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Policy Brief

April 2019

Version 2.0: Rebooting the EU's International Mediation Role

Summary

In 2009 the EU adopted the Concept on Strengthening EU Mediation and Dialogue Capacities, its first-ever strategic document focusing specifically on mediation. Reflecting on past experiences in mediation engagements, the Concept provided an important impetus for further institutionalising the EU's capacities in mediation and providing some systematic guidelines for EU mediation activities. Ten years after its adoption, the EU's concept and practices of mediation need revisiting.

Building on research findings produced by the UACES-funded *EU as International Mediator* research network, this policy brief reflects on the EU's experiences in international mediation and provides concrete policy recommendations that could feed into a strategic update of the 2009 Concept.

Introduction

The European Union (EU) is in a unique position vis-à-vis other mediation actors. While traditionally mediators are supposed to be impartial or neutral, the EU has often had prior involvement in the areas where it engages in mediation. Moreover, the EU can rely on an impressive diplomatic infrastructure, funding resources, and networks to provide offices, enhance communication and information exchange, and facilitate agreement on joint goals, priorities and strategies that are key resources for mediation engagements (Herrberg 2018, p. 310). While these make

mediation an important tool in the EU's external relations, it is the role of the EU, as a political actor, that informs the substance of its mediation activities, strategies and outcomes.

EU Mediation is to be understood as any effort by single or collective actors representing the Union to assist negotiations between conflict parties and to help them bringing about a settlement to their conflict (Bergmann and Niemann 2015, p.959).

As the 10-year anniversary of the *Concept on Strengthening EU Mediation and Dialogue Capacities*

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This policy brief is based on the findings of the UACES-funded *EU as International Mediator* Research Network (EUaIM).

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approaches, there is the opportunity to reflect on the EU's role as an international mediator and drawing on research findings from the *EU as International Mediator Research Network*, to identify entry points for more effective deployment of mediation as a tool of conflict prevention and crisis management.¹ The first two years of implementation of the 2016 EU Global Strategy focused on advancing the EU's security and defence capacities as well as its civilian crisis management missions through the adoption of the 2018 Civilian CSDP Compact. While this prioritisation was reasonable, it is now time to focus on the EU's diplomatic tools to prevent and resolve violent conflicts in order to achieve the 'full cycle implementation' of the EU Global Strategy.

Typically, actors such as United Nations (UN) eclipse the role of the EU as an international mediator. Since the beginning of the 2000s however, there has been an increase in the European Union's direct support for peace negotiations in a variety of inter- and intra-state conflicts and across different regions in its near and far abroad. Moreover, as Davis (2018) argues, the EU as is multi-mediator, meaning it can be engaged in multiple tracks of negotiations.

In 2009, as a demonstration of the EU's aspiration to increase and streamline its crisis response capacities while sharpening its profile as an international mediator, the *Concept on Strengthening EU Mediation and Dialogue Capacities* was launched under the Swedish Council Presidency. The Concept was the first EU policy framework to deal exclusively with the EU's role as a mediator in international conflicts and has become the main reference point for EU mediation activities (Bergmann et al. 2018). The importance of mediation has been further emphasised in the 2016 EU's Global Strategy for Foreign and Security Policy as an important tool in the EU toolkit of crisis management and prevention.

The EU's role in international mediation has been somewhat enhanced by institutional innovations such as the establishment of a Mediation Support Team within the European External Action Service (EEAS) in 2012, and later relocated into the PRISM (Prevention of Conflict, Rule of Law/SSR; Integrated Approach, Stabilization and Mediation). Additionally, in 2014, following the initiative of Sweden and Finland, the European Institute of Peace was launched as an independent think tank to support the mediation work of the EU. All these underline the significance of mediation for the EU and are important steps in enhancing EU capabilities (Davis, 2018).

The EU has committed to including gender perspectives in

all its external policies (and more particularly crisis practices) however this has not taken sufficient root within mediation practices. The EU's commitments are clearly articulated in both the *Gender Action Plan* and other commitments to the Women, Peace and Security agenda. However, more attention needs to be paid to embedding gender perspectives in other areas of crisis management. In an age where the lack of gender equality, particularly the inclusion of women into peace process, is seen as dangerous to sustainable peace, this is a significant gap for the EU (Haastrup, 2018).

Reflecting on the EU's performance as a mediator

There is considerable utility in viewing the different activities and strategies employed by the EU in a diverse number of conflicts. A dive into the EU's performance in these conflicts is instructive in highlighting the work that is being done and the current limitations to the EU's effectiveness as a mediator and to its impact on the settlement of conflicts. It is clear that the EU has the resources to be an international mediator. Mediation however is firmly embedded within a broader foreign policy drive that has previously prioritised other crisis management tools as interventions (see Haastруп, 2018; Davis, 2018; Pinfari, 2018).

The EU as a mediator, especially in its Eastern neighbourhood is able to use its contractual relations with countries in conflict as a channel to incentivize them to achieve progress in mediation processes. This leverage is stronger if there is a clear EU membership perspective, as it is the case in the Western Balkans (Bergmann 2018a). But where there is no such prospect, where there is no accession prospect as we saw in the case of Egypt (Pinfari 2018). Indeed, it is apparent that

¹ <https://euaimblog.wordpress.com/about/>

the EU's strength in terms of leverage does not guarantee the its success in mediating a political settlement between conflict parties. There are limits on the EU's actions due to its existing political roles. This is clear in the case of Bosnia Herzegovina (Richter 2018) and the Israeli-Palestinian Conflict (Elgstrom et al. 2018).

Finally, in terms of policy framework while the Concept on Strengthening EU Mediation and Dialogue Capacities of 2009 provided a useful initial framework showcasing the EU's commitments and highlighting intended areas of strength, it is mainly descriptive. It is sparse on offering specific policy guidance especially to EU mediators.

EU Mediation Activities and Strategies: lessons from practice

The EU comes to any conflict arena with a certain power at its disposal. This power is **leveraged** by the EU by being backed by its financial resources. This helps to support post mediation outcomes through other external relations civilian or military crisis management instruments as well as instruments in trade and development. This approach has been taken in Ukraine in response to the Euromaidan crisis, the Democratic Republic of Congo and in Kosovo. In Ukraine, the EU had material leverage that helped to "extend its social network of contacts in Ukraine, gain insightful knowledge about political processes in Ukraine and reinforce institutional representation" in the context of the crisis (Nartoski, 2018, p.293).

The power of the EU to leverage its resources is evident in the Democratic Republic of Congo (DRC). Conflict in the DRC has been ongoing since the 1990s and has involved the intervention

of international actors in a variety of capacities. Between 2009 and 2013, the EU acted as a multi-mediator in the DRC. Laura Davis (2018) uses 'multi-mediator' to recognise that the EU can engage with different actors, in the different mediation tracks identified by Diamond and McDonald (1996):

- A. Track I – The formal negotiations between the official representatives of the conflict parties.
- B. Track II – involves individuals or organizations who have privileged access to Track I actors but are not themselves party to the formal negotiations.
- C. Track III is the grassroots or community level talks and dialogues.

As a perceived outsider, the EU tends to be seen as being able to negotiate a mutually beneficial agreement without (threatening) the use of force. The Union is likely to mediate effectively when it is recognised as legitimate by the conflict parties (see Natorski 2018, Davis 2018, Richter 2018). In Kosovo, the EU's unique position in terms of leverage vis-à-vis the parties provided the EU with a comparative advantage compared to other third-party actors. The EU's success in brokering a number of important agreements between the parties was due to its ability to incentivize conflict parties towards compromise agreements. However, the EU's strength in terms of leverage does not guarantee the EU's success in mediating a political settlement between conflict parties, which is demonstrated by the current deadlock in Kosovo-Serbia relations. The Kosovo-Serbia case indeed also demonstrates the **limits of a mediation approach highly based on strong conditionality** and its dependence on conflict parties' willingness to compromise (Bergmann, 2018a). Moreover, power mediation, making use of conditionality, tends to be detrimental for producing lasting agreements as it risks providing "artificial incentives" for agreements (Richter 2018; Bergmann 2018a).

The scope of EU mediation activities and the diverse settings within which they take place are quite broad. The EU can act as a direct lead or co-mediator in peace negotiations based on its own experience. This is part of its mandate to **promote** mediation as identified in the Concept.

The EU has also **supported** peace processes by providing information and communication channels to conflict parties, and other partners. This is mainly achieved through **funding**. For example, the EU has provided funding through the European Resource for Mediation

Support (ERMES). ERMES is based on a framework contract with a consortium of five organisations (Crisis Management, Centre for Humanitarian Dialogue, ACORD, International Alert, Search for Common Ground) that established a pool of mediation experts who can be deployed to conflict situations on very short notice. Through ERMES, the EU is able to deliver support to peace processes, in as little as 48 hours after the emergence of a crisis (Bergmann 2018b, p. 21). In its various iterations, ERMES has supported third parties involved in inclusive peace mediation and dialogue processes in the African Union, League of Arab States and the organisation for Security and Cooperation in Europe among others. ERMES has provided technical assistance and training, working with the EEAS for political guidance.

In addition, various EU instruments that target mediation activities include the European Development Fund (EDF), the Instrument contributing to Stability and Peace (IcSP), and the European Instrument for Democracy and Human Rights. Additionally, the thematic program for Civil Society Organisations and Local Authorities of the Development Cooperation can support the work of civil societies engaged in Track III mediation activities.

Though these capacities give the EU power in the international arena, this might not always be conducive to conflicting parties or ensuring positive mediation outcomes. In Bosnia Herzegovina, the EU was an interested party with prior political relationships with the conflicting parties. Using this prior relationship, the EU can leverage conditionalities. For instance, Richter (2018) notes that the EU's attempt with the US to consolidate the aspirations of the Dayton Accords in Butmir did not yield tangible results despite the EU's leveraging of accession conditionality. This attempt failed because the EU's conditionality was not deemed to be convincing. Consistent with the EU's broader external relations practice, the EU was not going to jeopardise the peace in the region whatever the bad faith actions of the conflicting parties.

Similarly, the EU attempted to assume a significant mediation role in Egypt during the Arab Spring. In Egypt, there was no aspiration to accession and so this was not a reasonable conditionality to leverage. Yet, also when using other positive conditionalities like trade and financial aid "these tools Often brandished by EU institutions and envoys, ... face a number of substantial obstacles of their own in implementation" (Pinfari, 2018 p.201)

Taking the EU's mediator role in one of the longest conflicts in the world, Elgstrom et al. (2018) have found that the Israeli and Palestinian sides consider the EU to be a biased mediator. This works to different ends of course. For some, the

entrenched political relationship that the EU has in this region and particularly with Israel and the Palestinian Authority (PA) rules the EU out as a credible mediator. "The EU has devoted considerable material resources to building peace between Israel and Palestine" (p.307) including through two association agreements that the EU signed with Israel and the PLO on behalf of the PA. While this may be interpreted as an inherent leverage on the part of the EU, similar to the Egyptian case, the EU has been unable to use the leverage effectively to yield substantive results. Whereas Israel considers the EU to be anti-Israeli, the Palestinian do not consider the EU to be negatively biased although the same cannot be said for its member states (Elgstrom et al. 2018). More generally, it can be said that when a bias or lack of impartiality was identified on the part of (EU) mediators, the mediation process and conflict settlement were adversely affected, even if it was not always seen as a main cause of (perceived) EU ineffectiveness (Natorski 2018; Richter 2018).

We see that the EU's position in the sphere of international mediation is diverse. It further has a set of consequences that require reflection in order to sustain and strengthen this particular role. As such, there are lessons to be learned from some of these cases.

Policy Recommendations for updating the framework for EU International Mediation

Based on the preceding analysis of the EU's experiences as a mediator within the last 10 years, we hold that there are five broader developments that have influenced and will continue to influence the EU's mediation engagements in violent conflicts and post-conflict constellations. These need to

be integrated into a renewed strategic framework for EU mediation activities:

(1) First, an update to the *Concept* should **develop an overarching and systematic political strategy** for the EU to support international and regional organisations in their mediation endeavours in the medium to long-term so that it is less ad-hoc. The last ten years has seen the advancement and further institutionalisation of the EU as a partner in international mediation. For example, it cooperates closely with the UN Standby Team of Mediation Experts (Herrberg et al. 2015). Further, and together with Norway, the EU is a key funder of the Standby Team through an IcSP project, significantly contributing to this unique crisis-response and conflict-prevention mechanism (Bergmann 2018b, p. 19). The EU has also supported mediation support units in the African Union and is currently supporting other regional organisations such as IGAD or the Gulf Cooperation Council.²

(2) Second, **EU member states need to be better integrated into EU mediation efforts** the EU's own practices so that the relationships are less ad-hoc and more inclusive. Member states have played an important role in supporting mediation efforts undertaken by EU institutions (Niemann et al. 2018), while also strengthening their own mediation capacities – Germany, for example

has the “Peace Mediation Initiative Germany”. If the EU is to fully exploit the resources and expertise of its member states in international mediation, there needs to be more systematic in how their capacities feed into

(3) Third, the EU needs to **clarify the role and status of mediation within the 2016 EU Global Strategy**. Since the adoption of the 2009 Concept, the EU has made considerable steps towards forging integrated approaches to crises (Faleg et al. 2018). However, only if the integrated approach spells out both the distinctiveness and connection points of mediation in relation to its other instruments of crisis prevention and conflict management, can mediation take a prominent and permanent place within the EU's foreign policy toolbox.

(4) Fourth, the EU must include gender perspectives into its mediation architecture and practices to ensure truly inclusive processes and outcomes. Despite a commitment to gender mainstreaming, this has not always been evident. Given renewed commitment to gender issues in the Global Strategy and the adoption of the 2018 EU Strategic Approach on Women, Peace and Security (WPS) there is the opportunity for a greater and **more purposeful integration of gender perspectives** into the EU's mediation apparatus.

(5) Fifth, EU mediation is a powerful tool that can **enhance the implementation of Sustainable Development Goal (SDG) 16**. Part of the Agenda 2030, SDG 16 focuses on the promotion of peaceful and inclusive societies, providing access to justice for all and build effective, accountable and inclusive institutions at all levels. While the EU champions the SDGs, until now there was no opportunity to make this link between the Goals and the EU's mediation framework. Linking the two frameworks can contribute to inclusive and participatory approaches towards the resolution of violent conflicts, ensuring that issues of accountability, transitional justice, and human rights are sufficiently addressed in peace agreements.

(6) Sixth, the 2021-2027 Multi-annual Financial Framework (MFF) should consider the creation of a **mediation facility**. Providing indirect support through funding to partners requires flexibility and agility so that the funds are disbursed quickly to those that need them. Whereas EU funding and reporting mechanism are often complex, the inclusion of the mediation facility within the proposed Neighbourhood, Development and International Cooperation Instrument (NDICI) foreseen for the MFF would enhance the EU's capacity to launch mediation activities very quickly after the emergence of crises or conflicts.

2 https://ec.europa.eu/trustfund-forafrica/all-news-and-stories/igad-eu-and-austrian-development-agency-sign-agreement-peace-and-security-horn_en

https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-hoa-reg-36_ippsar_incl_rider.pdf

https://eeas.europa.eu/headquarters/headquarters-homepage/29255/eu-backs-mediation-efforts-resolve-gulf-crisis_en

Conclusion

In the ten years since the development of the Concept on Mediation, the EU has engaged in various conflicts within varying results. Moreover, its institutional architecture has also evolved to take account of the changes within the EU itself and among its third-party partners. It is on the basis of these experiences that we argue that the EU's concept and practices of mediation need revisiting after 10 years of developing practices.

An updated framework for EU International Mediation should include an **Action Plan** that sets out clear guidelines for EU mediators, institutions and member states engagement in crises. In its update the EU should **develop an overarching EU political strategy** for supporting international and regional organisations in their mediation endeavours in the medium to long-term.

To ensure consistency, we argue that greater efforts should be made towards better coordination and coherence among member states' approaches to specific conflicts. In order to fully exploit the resources and expertise of member states in international mediation, the EU should further specify how they can contribute to mediation initiatives undertaken by EU actors. To promote inclusive and participatory approaches towards the resolution of violent conflicts and ensure that issues of accountability, transitional justice, and human rights are adequately addressed in peace agreements, the strategic update should firmly establish the link between mediation activities and the EU's contribution towards sustainable development. Moreover, while research has shown that gender perspectives still have limited integration into the EU's mediation practices, the new EU Strategic Approach to the Women, Peace and Security agenda provides an opportunity to remedy this.

Finally, support for mediation through funding by the EU should be flexible so as to deliver to partners more rapidly.

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The EU as International Mediator (EUaIM) is a collaborative research network that seeks to create and promote new knowledge on the EU's role in international crisis management through mediation. The Network provides the basis for the development and refinement of a research agenda that assess the place of mediation within the EU's crisis toolkit while theorising the EU's capacity to broker peace.

The network provides the space for dialogue and collaboration between colleagues with a background in conflict studies seeking to understand mediation and its dynamics, and those seeking to account for actions conducted by the EU. It therefore draws on a membership and knowledge base within academia, and the policy and practitioner worlds.

EUaIM is funded by UACES and co-convened by Toni Hastrup, Julian Bergmann, Arne Niemann and Richard Whitman. Learn more: www.uaces.org/eu-mediator | @EUaIMRN