and extending the application period of Decision 2010/371/EU of 7 June 2010 concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EC Partnership Agreement, Brussels , Brussels, 15.11.2011 COM(2011) 757 final,
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0757:FIN:EN:PDF

in external relations assists in the prevention of violent conflict or build a sustainable peace in specific geographic contexts. It should not be a "cause célèbre", a stand-alone activity or an end in itself. Indeed, in the EU's own narrative of how it responds to conflict, the "comprehensive" or "integrated" approach is promoted as the EU's added value and unique contribution. So, the question here is: how does mediation and dialogue fit in?

In 2009, a small team was brought together by the European Commission's Joint Evaluation Unit which incorporated the Directorate General for External Relations, the Directorate General for Development and Europeaid, and had a particular purpose in mind. The goal was to launch a comprehensive thematic evaluation of the European Commission's support of conflict prevention and peacebuilding. The team, led by evaluation specialist consultancy company Aide à la Décision Économique (ADE), was primarily composed of those with evaluation experience, as well as two conflict prevention and peacebuilding specialists (the author being one of them).

What quickly became clear was that this evaluation would be not evaluating activities but rather the EC's "integrated approach", as this was what the policy framework and every policy statement produced by the EU noted as the added value and the "vault key" to EC conflict prevention and peacebuilding. Indeed, as the causes of conflict change and evolve over time so do the dynamics involving the actors and the EU needs to be nimble, tailored and context specific in its responses. Yet, the evaluation unit of the EC remained unconvinced that an "integrated approach" was a solid enough basis from which to launch such a comprehensive study of EU conflict prevention and peacebuilding. Therefore, a concept study had to be launched following a preliminary study.

What, therefore, does this have to do with where mediation fits in? Well, the findings of the concept study were interesting as they attempted to gain an understanding of what was meant by an "integrated approach" to EU conflict prevention and peacebuilding. In terms of why the evaluation itself should matter, up to this point there had been no external evaluation of the European Union or the European Commission's approach to conflict prevention and peacebuilding. Some academics and civil society organisations had produced good work, notably the European Peacebuilding Liaison Office (EPLO) and its members, yet there was no independent assessment of real depth and breadth that had been officially mandated. The evaluation itself is an important contribution to the wider body of

knowledge on conflict prevention and peacebuilding, as it provides clear pointers as to where EU mediation can be furthered and what issues it is likely to encounter.

FOUR DIMENSIONS OF AN INTEGRATED OR COMPREHENSIVE APPROACH

On the issue of what is meant by an integrated approach to conflict prevention and peacebuilding, what was interesting was that different answers emerged depending on who the evaluation team spoke to. A common understanding of the "integrated" (which is now often referred to as the HRVP and within the EEAS as the "comprehensive" approach) proved elusive. Indeed, while the use of terminology was the same, the meaning was quite different and this has rather significant implications for where EU mediation might fit in.

In the end, the concept study[23] noted from the many interviews that there were four dimensions of an 'integrated approach' that were themselves 'integrated'. While the concept study for the evaluation focused on conflict prevention and peacebuilding, it is equally relevant to the sub issue of EU mediation. The first dimension was the time aspect. Mediation, like conflict prevention and peacebuilding, has to be undertaken in the short-term, with a vision for the long-term and a clear link between the two also necessary.

The second dimension concerns the types of activities, and again mediation has to be integrated and linked to other type of activities; indeed, it is the mediation and security sector reform, mediation and armed groups, mediation and disarmament, and mediation and natural resource management that will yield results. The third dimension is the "who/with whom", and this in itself has two different dimensions: firstly, within the EU family when it comes to mediation, it can be a question of the member states, i.e. the EEAS, the EUSRs, the Commission, and so on. Secondly, more widely with the EU's global and regional partners, the spectrum expands from the UN, AU, OSCE and other multilaterals to civil society. All this would have to be effectively integrated.

23 This concept study was produced as a prelude to the full evaluation and is available at via the European Commission's DG DEVCO at http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/2010/1277_vol1_en.pdf

Finally, the fourth aspect is the geographic dimension. As mediation is usually required in complex conflicts that work on multiple levels, the local, national, regional and, at times, continental level will also have to be effectively integrated. There then needs to be a conductor of this comprehensive approach orchestra. It would seem that in the post-Lisbon context this role would best be placed by the High Representative and Vice President of the European Commission, as well as their senior staff.

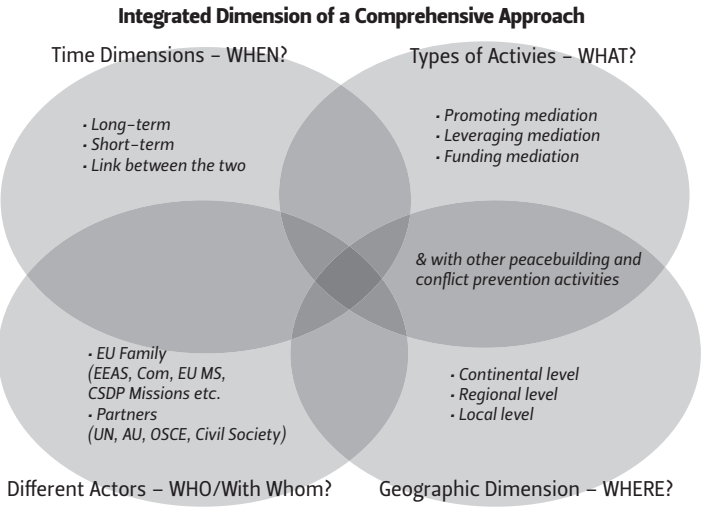

Diagram 1.
Source: Adapted from ADE, Thematic Evaluation of European Commission Support to Conflict Prevention and Peace Building Concept Study Final Report, For Joint Evaluation Unit of the European Commission, Volume I and II 2010.

EVALUATION FINDINGS — RELEVANT TO EU MEDIATION?

This evaluation only covered the period between 2001 and 2010, and was therefore, in EU-speak, "pre-Lisbon" in that it did not directly address the actions of the Council or the member states, nor did it cover the European External Action Service (EEAS) or the High Representative/Vice President (HRVP). Yet, when looking at a decade of European Commission support, including how this interacted with the actions of the Council and the member states (as well as other international partners), it does provide some insight worth reflecting on in order to establish a better EU approach to mediation in terms of what has been learned.

A number of relevant findings[24] can be emphasised, and the first focuses on the financial aspects: (1) "Since 2001 the Commission has implemented a substantial shift in support towards the CPPB by developing its funding, policy framework and instruments. For example, it increased its financial support for the CPPB from €120m in 2001 to around €1bn per year from 2004, making this support not only a substantial (€7.7bn) share of the EuropeAid-managed budget over the period (€73.5bn), but also transforming the Commission into one of the main donors with respect to the CPPB. Furthermore, the Commission and, more broadly, the EU considerably strengthened its policy framework in the field of the CPPB, by issuing several key policy documents concerning the CPPB over the years. Finally, the Commission had at its disposal (and further developed) a wide range of financial and non-financial instruments which allowed it to intervene in conflict-affected countries, ranging from 'classic' long-term geographical assistance to specific short-term instruments and a wide range of non-financial instruments such as political dialogue, high-level mediation and the deployment of EU observers."

The implication for mediation is that it is not in question if the European institutions are players in mediation or substantial funders of the broader fields of conflict prevention and peacebuilding; indeed, the 2009 Concept is also an illustration of this. So for those who dispute that the EU has a role in conflict prevention, peace-building or mediation in general, the EU institutions have both the financial means and a policy framework to show exactly the opposite. More importantly, there is ample evidence to show that they have used the policy framework and invested the money needed to achieve these ends.

The evaluation also notes that (2) "There was a gap between the Commission's policy commitment to an integrated approach for CPPB support and the actual implementation of this approach." In the country cases examined — Afghanistan, Georgia, Bolivia, Central African Republic, Côte d'Ivoire and Timor-Leste — the integrated approach was patchy at best. More specifically, "[c]onceptual orientations at the policy level have generally not been appropriated at an operational level and were not always univocal and shared

24 A full listing of findings were taken from, ADE, 2011, *Thematic Evaluation of European Commission Support to Conflict Prevention and Peace-building 2001–2010,* Final Report, October, Volume 1: Main Report, available at: http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/2011/1291_vol1_en.pdf

at the strategic level." Conflict prevention was, for example, not always a priority for the EU in terms of strategic action, nor was there clear operational guidance. A similar danger may come from the EU Concept on Mediation and Dialogue, which is relatively clear on conceptual orientations. Although not necessarily clear enough for academics or mediation experts, for an EU policy document it is a model of clarity and more if these conceptual orientations are appropriated at the operational level — which will prove a challenge. It is positive that with the support of the European Parliament, the EEAS does have a pilot mediation support project that is certainly designed to address this issue.

The evaluations highlight that "the Commission's approach to conflict analysis, conflict sensitivity and mainstreaming was not systematised or structured." Without more formalised conflict analysis understanding, the positions, interests and needs of the conflicting parties (and where the EU fits in) would be ad hoc and sporadic, and could therefore possibly lead to inappropriate or poor EU engagement in mediation. As every conflict is different, the EU needs to take a tailored approach to its mediation role, and conflict analysis can assist in this. Furthermore, the lack of a more operational approach to conflict sensitivity is also concerning; indeed it cannot be assumed that EU mediation will automatically have a positive impact on conflict dynamics in any given setting. Again, the EEAS is taking welcome steps to strengthen conflict analysis and conflict sensitivity, and this has to be welcomed as it can only benefit EU mediation.

Moreover, (3) the Commission was hampered while attempting to increase the role it played with respect to the CPPB by its mandate and differences in priorities among EU member states. This is an interesting finding in itself, as the first issue is technically solved by the coming into being of the Lisbon treaty and the creation of the EEAS. Yet, the second issue, concerning the difference in priorities amongst EU member states, will not be solved by the words and sentiment of the Lisbon Treaty. It is key that member states get behind and support the EU when it engages in mediation and dialogue, although this is far from guaranteed and will have to continue to be actively managed.

According to the evaluation (4) "the Commission generally had a reactive rather than a pro-active approach to conflict." The issue of early warning and action and mediation and dialogue as a first response are yet to settle into the DNA of the EU institutions, and this was clearly illustrated during the evaluation. With the EEAS and

the new EU Heads of Delegations/Ambassadors, who have enhanced political powers, there is certainly scope to expand this role both at this level and at the level of the HR/VP.

It was also noted that (5) "the Commission channelled half of its financial support through international organisations." Half of the €7.7 billion that the European Commission spent on conflict prevention and peacebuilding during the period 2001–2010 went through international organisations – the vast majority of which was the UN family. As it is assumed that the UN and regional organisations will be the EU's main official mediation partners of choice, this fact is important to note. An effective political and financial partnership with the UN across the four areas of mediation developed in the 2009 Concept is therefore essential.

(6) "Through its support in conflict (-prone) and post-conflict countries and regions, the Commission provided various types of added value that differentiated it from most other actors. More specifically, six types of added value can be distinguished: the Commission's perceived weaker 'political profile'; its reliability (as well as its continued presence and available capacity to establish long-term partnerships); the critical mass of its financial support (allowing for wide geographical and sector coverage and political leverage); the ability to draw on a wide range of instruments; long-term thematic experience in sectors that could potentially impact on the CPPB; and its credibility in terms of promoting democracy, peace and human rights."

It would seem that this added value is equally relevant for EU mediation, although the nature of the political profile of the EU institutions is changing with the coming into being of the EEAS. But, its long-term and continued presence, the critical mass of financial support and the wide range of instruments, plus its credibility, would seem to be powerful tools that could be useful if harnessed by the appropriate mediation – as long as a chosen method for EU engagement in mediation is found.

On a positive note, (7) "in some cases the Commission played a key role in mitigating the impact of root causes, notably through an integrated approach," and this was found in the West Bank, the Gaza Strip, Côte d'Ivoire and Sierra Leone.[25] This reaffirms that EU

25 ADE, 2011, *Thematic Evaluation of European Commission Support to Conflict Prevention and Peace-building 2001–2010*, Final Report, October, Volume 1: Main Report, p. 98.

institutions have the most impact when following an integrated approach rather than a series of stand-alone activities. It therefore logically follows that mediation must be part of a wider strategic approach to EU conflict prevention and peacebuilding in any given country.

(8) The Commission's institutional set-up and guidance, as well as its human resources policy and tools, were not commensurate with its policy commitments and the level of its funding for the CPPB. Broadly speaking, this finding noted that the recruitment process, institutional units, staffing levels, operational guidance and training were all not at the level necessary, nor were they of the correct type, to drive the policy commitments it had given to the CPPB forward.

Within the EEAS, the K2 Division for Conflict Prevention, Peace Building and Mediation Instruments, which also houses the Mediation Support Group pilot project[26], has been created. This institutional home is an important development for championing and rolling out mediation across the rest of the EEAS and the EU institutions more widely. The Division came into being thanks to continued oversight from civil society, the Parliament and a small number of interested member states. It alone cannot carry the burden of improving the promotion of EU action on mediation within a wider framework for conflict prevention and peacebuilding, yet it is an important start. It does, however, possess a more comprehensive focus, strategy and plan, as well as better prioritisation and incentives and disincentives for action, that will drive a better EU approach to conflict prevention and peacebuilding, of which mediation is an important part.

CONCLUSIONS

EU mediation and dialogue needs to be a part of the EU's approach to conflict prevention and peacebuilding. The 2009 Concept is an important step towards this, as are the institutional innovations within the EEAS and initiatives such as the Mediation Support Group pilot project. The EU has a good basis of experience to build from, and the recommendations that accompany the thematic evaluation of EC support for conflict prevention and peacebuilding are certainly

26 For further details see, EU Budget 2011 Section X — European External Action Service – line item 2 2 3 8 available at http://eur-lex.europa.eu/budget/data/P2011/EN/SEC10.pdf, p. 31.

relevant to the furthering of EU mediation. While it is easy to say that the evaluation was focused on the EC rather than the EU, or that it came at a time before the new institutions were present, it does represent the only external evaluation of what the EC institutions did for a decade. The key recommendation that "The High Representative and the Commission should further strengthen the four dimensions of the integrated approach when supporting the CPPB" should be complimented in each instance by thinking that concerns how mediation and dialogue fits in with the EU Concept, and whether it is "engaging in mediation, promoting mediation, leveraging mediation, supporting mediation or funding mediation". This should not be seen as an end in itself but rather within a comprehensive approach to conflict prevention and peacebuilding which is informed by sound conflict analysis. Regarding the EU's comprehensive approach to work, however, the orchestra comprising the various elements needs to have a good conductor.

Towards a common European language on peace and mediation

Tanja Tamminen

INTRODUCTION

The Nobel Prize the European Union was awarded this year is recognition of the EU's success in building peace and democracy among its member states. The enlargement policy, with its conditionality on democracy and rule of law, has been seen as a tool to enclose the continent in permanent peace. The Nobel Prize reminds the current EU leaders of the Union's historical role despite the current economic crisis and enlargement fatigue that have characterised the past few years.

Not everyone welcomed the Nobel Prize without criticism. Some remembered the lack of political unity of the Union when faced with the wars in the Balkans during the 1990s and its inability to prevent war crimes happening on European soil. Since then, however, the EU has created a number of instruments and policies to better prevent and intervene in violent conflicts. The Common Security and Defence Policy was established in the aftermath of the Kosovo war of 1999, and since 2004 the EU has operated a number of civilian and crisis management missions in a number of hotspots or post-conflict areas.

Efficient tools are being searched for in order to prevent violent conflicts or solve them if they occur, and each decennium seems to have had a fashionable concept that was considered to be groundbreaking. If in the 1990s the Cold War discourse was replaced by the concept of *humanitarian intervention*, after the turn of the century the *Millennium development goals* of the UN placed new emphasis on the relationship between security and development, and *human security*, followed by the *responsibility to protect* paradigm, was one of the concepts that had to be worked on.

Civilian crisis management instruments were developed beside military means as it became clear that a safe environment could not be seen as the end goal, but rather that democratic state structures and the rule of law are prerequisites for sustainable solutions to a crisis and are therefore included in the objectives of the conflict management field. The Lisbon Treaty refers to conflict prevention missions, and it remains to be seen how these will be concretely carried out.

The long lasting military presence in Bosnia and Herzegovina (since 1995, and led by the EU since 2004), for example, as well robust civilian missions (such as EULEX Kosovo) have made it clear that conflict management costs a lot of money. Conflict prevention, on the other hand, would be more cost-efficient. Only rarely will the resources and unified political will be available for massive military operations in the future. Painful and protracted military operations have also shown that conflicts cannot actually be "managed" if they are not fundamentally "transformed", unless new ways of thinking are impregnated through the different levels of society to actually find solutions for disputes using non-violent means.

New tools are introduced and old tools are used in an innovative manner to find ways of transforming conflicts, in order to find spaces for dialogue and new acceptable structures for negotiations. Mediation, arbitration and dialogue are all instruments used in the field of conflict transformation, but how does the Nobel Peace Laureate, the EU, actually talk about peace and peace mediation? This chapter analyses the recent Common Foreign and Security Policy (CFSP) documents to see whether mediation referring to a specific field of action is adopted into the common language on "peace" used between the EU member states and institutions.

COMMON CFSP LANGUAGE

The European Union has, since the Maastricht treaty of 1991, "increasingly concerned itself with policy making"[27]. One field where this progress has been important is the field of Common Foreign and Security Policy (CFSP). The Treaty on the European Union outlines the commonly agreed CFSP goals, including *to preserve peace and strengthen*

27 RICHARDSON, J. (ed.) 1996 *European Union: Power and policy making*, London: Routledge. p. 3.

international security (Title IV, Article 11). In 2003, the European Union agreed upon a European Security Strategy, which notes that "[a]n active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world." The Securty Strategy also placed emphasis on "preventive engagement".

The EU has provided itself with a number of necessary tools to achieve these goals, and these military and civilian crisis management tools have been developed and used in a number of conflict areas. The Lisbon Treaty that entered into force in 2009 saw the European Security and Defence Policy become the Common Security and Defence Policy, which means that The Foreign Affairs Council can now make CFSP-related decisions (which are no longer referred to as Joint Actions or Positions). The Lisbon Treaty also established the European External Action Service (EEAS) and created a permanent President of the European Council position. The Union's High Representative for Foreign Affairs and the Security Policy (currently Catherine Ashton) chairs the CFSP, leads the EEAS, and is also Vice President of the European Commission.

This new structure should overcome the old incoherencies of the many EU foreign policy institutions and strategies and lead to a more integrated foreign policy, where the CSDP's instruments could be used in a compatible manner with the other EU tools such as development policy and financial tools. It is clear that the CSDP conflict management efforts need to be closely coordinated with the Commission's development assistance programming in fragile and conflict-affected countries. The regional strategies created for, for example, the Sahel area and the Horn of Africa are good examples of such comprehensive efforts.[28]

The Union's foreign ministers meet up approximately once a month to go through the important foreign policy issues in order to agree upon the common line. The commonly "agreed language" of the 27 member states on foreign policy issues is then congealed in the Council Conclusions. The textual corpus that actually represent the EU's foreign policy thus stretches from institutional texts such as the CFSP statements of the High Representative Ashton, speeches by the EU Special Representatives and other EU representatives to the Foreign

28 See TAMMINEN, TANJA: *Towards efficient early action: The EU needs a regional focus and proactive tools to prevent and manage conflicts*, FIIA Briefing Paper, September 2012. Available at: http://www.fiia.fi/en/publication/282/

Affairs Council and the European Council Conclusions (including their annexes, such as the Security Strategy of 2003 and the Concept on Mediation of 2009). The Lisbon Treaty also strengthens the role of the European Parliament in the field of Foreign Policy, as HR Ashton presents in an *Annual report from the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament on the main aspects and basic choices of the CFSP*. A political debate follows the presentation of this report and even though the Parliament's role is purely consultative, it has a strong say in underlining the shortcomings and weaknesses of the EU's activities and in steering the work towards a more visionary direction. The Parliament also has a great deal of power when it comes to the EU budget. Following the entry into force of the Lisbon Treaty, Parliament is a true co-legislator for the entire budget, meaning it shares full responsibility with the Council of Ministers. In budget discussions, the Parliament can use its moral weight in fields where it decides to place emphasis. Thus, when talking about CFSP policy-making, the EP cannot be disregarded.

THE EU'S LANGUAGE ON PEACE REVISITED: FROM END-STATE THINKING TO A FIELD OF ACTION

When the EU speaks about peace, what does it actually say? The Common Foreign and Security Policy is constructed through words and commonly agreed conceptualisations, and each Council meeting adds to the already agreed language. We will focus mainly on the language regarding peace and mediation, especially from the policy formulation point of view.

The CFSP agenda setting starts with the Treaties and large policy documents like the European Security Strategy, and the policy formulation then involves the operationalisation of these high level objectives, such as "to preserve peace and strengthen international security" (see the abovementioned Treaty on the EU) and "to contribute to…a fairer, safer and more united world" (Security Strategy), into declarations, decisions and actions.

In order to analyse the EU's language on peace, we now choose to focus on the recent Foreign Affairs Council Conclusions and Annual reports on the CFSP to the European Parliament by HR/VP Catherine Ashton. Without entering into the debates and negotiations behind these texts, a quick analysis of the final texts shows us what kind of understanding of peace these documents produce.

As an example, in the July 2012 Foreign Affairs Council conclusions the word peace appears in the main text seven times and the word peaceful six times. Commenting on the Syrian conflict, the Council said that

> "the EU stands by the Syrian people at this critical juncture in their *peaceful and courageous struggle* for freedom, dignity, democracy and human rights." ... "The EU urges the Syrian regime to end immediately the killing of civilians, withdraw the Syrian army from besieged towns and cities and to allow for a *peaceful transition* for the sake of the country." ... "The EU continues to urge all opposition groups to put aside their differences and to agree on a set of shared principles and start working towards an inclusive, *orderly and peaceful transition* in Syria."

Commenting on the post-war development in Libya, the council said that

> "the EU welcomes the pluralistic and overall *peaceful conduct of Libyan* elections for the National General Congress on 7 July 2012 and has taken note of the announcement of the preliminary results made on 17 July. It will continue to provide strong support for Libya across a range of sectors, as already set out in the FAC Conclusions of 10 October 2011, in the interests of securing a *peaceful, democratic and prosperous future* for its people."

Peace is also mentioned several times in the Council's conclusions regarding the situations in Sudan, South Sudan, Mali, and the Sahel region:

> "The EU supports the promotion by the AU of a *holistic approach to the quest for peace, justice and reconciliation and to prioritise democratisation in both Sudan and South Sudan*, as a sine qua non for stability and equitable governance."
>
> "The European Union is alarmed at the deteriorating situation in Mali and its *adverse impact on regional and international peace and stability*." ... "[The EU] is ready to adopt targeted sanctions against those who continue to *threaten the democratic transition process, peace, security and stability* in Mali."
>
> "The Council underlines the concrete impact of CSDP missions and operations on the ground. Operational *engagement of the Union through CSDP is a very tangible expression of the EU's commitment to*

> *contribute to promote and preserve peace and stability*, strengthening the EU's overall ability to respond to security challenges with civil and military crisis management instruments."

Additionally, the Council stated that in Lebanon, "the EU welcomes and supports the efforts of the Lebanese government to overcome divisions and *promote national unity and peace*." In Zimbabwe, the EU agrees that a "*peaceful and credible constitutional referendum* would represent an important milestone in the preparation of democratic elections…"

Finally, in the field of development, the EU will allocate 100 million euros to towards the "replenishment of the *African peace facility*", which "enables the EU to support the efforts of the African Union and regional organisations to address security challenges across Africa".[29]

The conceptualisation used in the agreed language can be categorised in two groups of objectives: firstly, the peaceful processes (of democratisation, elections and transition) and secondly, peace as an end-state. In the latter case, it is always linked with another phrase such as "peace and stability", "national unity and peace" or "peaceful, democratic and prosperous future".

A similar glance at the two most recent annual reports from the High Representative reveal a third category that was not present in the July conclusions. Like the Council Conclusions, the reports firstly refer to a number of ongoing peace processes and peace talks (where peace is seen as a goal) and to the "peace and stability" dualism (again a goal). Secondly, they also enumerate a number of processes related to peace such as peaceful transitions and the "peaceful settlement of disputes".

In addition, a third category clearly arises, as many conceptualisations refer to peace as a field of action and cooperation. In this discursive field, peace work, such as peace-keeping, peacebuilding and — though rarely — (peace) mediation, is in the spotlight.

It is a field of action where the EU interacts with other actors. According to the 2009 report:

> "The UN framework plays an essential role in areas such as *peacekeeping*, human rights and development." "Regional organisations — [b]y action or inaction, they can be either *factors of peace and stability* or factors of tension and unrest." … "In 2009 the EU concentrated on the implementation of its policy with regard to women's rights,

29 All of the quotes above are from the Foreign Affairs Council conclusions of 24 July 2012.

> as spelled out in the 'Comprehensive EU Approach to the Implementation of UNSCR 1325 and 1820 on *women, peace and security*'." ... "The sustainable funding of Africa-led Peacekeeping Operations was addressed in the framework of the Prodi panel." ... "The *fight against impunity* is one of the cornerstones of the EU's approach to building and maintaining *lasting peace*, international justice and rule of law. Hence, the EU support to the International Criminal Court (ICC) remained strong and firm and was mainstreamed across the EU's external policies, both in the CFSP and CSDP frameworks." ... "Counter-terrorism, *peace keeping and peace building are all areas with potential for greater cooperation* as well with India as with Japan."[30]

A whole chapter and budget line is devoted to "Peace monitoring", as "the EU has many instruments at its disposal to play an important role in post-conflict situations. These instruments range from diplomatic *mediation efforts* to monitoring missions." The civilian crisis management mission (EU Monitoring Mission Georgia, EUMM) deployed to Georgia is taken as an example.[31]

The European Parliament is consulted and in its comments on the 2009 report, the Parliament urged a strategic view on the CFSP and also called on the Council "not to limit the scope of the CFSP annual report to a mere description of CFSP activities but make it a policy- and solution-focused tool; [it took] the view that the report should provide more than a catalogue of country-based events and developments and should also address the question of the effectiveness of the EU foreign policy as well as of the means necessary to pursue the objectives of European external action; [called] on the Council to also include in the report an evaluation of the coordination and coherence between the CFSP and other external policies of the Union as well as include strategic and organisational recommendations for the future on the basis of the assessment of CFSP actions".[32]

30 Annual report from the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament on the main aspects and basic choices of the CFSP 2009, available at http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EN_PESC%202009_web.pdf

31 Idem.

32 European Parliament resolution of 11 May 2011 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2009, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2010/2124(INI)) http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0227&language=EN

According to the Parliament, the annual report on the CFSP "should be based on the new institutional framework created by the Lisbon Treaty and serve as an instrument for enhanced inter-institutional dialogue, notably by discussing the implementation of an EU foreign policy strategy, evaluating its effectiveness and outlining its future direction."[33]

WHAT ABOUT (PEACE) MEDIATION?

As many articles in this report underline, mediation can be an instrument which brings together a number of EU institutions, as well as a useful tool in the hands of a more comprehensive EU foreign policy. The concept of peace mediation was introduced to the EU-agreed language by SG/HR Javier Solana in his Report on the Implementation of the Security Strategy, where he noted that "we should expand our dialogue and mediation capacities"[34], and more precisely in the 2009 *Concept on Strengthening EU Mediation and Dialogue Capacities* often mentioned in this report.

The 2009 Concept notes that "Mediation is an effective and cost-efficient instrument for conflict prevention, transformation and resolution." In this Concept, the Council agrees on a view of the EU "as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes". The Council calls for "a more coordinated and focused approach" that "will enhance the EU's ability to play a more active international role in this area". The EU engages itself "to develop a more systematic approach to mediation and strengthen its mediation support capacity, which will allow it to contribute in a more efficient and effective way to preventing and resolving conflicts."[35]

The Council keeps an eye on the implementation of the Concept, noting, in April 2010, the "need to continue the implementation of the concept on strengthening the EU mediation and dialogue

33 Idem.
34 Report on the Implementation of the European Security Strategy, 11 December 2008.
35 The 2009 Concept is available at http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf

capacities, adopted in 2009, in order to develop a more systematic and coordinated approach and to strengthen EU capacity in this area."[36]

In its June 2011 Conclusions, the Council[37] reiterates its engagement and clearly links mediation with "early action" by stating: "One form of early action is mediation: the EU will build on the "Concept on Strengthening EU Mediation and Dialogue Capacities" of 2009 and strengthen mediation capacities by providing support and training to mediators and their staff and increase their readiness. The Council welcomes the support of the European Parliament in this regard."

The European Parliament has been supporting the strengthening of the EU peace mediation capacities by funding a pilot project mentioned, for instance, by Johannes Schachinger in this report. Furthermore, the amount of support on the moral and discourse level is also clear.

The 2009 annual report from the High Representative noted the peace mediation and the related EU documents, "the ESS Implementation Report, which identified peace mediation as offering under-explored potential for the EU" and the "Concept on Strengthening EU Mediation and Dialogue Capacities" adopted by the GAERC of 16/17 November 2009, and saw this as a way for "the EU to further enhance its ability to play an active international role in this area." In the 2010 HR report, the "mediation" concept was already quasi-inexistent. The only actual reference to the word mediation is found in the case of Madagascar, where the "EU supported the mediation of the Southern Africa Development Community (SADC)".[38]

The European Parliament must surely have noted this shortage. This year, 2012, the Parliament issued its comments on the 2010 Annual Report, and "calls among other things for continued complementary between the CFSP and the Instrument for Stability in the areas of *mediation*, conflict prevention, crisis management and

36 Council Conclusions April 2010

37 The Council conclusions on conflict prevention 3101st FOREIGN AFFAIRS Council meeting, Luxembourg, 20 June 2011, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122911.pdf

38 Annual report from the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament on the main aspects and basic choices of the CFSP 2010, 12562/11,Brussels, 6 July 2011. Available at http://register.consilium.europa.eu/pdf/en/11/st12/st12562.en11.pdf

post-conflict peace-building, as well as for further work towards complementarity with the geographical instruments for long-term engagement with a country or region".[39]

The EP sees peace as a field of action, as it "strongly believes in the need to build partnerships in the area of conflict prevention, civilian and military crisis management and peace-building, and, with this in mind, to make the EU-UN Steering Committee more operational in the context of crisis management" The EP "calls on the EU and its member states to generate further progress on the operationalisation of the Responsibility to Protect principle and to work with UN partners towards ensuring that this concept becomes part of prevention and post-conflict reconstruction." Parliament also "underlines the need to develop more effective *mediation* guidelines and capacities as well as to provide adequate resources for *mediation* in a timely and coordinated manner". It is interesting how the Parliament views mediation in a field traditionally reserved for more traditional civilian crisis management (CSDP) instruments, and the comment states that the Parliament "reiterates its call for the HR/VP, the Council and the member states to overcome the imbalance between civilian and military planning capabilities in the EEAS and the general difficulty in achieving staffing requirements for CSDP missions and operations, in particular for staff in the fields of justice, civilian administration, customs and *mediation*, so as to ensure that adequate and sufficient expertise can be provided for CSDP missions." The EP "calls for the HR/VP to put forward proposals for boosting the capacities of the EEAS on conflict prevention and peace-building, with particular reference to the Gothenburg Programme, and to further expand the EU's capacity to prevent conflict and provide *mediation capacities* alongside its better-resourced crisis management capacities; calls as a matter of priority for stock to be taken of EU policies in the area of conflict prevention and peace-building with a view to the HR/VP reporting back to Parliament on proposals for strengthening the Union's external capacity and responsiveness in this area."

Both the Council and the European Parliament seem to agree that "EU has a lot to offer as an actor in mediation. It brings value added

39 Draft Report on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy (12562/2011 – C7-0000/2012 – 2012/2050(INI)), Committee on Foreing Affairs, Rapporteur Elmar Brok, 29 May 2012. Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-487.809+02+DOC+PDF+V0//EN&language=EN

and creates new entry points for peace initiatives through its political and financial weight and its comprehensive approach to conflict prevention and resolution, involving CFSP/ESDP and Community instruments."[40] It is indeed a pity that the HR's 2010 Annual report does not elaborate at all on the EU's capacities, actions or future perspectives in this field.

CONCLUSIONS

A number of European Union foreign policy instruments are harnessed to achieve peace in the conflict areas of the world. The projects financed by the European Commission and the CSDP missions in support of peaceful settlement of disputes are numerous. A number of peaceful processes are seen as necessary on the path towards sustainable peace, whether they are peaceful transitions from dictatorship to democracy, peaceful elections, or the peaceful settlement of disputes. As Johannes Schachinger notes in this report, the European Union has a strong track-record of supporting election processes all around the world. The historical legacy of the EU as a peace process, as well as the recent Nobel Peace Prize, obliges the EU to be an active foreign policy actor, thus this understanding of "peace" as an action field should be further reinforced, with peace mediation as one of the tools. A quick look at CFSP language shows us that even though mediation has been endorsed as one of the commonly agreed foreign policy instruments, its adoption into foreign policy activities is still mediocre. Rare are the references to moments where the has EU actually engaged itself in mediation. Even the support of mediation processes seems slim when one goes though the CFSP activity reports. One of the reasons why CFSP language does not highlight EU peacebuilding activities may be that peace processes are fields of action where a number of EU institutions are involved, from the EEAS to the Commission. Indeed, peacebuilding seems to be a concept used by the Commission, whereas peace mediation would be better suited to the CFSP.

The achievement of peace in a certain conflict-affected area is indeed a field where the comprehensive and coordinated use of EU tools, such as the EEAS Division for Conflict Prevention,

40 The 2009 Concept on Mediation.

Peacebuilding and Mediation (EEAS) and the EEAS Crisis Management structures as well as the Commission's development directorate general (DEVCO) and the Instrument for Stability, is a necessity. Investments and trade liberalisation, including European Investment Bank (EIB) loans, should also be conflict sensitive.

When strengthening EU's peacebuilding activities, there is a need to differentiate between the EU as a "peace" actor and the EU involving itself in the criticised field of "peace industry" – a concept which refers to the major engagement of a multitude of actors in sexy conflicts (turning a blind eye towards others). "There is no end to projects of dialogue, education for peace, seeds of peace, making films for peace, film festivals for peace, photographers for peace, chefs for peace, various forums for peace", writes Yael Berda on the Israel-Palestine "peace industry"[41]. The European Union could use its large CFSP toolbox to have a better adjusted approach, and through its financing mechanisms it could also serve in a coordinating role between a number of NGOs active in conflict areas.

The European Parliament has called for more inter-institutional discussion on the EU's foreign policy strategies. Coordination in the field of peacebuilders has been urged by many but accepted by few. If the EU is to engage itself more in the peace processes of the world, it has to do it within a strategic framework and in close coordination with other partners. This aspiration can be found in the CFPS discourse, as the EU also sees "peace" as a field rooted in cooperation.

The overall objective should be conflict transformation, in which the conflict parties can actually identify and adopt non-violent ways to search for solutions to their disputes. Mediation, which strives towards conflict transformation, the prerequisite for sustainable peace, development and human security, could be used as a tool within the framework of tailor-made regional strategies that take into account the specificities of each conflict as well as the regional context and the number of actors involved. In this sense, mediation would not only be a tool of strategic early action, but could be used as an instrument in every stage of the conflict.

41 BERDA, YAEL. "The «Peace Industry»" 14 September 2008. Available at: http://www.alterinter.org/spip.php?article2460

EU mediation activities outside Europe: The Case of Aceh

Noelle Higgins

INTRODUCTION

Aceh is a small autonomous region situated in Sumatra, Indonesia. Violence had ravaged the region for twenty five years as a result of a conflict between the separatist group, the GAM, and Indonesian armed forces until 2005.[42] A peace deal, the Memorandum of Understanding (MOU),[43] was finally brokered between the warring parties by Crisis Management Initiative (CMI) in August 2005. What is unique about this peace deal is that its implementation was monitored and overseen by a joint mission between the EU and five ASEAN member states, called the Aceh Monitoring Mission (AMM). The EU was not an acceptable mediator as such but was able to support the track-1 mediation process led by private mediator, CMI. This chapter seeks to analyse the role of the EU in the peace process in Aceh with a view to assessing whether this could be a successful transferrable model in a peace mediation context.

42 For further analysis of the conflict in Aceh see N HIGGINS, *Regulating the Use of Force in Wars of National Liberation: The Need for a New Regime. A Study of the South Moluccas and Aceh*, Martinus Nijhoff, The Netherlands, 2010, pp. 193 – 211.

43 Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement. Available at: http://www.who.int/hac/crises/international/asia_tsunami/sitrep/en/.

PEACE NEGOTIATIONS IN ACEH

A number of previous (and ultimately unsuccessful) mediation attempts[44] had been undertaken in Aceh before the negotiations which led to the MoU. However, the work of the CMI, led by Martti Ahtisaari, began at a time when both of the conflicting parties were eager to see a conclusion to the conflict, an eagerness which was amplified in the aftermath of the December 2004 tsunami which devastated Aceh and many other surrounding areas.[45] The tragedy provided an impetus for the parties to bring peace to the region and they entered peace negotiations in January 2005[46] under the auspices of the CMI.[47] The CMI prepared the MoU, which was signed by the Indonesian Minister for Law and Human Rights, Hamid Awaludin, and Malik Mahmud of the GAM leadership in Helsinki on 15 August 2005.[48] The MoU itself contains various provisions regarding the governance of Aceh and it foresaw the adoption of new legislation on governance in the region.[49]

THE ACEH MONITORING MISSION

Article 5 of the MoU foresaw the establishment of the Aceh Monitoring Mission (AMM).[50] The EU and ASEAN contributing countries were tasked with the establishment of the AMM, which would be responsible for monitoring, among other things, the disarmament and demobilisation of GAM members and the relocation of non-organic Indonesian military and police forces. Article 6 empowered the AMM to settle any disputes which could arise between the parties,

44 With regard to the mediation attempts in Aceh, see N HIGGINS and B DALY, 'Resolving armed conflict: The Acehnese experience of mediation' (2010) 7(3) *US-China Law Review*, pp. 1–14.

45 See 'After 29 years, an Aceh peace pact', *Christian Science Monitor* (2007). Available at: http://www.csmonitor.com/2005/0718/p06s02-woap.htm,.

46 Malik Mahmud in an interview with Kanis Dursin in *The Jakarta Post* on his first visit to Aceh in over thirty years. He had been living in exile in Sweden. *The Jakarta Post*, Sunday, 28 May 2006.

47 See the official website of the organisation at http://www.cmi.fi/.

48 Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement, available at: http://www.who.int/hac/crises/international/asia_tsunami/sitrep/en/.

49 The Law on Governing Aceh, Law No. 11/2006, was passed on 11 July, 2006. The text of this piece of legislation is available at: http://www.acheh-eye.org/data_files/english_format/indonesia_government/indogovt_decrees/indogovt_decrees_2006_08_01_11.pdf.

50 The website of the Aceh Monitoring Mission is: http://www.aceh-mm.org/english/info_menu/archive.htm

with regard to amnesties, etc., and to investigate violations of the MoU. The AMM's rulings were binding on all parties, and it is clear that it was given a vital role in ensuring the successful implementation of the MoU. However, it is important to note that the role of the AMM was not to mediate; this activity came within the sole remit of the CMI. Rather, the AMM ensured that the mediated agreement was adhered to and implemented effectively and efficiently. This oversight and monitoring aspect of the mediation process is one which had been overlooked in previous mediation attempts in Aceh, and is one of the main reasons behind the success of the MoU.[51] It is clear, therefore, that the EU was not the main mediation actor in the Acehnese peace process, but it did play a vital supporting role.

The AMM was a civilian crisis management mission within the framework of the European Security and Defence Policy (ESDP) and was comprised of people from various backgrounds of expertise. It included monitors from the EU, Norway, Switzerland and five ASEAN states (Brunei, Malaysia, The Philippines, Singapore and Thailand). This was the first EU ESDP mission in Asia and also the first mission which combined the EU and members of ASEAN.

The AMM was launched on 15 September 2005 for an initial period of 6 months, and followed on from the IMP interim monitor which oversaw the signing of the MoU. Its mandate was extended three times and it finally completed its mandate of monitoring and supporting the peace process in Aceh on 15 December 2006. The mission was led by Mr Pieter Feith (EU Council Secretariat) and comprised approximately 230 unarmed personnel from participating countries, who were divided between 11 District Offices and 4 Mobile Decommissioning teams, with a headquarters in Banda Aceh. €9 million was provided by the EU through the CFSP budget and a further €6 million was contributed by EU states and other participating states.

The AMM organised weekly meetings between the GAM, government representatives, members of the military and the police in order to deal with and try to resolve difficulties with regard to the implementation of the MoU, which were known as Commission on Security Arrangements (COSA) meetings. These were supplemented by District meetings (DiCOSA). These meetings were central to the success of

51 See E ASPINALL, 'The Helsinki Agreement: A More Promising Basis for Peace in Aceh?', *Policy Studies 20*, East–West Center, Washington, 2005, p. 47.

the AMM as they facilitated dialogue between all parties on a regular basis and allowed difficulties to be resolved before they escalated into insurmountable problems.[52]

It has been claimed that the peace process in Aceh succeeded "beyond all expectations",[53] with a lot of the success attributed to the strong enforcement mechanism built into the MoU in the form of the AMM.[54] The decommissioning of weapons and release of amnestied GAM prisoners went smoothly[55], with the GAM handing over all of its weapons to the AMM and disbanding its military wing (TNA) in 2005. *Tentara Negara Indonesia* (TNI) (the Indonesian military) personnel also withdrew without too much trouble or delay from Aceh under the terms of the MoU and with oversight from the AMM.[56] However, some criticisms have been levelled at the mission's lack of progress with regard to human rights issues. Under the MoU, the AMM was tasked with monitoring the human rights situation after the establishment of both the mission and a Human Rights Court and Truth and Reconciliation Commission.[57]

THE EU IN ACEH

The involvement of the EU in Aceh has been multifaceted. It had financially supported previous attempts at peace negotiations before the MoU and was also heavily involved in Aceh due to tsunami relief

52 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p.4.

53 INTERNATIONAL CRISIS GROUP, *Aceh: So Far, So Good*, Asia Briefing Number 44, Jakarta / Brussels, Dec 13 2005). See also INTERNATIONAL CRISIS GROUP, ACEH: *Now for the Hard Part*, Asia Briefing Number 48, Jakarta / Brussels, Mar 29 2006). There have been some instances of violence in the region since the signing of the MoU which have been generally attributed to pro-independence groups — see WORLD BANK / DECENTRALISATION SUPPORT FACILTY, *Aceh Conflict Monitoring Update*, May 2007. Available at: http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20-%20May%202007.pdf.

54 See generally, K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007.

55 INTERNATIONAL CRISIS GROUP, *Aceh: So Far, So Good*, Asia Briefing Number 44, Jakarta / Brussels, Dec 13 2005), at 2.

56 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p.7.

57 Idem., pp. 8 – 9.

and reconstruction work.[58] The European Commission provided a grant for a period of six months to facilitate the peace talks which led to the signing of the MoU. These talks were also endorsed by Javier Solana, High Representative for the CFSP. Therefore, the EU already had a stakeholder role in the peace process in Aceh before the establishment of the AMM.[59] This role facilitated the eventual involvement of the EU in the AMM and the monitoring of the implementation of the MoU. However, it is important to remember that the EU was not the only funder of the negotiations and that the role of the smaller funders, such as Finland and The Netherlands, was crucial so that the negotiations could actually be launched. The EU funding was provided one month later.

While the role of the EU was vital to the achievement of a lasting peace deal, it is doubtful if an organisation such as the EU would have been successful in bringing peace to the region on its own. Indonesia did not want to internationalise the Acehnese conflict, particularly in the aftermath of the unsuccessful involvement of the UN in Timor-Leste,[60] and therefore the EU would not have been an acceptable mediator. It is clear that the multi-track mediation[61] approach was necessary to address the requirements of the parties to the conflict, so co-operation with, and the support of, the CMI was a very suitable role for the EU.

The relationship with the ASEAN states was also very important in ensuring the implementation of the MoU, with the Asian states having a better understanding of the culture and history of the people of the region and the EU having strong logistical capacities.

58 See 'EU Ends Peace Monitoring Program in Aceh', *The Jakarta Post*, Friday May 25, 2012. In total the EU and member states donated €1.5 billion for all tsunami-affected areas, most of which was eventually channelled to the Indonesian Multi-Donor Trust Fund.

59 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p. 3.

60 'Thank You EU', *The Jakarta Post*, Monday May 28, 2012.

61 See D CHIGAS, 'Track II (Citizen) Diplomacy' in *Beyond Intractability*. G Burgess and H Burgess (eds), Conflict Research Consortium, University of Colorado, Boulder, 2003. Available at: http://www.beyondintractability.org/bi-essay/track2-diplomacy

RECOMMENDATIONS BASED ON THE EXPERIENCE OF THE EU IN ACEH

Given the success of the MoU, which has led to a fairly stable period of peace in Aceh since 2005, it is interesting to note what lessons can be learned from the Acehnese experience and whether the Acehnese model is one which could be transferred to other areas and other conflict resolution initiatives. However, it must first be emphasised that one thing which cannot be replicated in other peace process is the readiness of the parties to engage in dialogue with a view to the completion of a peace agreement. This 'readiness', or, to use Zartman's[62] phrase, 'ripeness', cannot be forced. In Aceh, both of the conflicting parties were open to dialogue. In addition, the tsunami provided a further push towards the urgent settlement of the dispute.

In addition, two of the main challenges with regard to the EU's role in Aceh were funding and training.[63] There was difficulty in releasing money at short notice, while the training was *ad hoc* and, at first, "rudimentary".[64] However, the establishment of the European External Action Service in 2010 should help to avoid, or at least decrease, funding and training difficulties in future EU mediation activities.

Based on the role of the EU and the AMM in the Acehnese peace process, a number of recommendations for future similar activities can be made:

Acceptability

The EU effectively supported the mediation process in Aceh through their role in the AMM, although it would not have been accepted as a mediator. The role of the EU was vital, both in terms of funding and the monitoring of the MoU, to securing peace in Aceh. The EU can, therefore, play various roles in future peace processes, depending on how they are viewed by the conflicting parties. Its expertise in logistics and obvious funding capabilities mean that many states and groups would desire a role for the EU in a mediation process. However, this role must be clarified and agreed on by all parties.

62 See I ZARTMAN, 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments',1(1) *The Global Review of Ethnopolitics*, 2001, pp. 8 – 18 and I ZARTMAN, *Escalation and Negotiation in International Conflicts*, Cambridge University Press, Cambridge, 2005.

63 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p. 5.

64 Ibid.

Co-operation Co-operation with the ASEAN states was central to the success of the AMM. The understanding of, and sensitivity to, local culture, history and context are vital to ensuring the success of an external actor in a peace process. Similar co-operation with ASEAN and other regional organisations is to be recommended in any future EU mediation activities outside the EU.

Mandate Given the multifaceted capacities of the EU, its mandate in future mediation activities could be expanded to post-conflict and peacebuilding activities. In Aceh, the role of the AMM was to monitor and enforce the MoU. However, there were calls for the EU and the AMM to continue their work for longer than they did. While the EU continued to financially support various projects in the region, some felt that it could have stayed on longer and supported additional peacebuilding activities in Aceh. [65] In agreeing mandates for future peace processes, the possibility of encouraging EU participation in peacebuilding activities, as well as the length of its involvement in such activities, should be considered.

Staff The AMM consisted of staff who had expertise in various backgrounds, which was important to the successful implementation of the MoU. A similar approach should be taken in future EU mediation activities. Given the central role that human rights disputes often play in conflict situations, experts in this field should form part of the mediation team. However, the issue of cultural relativism must be taken into account, and staff with a background in the region and/or insight into the culture of the people in question should be selected.

Continuing Dialogue One of the main factors in the success of the AMM was the series of regular meetings it convened between all the stakeholders in the peace process (COSA meetings). These meetings acted as a form of preventative diplomacy, and this model should be employed in future mediation activities.

65 Interview with Bahktiar Abdullah, GAM Spokesperson, 13 September 2010.

The EU's broad peace support programme, which included the AMM, finished in June 2012.[66] This kind of long-term support is important when implementing the agreement and strengthening local capacities. In Aceh there would have been a willingness to see the EU continue its support even longer, but this was not as welcomed by the Indonesian government. The EU, for political reasons, is not able to focus on peace-related support, but it is committed to continuing its active interest in the region with attention on other issues. EU representative Giovanni Serritella said that the EU will continue to support forestry, environmental, climate-change and economic development programmes in Aceh in the future.[67] Given the success of the AMM, it is clear that the EU has the capacity to engage in future peace processes outside its own region, as long as it considers the limitations highlighted in this chapter.

66 See 'EU Ends Peace Monitoring Program in Aceh', *The Jakarta Post*, 25 May, 2012.
67 'Thank You EU', *The Jakarta Post*, 28 May, 2012.

The European Institute of Peace Initiative

2

The challenges of European Peace Mediation — the European Institute of Peace as an opportunity[68]

Antje Herrberg

INTRODUCTION

As a potential peacemaker, the EU can easily be described in superlatives: it is not only the most integrated multilateral worldwide institution, it is also the largest active international development and peacebuilding donor, as well as probably one of the most ambitious and prominent long lasting peacemaking projects in existence today. In practice, the EU has not consciously capitalised on these assists within its foreign policy machinery. Too often, the EU's foreign policy is seen as 'punching below its weight' — an easy judgement, which, next to the existing idiosyncrasies of EU foreign policy-making, needs to be qualified in light of the contextual currents in the international system.

Managing peace and security is more complex than ever. Policy makers are realising that the world in its new transitional state, where the global balance of power is shifting, requires softer power responses. The EU will need to re-assess its own aims, capabilities and strategies and prioritise certain aspects. Within this context, European peacemaking remains a highly volatile area of practice (or non-practice) and present needs for efficient peacemaking have not (yet) been met.

68 This article is based on a project financed by the Swedish and Finnish Ministries for Foreign Affairs which allowed the generation of the evidence and insights presented herein; Special thanks go to my colleagues Canan Günduz, and Irina Bratosin. David Price worked with me on the development of an internal options paper and Bernd Papenkort provided challenging policy analysis. Special thanks to our members of the EIP advisory council fort his process. The views expressed here are my own.

This article will address the key factors and trends of (EU) peace mediation and outline the tasks involved in the institutionalisation of mediation within EU structures, before outlining some key gaps and values in the field of European peace mediation that the European Institute of Peace could possibly fill. Finally, the risks and options involved in setting up such a body are presented.

THE EU NEEDS 'SMART' FOREIGN POLICY

The diverse and increasingly complex peacemaking challenges that exist across the globe require and benefit from different approaches and responses. These should ideally be streamlined in order to have relevance and impact. Yet, over of the course of the years, the contours of an initially clear and synchronised EU concept for conflict prevention are no longer recognisable, nor are they assessed on their shared value creation. It appears that organisational structures no longer match future requirements. New stakeholders (NGOs, civil society, R&D, the academic world) are firmly on the foreign policy stage, and they contribute new ideas and approaches while playing a pivotal role with regards to the future comprehensive approach on conflict prevention. An overhaul of the current EU policy frameworks lies on the horizon. The practice of leaving conflict resolution initiatives to the discretion of the EU Commission and the European External Action Service, who hand over funding resources to the UN or NGOs for implementation, should be newly engineered in order to have some realistic impact on the ground and serve EU priority needs in a focused manner.

It is also clear that the new internal EU challenges call for a really 'smart' foreign policy. The European Union will also be forced to look inwards in order to tackle its own socio-economic and demographic challenges. It will have to adjust to the socio-economic-political systems in many countries if it is to tackle its ongoing financial crisis. Financial constraints increasingly hamper the EU's role and its desire to become a major player on the international field. The EU, like other foreign policy actors, will have to be prepared to have fewer financial resources available in the future, and will need to be prepared to more efficiently use those resources available, such as focusing on priority areas and providing enhanced effectiveness on the ground and in the field. Even though conflict prevention and mediation is known to be one of the most cost-efficient foreign

policy thematic areas, the EU will be confronted at every level with the need to adjust policy requirements for conflict prevention while considerably improving its own accountability, efficiency and transparency.

The idea of the European Institute of Peace (EIP), inspired by the United States Institute of Peace (USIP) which will celebrate 30 years of existence in 2014, was officially communicated by Sweden and Finland to the High Representative in December 2010 and offers a meaningful response to these challenges – and more. In early 2011, Finland and Sweden tasked mediatEUr, the organisation I work for, to enrich the initial ideas with substance through an inclusive mediation analogue process that features three tracks: 1) a policy track, in which special representatives reached out through their counterparts and colleagues in other foreign ministries; 2) an expert track, in which mediation and foreign policy experts contributed to a participatory development of a business model; and 3) a civil society track, in which members of civil society provided their ideas about the EIP project. In the course of one year, 170 stakeholders have participated in this exercise, on whose contributions this article is based. Additional insights were drawn from a study visit to the USIP and Switzerland, an eminent promoter of innovative approaches to peace mediation.

Based on the evidence collected, it is safe to argue that a European Institute of Peace can have added value and contribute towards tackling the complex challenges of EU peace mediation, if it clearly addresses articulated gaps in the already rich tapestry of actors, institutions and efforts. Its added value cannot be assumed but it can be reasoned.

THE EU AS A PEACE MEDIATOR — KEY INFLUENCING FACTORS AND TRENDS

In presenting this, it is worth recalling that it was not until 2007 that a small community of experts and policy makers began to reflect on the relevance of the practice of peace mediation within the conflict prevention agenda and also through the revision of the EU's security strategy. In 2009, thanks to the Swedish Presidency, an EU Concept in Mediation, which remains the most relevant entry point for mediation by the European Union, was produced. In so doing, the EU caught on to the growing trend of enhancing peace mediation

through one foreign policy tool. Thus, the institutionalisation of peace mediation is relatively new for the EU, and this is an opportune time to think about how its potential can be unleashed.

The United Nations set the pace for peace mediation with its publication of the Report of the Panel on Threats, Challenges and Change in 2004, which created the UN Mediation Support Unit within the Department of Political Affairs. Partly thanks to the initiative of the UN Group of Friends in Mediation, a comprehensive Report of the Secretary General to the General Assembly of the United Nations was published in September 2012[69]. It is beyond the scope of this article to highlight the relevance of this report to the European Union; however, it is worth outlining three factors of the report which could influence the present, as well as the future, practices of the EU as a mediating actor.

The first concerns the difficult question regarding the *legitimacy of mediation* as an intervention in light of the interaction between national sovereignty and global interdependency: in theory a mediator should be accepted by all parties and receive a mandate from the parties — in practice, the international community also imposes itself through a stick and carrot approach. For the EU, which is well versed in the politics of sanctions and rewards, the mediation-sensitised approach changes the logic of its foreign policy approach.

Secondly, a central value of mediation relates to its *impartiality and/or omnipartiality*. It is not rare that official mediators base their motivation for negotiations on their relations with one of the parties involved and may therefore have a specific self-interest in a given solution. If there is a lack of clarity regarding the partisanship and/or positioning of parties, such a constellation may lead to increased levels of distrust, fear or even anger, which may render the mediation process ineffective and possibly counterproductive. This is a challenging factor for the EU as a value-based actor, which also, on occasion, shapes its interests through member states.

Thirdly, the *balance between the personality and skills* of an international peace mediator greatly influences the acceptance and success of the mediation effort. In principle, everyone who is acceptable to the parties involved can be deployed in peace mediation processes. In practice, however, mediators are often chosen for their political

69 Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution: Report of the United Nations Secretary-General (A/66/811, 6 August 2012).

or social positions and their personality, and less for their specific professional skills. Unless the value of professional practice in peace mediation is not only recognised but also supported and empowered, peace mediation might just become a fashionable practice in international diplomacy that lacks real impact. The European Union, with its wealth of diplomats and expertise, and the post Lisbon European External Action Service have not yet managed to fully endorse mediation as a professional practice. As an illustration, next to none of the EU Special Representatives, all of whom possess impressive CVs, have been exposed to any mediation training or mediation standard operation procedures, nor have they enjoyed the support of mediation specialists.

AGAINST ALL ODDS: INSTITUTIONALISING PEACE MEDIATION FOR THE EU

Even though the European Union has been hesitant, careful, unreflected and sometimes ambiguous in enacting peace mediation, it has implanted its mediation concept in its institutional set-up by setting up a small and new Division for Conflict Prevention, Peacemaking and Peacebuilding, which is a laudable and important achievement. This Division has begun to fulfil the core tasks of mediation and mediation support, and has, thanks to allocated funding from the European Parliament, begun to bring about some traction in certain mediation practices for the EU, some of which are described elsewhere in this report.

Essentially, the central tasks when providing mediation services and mediation support to the EU can be divided into central core tasks and supporting measures, which form a central argument for the creation of mechanisms of how these can be best delivered and by whom.

Measures which could support tasks for peace mediation concern

- The creation of a solid knowledge base of present and past cases relating to the European practice of peace mediation, which to this date is largely non-existent or at least non-systematised and thus difficult to translate into current approaches.
- Training and target coaching of Headquarters in the field of mediation, to enhance professionalism in the field of peace mediation, as well as to set some standards.

- A generation of maintaining and deepening expertise to contribute to the professionalisation of the field.
- Managing financial resources to support mediation efforts.
- Deepening systematic cooperation with specialised non-state actors working in the field of peace mediation, so as to forge multi-track approaches endorsed by the EU concept.
- Deploying specialist expertise to ensure a rapid response when dealing with peace processes.

These six tasks are superposed with the primordial tasks of overall strategy development and coordination within the EEAS with regards to peace mediation. Its orchestration includes inter institutional coordination with the Commission and others to create the necessary comprehensive approaches for mediation within the many tools of conflict prevention and crisis management, as well as post-conflict development approaches. It is in this way that additional political will can be generated.

It can be reasoned that the latter tasks of strategy development and coordination are the most central tasks of the EEAS, whereas many of the supporting measures can be delegated or outsourced to specialised entities — a process which already occurs. Delegating — rather than giving up — such tasks to one close specialised entity has the potential to save an enormous amount of money in terms of the transaction costs associated with not only contracting out, but also in terms of coordinating with individual service providers and being tied to the (often necessary) financial regulation(s) and bureaucratic requirements, which divert attention from the core tasks of strategy, coordination and, of course, peace mediation.

GAPS IN EU PEACEMAKING AND RESPONSIVE MEASURES

One central argument for the setting up of the EIP is to create a European infrastructure that enables it to effectively serve global peacemaking goals. As Luis Peral aptly points out in the following chapter: "The key question is not 'how can a new European Peace Institute be useful…but how can it be useful worldwide (and thus to EU external action)?" With this in mind, three main gaps, and the ways of addressing them in the field of current EU peace mediation practice, serve to illustrate this point: firstly, there are clear concerns about the EU's lack of flexibility to act in difficult and complex

Gaps and Opportunities	EIP Solution	Impact
The changing nature and context of diplomacy — multi-issue, multi-approach, multi-actor	Enable the EU to practise more flexible and diverse diplomatic approaches	An enhanced EU diplomatic 'toolbox'; enhanced proactivity in EU peacemaking
Complicated, heavy and slow contracting and grant disbursement	Non-bureaucratic and simple grant-making procedures	The ability to get mediation and mediation support activities off the ground quickly Faster short-term responses which can lay the groundwork for longer-term processes where needed
Slow decision-making procedures	Faster and independent decision-making in terms of early fact-finding, the design of options for interventions and the convening and deploying of experts	An enhanced ability to act when bureaucratic or political hurdles to decision-making cannot be overcome internally
A lack of mediation tools (thematic, geographic, and mediation sensitised)	Develop and upgrade tools for mediation and support (thematic and geographic)	The development of a professional practice for EU peace mediation
A lack of cultivated systematic networks in EU peacemaking	Create and sustain a managed EU peacemaking platform	The EU peace profile becomes more visible, accessible, transparent and comprehensive
A lack of accessible EU peacemaking information	Create a transparent EU peacemaking information portal	The EU peace profile becomes more visible, accessible, transparent and comprehensive
A lack of integrated and professional training approaches and enhanced professional practice	Establish a long-term training infrastructure and process, which will include quality standards and control	An increased number of European actors able to analyse, support or lead peacemaking initiatives.
Difficulty of access to EU and peacemaking actors by warring factions	Enhanced targeted information, networking with conflict actors and the profiling of EU support options	A generation of more demand for EU peacemaking in the long term; enhanced understanding among conflict actors of the EU's added value.
A lack of a common EU vision for peacemaking	Support for crystallising a more coherent EU peacemaking vision, using strategic advice, analysis and institutional support	A strengthened vision for EU peacemaking that leads to more coherent communication and action

Table 1.
Gap analysis and solutions offered by a European Institute of Peace

situations — and thus a correspondent need for rapid action, flexible engagement and more simplified sourcing. to illustrate this point: firstly, there are clear concerns about the EU's lack of flexibility to act in difficult and complex situations — and thus a correspondent need for rapid action, flexible engagement and more simplified sourcing.

Secondly, the EU is too often divided and constrained by its own decision-making procedures, which prevents it from acting, rather than engaging, in the early stages of a conflict. The need here is to have a mechanism of deniability that will allow for engagement on peacemaking issues that might be politically sensitive for the EU27 as a body to engage in initially, but in which it could eventually follow up officially. Finally, there is a need for continuity, which can be provided thanks to the regular provision of lessons learned, which can supply a safe repository of experience and analysis in the field of peacemaking. This, in turn, could make the EU a credible exporter of mediation experiences and values, regardless of staff turnover and shifting foreign policy priorities.

POTENTIAL ROLES AND VALUES FOR THE EUROPEAN INSTITUTE OF PEACE

In its participatory business planning[70] approach, mediatEUr's advisory council developed a full business canvas for a European Institute of Peace. The question of how the European Institute of Peace can deliver added value in order to enhance the capacity of both the EU and Europe to act as a peace mediator can be encapsulated in one sentence (the same sentence that provided the rationale for the United States Institute of Peace): "It can do what others cannot do". Alongside its key activities of mediation and mediation support, which have already been pointed out above, a proposition containing nine essential values can be outlined.[71]

70 This participatory exercise followed a learned methodology of business model generation, developed by Alex Osterwald. See http://www.businessmodelgeneration.com/

71 For a more complete presentation of the model see also: "A European Institute of Peace? Value-added, Risks and Options", September 2012. See http://www.themediateur.eu/images/publications/eip_final_paper.pdf

1. *Enhance the visibility, credibility, accessibility and comprehensiveness of the EU as a peacemaker*
   As the identity of the EU as a peacemaking actor is perceived by external actors to be diffuse, an EIP has the potential to give the EU a clear and coherent peacemaking identity by providing an institutional face to EU peacemaking, and thereby offering a coherent and substance driven approach.

2. *Exemplify and champion the highest professional standards for mediation and negotiation in Europe*
   The EIP could exemplify the high quality professional mediation practice for all peacemaking actors, from a foreign minister to a local NGO, and gather, synthesise and share a systematised knowledge repository of best practice; this could be done by offering ready-made tools (including training and coaching, operational guidance notes, debriefs, etc.). Focused on operational action, it will render the actions of the EU more efficient, regular and mediation sensitised.

3. *Make EU peacemaking accessible*
   The EIP's close relationship with the EU's institutions and member states, as well as experts in the peace mediation field, and its ability to offer a comprehensive and non-political approach to peacemaking will allow it to be an attractive 'hub' and 'information broker' for peace mediation, making it more accessible and able to streamline information flows.

4. *Amplify a professional peace-mediation network in Europe*
   An EIP could help to shape, contribute, raise the profile of and amplify the network of peace mediation professionals in both Europe and regional organisations, in order to ensure effective mediation and the delivery of mediation support services.

5. *Give the EU a rapid and action-focused peacemaking capacity*
   The flexibility of rapid and focused action is a key proposition of critical value that would support visibility and credibility. EIP staff could be deployed when the EEAS and member states cannot. It could manage the necessary roster or standby team of experts in cases of rapid deployment.

6. *Provide a safe space for different tracks*
   Providing space for peace efforts is a core competence and a role that external actors can bring to conflict situations. Different actors have different comparative advantages when doing this at different levels: sometimes, state actors are best able to bring conflict parties together, sometimes not. 'Quasi-official' yet independent organisations provide a comparative advantage that others may lack given they are often labelled as one type of institution or another. Providing a safe space for peace efforts in Brussels could be a significant added value of an EIP when it draws on a clear comparative advantage or is supporting third parties by providing venues, logistics and so on.

7. *Be visible and discreet when the EEAS is unable to act*
   There are times when the EU is, due to political constraints, challenged to interact with political parties but still needs to communicate ideas and actions. This is where the EIP could become an important partner. An EIP could be a facilitator of negotiations and discussions in terms of physically providing meeting space or acting as logistical support.

8. *Connect research, knowledge, experience and ideas with action to become a clearing house in terms of European peacemaking practice and knowledge.*
   The link between research, knowledge, know-how and action in the field of international peace mediation needs to be strengthened. In member states, some of this work is assumed by think tanks. Peace mediation is a skills-based activity that requires reflective thinking approaches which go beyond classical research and reach into experimental learning. The enormous wealth and researched experience, which does exist, and national experiences of mediation practice in the resolution of local or national conflicts could be put to good use, through facilitated reflective learning practices. Thus, it can be imagined that the EIP could assume an important networking and knowledge transfer function on peace mediation issues between an EEAS and national think tanks in Europe.

9. *The EIP could enable small, flexible and rapid grant-making*
   Like the USIP, an EIP could support small and rapid grant-making when others are struggling to devote sufficient attention to building a local peace mediation capacity. As Johannes Schachinger points out in his chapter, the financial regulations of the EU are not ideal in terms of efficiency and speed of delivery. In addition, they often do not serve the needs of parties or stakeholders.

Such a small and rapid grant-making mechanism could be funded through a mixture of contributions from member states and/or the Stability Instrument, which has a budget line for mediation and facilitation. The 'outsourcing' would reduce transactions costs considerably, if the management procedures for such grant-making can be suitably adjusted.

A RISKY ENDEAVOUR?

As with any new and ambitious initiative, creating a novel organisation to tackle complex challenges comes with risks, and any future institutional set up would need to carefully factor these risks into its design and operations.

One key risk is that an EIP will end up in competition with, rather than complementing, existing organisations, and this is a reality that needs to be faced in times of scarce financial resources and opportunities. Whilst the peace mediation sector is growing, it is also becoming more sophisticated at setting coordination and partnership mechanisms, on both policy agenda and specific crises. More diversity and focus in service provision expands options for end users and provides an impetus to enhance the quality work provided by different actors. This also calls for a careful definition of a mandate and mission to avoid 'mission creep'.

Related to this is a perceived danger that the achievements of the EU's institutional capacity building might suffer as a result of a dynamic, vibrant and flexible EIP, as it might be seen as a replacement rather than as a complement to the work of the EEAS. It is for this reason that the EEAS, the EU's institutions and its member states need to be active and contribute stakeholders to the setting up of an EIP who would jointly recognise the added value of the institute and be ready to draw on it for their own peacemaking work and capacity building, rather than having it develop in a parallel and/or competitive fashion.

At the same time, an EIP needs to be careful not to undermine local peace initiatives and capacity. It will thus need to apply good practice to ensure that it complements and works in subsidiarity with local peace efforts. It could achieve this by, for example, setting up codes of conduct for its local peace mediation work.

A real and realistic danger is that the EIP will get bogged down by the same obstacles it seeks to overcome. The institutional set up and

governance thus need to use modern and lean management on the one hand, while remaining close enough to the EU to benefit from its leverage and independent enough not to come under the same bureaucratic and political logic. This presents a special challenge for the institutional design.

INDEPENDENCE, WHAT INDEPENDENCE?

The Swedish and Finnish non-paper of 2010 clearly communicates the need for an independent European Institute of Peace, albeit with close links to the EU. Following this logic, three institutional options present themselves, each of which will fairly shape different institutional identities and therefore different missions and purposes, activities accountability, funding options added value and risks (see also the table below). These are:

(a) the "Agency" model, which would make the EIP an integral part of the EU institutional set up, albeit independent in its mission and mandate (such as the European Institute for Security Studies);
(b) the "Collaborative" model, most favoured by the expert community, which displays a hybrid set up with close EU association and identity in some parts while retaining sufficient independence for independent action in others (such as the United States Institute of Peace); and
(c) the "Autonomous" model, which reflects an independent set up with no formal ties to the EU. A sketch of the spectrum of such models is presented in the table below.

It remains to be seen how policy makers and organisational experts will negotiate an institutional model that fits with the values and needs of EU peacemaking.

Table 2.
An overview of the three institutional options

	Agency model	Collaborate / hybrid model	Autonomous model
Identity	An integrated (but independent) entity that follows an Agency model will respond to the EU's needs to enhance its own credibility, accessibility and effectiveness as a peacemaker, and emphasise internal capacity.	An organisation that has a close collaborative relationship with the EU and its member states, which would work independently but in close cooperation with EU institutions and other partners as specified in the mandate.	A non-profit, professional service-oriented organisation that specialises in delivering peacemaking work in line with European approaches to peace mediation
Examples	EISS, Anti-Fraud Office (OLAF)	Swisspeace, USIP	Independent organisations such as HD Centre or the CMI
Accountability	To the EEAS	To the EEAS and others (contributors, though leaders)	Independent board
Mission and Purpose	Responding to the valued proposition of increasing the EU's internal capacity, accessibility and effectiveness as a peacemaker. It would provide the EU with the additional function of an analytical facility that can serve the need to upgrade its system in order to become a better learning organisation.	The main mission of a collaborative model would be to flexibly practice mediation when needed, and enhance the professional practice of international peace mediation in Europe. The focus could be on providing neutral space for the Track II mechanism, as well as network building efforts. An arms-length relationship with official EU actors also offers plausible deniability for sensitive interventions.	Such a non-for profit organisation would work on any assignments and projects to do with international peace-mediation. It is easily deployable, flexible and has a 'light footprint'. It would act with considerable independence and not necessarily solely on the demand of EU institutions and priorities.
Added value	EEAS ownership and additional capacity A service agency dedicated to one client only Low transaction costs	The EEAS and other EU clients can draw on support Close collaboration creates a working relationship The EIP can carry out work which EEAS actors cannot The EIP has more leeway for independent design and the implementation	The EEAS can contract on an as-per-needed basis Can work on an ad-hoc assignment basis Low overheads
Risks	Over integration could lead to the same issues that exist in the EEAS Compromised independence and impartiality	Requires solid relationship building Requires special attention to relationship development and the NGO community Could be seen as a duplicating actor	High transaction costs Takes longer to develop and prove its added value Independent fundraising makes it a clear competitor to similar NGOs

CONCLUSION

A European Institute of Peace could act within the EU peace mediation framework when engagement is so politically sensitive or divisive that the EU institutions cannot engage under their own names; at the same time it would need a sufficient amount of political weight. In this context, it is worth thinking about both opportunities lost (Afghanistan and Syria being prominent examples) as well as opportunities that could be further supported (i.e. Somalia, Kosovo, South Caucasus, or Libya, Yemen, Lebanon and Bahrain). In order to have a good impact, EU institutions will need to maintain close links with mediation efforts that rely on a body imbued with an EU ethos and a sense of informal accountability. Such a body has to be able to deliver well-trained and qualified mediators, as well as staff and a methodology that are informed by EU values and interests. Making this happen could possibly increase the EU's chance of competing in its real "weight" class and therefore providing peace with the means to punch its way out of trouble.

European-engendered Peace Institute — Give it a chance

Luis Peral

INTRODUCTION

The idea of creating a European Peace Institute was launched by Finnish Foreign Minister Alexander Stubb and Swedish Foreign Minister Carl Bildt in September 2010[72] following a suggestion by former Finnish President Martti Ahtisaari during a debate at the European Parliament in March 2009.[73] This chapter analyses the major internal and external obstacles to its creation and makes proposals on how it can be made useful for EU foreign policy, as well as contributing to peace worldwide. In order for the Institute to be feasible and meaningful, its mandate and legal status should be carefully shaped and due consideration given to the internal dynamics within the EU and the rapidly evolving world order. The creation of a new EU agency may therefore not be the best option.

INTERNAL AND EXTERNAL OBSTACLES TO THE CREATION OF A EUROPEAN PEACE INSTITUTE

It is hard to resist the appeal for the creation of a Peace Institute as a complement to EU external action. Peace is a noble cause, and it

72 See "Foreign Minister Stubb and Swedish Foreign Minister Carl Bildt propose establishment of the European Institute of Peace", Finnish Ministry for Foreign Affairs, Press Release 245/2010, 3 September 2010. Available at http://formin.finland.fi/public/default.aspx?contentid=199709&nodeid=32278&contentlan=2&culture=en-US

73 See i.e. VUCHEVA, E,"EU could do more for peace, Ahtisaari says", *EUobserver*, 2 April 2009, accessed on 18 July 2012. Available at http://euobserver.com/24/27893

resonates in treaties and documents as the foundation and goal of the EU. Peace is not easy to make, and it requires ever increasing resources and expertise. Peace is a universal plea, and the EU is struggling to become a global actor by itself, or at least to preserve its international clout in the face of the economic crisis and the growing number of more assertive emerging global actors. Thus, creating a Peace Institute within the EU or associated with the EU — but with a high level of independence in order to be effective — does not only seem correct politically, but also opportune and even necessary.

Economic crisis and institutional deadlock in the EU

The fact is, however, that the proposal has not generated much enthusiasm among the EU member states and institutions, with the exception, perhaps not surprisingly, of the European Parliament.[74] This is to some extent due to the pervasive economic crisis, which has led to the reduction of the number of public and semi-public institutions at the national level and the severe cutting of public expenditure in most member states. Creating a new institution, even if small, may not be timely in this respect; and it may not be seen as genuinely European if only a few states are willing to contribute to its budget. But, more significantly, the crisis of the eurozone has aggravated political tensions among EU member states, given the sharing of greater economic and financial sovereignty seems inevitable in order to overcome the crisis. European institutions are experiencing a certain impasse as a consequence of intergovernmental negotiations on the future of the EU, something which renders the endorsement of a new non-financial European agency extremely difficult.

Common Foreign and Security Policy (CFSP) is particularly vulnerable to this relative stalemate in Brussels. Foreign ministries, mainly in southern European countries, tend to concentrate scarce resources on the development of different forms of 'economic diplomacy', with the resulting foreign policy deficit at the national level

74 In 2011, the European Parliament approved a 'pilot project' on the EIP. Building on the 2009 Concept on Strengthening EU Mediation and Dialogue Capacities, the pilot project aims at enabling the European External Action Service to 'explore the feasibility of establishing a European Institute of Peace.' It is stated that 'a feasibility study should map the existing capacities, including within the EU institutions, analysing and examining options, and related costs and benefits, to efficiently serve the needs of EU in peace mediation. See also HEROLF, G, *Establishing the Knowledge Base of a Smart Power: A Blue Print for an EU Institute of Peace*, Standard Briefing, Directorate-General for External Policies of the Union, European Parliament, 2010 (EP/EXPO/B/AFET/FWC/2009-01/Lot6/06).

reducing the possibility of building consensus for CFSP decisions. In parallel, a shrinking CFSP is giving member states a free hand to pursue their own perceived interests at the global level, in particular when trying to minimise the impact of the current economic crisis by searching for new markets outside Europe. Moreover, the Lisbon Treaty has added complexity and perhaps rigidity to the EU foreign policy institutional framework, i.e. by depriving it of the energy of the rotating Presidency and not removing the unanimity rule.

Finally, but no less importantly, EU institutions (and indeed the European External Action Service (EEAS)) other than the Parliament may not be keen to create a new independent agency that, irrespective of its size, will challenge their mandates by confronting them with new foreign policy dilemmas. The overall goal of the EEAS, which may eventually grow to consist of almost 4,000 staff, has been described by the High Representative for the CFSP and Vice-President of the Commission, Katherine Ashton, as 'conflict prevention': could it not undertake, she may ask, whatever tasks may be entrusted to a Peace Institute?

Overcoming potential reluctance in Brussels would indeed require an extra effort by member states in times of increasing political tension. Even those pro-European governments which have not been badly hit by the crisis may consider that the effort of creating such an institute would not pay off in terms of revitalising EU foreign policy under the present circumstances. The European Peace Institute may thus be a good idea which did not appear at the right moment, with internal obstacles outweighing an excellent opportunity to show that the EU machinery works when presented with a symbolic and cost-effective proposal.

Why the EU as a worldwide mediator?

The key question is not 'how can a new European Peace Institute be useful (or 'add value', as an economist would prefer) to EU foreign policy?', but how can it be useful worldwide (and thus to EU external action)? The assumption that the EU has a say on peace beyond its borders is losing credibility in a globalised world, where new actors are becoming increasingly powerful and autonomous. Countries such as Brazil or India may indeed wonder why they should not act as peace mediators within the EU or in its neighbourhood. Even if the EU struggles to continue the expeditionary tradition of the West by aspiring to be a global 'civilian' with 'normative' power, these new actors tend to reject suggestions that are accompanied by any kind of economic, military

and 'moral' superiority. Shifts in the global economy are proving advantageous for the East and South; Afghanistan and Iraq have clearly shown the limits of US-led military action; and the acceptance of human rights norms as universal is increasingly subjected to a fundamental caveat: it is not anymore for Western countries to provide an interpretation of these norms as to which should be deemed valid worldwide.

The EU is thus not well placed today to act as a mediator beyond European borders. The general perception of third countries is that the EU is losing ground in international politics as a normative power, and this includes attempts to 'pontificate' — as they may put it — on the meaning of peace. Of course mediators do not impose a doctrine when facilitating a peace deal, but they should be perceived as objective and neutral, and should possess a certain auctoritas that emanates from either prestige in normative terms or some form of coercive power which could be used as a last resort. In the eyes of many empowered countries, however, the EU is fundamentally a non-military actor representing a Western-biased interpretation of universal values.

The case of Mindanao in the Philippines exemplifies the difficulties the EU faces when acting as a mediator. In spite of having provided substantial funding in the region for two decades, including particular assistance to internally displaced persons, and having built a solid partnership with civil society organisations, the Philippine Government was reluctant to consider involving the EU in the peace process as such. Allegedly, they made this decision in order not to further 'internationalise' the peace process, and because of the concern that bringing in one large regional organisation might complicate relations with another regional organisation, namely the Organisation of the Islamic Conference. In July 2009, the parties involved in the conflict agreed on the establishment of an International Contact Group (ICG) to accompany and mobilise international support for the peace process, which was initially formed by Japan, Saudi Arabia, Turkey and the UK, as well as four international NGOs.[75]

75 The EU was subsequently invited — taking due consideration of its role as donor — to lead the Humanitarian, Rehabilitation and Development Component of the International Monitoring Team (IMT), which had been created in 2004 to monitor the implementation of the ceasefire. The IMT was initially led by Malaysia, with participation also from Brunei and Libya, and later from Japan (see ALISTAIR MACDONALD, GABRIEL MUNUERA VIÑALS, *The EU and Mindanao: innovative avenues for seeking peace*, EUISS Occasional Paper 97, 2012, p. 25 – 26). This case also demonstrates that EU member states may even preclude the EU institutions playing a role in mediation, in spite of the latter having had a much greater involvement financially or otherwise in a given situation.

In Colombia, the Government and the FARC announced in August that they will soon initiate a peace process, with Cuba and Norway as guarantors and with additional support from Venezuela and Chile.[76] The possibility of France and Spain, as well as Switzerland, playing a role in the process has not been excluded, at the time of writing, but no mention has been made of the EU, in spite of the fact that it has created and funded 'Peace Laboratories' for more than a decade, a programme that benefits local communities in areas directly affected by the conflict and which is generally considered both innovative and successful.

Additionally, the question of geography becomes essential as regards regional organisations' involvement in peace processes. The most relevant mediation initiatives recently launched or taking shape in different regions of the world circumscribe their mandate to the incumbent region. The African Union (AU) has established the Panel of the Wise, which should provide advice to the Peace and Security Council of the AU and the Chairperson of the AU Commission and launch mediation initiatives for the promotion and maintenance of peace, security and stability in Africa. The Association of Southeast Asian Nations (ASEAN) has strengthened dispute settlement mechanisms beyond the economic realm by encouraging aspects such as negotiations and consultations, good offices and conciliation and mediation, including — although it has yet to be used — the High Council which was established in the 1976 Treaty of Amity of Cooperation (TAC).[77] Also, ASEAN members have agreed to start the process of establishing an ASEAN Institute for Peace and Reconciliation, which will undertake research and provide counsel and recommendations to ASEAN governments,[78] and will soon establish the ASEAN Peacekeeping Centres Network. The Organization of American States (OAS) has not been so active in this sense, although it is implementing a project to strengthen its internal mediation capacities and thereby the mediation role of the Organisation in the

76 See http://en.mercopress.com/2012/08/30/chile-joins-the-colombia-farc-peace-talks-scheduled-to-take-off-in-norway, accessed 4 September 2012.

77 In order to be assisted in the settlement of a dispute, the High Council may establish on an *ad hoc* basis an Experts Advisory Committee (EAC) or an Eminent Persons Group (EPG). The TAC High Council will include a representative of the non-ASEAN state who is signatory of the TAC and involved in the dispute. See generally, WOON, WALTER. 'Dispute Settlement in ASEAN' (Conference paper presented at the Korean Society of International Law Conference, 21 October 2011, Daegu, South Korea.)

78 See 2011 Chair's Statement of the 18th ASEAN Summit, Indonesia, May 2011, p. 6.

region, including the exchange of experiences with agencies specialised in conflict resolution.[79]

Peace mediation initiatives undertaken by regional organisations other than the EU do not transcend the respective region. The UN, for its part, is reinforcing its capacities in mediation worldwide, as has been contemplated in Resolution 65/283 of the General Assembly of June 2011, with prospects for the creation of UN regional offices on mediation.[80] But states are not only supporting a more prominent UN role in mediation: most emerging global actors and new regional hegemons increasingly volunteer themselves to act as mediators in their near abroad and beyond.[81] Additionally, non-governmental actors, both at the international but mainly at the local level, are continuously broadening their contribution to conflict prevention and conflict resolution though various forms of second-track diplomacy. What then can the EU contribute to these developments?

The question of how a new, outward-looking European Peace Institute can be made useful is thus much more pertinent than the question of whether it should be created. The obvious answer to the latter question is 'yes', but the former requires a thorough analysis of existing mediation initiatives in other regions and of the chances and capabilities of the EU to make a contribution to the cause of peace that is not just symbolic.

THE KEY FEATURES OF A EUROPEAN-ENGENDERED PEACE INSTITUTE

If no geographical limitations within its mandate are envisaged, a European Peace Institute will be more useful the less Eurocentric it is. It may constitute a genuine contribution to peace if engendered by the EU or by certain member states of the EU as a Global Institute for Peace from the outset, and not only with regards to its scope. It is

79 See "Sección de Misiones Especiales" at http://www.oas.org/es/sap/dsdme/misiones_especiales.asp, accessed 12 July 2012.

80 These developments at the UN followed Turkey and Finland's 'Mediation for Peace' initiative launched at the margins of the General Assembly in September 2010, to which some 30 States and 10 international organisations have adhered as the 'Friends of Mediation Group'.

81 See i.e. Turkey's assessment of her own role as mediator: "Resolution of Conflicts and Mediation", Ministry of Foreign Affairs of Turkey at http://www.mfa.gov.tr/resolution-of-conflicts-and-mediation.en.mfa, accessed 12 July 2012.

therefore crucial to avoid the temptation to create a new instrument of foreign policy based on the presumed political leverage of the EU. The European-engendered Institute should not replicate the US Institute for Peace created by Congress 'to increase the government's ability to deal with conflicts before they escalate, reduce government costs, and enhance [US] national security'. Nor should it be based on the assumption that the EU is a convincing mediator in developing countries due to the leverage of development aid, since only national ownership (not conditionality) and long-term engagement (which is not subjected to political undertakings) may contribute to sustainable development.

In order to be useful for advancing peace worldwide, and thereby European foreign policy, the Institute needs to provide innovative contributions which do not merely reflect European interests or the European interpretation of universal values. In this sense it will be more credible and more open to other countries becoming donors or members of its governing bodies, and to the employment of nationals of other countries as members of its staff. Furthermore, it should of course not duplicate existing capacities; i.e. it should behave neither as a mediator, since there are numerous private centres, figures, and, of course, governments that are willing and able to perform such role, nor as a traditional think-tank.

Mandate and activity

In order to define its mandate, the Institute needs to find the missing link that would allow for a better tailoring of policies to the cause of peace and help generate suitable mediation processes. Taking into account the plethora of existing initiatives, the two key words for such a mandate are 'evaluation' and, to the greatest possible extent,, 'anticipation'. On the one hand, the Institute could perform a role similar to that of independent evaluation agencies, in this case assessing the implications for peace and the conflict of foreign policies in general as well as specific mediation initiatives. On the other hand, the Institute would be able to make proposals regarding the level and modalities of engagement, or indeed disengagement, of the EU and/or other actors in these two aspects, with respect to potential conflict situations.

The Institute could in this way help bridge the gap between the official approach of international actors, with particular attention to the EU, and local realities and perceptions in potentially unstable environments, with a view to facilitating peace and identifying eventual opportunities for mediation. This would require the Institute

to develop a *peace and conflict impact assessment framework*[82] for the analysis of European and international policies, with a specific section on mediation activities undertaken or envisaged by local and international actors. The general activity of the Institute would thus be the monitoring of the consequences that existing external policies and mediation activities (or their absence) may have in building peace or triggering and exacerbating conflict. Although the Institute would have an advisory capacity, it is its function as an evaluator that will call for strict independence from any state or international organisation.

Legal status and staff

The Institute should perhaps not be created as a new European agency. The European Union, and particularly the EEAS, should continue to devote all its efforts to achieving peace, but there are good reasons to believe that a Peace Institute of the European Union may not constitute a meaningful contribution to world peace in its present context and setup. As already discussed, there is no general enthusiasm among member states, and EU institutions may continue to be reluctant to endorse the proposal, which will in any case encounter additional procedural hitches in Brussels. A project serving peace does not deserve such a lethargic genesis. More importantly, as already discussed above, the EU is not deemed to be a neutral and objective peace mediator worldwide, whereas a series of regional initiatives are being established within the limits of respective regions.

What then are the possibilities for an additional European contribution to world peace which is not channelled through the EU? The 'Friends of Mediation Group' could be an alternative platform, considering that one of the countries sponsoring the European Peace Institute also co-sponsors this group, which was created at the UN. This would indeed dilute the 'European' inspiration of the initiative, but the fact remains that these groupings do not create agencies. The report that led to the creation of the European Research Council contemplated two options for a legal status other than that of a European agency:

82 This assessment is intended to anticipate the potential and actual peace building and peace inhibiting impact of policies beyond stated objectives, including their unintended consequences. See i.e. *Peace and Conflict Impact Assessment (PCIA) Handbook* — Version 2.2, September 2005, developed by the Conflict Prevention and Post-conflict Reconstruction Network.

- to incorporate it as an organisation in one of the EU member states and apply the legal framework of that state for setting it up, while ensuring that it is accountable to the sponsors and that the financial responsibilities are met: or
- to set it up as an *interagency body* or a consortium of national actors, like national research councils and other appropriate bodies, therefore avoiding requirements such as '*juste retour*' – national or otherwise.[83]

The report ends by saying that it is crucial for the credibility of an organisation of this kind that its implementation is a gradual process, with funding increasing as it demonstrates its competence and ability to deliver.[84] In the case of the Peace Institute, perhaps its feasibility also depends on the setting up of a small interagency body or consortium which will eventually grow with the support of other EU countries and the Friends of Mediation. This small structure should be open to the world, so that staff are not necessarily European. Since the Institute would not act as a mediator, a list of renowned personalities is not required in order to fulfil its mandate, but rather a good team of analysts who are aware of relevant changes and trends in the world both at the local and global governance levels.

CONCLUSIONS

This kind of European-engendered Institute should be characterised by discreet independent work which is relevant to all international actors and mediators working for peace. The Institute may be a European initiative but it should not be an EU tool, or even a European institution, but a genuinely global organisation from the outset. In order to ensure that it is European-engendered rather than just European, it should be opened to non-members of the EU and to all regional organisations, which could be donors or contribute in other ways to its work and, consequently, take part in its governing bodies. European countries sponsoring the initiative are thus in a good position to contribute to peace by creating a global consortium for the evaluation of the peace dividend of foreign policy and mediation initiatives. Should they not give a chance to an Institute that gives a chance to peace?

83 *The European Research Council. A Cornerstone in the European Research Area. Report from an Expert Group*, Ministry of Science, Technology and Innovation, Copenhagen, December 2003, p. 28.

84 *Ibid.*, p. 29.

Thinking outside the box

3

What will the face and soul of EU peace mediation be?

Anne Isabel Kraus and Lars Kirchhoff

INTRODUCTION

Most measures designed to strengthen the EU's role in international peace mediation in recent times have focused on political, institutional and operational issues, and many of them have been successful. Mediation is increasingly seen as a strategic area of importance within the EU and the EEAS: the EAAS Conflict Prevention, Peace Building and Mediation Division has anchored mediation in its title; about half a dozen of its members of staff are assigned to mediation; and in a number of pilot projects the EEAS is now institutionalising cooperation with external mediation support expertise as well as providing regular mediation training to EU personnel.

At this point, one key question is: what precisely should the future profile of EU Peace Mediation be, and what conceptual framework will guide the establishment process and ongoing mediation activities there? Looking at the Mediation Concept of 2009 and the current debates on implementing it, a number of critical conceptual issues still need to be clarified — including some methodical and ethical decisions that need to be made.

KEY CONCEPTUAL ISSUES IN NEED OF CLARIFICATION

This chapter tackles five issues that seem crucial at this stage, as the future EU mediation capacities and the types of EU involvement are being shaped in financial, institutional and operational terms: the *compatibility* of the instrument of peace mediation and the EU as an

actor; the *goals* as well as the *role/s* of the EU as a peace mediation actor; the *methodical and ethical understanding* of EU peace mediation; and the internal *decision-making* in internal conflicts on the whether and how to intervene.

Clarifying and deciding on these conceptual issues will both *legitimise the role of the EU as a peace mediation actor as well as maximise its capacity to act in practice*: a solid and coherent conceptual basis is a sine qua non for a clear and legitimate mandate, an efficient establishment process, effective institutional structures and successful mediations in the future. Thus, such clarification will represent a significant step towards realising the political and financial benefits of mediation and position the EU as a professional mediation actor in the international arena. Leaving these questions open runs the risk of resources being invested in structures and activities that lack coherence and utility. Depleting the legitimacy and effectiveness of EU interventions could even have a permanent impact on EU engagement in peace processes in a broader sense.

Some reflections and questions are more suggestive than others, in order to tease out the different perspectives, positions and interests in the debate as well as the tensions between them. Nonetheless, answering these questions in an adequate manner requires a careful consultation and decision-making process. At best, this should take place both inductively and deductively by drawing on the experience gained from existing EU activities and institutions and from external mediation support, as well as by translating the EU's identity, values and goals into a coherent EU mediation policy.

IN WHICH WAYS DO THE INSTRUMENT OF PEACE MEDIATION AND THE EU AS AN ACTOR REALLY FIT TOGETHER?

From international political negotiations to its missions in conflict-affected countries, the EU is continuously confronted with ongoing conflicts and peace processes. As a regional organisation with massive financial and political power, wide international outreach and field presence, the EU has the tempting potential to get involved in various intermediary roles using a broad range of instruments.

Among these instruments, peace mediation is now promoted as "the tool of first response" in EU crisis management.[85] This is, no doubt, a political commitment of substantial significance. At the same time, it is crucial to consider with an open mind the ways in which instrument and actor really fit together in practice, and where this compatibility has limits – both from the actor's and the instrument's perspective:

First, where exactly does the benefit of mediation lie for the EU?

> Provided that mediation should help to *position the EU as an eligible player* in international conflict management, what is the *comparative advantage, and thus the genuine added value,* of mediation for that purpose?
>
> In view of the spectrum of instruments available, to what extent does mediation meet the *needs and characteristics of the conflicts* in which the EU (potentially) wishes to become involved as a third party? Thinking of the indications for effective and sustainable mediation, to what extent will these conflicts be *amenable* to mediation?[86]
>
> Furthermore, to what extent is the existing *political, institutional and operational framework of the EU open to and compatible with* the long-term integration of mediation?

Secondly, in which ways is the EU matching the requirements expected of a mediation actor?

> To what extent and under which conditions do relevant EU policy makers and key mediation actors *authentically want and represent the participative and consensus oriented approach* of mediation?
>
> Assuming that parties in conflict are most likely to accept mediators they perceive as being supportive to their interests, but who are not susceptible to manipulation from the other side:[87] to what

85 Council of the European Union, Concept on Strengthening EU Mediation and Dialogue Capacities, Brussels 2009, p. 4.

86 For the factors enhancing the likelihood of mediation success see BERCOVITCH, JACOB, "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation." *Negotiation Journal*, Vol. 7, No. 1, 1991, 17 – 30; See also LANZ, DAVID; WÄHLISCH, MARTIN; KIRCHHOFF, LARS; SIEGFRIED, MATTHIAS, *Evaluating Peace Mediation. Study for the Mediation Cluster of the Initiative for Peace Building*, Brussels 2008.

87 GIESSMAN, HANS J.; WILS, OLIVER, *Conflict Parties' Interests in Mediation*, Berghof Policy Brief, Nr. 1, 9, 2009, p. 1; ZARTMAN, WILLIAM; TOUVAL, SAADIA, International Mediation, in: FEN OSLER HAMPSON, CHESTER A CROCKER (ed.), *Leashing the Dogs of War. Conflict Management in a Divided World*, 437 – 454, pp 442.

extent and in which ways will the EU be in the *position to perform such an influential and yet impartial role* in the envisioned conflict contexts?

In cases where the EU has substantial interests in a conflict scenario or is bound to normative commitments and legal limits, what will be the *consequences for defining the EU's role* in the mediation process in order to protect its credibility as an honest broker in the international arena?[88]

These questions lead to a number of subsequent questions concerning the goals, roles and methodical and ethical principles of EU peace mediation:

WHAT ARE THE BROADER PURPOSES AND GOALS OF THE EU WHEN PROMOTING AND USING PEACE MEDIATION AS A TOOL?

Depending on conflict's context and implementing actors, peace mediation activities in the EU are linked with various objectives and cost-benefit calculations. Not surprisingly, when looking at the sector in general,[89] the wish to make peace is intertwined with other motives that emanate from the context of competitive politics and diverse political and other agendas: mediation is surely a means to reduce conflict and violence for authentic and strategic humanitarian reasons; it is used as a tool of foreign policy to increase the influence of the EU in international security matters and to protect and pursue various internal and external interests; it is a vehicle for social and political transition, exporting normative standards of democracy and rule of law, such as in CSDP missions; and it is a reputable, cost-effective method that lives up to one's raison d'être and responsibilities in conflict prevention and peacemaking.

Although these goals may overlap in many places, apparently several points of friction remain. In itself, mediation is able to withstand this tension. However, in practice friction losses of inconsistencies in goals of collaborating with implementation actors (EUSRs, EU mission staff, NGOs etc.) are usually at the expense of the conflict parties and sustainable solutions. Furthermore, the coherence between goals asserted in EU policy commitments, and acted out in practice

88 EU Mediation Concept, p. 7 (Principles: c) Assessment of risk).
89 ZARTMAN, TOUVAL, *International Mediation*, p. 438 – 442.

by different actors representing the EU, significantly impacts on the credibility of the EU as a mediation actor.

In both regards, clearly prioritising general and case-/process-specific goals seems to be a premise for operating in a coherent, coordinated and purposeful manner. The following questions deserve closer examination in this regard:

> How can the relevant political and normative frameworks of the EU be translated into (a priority of) goals for EU peace mediation? To what extent does mediation effectively help to reach these goals?
>
> What priority do authentic humanitarian goals have compared to strategic goals of all kinds? Is this priority sufficiently transparent to avoid the pitfall of perceived hypocrisy?
>
> What specific goals does the EU have in terms of individual mediation processes (conflict outcome and its further effects, relationships with the parties, the EU's own standing in the international community)? How will their priority be defined and communicated?
>
> Which methodical and ethical limits and red lines have to be respected when using mediation for these general and specific purposes? (see also 4.)

WHICH ROLE/S PRECISELY DOES THE EU WANT TO PLAY AS A MEDIATION ACTOR?

The multiplicity of the not yet prioritised objectives of EU peace mediation might also be a reason why it is so difficult to more precisely define which role/s the EU actually envisages as a mediation actor. Having clarified the goals and examined the potential of the EU in the peace mediation field, the many possible optional roles need to be carefully evaluated in terms of efficacy, credibility and sustainability. The two main questions in this regard are:

> To what extent does the EU want to promote mediation mainly as a *payer*, supporting capacity building, knowledge management and coordination, and to which extent does it aim to establish itself as a player in the role of a mediator?[90]

90 See COUNCIL OF THE EUROPEAN UNION, *Concept on Strengthening EU Mediation and Dialogue Capacities*, 2009, p. 6.

> Particularly if it is the latter, how does the EU as a major regional power, which is necessarily driven by various political and economic interests and obligations while also possessing strong leverages and instruments, want to perform the role of a third party? What *style of mediation does the EU want to represent – will it play the role of a structuring facilitator or that of a power broker?*

A clear positioning of the EU is especially essential when attempting to gauge how the EU's *role as a normative power* could be reconciled with its role as a mediation actor, be it as a player or a payer: in view of the historical and political self-understanding of the EU, there is much to say for using mediation to introduce and strengthen democratic values and human rights in the context of state building and development, such as in long-term capacity building projects. Within the EU there is a democratic *mandate* for this kind of transformative intervention, and there are certainly many conflict contexts where this could be well received.

It's a different matter when mediation is used for the purpose of 'norm export' into non-European countries: the mediation principles of v*oluntariness, informed consent and ownership of parties* would oblige the EU to ensure that normative and transformative purposes, and their possible effects, are realised and accepted by these societies. This becomes particularly crucial for those countries which work towards EU membership and are thus unable to defy the normative agenda of the EU and the anticipated expectation to comply with it. Thus, the question in this context is:

> How can the EU, in mediation activities beyond its borders, ensure the *consent of the actors that will be affected* by the possible consequences of aforementioned transformative processes?

TO WHICH PRINCIPLES DOES THE EU COMMIT ITSELF AND HOW WILL THEY BE INTERPRETED?

Against the backdrop of these questions, it is necessary to define more precisely a minimal common denominator of methodological and ethical principles of EU peace mediation. Adherence to core principles would inspire and justify confidence in political and diplomatic mediation, and allow it to be validated on its merits. It will also set criteria for deciding where EU peace mediation should *not* be applied

because necessary pre-conditions cannot be fulfilled. The EU Mediation Concept of 2009 is not sufficiently precise in this regard.[91]

The following questions should be considered:

> Is it already mediation when a third party *exercising no decision-making power* helps to *structure* the negotiation process? Or is it the adherence to principles such as *impartiality*/'*omni-partiality*' by the mediator, the true *voluntary* nature of participation and the parties' *consent* to the mediator and the process that should actually constitute EU mediation?
>
> How will the different implementation actors interpret these principles in *political reality*: to what extent, for instance, should EU Special Representatives in the role of mediators be allowed/encouraged to make use of the EU's political and economic incentives and sanctions?
>
> Furthermore, should the parties' values and norms be respected as limits of a mediation process? Or is it a genuine element of mediation to educate in basic values of participation and liberal democracy, thereby triggering a transformation of the existing political, social and cultural order? If it is the latter, what are necessary societal, cultural and legal pre-conditions that this approach can be successful in practice?
>
> Whatever the approach, *responsibility* in terms of *do no harm* needs to be ensured: how does the EU as a mediation actor intend to deal with the direct and indirect long-term consequences of its interventions?[92]
>
> What *sort of mandate* is required to introduce mediation into transitional societies beyond the EU's borders?

If mediation has no firm mandate from the conflict parties, if ownership by the parties is not ensured, and if it is used mainly for the purpose of implementing EU norms and rules, its methodical potential would be wasted. Equally, from an ethical perspective, the EU's credibility and legitimacy as a conflict mediator would be at stake. In sum, the *methodical and ethical consequences that emanate from the frequently cited historical role and responsibility of the EU, as well as from its value-based foreign and development policies*, need to be spelled out in detail.

91 See idem, p. 2 – 3 and 6 – 9.

92 JULIA DRIVER, "The Ethics of Intervention", in: *Philosophy and Phenomenological Research*, Vol. 57, No. 4, 1997, p. 851 – 870.

In terms of implementation, the principles of EU mediation need to be *translated into a daily mediation practice*. This should happen in a way that allows the principles to directly impact on the routine of EU missions and intermediary actors such as EU Special Representatives and Special Envoys. Furthermore, the EU needs to communicate and execute its understanding and interpretation of mediation with maximum coherence with respect to its policies and practice. Only with such a clearly defined and coherent profile will mediation fully develop its genuine value in an EU context.

HOW WILL THE EU DEAL WITH DISAGREEMENTS ON WHETHER AND HOW TO INTERVENE?

Summing up all the aspects mentioned above, it is essential to deal also more openly and more systematically with the internal conflicts the EU will be confronted with as a mediation actor: in the difficult decision-making processes with regards to whether and how to intervene, disagreements between EU member states, as well as between the EU and international and regional organisations, are predictable, the recent cases of Libya and Syria being valid examples of such disagreements. Most of the time, these disagreements are due to the inherent tensions between the humanitarian, political, economic and normative goals and interests at stake, as well as to the different perceptions of the opportunities and risks involved in an intervention. These conflicts need to be dealt with in a professional manner in order to respond fast and effectively to the escalation of crises.

> How could the difficult decision-making processes regarding questions of intervention within the EU be facilitated in an effective way? Which procedures, actors and institutions that respect the member states' spheres of sovereignty could provide such an internal mediation support?

Not only could the EU promote its own professionalisation with such an innovative policy instrument, it could also earn a reputation as a pioneer of mediative decision-making in the international arena.

The legitimacy and effectiveness of the EU's future activities in the area of peace mediation will largely depend on how these issues are handled now and whether the EU succeeds in designing structures to implement its approach convincingly. Clarifying these questions will also help political decision makers and implementation actors in crisis situations decide whether mediation is the appropriate instrument and whether the EU — in which role and function and using what kind of approach — can make a positive contribution to a peace process.

From a systemic perspective, an institutionally integrated steering or coordination mechanism for EU peace mediation seems to be worth further reflection. As a central interface it could connect every structure and activity relevant to mediation measures in the EU, coordinate difficult decision-making processes between member states, as well as the actual organisation of mediation processes and engagements using mediation as a tool (timing, actors, approach, etc.), foster methodological professionalisation, and generate and monitor human and conceptual resources.

In spelling out the methodological principles of EU mediation, the EU should build on the initiatives of the United Nations to professionalize the field of peace mediation - the recent UN Secretary-General's Report on the implementation of the General Assembly Resolution on "Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution" includes a Guidance on Effective Mediation with a list of Mediation Fundamentals. The guidance draws on the broad experience and expertise of the international mediation community.[93]

However, when it comes to positioning the EU as a credible player in international peace mediation, its unique potential definitely lies in a concept and approach that also reflects and represents the EU's specific identity, values and objectives as authentically and coherently as possible.

93 Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution: Report of the United Nations Secretary-General (A/66/811, 6 August 2012) including Annex I: United Nations Guidance for Effective Mediation. See also the MSN Discussion Points No. 2 of the international Mediation Support Network that reflect on the UN Guidance from the mediation support perspective and translate it into practice, available at http://www.mediationsupportnetwork.net.

Support for 'insider' mediators: A gap in EU ambitions for mediation?

Catriona Gourlay and Norbert Ropers

INTRODUCTION

Despite relying on a combination of internal and external actors for peace mediation within the EU, the EU Concept on mediation support does not acknowledge, much less prepare for, the support of mediation efforts by 'insiders'. This article argues that in focusing its support for capacity building on 'outsider' mediators, the EU is missing an opportunity to better collaborate with the majority of active peace mediators who work within their own conflict context. Their role is especially important in regions in which outside mediators are not welcome, but as the EU's own experience has shown they can also play a critical complementary role in linking external high-level mediation efforts with broader conflict transformation processes.

WHAT IS AN 'INSIDER MEDIATOR' AND HOW DO THEY DIFFER FROM 'OUTSIDER' MEDIATORS?

In Christopher W. Moore's classic book on mediation he defines mediation as 'the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute.'[94] He

94 C W MOORE, *The Mediation Process. Practical Strategies for Resolving Conflict*, Jossey-Bass, San Francisco, 2003, p. 15.

further stresses the importance of the third party being an 'outsider', because this will provide the parties with new perspectives and encourage an effective process towards a problem-solving relationship.

But Moore also acknowledges that apart from this 'independent mediator' there are two other types, which he calls the 'authoritative mediator' and the 'social network mediator'.[95] Authoritative mediation is sometimes also described as 'mediation with muscle', in which the third party can command power over the conflicting parties or mobilise resources to promote, or even enforce, the outcome of the mediated settlement. In the EU this is often referred to as 'power-based, deal brokering' mediation and it is characteristic of direct high-level mediation engagement in the context of Common Foreign and Security Policy, in regions in which the EU has a high level of influence. Past examples include the joint US/EU mediation team of EU SG/HR JavierSolana; François Léotard (France) and James Pardew (US) in reaching the Ohrid Agreement in the Former Yugoslav Republic of Macedonia in 2001; the SG/HR Solana and Aleksander Kwasniewski (Poland) mediation in the Ukrainian Orange Revolution in 2004; and the Sarkozy (EU Presidency) and Kouchner (France) mediation of the cease-fire agreement in the 2008 Georgian-Russian conflict.

The social network mediator is part of the social fabric in which the conflict takes place and has an interest in promoting non-violent and constructive relationships within this network. She/he is not necessarily 'impartial', but is perceived as trying to be 'fair'.

In the peacebuilding field, the term 'insider-partial mediators' was used by Lederach and Wehr in contrast to the North-American preference for 'outsider-neutral mediators'[96]. They argued that in the context of highly collectivist societies, a number of which can be found in Central America, those with a high stature, credibility and influence, who command wide-spread trust in their fairness, might be best qualified as mediators, even if they are aligned to one of the conflicting parties.

Critics of this view emphasise that in highly escalated conflicts even insiders who command a high level of respect across conflicting communities are often looked at with scepticism, and sometimes

95 Ibid. pp. 43 – 55.

96 P WEHR & J P LEDERACH, 'Mediating Conflict in Central America', in *Resolving International Conflicts: The Theory and Practice of Mediation*, J BERCOVITCH (ed.), LYNNE RIENNER, Boulder, 1996, p. 56.

suspicion, because of their partiality. The best response in these cases is to have several insiders with different links to the conflicting parties. They can achieve 'multipartiality' through their collaboration as a 'collective'. This concept of 'multipartial' mediation is similar to that of 'omnipartial' mediation, which emphasises the importance of transparency of the goals and interests of mediators over considerations of 'impartiality'.

The ongoing debate on the cultural adequacy of different models of mediation has also drawn attention to the advantages of 'insider mediators'. For example, the Singapore Mediation Centre argues that 'Asian mediation' embraces social harmony, including hierarchical social relations, with emphasis placed on collective identities and the importance of 'face saving' features. These are best taken care of by knowledgeable insiders.[97] Similarly, hybrid models of mediation, such as the concept of 'Facilitative Wise-Elder Mediation' in Ethiopia which aims to combine Western with traditional approaches to mediation, are seen as providing a better cultural fit than outsider models.[98] In general we are convinced that the mediation field needs a much more elaborated repertoire of such combinations to be effective in non-Western contexts.[99]

In practice, the insider-outsider differentiation is not always clear-cut because mediators can have multiple identities and allegiances. Whether or not they are seen as 'insiders' will therefore depend on the context. Also, in some conflicts the question of who is an 'insider' is already part of the conflict. One example is a conflict about the self-determination of one region within a larger nation state, where protagonists of this region might argue that all those who live outside this region are 'outsiders'. Nevertheless, most would agree that there is a significant difference between mediators who are living within a 'conflict system' and those who live outside this system.

Although there is no widely agreed definition of insider mediators, this one has found recognition in the context of the Insider Mediators Platform Africa: "Insider Mediators are trusted and respected insiders who work at multiple levels in a conflicted society, who have

97 J LEE & H HWEE (eds), *An Asian Perspective on Mediation*, Academy Publishing, Singapore, 2009.

98 C. ROOS, D. SPLINTER, L. WÜSTEHUBE, 'Facilitative Wise-Elder Mediation — On the connection between western and traditional approaches to mediation in Ethiopia', in *Perspektive Mediation*, 2/2011, pp. 86 – 90. Available at: http://www.inmedio.de/papers/Perspektive%20Mediation_2_2011_Facilitative%20Wise-Elder%20Mediation.pdf

99 M BRIGG & R BLEIKER (eds), *Mediating Across Differences. Oceanic and Asian Approaches to Conflict Resolution*, University of Hawaiì Press, Honolulu, 2011.

a deep knowledge of the dynamics and context of the conflict, who share a normative and cultural closeness with the conflicting parties and who demonstrate a nuanced sensitivity in their contribution to finding solutions to conflicts that are owned and valued by the parties themselves".[100]

Insider mediators can come from civil society, academia, politics and public service. Comparative studies of insider mediators[101] conclude that they are characterised by: an in-depth knowledge of the local situation, a high level of commitment and a broad network of personal relationships. The resources that they draw on include: support from a significant part of the population, collaboration with like-minded activists, inspiration, including through religion or spirituality, and some access to material resources. In accordance with the 'social network mediation' model, insider mediators typically work with networks of networks. They form teams and task forces with each other to engage separately with different stakeholder groups. These include grassroots communities and influential internal stakeholders such as the police, military, political parties, professional associations and outstanding individuals. They also value and often work to promote the engagement of influential 'outsiders'.

THE IMPORTANCE OF 'INSIDER MEDIATORS'

There are at least three reasons why insider mediators are important:

1. *Insider mediators operate where external mediators can't*
   There are a number of reasons why outsider mediators (no matter how able or how well supported) may not be invited to facilitate peace talks. Just as EU member states have been reluctant to grant the EU a mandate in internal dispute resolution, most states jealously guard their sovereignty and are reluctant to invite 'outsiders' to mediate conflicts that they have a stake in. This may be linked to concerns about loss of face, particularly in Asia, or to potentially

100 P HISLAIRE, R SMITH and G WACHIRA '*Insider Mediators in Africa: Understanding and enhancing the contribution of Insider Mediators to the peaceful resolution of conflicts in Africa*', PeaceNexus Foundation, Prangins, 2010. Summary available at: http://peacenexus.org/sites/default/files/insider_mediators_in_africa_report_-_website_edition_0.pdf

101 S J A Mason, *Insider Mediators: Exploring Their Key Role in Informal Peace Processes*, Berghof Foundation for Peace Support in cooperation with Swisspeace / Center for Security Studies, ETH Zurich. Berlin/Zurich, 2009. Available at: http:// www.berghof-foundation.org/publications.

conflicting interests. For example, governmental reluctance to accept outside third party mediators is particularly pronounced where the third party has a colonial past in the region. Alternatively, the host government may have no interest in the 'package' of external interventions designed to establish a post-conflict 'liberal peace', which external mediation is perceived to be a part of. According to this view, external mediation can lead to further external interventions, including outside support for the promotion of multi-party democracy, market liberalisation, the rule of law and the downsizing or reform of the military. These concerns are at least part of the reason why Egypt and other countries in the MENA region have resisted outside mediation efforts during their recent/on-going transitions. Similarly, most governments resist external contacts/mediation with armed non-state groups, as this may be seen as granting them recognition or legitimacy.

2. *'Insider' mediators complement the role of outsiders*
The field of peace mediation has matured significantly in the past two decades, with professional standards outlining how external mediators should deal with issues of substance, relationships, process and results. There is also an impressive body of knowledge on how to deal with mediation challenges such as asymmetry, intra-party conflicts, difficult personalities and spoilers. At the same time, it is increasingly apparent that that we still know relatively little about how to link high-level peace negotiation with the broader peace process. According to conventional wisdom, the best way to promote effective peace processes is to work with a 'multi-track' strategy which envisages parallel mediation processes (ideally one) at the track-1 level and a series of other pro-peace engagements in tracks — 2 and — 3. The basic rationale behind this is to mobilise support at the lower levels, assuming that this will translate into an enlarged and strengthened peace constituency that will undergird the track-1 peace mediation process. In reality, the interaction between tracks is difficult and uncommon. There is resistance at every level and strengthening a peace constituency can also mobilise people to defend and stabilise the existing conflict system. This is also part of the explanation for why most peace-processes are non-linear[102] and

102 D KÖRPPEN. N ROPERS, H J. GIESSMANN (eds), *The Non-linearity of Peace Process. Theory and Practice of Systemic Conflict Transformation*. Budrich, Wiesbaden, 2011.

around a third of all conflicts re-emerge after negotiated settlements have been reached.[103]

The peace researcher and practitioner Lederach envisions peace promotion as a space in which change makers are needed to build relationships and peace capacities 'horizontally' between the conflicting parties, as well as 'vertically' between the leadership and lower levels of the conflict society. In diagram 2, below, insider mediators are located within the classical pyramid model as persons who have horizontal links to the conflicting parties, particularly at the middle leadership level, and at the same time can also reach out vertically to tracks -1 and -3.

But in this context it is also important to emphasise that one should not expand the category of insider mediators to subsume all kinds of peace engagement, e.g. peace advocacy, the monitoring of conflict and peace, protection, peace education, trauma work, etc. It makes most sense to interpret the insider mediators as a sub-group within the wider group of insider peacebuilders. The unique feature of insider mediators in this context is that they engage directly in communications with representatives from the disputing parties. This does not only include persons who are located in the centre of the conflict spectrum, but can also comprise persons closer to the ends of this spectrum. The decisive point is here that their "mediating" potential and capacity depends on the overall collective of the people involved being sufficiently "multipartial".

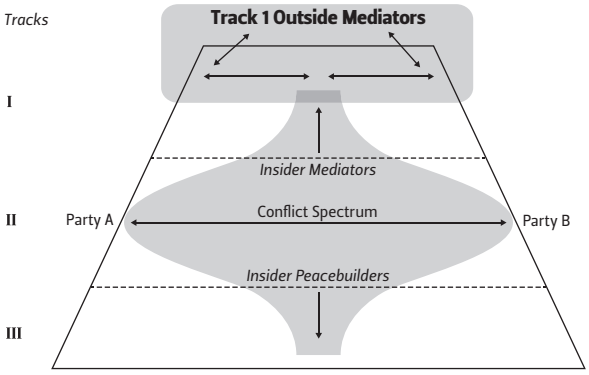

Diagram 2.
Peace promotion by outsiders and insiders

103 P COLLIER AND A HOEFFLER, 'Conflicts', in *Global Crises Global Solutions*, B Lomberg (ed.), Cambridge University Press, 2004, p. 240.

Insider mediators can play a critical role in ensuring that track -1 processes are informed about lower level processes, and vice versa, and that agreements reached within them are likely to be accepted by a broader range of stakeholders. One example of such linking up relates to the collaboration between a network of influential insiders who had informally worked to contain the violence during the immediate post 2007/8 election violence in Kenya and the subsequent mediation engagement of Kofi Annan. Their cooperation ensured that Annan's mediation efforts built on and strengthened a web of existing relationships between authoritative figures that were active in reducing violence within their communities.[104]

3. *Insider mediators are particularly relevant for countries in transition and for fragile contexts.*
One of the basic assumptions of the concept of liberal, democratic peace is that settling conflicts can best be achieved in the context of working towards multi-party democracy, the rule of law, a market economy, sufficient social standards and an active civil society. Unfortunately, achieving this kind of a 'mature democracy' takes decades. In the meantime, the society is confronted with an increasing number of conflicts and has to mitigate and transform them without well-established legal and constitutional mechanisms. In these situations, which are characteristic of post conflict societies, and many other fragile contexts, insider mediators, national dialogues and other mechanisms for inclusive problem solving are crucial if a peaceful transition process is to be maintained.

In many *post-conflict* and *fragile* societies, mediation of political conflict is not managed through formal government structures and political processes. On the contrary, politics is characterised by (often violent) winner takes all electoral contests where political leaders are rewarded for sustaining systems of patronage rather than promoting 'good governance'. Precisely because government institutions are not well-adapted to foster a mediative culture or to promote just governance in (post) conflict contexts, informal mechanisms play a relatively large role in mediation at all levels of society. These mechanisms include networks of authoritative individuals who act as facilitators and mediators in track-1 negotiations (e.g. the role of

104 G WACHIRA, T ARENDSHORST S M. CHARLES, *Citizens in Action: Making Peace in the Post-Election Crisis in Kenya — 2008*, Nairobi Peace Institute, 2009.

business and church leaders in the South African transition in the early 1990s) but more commonly at track-2 and -3 levels. Indeed, in many conflict-affected countries the majority of domestic and land disputes are resolved through mediation efforts by local networks of individuals.[105] These often serve to complement, if not substitute for, formal systems of justice.

Insider mediators also play an active role in *preventing or containing conflict*. In Africa this role is increasingly recognised and institutionalised at regional, national and local levels. For example, the early warning-early response systems used by the regional organisations ECOWAS and IGAD rely on networks of local monitors who also act as first response teams, exploring and mediating local tensions while also alerting and involving governmental and regional actors.[106] At the national level some countries have institutionalised the practice of networks of insider mediators to prevent and address election-related violence in particular. This is, for example, the case with the establishment of the National Peace Council of Ghana. A greater number of countries are building up governmental structures at the village and district levels that support and give a mandate to networks of authoritative individuals, allowing them to play a role in dispute resolution. These initiatives are increasingly acknowledged and are now collectively referred to as Infrastructures for Peace (I4P).[107]

105 For example, the *Brief Overview of Political Dispute Resolution at the Local Level in Nepal*, the Carter Center, December 2010, shows that a large majority of political and non-political disputes do not involve political parties or party members, and are handled largely outside of state mechanisms. They documented a variety of informal mechanisms. The most common at local level are ad hoc panels of prominent citizens and representatives of community organisations (women's groups, youth leaders, microcredit organisations etc.) that either mediate or adjudicate disputes. Similarly a study of Justice systems in Liberia noted the dominance and different forms of customary dispute resolution — including mediation and arbitration by networks of prominent individuals see *Looking for Justice: Liberian Experiences and Perception of Local Justice Options*, United States Institute for Peace, 2009.

106 D NYHEIM, *Preventing Violence, War, and State Collapse. The Future of Conflict Early Warning and Response*. Organisation for Economic Cooperation and Development (OECD)/DAC. Paris, 2009. pp. 74 – 76.

107 See P V TONGEREN, 'Increasing Interest in Infrastructures for Peace', *Journal of Conflictology*, 2, 2 (2011), pp. 16 – 26.

Peace negotiations *within the EU* have been mediated by a mix of 'insiders' and 'outsiders'. For example, the combination of work by outsiders, namely the International Contact Group for the Basque conflict, and influential insiders is credited with prompting the 2011 ETA ceasefire and progress towards political normalisation in the Basque country. Similarly, the collaboration between outsiders — government officials from the United States — and a range of 'insiders' working at different levels facilitated the peace process in Northern Ireland.

The EU has played an important *indirect* role in supporting peace processes within its territory. In the case of Northern Ireland, for example, its role is seen as providing space for shifts at the political level and support for a range of track -2 and -3 dialogues through the European Commission 'Peace Programme'.[108]

Moreover, the process of EU integration is itself seen as a 'peace project'. This was evidently the view of the Nobel Peace Committee who awarded the EU the Nobel Peace Prize in 2012. EU policy documents also support the view that the process of regional integration, which involves extensive negotiations to manage an increasingly intricate web of interdependencies, is a means to internal conflict prevention.[109] However, the EU has not *directly* engaged in track-1 mediation within its territory because its member states have not granted the institution a mandate to do so. Although the External Action Service includes an office of 'Mediator,' its mandate is limited to addressing disputes within the EU bureaucracy. Furthermore, the mediation 'instruments' managed by the External Action Service are designed to be used outside the EU.

In this sense the EU is a relatively unusual regional organisation. Many others have created, or are in the process of creating, structures for dispute resolution between or within their members. This is certainly true of regional organisations in Africa, which include, for

108 One study found that 'From the standpoint of Northern Ireland, the EU offered the prospect of a political space, a kind of umbrella under which it was safe to explore alternative examples and possibilities of sovereignty, autonomy, identity, and allegiance. The EU also provided both funding perceived to be independent of the British and Irish governments, and a more universal set of standards against which to interpret events at home.' N FITZDUFF and S WILLIAMS, *How did Northern Ireland Move Towards Peace? Cumulative Impact Study*, CDA, 2007.

109 EU Programme on Conflict Prevention, 2001 and EU Concept for Strengthening Mediation and Dialogue Capacities, 2009.

example, the African Union (with its Panel of the Wise), the Economic Community Of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD)[110]. It is also true of the Organisation for Security Cooperation in Europe (OSCE) and, to a lesser extent, the Association of Southeast Asian Nations (ASEAN).[111]

While the EU harbours no ambition to be directly engaged in peace mediation within its territory, many argue that the EU should expand its role in high level peace mediation beyond its borders.[112] Support for external high-level mediation efforts is generally popular, with external engagement promising high visibility and deal-brokering opportunities. It is also increasingly popular within the EU, and in the 2009 EU Concept on Mediation EU member states agreed to strengthen the EU's capacity for direct engagement in peace mediation. Past experience suggests that this is likely to be geographically limited to Europe's near abroad where EU influence and leverage is greatest. In other regions, the EU is more likely to be called upon to support mediation efforts led by others.

The 2009 EU Concept on Mediation acknowledges that the EU's role in supporting the mediation of others is *as* important as its direct engagement in mediation, and in practice the EU provides substantial financial support for the mediation efforts and mediation support conducted by other international organisations. It funds and collaborates with the UN Department of Political Affairs Mediation Support Unit, finances AU mediation efforts and supports a range of mediation support activities conducted by international NGOs that specialise in peace mediation and mediation support.

The extent to which the EU supports the mediation efforts of insider mediators is less clear. The EU has not developed programmes that aim to support insider mediators within high-level track 1 political processes and EU aid is rarely used to support efforts that explicitly aim to link local track-2 or track-3 dialogue to track-1 negotiation efforts (by insiders or outsiders). The EU does, however, provide support for a broad range of peacebuilding activities, many of which include components of dialogue and mediation at track-2 or track-3

110 L PERAL ' A European-engendered Peace Institute — Give it a chance' in this report.

111 Although ASEAN does have some formal mechanisms, in practice these are not used. Rather, members engage in discreet behind the scenes management of some conflicts.

112 E VUCHEVA, "EU could do more for peace, Ahtisaari says", *EUobserver.com*, 2 April 2009. Available at: http://euobserver.com/24/27893.

levels. For example, in 2011 the Instrument for Stability (IfS) funded projects in Bolivia, Egypt, Georgia, Côte d'Ivoire, Kosovo and the Kyrgyz Republic with clear potential to support the work of insider mediators.[113] Whether they do will ultimately depend on the quality of both the project design and partner selection. In practice, EU support is typically granted to international intermediaries, while local partners are only occasionally selected in terms of their mediation role. There are, however, signs that this too is changing. For instance, it has recently been decided that the IfS will support projects that explicitly aim to build on local mediative capacity in 10 'pilot' countries. This suggests a growing awareness within the EU of the role that insider mediators can and do play and a willingness to explore if and how these capacities can be nurtured using EU aid instruments.

The operational challenge of supporting insider mediators

Despite its importance, there has been little recognition by the international community of the role played by insider mediators and few attempts to explore how local mediative capacity can best be strengthened. In some cases, external mediation teams arrive (for example, in recent African Union mediation efforts in Madagascar or the most recent UN intervention in Afghanistan) without attempting to link up with the network of insider mediators who already play a role. While these teams of high profile outsiders may have the leverage to secure a deal, they are often not linked to track -2 or -3 efforts and risk doing harm by uncoupling a high-level political negotiation from the broader peace process. As a minimum, therefore, international actors including the UN and EU need to be better at identifying the local mediation actors and networks and linking up with them.

The challenge of how donors and international organisations can also help build local mediative capacity is perhaps bigger still. In practice, international aid has also been used to support the creation of national institutions (so-called Infrastructures of Peace) with a conflict resolution mandate, e.g. Local and District-level Peace Committees, national Ministries for Peace and Reconciliation, or National Peace Councils with a mandate to resolve conflict especially during election periods. In addition, donors have supported the work of the dozen or so specialist peace mediation support/public

113 For project descriptions, see the 2011 *Annual Report of the EU Instrument for Stability*. Available at: http://eeas.europa.eu/ifs/docs/ifs_annual_report_2011_workingdoc1_en.pdf)

diplomacy NGOs that are actively involved in conducting or supporting mediation, either globally or on a regional basis.[114] As indicated above, there is also increasing support for alternative dispute resolution mechanisms at track -2 or -3 levels — run either by NGOs or in cooperation with local government. These seek to complement the work of the formal justice sector and deal principally with domestic and land-related disputes, especially in conflict-affected countries such as Eastern DRC, South Sudan, Nepal and Liberia.

But in some contexts, "institutionalising" mediative capacity — by creating formal national institutions or NGOs — may not be the only or most appropriate response. One of the common characteristics of insider mediators is that they mobilise networks in relatively informal ways, by forming teams or sub-networks that are appropriate for each particular situation. Institutionalising or funding them may not always have the desired impact. Indeed, creating and providing Western funding for organisations may undermine personal credibility or subvert their core mediative function. The Local Peace Committees in Nepal is a case in point. Donor funding for these local infrastructures for peace, based on the positive South African experience, did not have the intended result. While the Committees were designed to include influential locals, few are now trusted to play a mediation role[115]. In short, providing support to empower and advance the work of insider mediators requires political knowledge and acumen as well as creativity and is not easily translated into programmable aid.

Despite the challenges associated with identifying and supporting insider mediators, it is nevertheless critical that the EU expands its ambitions in mediation support in order to have a better understanding of who the insider mediators are and how to link up with or support them. Without doing so, the efforts of outsider mediators are likely to be less effective and less likely to deliver sustainable and transformative peace processes.

114 For an overview of 14 international private diplomacy actors see *The Private Diplomacy Survey 2008*, A HERRBERG & H KUMPULAINEN (eds), EU Initiative for Peacebuilding, 2008. Available at: http://www.cmi.fi/images/stories/publications/reports/2008/Private_Diplomacy.pdf http://www.initiativeforpeacebuilding.eu/pdf/IfP_mediation_mapping_the_private_diplomacy_survey.pdf

115 CARTER CENTER: 'Local peace committee functioning has improved, but overall effectiveness remains unclear', 10 May 2011. Available at: http://www.cartercenter.org/news/pr/nepal-051011.html

Although the EU's own experience confirms the important, complementary role of insider mediators, this is not recognised in EU policy or plans designed to strengthen mediation support. To begin to address this gap, there are a number of ways that insider mediators could be integrated into current plans to strengthen EU mediation support. Firstly, the EU could include informal groups or actors that play an insider mediator role in its plans to provide mediation support to non-state actors. Secondly, the EU could support peer-to-peer efforts in order to share expertise and build capacity, including the national or regional platforms of insiders that play a mediation role. Finally, the EU could seek to include individuals with 'insider mediation' experience — including but not limited to the EU member states — in its plans to develop rosters of individuals for mediation support.

To better link the EU's own mediation efforts with insider mediators, the EU could endeavour to systematically share experiences between insider mediators and EU political representatives in-country.[116] It should also continue to support and learn from efforts that aim to build on existing informal mechanisms and capacity, including through Infrastructures for Peace. Should the proposed European Institute for Peace be created,[117] its mandate should include research into and assessment of existing mediative capacity and the development of options that would allow the EU to better support insider mediators.

116 EU political representatives in country include: the political sections of EU Delegations, the offices of EU Special Representatives or Envoys, and EU Common Security and Defence Policy missions — especially where they have a role in monitoring and/or implementing aspects of a peace agreement.

117 See the contributions by L PERAL and A HERRBERG in this report.

Gendering the EU's peace mediation with critical reflexivity

Tarja Väyrynen

INTRODUCTION

The EU is a norm-generating arena, and many of the norms it seeks to promote relate to peaceful conflict resolution. Hence, it can be regarded as a peace project in the sense that it is committed to the value of peaceful conflict resolution in its internal and external affairs. Peace mediation is among the norms the EU wishes to develop and promote to deal with violent political conflicts and prevent conflict escalation. Furthermore, the norms that improve gender equality also belong to the EU's agenda. Gender and the EU's conflict resolution norms meet when the EU enhances gender awareness and implements gender equality as a part of its conflict resolution, mediation and peace-building activities.

UNSCR 1325

A major tool for combining gender, conflict resolution and mediation is the implementation of the UN Security Council Resolution 1325 (2000) on women, peace and security at the EU level. It covers implementing gender perspectives in conflict resolution and post-conflict peace-building; increasing the representation of women in conflict resolution activities; addressing women in conflict and conflict-related decision-making; the supporting of local consultation in peace matters; and financial support for peace processes, peace operations and negotiation training.

Furthermore, resolution 1325 urges the participants to adopt a gender perspective when negotiating and implementing peace agreements. Measures that support local women's peace initiatives should be also taken and women should be involved in all of the implementation mechanisms of the peace agreements. In addition to resolution 1325, the EU has caught up internationally and recognises the importance of implementing UNSC resolutions 1820, 1888 and 1889 (2008 and 2009), which deal with sexual violence and obstacles to women's participation in peace processes.

The EU has a set of documents that are aimed at gender mainstreaming in conflict resolution, mediation and peace-building. These include the European Parliament resolution on gender mainstreaming in EU external relations and peace-building/nation-building (2008/2198(INI)); the Council conclusions on promoting gender in crisis management (2006); the Council checklist on gender mainstreaming and the implementation of 1325 in the planning and conduct of ESDP operations (2006); the Council Conclusions on EU guidelines on violence against women and girls and combating all forms of discrimination against them (2008); the Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP (2008); and the joint Commission and Council document "Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security" (doc 15671/1/08REV 1).

These documents note on a general level that "gender equality is a fundamental principle of the EU's Common Foreign and Security Policy (CFSP), and as such also a central consideration for crisis management capacity" and that "gender mainstreaming concerns both sexes, and requires the commitment and participation of both men and women"[118]. These problems are also recognised by the EU in the following way: "Although the Member States are party to all major international frameworks on gender equality and women's rights, and although a number of policy documents exist at the EU level, the practical commitment to furthering gender mainstreaming and women's empowerment in external policies is still weak, the implementation of the existing policy documents is modest and the budgetary resources earmarked specifically for gender issues are insufficient"[119].

118 Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP (2008).

119 EP resolution on gender mainstreaming in EU external relations and peace-building/nation-building (2008).

In short, the EU adopts the strategy of mainstreaming while encouraging gender equality in conflict resolution and mediation and recognising the slow and insufficient development in the field. The ways of mainstreaming gender into the EU's peace activities vary from specialised training to an increased representation of women in conflict management and resolution.

GENDER AS A MULTI-FACETED PHENOMENON

Gender is a multi-faceted phenomenon and although the EU notes the socially constructed nature of it, leaving gender and the way it relates to conflict resolution and mediation unexamined is highly problematic. The gender dynamics in this area cannot be reduced to the issues of equal representation or differences in the experiences of war and peace. There are deeper underlying questions the organisation needs to deal with, and many of them relate to power.

When women are, for example, included in the EU's conflict mediation teams it can be uncritically assumed that the negotiation style is a gendered matter and that their inclusion will automatically make a difference. Studies on negotiation and communication styles demonstrate how inclusivity, emotionality, supportiveness, expressiveness and sensitivity are often considered to be feminine qualities, whereas such qualities as verbal ability, effectiveness and goal-orientation are masculine; men are believed to be rational and logical, women are thought to be emotional and intuitive. Men are expected to emphasise objective facts, while women focus more on the maintenance of relationships. Men are expected to be dominant and authoritative, and women are supposed to be passive and submissive. Furthermore, women are thought to be more sensitive to non-verbal signals than men.[120]

As a consequence, the female members of mediation teams are seen to be attuned to the subtle messages conveyed by the participants in mediation encounters, and this is thought to improve the quality of mediation. The same stereotypical thinking often applies when demands for including women at peace negotiation tables in

120 For gender stereotypes see LAURA J. KRAY, "Reversing the Gender Gap in Negotiations: An Exploration of Stereotype Regeneration", *Organizational Behavior and Human Decision Processes*, Vol. 87, No. 2, March, pp. 386–409, 2002, available online at http://www.idealibrary.com

conflicting countries are presented[121]. In this line of thought, gender is seen to be a stable and individual character that is assumed to explain mediation and negotiation behaviour and performance. Adding women to mediation and negotiation teams will eventually lead to more efficient mediation and negotiation outcomes.[122]

In its most simplified form, the type of essentialist thinking described above considers women to be born to be more peaceful, caring and consensus-seeking than men. As Jean Bekthe Elshtain argues, all simplified views that couple femininity with peace, care and harmony and masculinity with violence, instrumentalism and war postulate women as 'pacifist Others', and that, in turn, reinforces the image of militaristic and utilitarian masculinity. Thinking that is based on simple binary opposition leads to strict and unchangeable social roles.[123] Ultimately, the logic that underlies essentialist views contributes to the 'feminisation of peace' and the 'masculinisation of war', which further justifies the taken-for-granted patterns of behaviour and action. Taken-for-granted action can also be seen to be shaped by a culture which frames social expectations with regard to gender-appropriate behaviour[124].

Standpoint views on gender, on the other hand, emphasise the variety of gendered experiences of war and peace. They urge the EU to look at women's experiences of war and peace in order for more sustainable peace to emerge.[125] The starting point for this type of thinking is the observation that war affects women differently than it does men. It is, however, noted that women are not only the victims of war but that they also take a variety of roles in war, including combatant roles. When the view is complemented by structural

121 E.g. "Promote the role of women as actors in peace building through their participation in peace negotiations as well as in establishing transitional governments and reconciliation structures (e.g. through the involvement of EUSEC and EUPOL DRC, the input of the local women's groups was facilitated in the Round Table on DRC SSR deliberations)" in Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP (2008).

122 For an overview and critique see KOLB, DEBORAH (1994) *Negotiation Theory Through the Looking Class of Gender*, Occassional Paper 9, Fairfax: George Mason University.

123 JEAN BEKTHE ELSHTAIN, *Women and War*. Brighton: Harvester Press, 1987, p. 4.

124 MICHELLE BARON and VENASHRI PILLAY, *Conflict Across Cultures. A Unique Experience of Bridging Differences*. Boston: Intercultural Press, 2006. MORGAN BRIGG and ROLAND BLEIKER (eds.), *Mediating Across Difference*, Honolulu: University of Hawaii Press.

125 E.g. "Women, men, girls and boys experience and take action differently in the context of armed conflict, peacekeeping, peace building and reconstruction" in Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security (2008).

and power-related concerns, namely the power dynamics that influence the gendered reconstruction in post-conflict societies, it offers an alternative justification for including women in the EU's peace mediation activities. Inger Skjelsbaek's study demonstrates how women and women's bodies come to symbolise ethnic groups and their boundaries as well as violence against ethnicities in many post-Cold War conflicts. There is a variety of femininities that can emerge in post-conflict societies — e.g. victimised, liberated, conservative — and thereby engaging women at peace mediation and negotiation tables in order to negotiate the future gender roles for post-conflict societies is important. [126] The EU's mediation efforts can reflexively contribute to post-conflict gendered peace-building by acknowledging the gendered nature of post-conflict reconstruction and by allowing space to emerge in peace negotiations where the future gendered social and political order is negotiated.

In this critical reflexive stance, where gender becomes an essential part of peace mediation and negotiations, the question is more about gendered agency than gender as an individual character. Ultimately, the view invites the organisation to think anew how it can address the issue of gender and peace-building when investigating social and global power and the interconnection between gender, peace and war. The aim should be to critically reflect the structures that have rendered gender silent in the first place when EU seeks to promote its norms in relation to peace and gender. The aim is therefore not to "add-women-and-stir", as the most simplified views on gender mainstreaming suggest.

CONCLUSION

Uncritical reliance on the notions of gender constitutes women and men as homogeneous groups and, at worst, it constitutes local women, whose involvement at negotiation tables is called for, as 'Others' who need protection from the privileged (masculine) actors. The reflexive view suggests that it is also important to carefully examine how international peace-building missions, which often include a mediation component, produce certain types of

126 INGER SKJELSBAEK, 'Is femininity Inherently Peaceful? The Construction of Femininity in the War', in INGER SKJELSBAEK and DAN SMITH (eds), *Gender, Peace & Conflict*. London: Sage, 2001, pp. 47–67.

femininities and masculinities both for the participants in the missions and the 'recipients' in the targeted countries. International peace-building missions influence the construction of masculine and feminine agencies in post-conflict societies by importing, supporting and creating a range of available agencies (e.g. protected/protector, irrational/rational, norm-abiding/norm-avoiding).

In sum, in order to promote its norms in relation to gender, conflict resolution and mediation, the EU needs to adopt a self-reflexive stance towards its goals and practices, and recognise the long-term consequences its actions have in post-conflict societies where its activities shape the future gendered social and political order. No mediation and negotiation effort is free from gendered consequences and by carefully examining them the organisation can promote its values in a more successful and critical manner.

Multi-tracking peacebuilding — Adding mediation and transformative dialogue to civilian crisis management

Pirjo Jukarainen

INTRODUCTION

Christopher W. Moore (1978) defines mediation as "the intervention in a negotiation or a conflict of an acceptable third party, who has limited or no decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement. Mediation may also establish or strengthen relationships of trust and respect."[127] When dealing with the latter part of the aforementioned quote, it has become commonplace to talk about dialogue, which is a communication process between groups of people with differing views and interests facilitated by a third party in order to reduce tensions and build up trust, empathy and understanding. In this way we can also talk about conflict prevention, or rather preventing the conflict re-escalating. If, as is often the case, a formal peace process has not involved large groups of civil society, there is a risk that some groups may spoil the agreement.

This article elaborates upon what kind of synergies mediation activities and dialogue building could have with regard to the European civilian crisis management missions, with emphasis placed on the so-called second and third Track initiatives which mediate with the different levels of society.

127 C W MOORE, 2003, *The Mediation Process, Practical Strategies for Resolving Conflict*, 3rd edition. Jossey-Bass, San Francisco.

MULTIPLE TRACKS FOR BUILDING EU MEDIATION CAPACITY

The concept of multiple tracks in peace mediation was put forward by John Paul Lederach[128]. The first, and perhaps most well-known, track comprises of negotiations between eminent persons, leaders of armed groups, members of government and parliament and the esteemed representatives of international organisations such as the UN, OSCE, African Union or the EU. All of these normally have mediation support teams and units — in other words professionals who enable the process. This level, however, forms only the tip of the iceberg. The second track may include leaders of political parties, religious leaders, influential civil society organisations and so-called insider mediators — people who have close knowledge of and relationships with the parties but avoid being partial during the process. The equally important Track III contains local NGOs, local elders and grassroots initiatives and advocacy groups. Whereas Track I focuses mostly on the settlement and bargaining of a win-win solution, the second and third Tracks are aimed at dialogue building, problem solving and facilitating the first Track; the third level may even be aimed at reconciliation or transforming the conflict society. And, as noted earlier, dialogue is also an important tool of conflict prevention.

The EU's Concept paper on "Strengthening EU Mediation and Dialogue Capacities" (2009) mentions that the following institutions provide the EU's mediation capacities: the High Representative for Foreign Affairs and Security Policy (now Lady Ashton), the EU Special Representatives in conflict areas and the CSDP missions and Commission Delegations, as well as the President and diplomatic representations of member states. My claim here is that from this list, the Common Security and Defence Policy (CSDP) missions — civilian crisis management operations in particular — are promising instruments in this respect and could strengthen the idea of a comprehensive approach in crisis management.

Antje Herrberg has aptly said that: "(t)he reality is that the EU's assessment of its role as a peace mediator is often seen through a power-based lens, one which does not fully adhere to the central

128 J P LEDERACH, 1997. *Building Peace: Sustainable Reconciliation in Divided Societies*. United States Institute of Peace, Washington.

principles of mediation."[129] Moreover, a practical problem is that at times even the appointment of an eminent, high-ranking person to a Track 1 level position is not easy due to the member states' political differences, as Antje Herrberg notes. I would even dare to claim that so-called power-based mediation does not match well with the EU's identity, because of its own legacy — for most part — as an interest-based, multi-track peace process. Creating the European free trade area, establishing the Schengen region and placing emphasis on borderland stability — i.e. supporting dialogue and cooperation in European border areas — to mention a few of the major political solutions, can be seen as "multi-track peace mediation" efforts. The former culture of war has been gradually transformed into a culture of peace. Even though the creation of the eurozone was perhaps too fast and too ambitious, it was also an important part of the larger process that has built peace between former enemies.

This success is actually phenomenal, considering that the representatives of the war generation are still living and can see the societal change. The EU should deliver internationally from these experiences, instead of limiting the mediation to Track 1 processes. The European Peacebuilding Liaison Office EPLO made a similar recommendation in its statement regarding the EU's role in dialogue and mediation, saying that the EU should focus on supporting existing dialogue and mediation efforts, including the ones posed by civil society, rather than imposing outside solutions.[130]

Herrberg (2008) also concluded, after interviewing a number of key EU officials, that the EU is not viewed as impartial but rather a global player with interests, particularly in areas of close proximity or where it has former colonial legacies. Hence, the eminent persons and the EU's Special Representatives are not effective enough to build sustainable peace, even if they would work hard. On the second and third Track mediation levels, the EU as an institution would have a lot to offer, even if there are a number of esteemed European-based NGOs and independent consultants already working in the field — especially in Finland, Norway, Germany and Switzerland. In fact, institutional mechanisms could provide the field with more

129 A HERRBERG, 2008. *Perceptions of International Peace Mediation in the EU. A Needs Analysis.* Initiative for Peacebuilding, IfP & Crisis Management Initiative CMI, 6.

130 EPLO, European Peacebuilding Liaison Office 2009. EPLO Statement on the European Union's Role in Dialogue and Mediation. http://www.toledopax.org/uploads/EPLO_CITpax_Statement_on_the_European_Unions_Role_in_Dialogue_and_Mediation_Sep_2009.pdf

coordinated and sustainable long term activities[131]. Here, as in crisis management and development work, the best efforts receive funding and attention for several years instead of months.

THE IMPLEMENTATION OF THE HUMAN SECURITY APPROACH

The EU has not yet systematically operationalised the multi-track approach in its international activities, and this is quite understandable. Although the EU has established itself as the world's biggest aid donor, it is only 13 years since the civilian crisis management structure was built inside the EU system. Some say that the heavy structures created a bureaucratic monster. This may be partly true, but the good thing is that the EU is continually learning by doing; civilian crisis management missions are either constantly being built up or having their mandates renewed and modified.

Talking about multi-track peace-mediation in this context echoes the European idea of human security and the work of Mary Kaldor and her Study Group. In 2004, Kaldor's group proposed a Human Security Doctrine, which is a comprehensive idea of security linked with human rights and development. This was, at the time, probably too heavy for all the member states to digest. The human security principle has, however, been implemented in some countries, like Finland, in the training and preparing of civilian crisis management personnel, for instance. Furthermore, the spirit of the Human Security Doctrine is included in EU politics, albeit in a subtle way[132].

What then could the practical possibilities be? Just to play with some ideas, the EU could facilitate youth exchange programmes and school mediation, or restorative justice programmes in areas where there are civilian crisis management missions going on in order to lower tensions between the younger generations, build dialogue and teach them non-violent problem solving. Countries like Kosovo could benefit from this kind of work, as the base of the conflict lies

131 To mention the biggest players: Berghof Peace Support; swisspeace; The Centre for Humanitarian Dialogue (HD); Norwegian Church Aid NCA; Finn Chuch Aid FCA; Crisis Management Initiative CMI.

132 T TAMMINEN, 'Strengthening European Peace Mediation Capacities: a more proactive EU in the making?', in T PIIPARINEN and V BRUMMER (eds) *Global Networks of Mediation. Prospects and Avenues for Finland as a Peacemaker*. FIIA Report 32. The Finnish Institute of International Affairs & Crisis Management Initiative CMI, 2012, 45–52.

in parallel education systems and curriculums. The simple fact that since the Kosovo peace agreement Kosovan Serbians and Albanians have had their own narratives of history in teaching, and even their own teachers, is worrying. Dialogue building among the large young generation, which is at high risk of being unemployed and frustrated, is necessary and should be country-wide — this is particularly important within the culturally Serbian enclaves.

European agencies are, of course, already running school mediation projects and programmes. This, however, could be more closely linked to the EU's mediation and dialogue toolkit - the Council of Europe is, for instance, already one of the donors for a school mediation programme in Macedonia, which is run by the German agencies Training Centre for Management of Conflicts TCMC and ForumZFD. Their aim is to lower ethnic tensions and reduce growing violence in secondary schools by providing mediation and conflict management skills to teachers and students. Schools in Macedonia are highly politicised and political parties often use schools for their political aims, meaning the educational system reinforces ethnic divisions. Hence, the project also aims to incorporate mediation in the school curricula and institutionalise it in Macedonian schools by working with the Ministry of Education and Science, police and the municipal leaders.[133]

A second option could be what the EPLO recommends: including a dialogue and mediation component within the activities of transitional justice. To use a definition by the United States Institute of Peace USIP: "Transitional justice refers to a process of building a culture respectful of human rights by repairing justice systems, healing social divisions, and building a democratic system of governance"[134]. The transitional justice approaches thus address the victim's suffering, as well as challenging impunity and amnesties. In the case of Afghanistan, for example, transitional justice is very difficult to implement, as it has been left to the government level.

In general, considering my own research in Afghanistan, I agree with the United States Institute of Peace USIP when they say that the peace negotiation agenda is missing both the root causes of the conflict (the mistrust of corrupt government and ethno-tribal tensions) and a wider spectrum of actors, in particular the exclusion of Afghan women. Equally, the international community's focus on

133 See "Peer - Mediation Program" at tcmc.org.mk/Peer-Mediation.html

134 L SCHIRCH 2011. *Designing a Comprehensive Peace Process for Afghanistan.* Peaceworks 75. USIP, United States Institute of Peace, Washington, p. 6.

supporting the legitimacy of the current government overshadows and undermines efforts to build peace and an Afghan nation with an active civil society. And still, it is civil society that best advocates a process of transitional justice to address past crimes and a culture of impunity. This kind of transitional justice concept has unfortunately been missing from Afghan peace talks.[135]

Last year, The Afghan Women's Network produced a report, with the support of the EU, where it says that: "[f]or women the situation is dangerous not only due to the conflict, and the lack of adherence to the rule of law but also due to the impunity of violators, and the cultural shame of speaking out, especially to police in court[…]"[136] From the women's perspective, the National Reconciliation, General Amnesty and Stability Law (2009), which was approved by both the Parliament and President Karzai, was a severe setback as it forgives war crimes committed by people in the Government. And still, international legal norms forbid blanket amnesties for war crimes, genocide and crimes against humanity. Thus, from the perspective of the EUPOL-police training mission, it must be frustrating to notice that the Afghan National Police, for example, can at worst employ former human rights offenders to work in the field of women's protection and community security. An indication of the growing mistrust was seen in September 2012, when the US Army halted its training of the Afghan Police Force. Al Jazeera linked this news to the problem that the local police had mostly been recruited from the militias of influential warlords.[137]

Thirdly, the EU could work with trusted elders and religious leaders when building the rule-of-law. Pashtunwali, a set of tribal traditions, is a major influence on Afghan values and customary law — not only among Pashtun tribes but elsewhere as well. Informal courts and similar cultural codes of extended family honour and shame prevail in every part of Afghanistan. Women are the bearers of men's, as well as their communities, honour. In some cases, women and girls are even used as restitution, as an exchange that can be married to a male member of the offended family following honour crimes such as murder, rape or unpaid debts. [138]This does not mean that there

135 Idem., pp. 21 and 34.

136 AWN, Afghan Women's Network , 2011. UN SCR 1325 Implementation in Afghanistan, p. 9.

137 AL JAZEERA, "US halts Afghan Police Training After Attacks", 2 September 2012. Available at: http://www.aljazeera.com/news/asia/2012/09/20129210058203544.html

138 Idem.

is nothing good about the traditional problem solving mechanisms. What could be done in the Afghan case, for instance, is to set a dialogue and interest-based mediation with the religious leaders, the mullahs and the village elders in order to better link the Afghan constitution, international human rights and customary law concerning women's issues, This would mean that both women and men, the local rights-holders and the international community could all have a win-win situation. Raising awareness of women's human rights with the religious leaders is useful because they are powerful, cannot be overrun by the insurgents and are listened to in Mosques and Madrasahs. Development aid agencies are already working successfully with mullahs; sometimes even with the most conservative Taliban regarding culturally sensitive issues like Marie Stopes International does in the field of maternal care and sexual and reproductive health.

LINKING MEDIATION AND DIALOGUE BUILDING WITH CIVILIAN CRISIS MANAGEMENT

In the field of civilian crisis management training, there have been steps taken to include mediation into the curricula. In spring 2012, the Netherlands Institute of International Relations Clingendael (NIIB), as the leading implementation body, organised a course with Finland's Crisis Management Center (CMC), the French Ecole Nationale d'Administration (ENA) and British International Alert. The course was organised within a new pan-European organisation, ENTRi, which is a joint effort of thirteen EU member state institutions, to strengthen their capacities in the field of crisis management training.

Beginning with such initiatives could allow the EU to go much further. By working comprehensively and keeping the human security principle in mind it could develop its multi-track peace mediation capacities, which is a great basis for further action, as, according to Catriona Gourlay's research[139], feedback from staff employed in CSDP missions indicates a demand for mediation and dialogue skills. Some officials, like the one from EU Monitoring in Georgia, suggested that the mission should play a more proactive role in identifying and supporting local mediation and dialogue capacities. In the context

139 C GOURLAY 2010. *Mediation and Dialogue as Tools for EU CSDP Missions*. Initiative for Peacebuilding, IfP & Crisis Managemen Initiative, CMI.

of monitoring the return of internally displaced persons (IDPs), she argued that the mission could help support nascent community-level mechanisms when it comes to problem solving, and that this would, in turn, contribute to the mission's stabilisation objectives.

The Aceh peace process serves as a good example of how the EU can, in principle, have a comprehensive approach to peace processes. The European Commission first funded the mediation support team, the CMI, which backed Martti Ahtisaari's mediation efforts between the Indonesian government and the Free Aceh Movement, GAM. Later, in 2005, according to the Memorandum of Understanding with the peace signatories, the EU established the civilian Aceh Monitoring Mission, AMM. The work of the AMM comprised of monitoring the peace agreement, the disarmament process and the human rights situation as discussed by Noelle Higgins in Part I of this report.

CONCLUSION

The greatest potential impact the CSDP missions could have on Track 1.5-, II- and III-level mediation is through their engagement with different layers of society[140]. This would add sustainability to the peace processes, as there is a lot of uncoordinated — sometimes even competitive — action in security sector reform and societal post-conflict reconstruction. It would also add comprehensiveness to the rebuilding of fragile states, while at the same time leaving the ownership of the process to the local society. Youth dialogue and school mediation programmes could teach mutual understanding and non-violent problem solving to the generation which will govern in the future, thus preventing the re-escalation of conflict. Transitional justice approaches would address the victims' suffering and past crimes, and therefore heal social divisions and assist in the building of democratic systems of governance. Dialogue building with the trusted elders and tribal leaders could help to combine traditional cultures and mechanisms of problem solving with the new constitutional order and the universal principles of human rights. These are just some of the examples of the synergies between the multitrack mediation and CSDP operations. Let us then hope that capacity building will become the EU's main mediation and dialogue focus in the future.

140 Idem., p. 10.

Conclusions and recommendations

Tanja Tamminen

The Common Foreign and Security Policy framework of the European Union has been provided with a number of instruments to tackle crisis and conflict situations in the world. The usefulness of mediation in this toolbox has recently been recognised and there are currently a number of processes going on to enhance the EU's capacities is this field — whether they are designed to strengthen EU mediation itself or the EU's support for mediation.

As it turns to face the ever-changing world, the European Union has to remain agile and ready to renew its policies and working tools in order to adapt them to better correspond to the situation at hand. The EU's foreign policy has been criticised for lacking long-term visions and a strategic touch.[141] The newly established European External Action Service is striving, little by little, to shrug off some of this criticism — even though the progress seems painfully slow to some. On a policy level, peace mediation and dialogue have been introduced into the "agreed language" between the 27 member states and the EU can adopt them as strategic tools when necessary. On a more operational level, different regional strategies, such as in the Sahel region and the Horn of Africa, serve as frames where the use of mediation can also be thought about in a specific context.[142] However,

141 STAFFAN HEMRA, THOMAS RAINES and RICHARD WHITMAN. "*A Diplomatic Entrepreneur Making the Most of the European External Action Service*", a Chatham House Report, December 2011.

142 European Union External Action Service, Strategy for Security and Development in the Sahel, 2011, available at http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf and Council Conclusions on the Horn of Africa, a 14 November 2011, available at http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf

the number of such regional strategies remains low and the track-record of EU mediation efforts short.

The Nobel Peace Prize awarded to the EU may well be a reward for overcoming the divisions of the past in Europe, but the watching world will now expect the EU to scrutinise its peacebuilding activities as soon as possible.

COMPREHENSIVE APPROACH

The Lisbon Treaty created an excellent opportunity for the EU to have a comprehensive approach to peace processes. This report brings up a number of concrete proposals and recommendations regarding how the European Union could enhance its activities in the field of mediation. To fully understand the opportunities that mediation as a tool, and also as a frame of thought, provides, necessitates a "change in the EU's self-perception and a shift in its organisational culture away from project implementation to a more political role".[143] This process is currently ongoing.

With its multitude of instruments, ranging from diplomacy and financial aid to military operations, the European Union can deliver change in many areas if the political will among the 27 member states is there. The effective use of EU tools, when striving towards the common goal of sustainable peace, necessitates inter-institutional cooperation and good will that can overcome the power struggles over the competencies of EU institutions. There is great potential within the EU to actually strengthen its mediation activities. EU Delegations, together with EUSRs and CSDP missions, are well placed to offer mediation expertise and play a more active role in mediation and dialogue initiatives.[144]

EU mediation and dialogue needs to be a part of the EU's approach to conflict prevention and peacebuilding. The High Representative and the Commission can further strengthen the integrated approach by planning "how mediation and dialogue [could] fit in", whether it is by "promoting mediation, leveraging mediation, supporting mediation or funding mediation". This should be done "within a

143 SCHACHINGER in this report.
144 Idem.

comprehensive approach to conflict prevention and peace building informed by a sound conflict analysis".[145]

Sometimes the EU can mediate itself. The technical dialogue between Pristina and Belgrade facilitated by the EU during 2011–2012 brought up tangible results, such as an agreement between the conflict partners on the mutually agreed name, which Kosovo can use in regional cooperation frameworks despite Serbia not recognising its independence. Sometimes, however, the EU may not be an accepted mediator in the eyes of the conflict partners. Even in these cases, the EU may still effectively support mediation process, like in Aceh. "The EU can play various roles in peace processes"; sometimes the institution's "expertise in logistics and obviously its funding capabilities" are sought, and sometimes another type of added-value is required.[146] Like any other CFSP tool, the use of mediation and the EU's role in the process need to be decided upon each time the conflict specifics are analysed.

Mediation can be seen as a short term intervention, and a mandate given to a high level personality is the most obvious example, but it must also be understood as a long-term process where mediation and dialogue are introduced into the conflict dynamics in place of violence in order to find acceptable solutions. In this frame of thought, the role of EU Delegations and EUSRs, for example, are obvious as they have been based in the conflict area for a long time.[147] "Given the multifaceted capacities of the EU, its mandate in future mediation activities could be expanded to post-conflict and peace-building activities".[148] Mediation can be seen as part of the EU's short-term crisis management effort, but it can also be seen as something that the EU can promote in its long-term relations with (post)-conflict countries or within areas with potential for conflict. Furthermore, mediation can also be used in crisis management as a crisis prevention tool.

To ensure the effectiveness of future EU activities in the area of peace mediation, "now is the time to design structures to implement its approach convincingly". A deep self-understanding of the EU's role, goals and methods, as well as its added value, would "help political decision makers and implementation actors in crisis

145 SHERRIFF in this report.
146 HIGGINS in this report.
147 TAMMINEN in this report.
148 HIGGINS in this report.

situations to decide whether mediation is the appropriate instrument and whether the EU – in which role and function and using what kind of approach – can make a positive contribution to a peace process."[149] A "peace and conflict impact assessment framework for the analysis of European and international policies, with a specific section on mediation activities undertaken or envisaged by local and international actors"[150] would be a necessity for such self-understanding. An institution closely linked to the EU, such as the proposed European Institute of Peace would be, could (if it had the necessary human and financial resources) monitor "the consequences that existing external policies and mediation activities (or their absence) may have in building peace or triggering and exacerbating conflict" in different areas.[151] "The EU needs to adopt a self-reflexive stance towards its goals and practices and recognize the long-term consequences its actions have."[152]

High Representative Catherine Ashton addressed the European Parliament[153] in December 2011, noting that "to deliver value for money we need CSDP action to be based on coherent and effective strategies, a truly comprehensive approach and, equipped with the right capabilities". This is an important first step, but to actually evaluate the "value for money" when it comes to security and defence policy can only be done by assessing the impact of the policies and activities. The EU institutions are working on a number of internal tools for self-evaluation such as benchmarking in the field of civilian crisis management, for example. Outside evaluations should not be resented either, as they can bring valuable insights into the internal strategic discussions of the institutions and help both the self-assessment and reformulation of policies and the redefining of tools where necessary. The European External Action Service can only use fully utilise its potential if it is ready to mix outside expertise with internal resources.

149 KRAUS & KIRCHHOFF in this report.
150 PERAL in this report
151 Idem.
152 VÄYRYNEN in this report.
153 Speech by High Representative Catherine Ashton on the Common Security and Defence Policy in the European Parliament in Strasbourg, 13 December 2011

Each conflict is *sui generis* and has to be handled as such. For the peace process to reach sustainable results, a regional approach is often necessary. The EU can further strengthen inter-organisational cooperation with partners such as ASEAN and the African Union but also with less obvious partners such as the Organisation of Islamic Countries (OIC), for example.

Sometimes the EU is unable to act for internal political reasons. The establishment a European Institute of Peace is a proposal that aims to think of ways to overcome such a stalemate. An autonomous institute could act "when engagement is politically too sensitive or divisive that the EU institutions cannot engage in their own name". However, "at the same time it would need a sufficient amount of political weight".[154] Such an institute could "bridge the gap between the official approach of international actors, with particular attention to the EU, and local realities and perceptions in potentially unstable environments, with a view to facilitate peace and identify eventual opportunities for mediation."[155]

Peace processes need different kinds of professional expertise. Understanding conflict dynamics and mediation technics is one layer of expertise which is necessary and often underrated. However, other types of expertise should not be disregarded either. "Given the central role that human rights disputes often play in conflict situations, experts in this field should form part of the mediation team".[156] Promoting norms related to gender, for instance, necessitates capabilities to also analyse the impact that the mediation process has on the society rather than a quota of women staff members in the team.[157] Expertise on the specific region and culture is needed. Different actor groups need to be regarded as crucial for mediation processes. EU Delegations and EUSRs are obvious targets for mediation awareness-raising efforts. "In the field of civilian crisis management training there has been steps taken to include mediation into the curricula".[158] NGOs and private mediators are also an asset that the EU can refer to.

154 HERRBERG in this report.
155 PERAL in this report.
156 HIGGINS in this report.
157 VÄYRYNEN in this report.
158 JUKARAINEN in this report.

A fact often forgotten is that the people living in the conflict area know their situation the best. "Insider mediators can come from civil society, academia, politics and public service." "They have in-depth knowledge of the local situation, a high level of commitment and a broad network of personal relationships" which can be invaluable in peace processes. The EU could, in fact, "link up with insider mediators", build their mediative capacity and provide them with mediation support.[159]

To sum up, the European Union can do a lot to improve its performance in mediation support, and a conceptual clarification could be of help. The EU has focused its CSDP development during the last twenty years on military and civilian crisis management capacities. The EEAS has adopted the crisis management structures that were previously based in the Council Secretariat and established a Crisis Management Board using the old "crisis management" terminology. Mediation support is situated under the "conflict prevention" thematic, even though it is part of the aforementioned "crisis management structures". However, among researchers and practitioners the "conflict transformation" term has become increasingly popular, as it reflects the understanding that to address a conflict "in a sustainable and effective manner, fundamental social, political and cultural change needs to take place". A conflict in a society develops over a long period of time, and cannot be solved easily nor "managed"; it needs to be transformed on a number of levels, including "behavioural, attitudinal and structural".[160] New processes to find solutions to disputes need to be found and agreed upon. Outsider and/or insider mediation could and should be used on all these levels with a long-term perspective. This logic requires a proactive stance and the political will to support conflict transformation processes – even in areas which are not yet covered by the evening news' leading correspondents.

159 GOURLAY & ROPERS in this report.

160 MICHELLE PARLEVLIET: "*Conflict Transformation — 10 key ideas & principles*", prepared for DANIDA.

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Strengthening the EU's peace mediation capacities

Leveraging for peace through new ideas and thinking

Tanja Tamminen (ed.)

The European Union, despite its internal problems and institutional challenges, is becoming increasingly involved in conflict management and peace processes around the world. In itself, the EU is renowned for being a successful peace project.

The Common Foreign and Security Policy framework of the European Union provides a number of instruments to tackle crisis and conflict situations in the world. The usefulness of mediation in this toolbox has recently been recognised and there are currently a number of processes going on to enhance the EU's capacities in this field — whether they are designed to strengthen EU mediation itself or the EU's support for this type of third party intervention.

This FIIA Report gives a comprehensive picture of the still quite modest EU peace mediation activities. The contributors examine the prospects and avenues available to the EU. All the writers are, in one way or another, involved with strengthening European mediation capacities. The report gives a short overview of the current EU frame in the field of mediation and dialogue, and discusses the different ways through which to enhance the EU's capacities in this field.

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