

IFP MEDIATION CLUSTER

ENGAGING THE EU IN MEDIATION AND DIALOGUE

Reflections and Recommendations

Synthesis report

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May 2009

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ENGAGING THE EU IN MEDIATION AND DIALOGUE

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ACKNOWLEDGMENTS

The author would like to acknowledge Canan Gündüz from International Alert for her generous input to the paper, and the added input of Priscilla Hayner as well as Laura Davis of the International Center for Transitional Justice. Many thanks also to Phil Vernon of International Alert for his comments. To the participants of our multitrack workshop that took place on 26-27th January 2009 under the auspices of the Initiative for Peacebuilding (IfP)¹, we are grateful for many inputs that inspired and allowed the finetuning of this paper. To Lucia Montanaro and Michael Savolainen, thanks for the editorial process and able assistance.

¹ See: Initiative for Peacebuilding (IfP)/Crisis Management Initiative (CMI) (2009). *The EU multitrack approach in international peace mediation: Building capacity and strengthening cooperation between the EU and private diplomacy actors*. Workshop report, 26-27th January 2009, Brussels. Available at http://initiativeforpeacebuilding.eu/resources/Workshop_report_26-27_The_EU_Multitrack_approach_in_International_Peace_Mediation.pdf.

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ACRONYMS

AU	African Union
CFSP	Common Foreign and Security Policy
CMI	Crisis Management Initiative
DAC	Development Assistance Committee
DRC	Democratic Republic of Congo
EIDHR	European Instrument for Democracy and Human Rights
ESDP	European Security and Defence Policy
EUSRs	EU Special Representatives
GAM	Free Aceh Movement (Gerakan Aceh Merdeka)
ICC	International Criminal Court
ICTJ	International Center for Transitional Justice
IfP	Initiative for Peacebuilding
iQSG	Interservice Quality Support Group
NGOs	Non-governmental organisations
OECD	Organisation for Economic Cooperation and Development
OSCE	Organisation for Security and Cooperation in Europe
PbP	Peace-building Partnership

EXECUTIVE SUMMARY

This synthesis paper aims to crystallise the key points of the EU's challenges in international peace mediation. These are based on the research and findings that have emerged in the Initiative for Peacebuilding (IfP) Mediation Cluster.²

The practice of international peace mediation has been used to good effect in different conflict contexts. However, little systematic learning has been drawn from these experiences to date, and EU approaches and involvement in peace mediation appear ad hoc.

In particular, the paper:

- Presents different categories of mediation in order to reflect on the range of approaches applied to highlight the need of distinguishing appropriate approaches, and to maximise complementarities between formal and informal processes, and between mediation and dialogue;
- Summarises key lessons that surfaced in the research and activities of the Mediation Cluster of IfP in the last fifteen months;
- Proposes to apply an evaluation framework for engagement in international peace mediation as a way to further professionalise and improve the practice of international peace mediation; and
- Recommends actions in six key areas; pointing also to present gaps in knowledge or institutional set-up that might prevent action.

KEY RECOMMENDATIONS TO THE EU:

These are further elaborated in the final section of the report.

1. Operationalise a “multi-track” approach.
2. Advocate for the inclusion of international human rights principles and transitional justice approaches into peace agreements.
3. Improve EU practice by strengthening evaluation capacity.
4. Conduct mediation research to improve mediation practice.
5. Strengthen the role of international peace mediation as an instrument in EU Common Foreign and Security Strategy (CFSP) and European Security and Defence Policy (ESDP).
6. Strengthen EU mediation capacity through professionalisation.

² For more information on the case studies on which this synthesis report is based, please see the “Thematic Reports” section at the end of this paper.

INTRODUCTION

Mediation is widely recognised as an effective instrument in national and international conflict resolution, utilised by a variety of state-, non-state and multilateral actors and agencies at different levels in the international system, and to different ends. Maintaining international peace and security is one key area where mediation gets utilised frequently, with varying degrees of success.

As one of the largest and most powerful political and economic actors in the world, the EU is based on and promotes principles of conflict prevention and resolution, internally as well as in its external relations. With a multitude of political, economic and military instruments at hand, its combined knowledge on peacemaking efforts and its presence in more than 118 countries worldwide position the EU to play a proactive role during, as well as in the aftermath of, persisting armed conflicts around the world.

The practice of international peace mediation has been used to good effect in different conflict contexts. However, little systematic learning has been drawn from these experiences to date, and EU approaches and involvement in peace mediation appear ad hoc.

With a view to strengthening EU capacity and engagement (either through its direct engagement, or by supporting others' efforts with financial and technical assistance) this paper synthesises and presents key findings and recommendations from a series of research, discussions, consultations and analysis carried out by the participants of the mediation cluster of the IfP, carried out between 2007 and 2008.

As such, the primary audience for this paper is the EU policy community engaged in conflict prevention, resolution and post conflict reconciliation.

In this light, the purpose of the paper is to demonstrate the viability of systematic approaches in peace mediation, to encourage good practice and lesson-learning from EU peace mediation interventions, so as to engage the EU in a meaningful way in conflict resolution.

In particular, the paper:

- Presents different categories of mediation in order to reflect on the range of approaches applied to highlight the need of distinguishing appropriate approaches, and to maximise complementarities between formal and informal processes, and between mediation and dialogue;
- Summarises key lessons that surfaced in the research and activities of the mediation cluster of the IfP in the last 15 months;
- Proposes to apply an evaluation framework for engagement in international peace mediation as a way to further professionalise and improve the practice of international peace mediation; and
- Recommends actions in seven key areas; pointing also to present gaps in knowledge or institutional set-up that might prevent action.

DEFINITIONS

“Mediation” and “dialogue” are often used in different ways by different actors, or in fact interchangeably; some distinctions and complementarities between the two are drawn in the section entitled ‘Differentiating Between Mediation and Dialogue Processes’.

Mediation is practiced in different ways. Our basic approach to “mediation” is based on an interest-based approach which can be defined as a voluntary and confidential method of a structured process, where one or more impartial third parties assist conflict parties to reach a mutually satisfactory solution. The mediator provides a framework, but makes no substantial suggestions or decisions in the case.³

STRUCTURE OF SYNTHESIS PAPER

The following section gives a broad overview of the different mediation-related instruments and mechanisms the EU has at its disposal, to which subsequent lessons and recommendations are directed. Consequently, what follows is a discussion of the different categories and types of mediation the EU can draw on. We also present key lessons that can strengthen EU policy and practice in this area. The final section then develops a set of recommendations for future action.

³ See also, for example: V. Vindeløv (2006). *Mediation: A non-model*. Copenhagen, Denmark: DJOF Publishing; C.W. Moore (2003). *The mediation process*. San Francisco, US: Jossey Bass; H. Diez (2005). *Werkstattbuch Mediation*. Cologne, Germany: Centrale für Mediation.

OVERVIEW OF EU MEDIATION-RELATED INSTRUMENTS AND MECHANISMS

Throughout the history of the EU, foreign policy – particularly a *common* foreign policy – has always been a complex policy field. This is in part because foreign policy is still seen as part of a Member State's sovereignty. The CFSP is decided by the 27 Member States. Member States have different opinions and traditions regarding some regions of the world, often rendering a common position difficult. The European Commission (EC) and European Parliament have little influence over CFSP. They do, however, control the budgets for the Commission's large aid programmes, some of which – such as the Instrument for Stability and some of the regional instruments – complement and reinforce CFSP in the medium- and longer-term.

Two components of CFSP are important to consider for the purposes of this paper: the ESDP “pillar” which includes peacekeeping and crisis management missions, and the EU Special Representatives (EUSRs). The EUSRs are appointed to support Javier Solana, High Representative for the Common Foreign and Security Policy, in specific regions of the world. There are currently 11 EUSRs with mandates that vary according to the political context. In general their role is to promote EU policies and interests, assist in efforts to consolidate peace, stability and the rule of law, and help coordinate EU policy.

Taking into account the complexity of the EU's foreign policy-making, a key argument for strengthening EU engagement in international peace mediation is that it can readily draw on existing instruments and mechanisms, and maximise their use for mediation efforts by sharpening mandates and working methods, where appropriate. These diffuse entry points are a distinct asset and strength of the EU; at the same time it is the extent to which they are deployed effectively that will determine their real impact on peace processes. Broadly speaking, these can be summarised as follows:

Table 1: EU political instruments with relevance for international peace mediation*

Mechanism	Details
High Representative for Common Foreign and Security Policy (CFSP) (currently Javier Solana)	<ul style="list-style-type: none"> ▪ Support to the Council on matters relating to CFSP, and support to implementation of CSFP-related decisions by the Council ▪ Participation in troika missions ▪ Leading on political dialogue with third countries
Council Common Positions	<ul style="list-style-type: none"> ▪ Circumscribe shared foreign policy positions by EU Member States, including in conflict-affected countries ▪ Could serve to stimulate mediation-focused foreign policy approaches, and stimulate Member State efforts in the same direction
Council Joint Actions	<ul style="list-style-type: none"> ▪ Taken by Member States on behalf of the EU ▪ Can include suspension of diplomatic relations, imposition of sanctions, initiation of different types of EU missions

* This table is drawn from: International Alert and Saferworld (2005). *Developing an EU strategy to address fragile states: Priorities for the UK Presidency*. Available at <http://www.saferworld.org.uk/images/pubdocs/UK%20EU%20Presidency%20Paper%202005.pdf>; Saferworld and the Conflict Prevention Network with Africa Peace Forum and InterAfrica Group (2002). *Understanding the EU: A civil society guide to development and conflict prevention policies*. Available at http://www.saferworld.org.uk/publications.php/70/understanding_the_eu; and S. Gentz (2007). *EU influence in conflict: Power to mitigate or mediate*. Paper produced for the Oslo Forum 2007, Henry Dunant Centre. Available at <http://www.osloforum.org/osloforum07>.

<p>EU Special Representatives and Envoys</p>	<ul style="list-style-type: none"> ▪ Special Envoys can conduct assessment missions for the EU, and can recommend courses of action for the EU on how to support specific peace processes, financially or technically ▪ EUSRs can be nominated by the Council for specific regions or countries to assist, facilitate and contribute to ongoing peace processes ▪ May or may not have explicit mediation mandates ▪ Ensure open communication channels between parties and Brussels/ Member States
<p>Policy Planning and Early Warning Unit</p>	<ul style="list-style-type: none"> ▪ Situated within the Council Secretariat ▪ Assists with monitoring, analysis and assessment of international developments ▪ Receives political reports from EC Delegations around the world
<p>EC Delegations</p>	<ul style="list-style-type: none"> ▪ More than 130 delegations ▪ Provide analysis and reporting on third country political and other developments ▪ Implement external assistance ▪ Provide logistical support to different types of EU missions and high-level visits ▪ Maintain networks and contacts with in-country political, economic and civil society actors
<p>Troika visits</p>	<ul style="list-style-type: none"> ▪ Provide continuity to EU engagement, including current, preceding and upcoming Member-State Presidencies of the Council ▪ Can conduct dialogues with third countries on behalf of the EU ▪ Opportunity for high-level political engagement by the EU in a mediation process, drawing on Member-State capacities
<p>Various EC Commission funding instruments, Instrument for Stability managed by Directorate-General for External Relations (DG RELEX) (previously the Rapid Reaction Mechanism)</p>	<ul style="list-style-type: none"> ▪ Can provide financial assistance to 'international and regional organisations, state and non-state actors', including for mediation efforts, negotiations, and monitoring and implementation of ceasefire and peace agreements through the Mediation and Policy Advice Facility. This can include financial assistance to: <ul style="list-style-type: none"> ▪ another third parties' mediation efforts; ▪ allow parties to participate in mediation efforts, e.g. when they take part abroad; and ▪ fund technical support or mediation support efforts, e.g. to bring in transitional justice or elections advisors.

Against this backdrop and given the diversity of these entry-points, it should not come as a surprise that EU officials at different levels and in different EU institutions with varying mandates, view the utility of peace mediation for EU objectives, and opportunities for engaging in it, from very different angles.⁴ Further clarification of the multitudes of mechanisms pertinent to the role and practice of international peace mediation can help to shape a more unified understanding and approach to international peace mediation across the EU.

⁴ See: A. Herrberg (2008a). *Understanding and perceptions of international peace mediation in the EU: A needs analysis*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Needs_analysis.pdf.

CATEGORIES AND TYPES OF INTERNATIONAL PEACE MEDIATION

Whilst outlining a specific understanding of mediation at the onset, it is important to point out that mediation is one form – or rather a cluster of forms – of third-party interventions in conflicts.⁵ As a main common denominator, it can be differentiated from other forms of third-party intervention in that it is not based on force,⁶ and that the primary parties maintain a certain degree of ownership over the outcome of the process.

An important aspect of the mediator concerns his or her positioning *vis-à-vis* conflict parties, which relates to the mediator's real and perceived impartiality which will in turn influence how far they can enact an unbiased or neutral approach as regards to different possible options inherent in a peace process that will shape the eventual agreement. The status of the mediator, whether he or she will act on behalf of a state structure, also seems to influence their closeness to different types of parties⁷ (e.g. state mediators are often perceived to be closer to state parties, and may therefore find less acceptance by non-state parties to a conflict).⁸ While impartiality and all-partiality is a key guiding principle in the practice of mediation, it is often the reality that international mediators are frequently biased for one or the other of the primary parties in conflict. A large portion of international mediation efforts are, in fact, done through biased mediators.⁹

For the purpose of informing strategy and decision-making, it is useful to distinguish between different models of international peace mediation; and between informal and formal mediation in the context of international peace mediation. For the purpose of achieving clarity, this is also to set apart the practice of mediation to dialogue methods. These types are not mutually exclusive, and might mix and overlap, but are useful to distinguish as they can help identify appropriate mediation strategies and “tactics” for the EU – including support to international or other regional organisations such as the UN, the Organisation for Security and Cooperation in Europe (OSCE), African Union (AU), etc.

IDENTIFYING THREE MODELS OF INTERNATIONAL PEACE MEDIATION

The term “international peace mediation” is used here to describe engagement both in interstate and intrastate conflicts by an outside actor, as for example the EU.¹⁰ We propose to view mediation as only one particular “moment” during an extended peace process which includes other mechanisms to resolve conflicts, maintain and keep the peace, and build peace in the aftermath of violence. As such, mediation processes and resulting

5 I. Svensson (2009). *The Nagorno-Karabakh conflict: Lessons from mediation efforts*. Mediation Cluster, Initiative for Peacebuilding. Available at <http://www.initiativeforpeacebuilding.eu/publications/>.

6 However, some mediators see their role as power-brokers and use the threat of force as a way to increase their leverage on parties – a view held among some EU policy-makers as well.

7 See: S. Touval (1975). 'Biased intermediaries: Theoretical and historical considerations', *The Jerusalem Journal of International Relations*, Vol. 1, No. 1. pp.51-69; S. Touval and I.W. Zartman (2001). 'International mediation in the post-cold war era' in C.A. Crocker, F.E. Hampson and P. Aall (Eds.). *Turbulent peace: The challenges of managing international conflict*. Washington DC, US: United States Institute of Peace Press. pp.427-443; A. Kydd (2003). 'Which side are you on? Bias, credibility, and mediation', *American Journal of Political Science*, Vol. 47, No. 4. pp.597-611.

8 See A. Herrberg (2008a). Op. cit.; M.C. Ott (1972). 'Mediation as a method of conflict resolution: Two cases', *International organization*, Vol. 26, No. 4. pp.595-618; E. Jackson (1952). *Meeting of minds: A way to peace through mediation*. New York, US: McGraw-Hill Book Company, Inc.; O.R. Young (1967). *The intermediaries: Third party in international crises*. Princeton, US: Princeton University Press.

9 I. Svensson (2007). 'Bargaining, bias and peace brokers: How rebels commit to peace', *Journal of Peace Research*, Vol. 44, No. 2. pp.177-194.

10 A. Herrberg (2008a). Op. cit.

agreements can lay important foundations for how peace is built and sustained, including for example using transitional justice approaches to address past human rights violations; and laying the foundations for political and economic reforms that can be supported by other EU instruments and engagement mechanisms.

Three principal approaches to international peace mediation can be distinguished that can inform EU engagement in mediation efforts;¹¹ different contexts will evidently require differing methods and clarity in these will help EU decision-makers in informing strategy:

- *Power-based, deal-brokering mediation.* In this model, mediators bring their power to bear on the parties by threatening punishments and promising rewards (“sticks and carrots”) in order to broker a deal. Power-based mediators usually direct the process resolutely and use manipulative tactics to get the parties to reach an agreement. The Dayton Agreement would be one example of this, where the EU, through Javier Solana, played a decisive role. Given the EU’s political and economic clout, this may seem the most “evident” approach; however it is not always appreciated by parties and may lead to counterproductive outcomes. Choosing this avenue, as others, should therefore be based on careful analysis of the needs and opportunities in each context.
- *Interest-based, problem-solving mediation.* In this approach, the mediator uses a more facilitative style and promotes the ownership of the process by the parties. Interest-based mediators focus on generating creative options for an agreement that satisfies the underlying interests of all parties as a basis for conflict resolution. The Aceh Peace Agreement, brokered by Martti Ahtisaari and his Crisis Management Initiative (CMI) would most closely resemble this approach. Problem-solving processes often involve parallel tracks to address specific “sticking points” in a negotiation, and aim to promote a cooperative relationship between the parties. Often this is done by drawing on external expertise on specific technical issues such as land reform, power sharing, or reintegration of combatants. The EU can engage in this process for example through financing the participation of technical experts; or providing venues and opportunities for confidence-building measures.
- *Transformative, long-term mediation.* In this approach, mediators intervene at different levels with the aim of changing the relationship between the parties as well as their perceptions of themselves and other parties. According to this logic, conflict resolution is a long-term process, which happens through the empowerment and recognition of a broad variety of actors in conflict societies. A multitude of projects by non-state actors aim to achieve this goal. The EU can support such efforts for example by providing funding and political backing through its more regular funding mechanisms like the European Instrument for Democracy and Human Rights (EIDHR).

DISTINGUISHING BETWEEN INFORMAL AND FORMAL PEACE MEDIATION

While informal and formal channels for peace mediation can be differentiated, the critical question for the EU is how to draw on the potential complementarities between both. As a potential formal peace mediator itself, and a funder of informal efforts, it is well placed to do so. However in practice, formal and informal efforts in a single conflict context are multiple and overlapping, sometimes risking making up less than the sum of their parts. For strengthened EU practice, it will be key to more systematically identify and explore synergies between multiple “tracks”, discussed below. EC Delegations with in-country presence may be well placed here to draw on networks working at multiple levels, and ensuring communication channels between EU officials and in-country mediators and facilitators.

Different channels for mediation by different actors can be described as multiple “tracks”. This model distinguishes between Track I (high-level political talks involving the conflict parties) and Track II efforts (including influential individuals from different walks of life that have the ability to impact on Track I dynamics, though they are not

¹¹ L. Kirchhoff (2008). *Constructive interventions: Paradigms, process and practice of international mediation*. The Hague, Netherlands: Kluwer Law International.

a part of it). This has been further expanded to a “multi-track diplomacy” model, in which nine tracks identify options for engagement of different groups, ranging from business-to-business to academics-to-academics, clergy-to-clergy and others.¹²

In this model, Track I remains the primary avenue for political negotiations, while the other eight tracks are basically a diversified and expanded former Track II. The distinction between these tracks should not imply, however, that non-governmental actors are excluded from the processes and activities at the official level. It is true that civil society actors have been participants in official and formal negotiations in several conflict settings¹³ while government representatives can participate in non-governmental dialogue (this is sometimes referred to as “Track 1.5”).

Unofficial or Track II or even Track III (grassroots) mediation processes are overwhelmingly *interest-based* or *transformative* in nature, in contrast to official mediation which tends to be mainly *power-based*. While non-governmental actors lack the “power” or leverage over the conflicting parties, their approach nevertheless confers many advantages over official processes.

Track II mediators and facilitators are not bound by their formal role and status and thus have a greater manoeuvrability regarding the involvement of various conflict parties in a dialogue. While official mediators struggle with the dilemma of the involvement of non-recognised/*de facto* parties in negotiations without overtly legitimising their claims, non-governmental institutions can circumvent the issue of recognition by providing all parties concerned with the avenues for participation. This increases perception of fairness and *inclusiveness* and hence *all partiality* of a given mediation and dialogue process.¹⁴

In the same way, informal tracks can provide or develop alternative frameworks for negotiation and identifying parties’ interests, for example by using *human security frameworks*, in place of *state-centred security models* that often inform Track I talks. In this way, unofficial efforts can provide important opportunities for reframing problems, identifying alternative solutions, and “testing” their viability for use by the first track.

DIFFERENTIATING BETWEEN MEDIATION AND DIALOGUE PROCESSES

In addition to direct mediation efforts, the EU also supports more open-ended dialogue processes in conflict contexts with a view to strengthening democratisation, and longer-term conflict resolution capacity in conflict-affected societies; it does this for example through financial assistance channeled via different funding instruments like the European Instrument for Democracy and Human Rights. This presents an opportunity to inform and strengthen EU support to official mediation efforts; however this is rarely done systematically. This section clarifies differences between the two approaches, required for strengthening synergies.

Mediation is a third party-assisted or third-party-initiated and -led communication between representatives of conflict parties in order for them to directly talk to each other, discuss issues, reach an agreement and make decisions together. In contrast, dialogue is an open-ended communication between conflict parties that is facilitated or moderated by a third party in order to foster mutual recognition, understanding, empathy and trust. ‘Unlike mediation, in which the goal is usually reaching a resolution or settlement of a dispute, the goal of dialogue is usually simply improving interpersonal understanding and trust’.¹⁵

Dialogue and facilitation are thus less directive approaches than mediation.¹⁶ However, mediation and dialogue have very similar communication processes. In consequence, the distinction between them is often blurred, especially at the unofficial level.

The approach to dialogue processes takes into account that international conflict is not an intergovernmental

12 J. McDonald and L. Diamond (1996). *Multi-track diplomacy: A systemic approach to peace*. Sterling, US: Kumarian Press, Inc.

13 Conciliation Resources (2002). ‘Owning the process: Public participation in peacemaking’, *Accord*, Vol. 13. Available at <http://www.c-r.org/our-work/accord/public-participation/index.php>.

14 Mirimanova, N. (2009). *Mediation and dialogue: Official and unofficial strands*. Mediation Cluster, Initiative for Peacebuilding. Available at http://initiativeforpeacebuilding.eu/pdf/Mediation_and_Dialogue_Official_and_Unofficial_Strands.pdf.

15 Conflict Information Consortium, University of Colorado, US website, ‘Glossary’. Available at <http://www.colorado.edu/conflict/peace/glossary.htm>.

16 See: A. Herrberg (2008b). Unpublished essay, University of Viadrana.

or interstate phenomenon but an inter-societal one: a conflict becomes an 'inescapable part of daily life for the members of opposing communities'.¹⁷ It therefore requires confidence- and relationship-building at different levels of society, over a long period of time. Narrowly defined mediation efforts on their own cannot guarantee this.¹⁸ Indeed the EU clearly recognises this potential, by funding different types of levels of dialogue initiatives in different parts of the world.

While lessons have been drawn elsewhere on the good practice and effectiveness of dialogue efforts for achieving broader, peaceful change, and informing peace processes in particular,¹⁹ there has been no systematic review of dialogue projects funded by the EU to date.²⁰ Given the potential complementarity and synergies between dialogue efforts and EU-supported mediation, this is an important gap. Assessment of EU experiences of linking the two during peace processes would be a first step towards filling it.

17 See: H.C. Kelman (2007). 'Social-psychological dimensions of international conflict' in W.I. Zartman (Ed.). *Peacemaking in international conflict: Method and techniques* (revised edition). New York, US: United States Institute of Peace Press. p.69.

18 H.C. Kelman (1999). 'Transforming the relationship between former enemies: A social-psychological analysis' in R.L. Rothstein (Ed.). *After the peace: Resistance and reconciliation*. Boulder, US: Lynne Rienner.

19 There are many accounts of this. In this context it is useful to refer to: UN (2007). *Participatory dialogue: Towards a stable, safe, and just society for all*. New York, US.

20 See: N. Roopers (2004). 'From resolution to transformation: The role of dialogue projects' in A. Austin, M. Fischer and N. Roopers (Eds.). *Transforming ethnopolitical conflict*. Wiesbaden, Germany: VS Verlag für Sozialwissenschaften.

KEY LESSONS FOR STRENGTHENING THE EU'S ROLE IN INTERNATIONAL PEACE MEDIATION

Seven particular themes which require due attention and reflection for the practitioners, researchers and diplomats working in the field of international peace mediation surfaced from research. While these are generally applicable to the theme of international peace mediation, particular emphasis is given to aspects pertinent to the EU.

WORKING MORE EFFECTIVELY WITH NON-STATE MEDIATORS

In EU institutions there is a realisation that many aspects of what is traditionally called diplomacy are no longer owned by governments alone. The EU might be pivotal in the field of conflict prevention, crisis management and peacebuilding, but the role of civil society is increasingly acknowledged. Conflict resolution efforts, and the efforts and record of Track II organisations, have engendered a growing “culture of cooperation” in the field of mediation with the EC, clearly expressed by the Peace-building Partnership (PbP).²¹ This partnership, which has effectively “outsourced” much of the work in conflict resolution and mediation to non-state actors, confirms this point to a certain degree. As one EC official argues: ‘We are providing a certain amount of soil for something, but the actual growth has to come from elsewhere’.²²

Informal mediation by non-governmental organisations (NGOs) and faith-based organisations indeed holds an important place in international peace mediation and this is recognised by many in the Brussels policy community. Yet the EU lacks systematic knowledge of the relevant players, their strengths, working methods and partnership opportunities. A first effort to respond to this challenge has been instigated by an updated “private diplomacy” mapping conducted by CMI for the IfP which surveyed 14 organisations that have distinct ways of working, and many of them have benefited from EU support in the past.²³ While practice and methodologies applied by each organisation are different, goals and values as regards to conflict resolution are convergent. Proactive and regular outreach to these actors can help the EU draw on their expertise and experience more consistently for its own mediation efforts; this could include the provision of training, lessons learned sharing, technical advice, analysis and research, and secondment of experts for specific initiatives.

THE NEED TO PRO-ACTIVELY LINK CONFLICT ANALYSIS AND EARLY WARNING MECHANISMS WITH PEACEMAKING EFFORTS

Existing conflict analysis tools, such as the EC’s “Checklist for Root-Causes of Conflict” are not designed to gather information that can help inform mediation efforts. That is, conflict analysis is not geared towards early

21 The Peace-building Partnership (PbP) aims at strengthening civilian expertise for peacebuilding and works particularly closely with non-state actors, international organisations and relevant authorities of EU Member States. The PbP was established under the crisis-preparedness component of the Instrument for Stability. See: Regulation (EC) No 1717/2007, Article 4.3, of the European Parliament and of the Council of 15th November 2006 establishing an Instrument for Stability; European Commission (2008). *Instrument for Stability. Crisis Preparedness Component. Annual Action Programmes 2007-2008: Peace-building Support*. Guidelines for grant applicants responding to the call for proposals. Restricted call for Proposal. PbP-2008-1-2007/2008.

22 A. Herrberg (2008a). Op. cit.

23 See: A. Herrberg and H. Kumpulainen (Eds.) (2008). *The private diplomacy survey 2008: Mapping of 14 private diplomacy actors in Europe and America*. Available at http://www.initiativeforpeacebuilding.eu/pdf/IfP_mediation_mapping_the_private_diplomacy_survey.pdf.

preventive intervention by third parties, official or non-official. While the EU's commitment to conflict prevention is clear at the policy level, operationalising this approach is still a work in progress.

This is for several reasons. Where early warning signals exist, and are communicated by local monitors or the Early Warning Unit, they are often not acted upon in a decisive and efficient manner. The international community is not sufficiently effective to act on signals of growing tensions and escalation and to act on its commitments to prevent armed conflicts. The initiation of mediation and dialogue efforts early on in the development of a conflict has considerable potential to defuse tensions right from the beginning. For this, early warning and conflict analysis requires mediation and dialogue sensitivity. When a mediation initiative has been initiated, it is pivotal to capitalise on early opportunities for resolving the issues, de-escalating tensions and elaboration of processes that are conducive for the building of peaceful relationships.

One example of this considered in this cluster is the Minsk Process which has so far been unsuccessful in reaching a settlement to the conflict over Nagorny Karabakh. An important opportunity for genuine mediation was lost at the beginning of the intervention, in part because of internal dynamics (since both Azerbaijan and the self-proclaimed Nagorny Karabakh republic at this point in time had ambitions of winning through the battlefield and none of the two sides were consolidated enough internally to make concessions) and partly because of external dynamics – in particular lack of active, focused and united engagement from the international community, not least the Western powers.²⁴

ENSURING EU EFFORTS TO COORDINATE AND COLLABORATE RATHER THAN COMPETE WITH OTHER MEDIATION EFFORTS

International peace mediation has become a crowded field, and at any one time there can be multiple efforts ongoing led by different actors. When there are many mediators available, the belligerents can play out the different mediators against each other, whilst each mediating party aims to seek endorsement. There is therefore a risk that the primary parties engage in what is called “forum shopping”, i.e. selecting the mediation channel which at a particular moment seems to be as beneficial for their side as possible. Consequently, the possibility for the third parties to exert leverage – to push and pull the parties towards peace – will be decreased if there is little coordination between various simultaneous mediation efforts.²⁵

One of the main obstacles for an effective international peacemaking mediation effort is often the lack of a coherent approach from the different actors engaged in a peace process. The international mediation efforts in Nagorny Karabakh, for example have partly suffered from a lack of coordination between the different formal and informal mediation initiatives. After 1995, the coordination between the main mediators – France, Russia and the US – has been enhanced by the institutionalisation of a tripartite chairmanship, the so-called troika.

The EU can encourage and support the need for coordination between different international actors in conflict settings. There is commonly a plethora of international mediators – countries, interstate organisations, NGOs and individuals – involved in conflict situations. Special attention should therefore be paid to the question of how different initiatives can be coordinated, so that these initiatives contribute to, rather than impede resolution of, the conflict. Given its extensive foreign relations and convening power with other bilateral and multilateral actors, the EU should carefully assess ongoing initiatives “strengths” and “weaknesses” before deciding on its own course of action, and provide leadership to encourage collaborative relationships and forums between different mediators.

24 J.J. Maresca (1996). 'Resolving the conflict over Nagorno-Karabakh: Lost opportunities for international conflict resolution' in C.A. Crocker, F.E. Hampson and P. Aall (Eds.). *Managing global chaos: Sources of and responses to international conflict*. Washington DC, US: United States Institute of Peace. pp.255–273.

25 On the problems of multiple mediators in Nagorno-Karabakh, see: W. Betts (1999). 'Third party mediation: An obstacle to peace in Nagorno-Karabakh', *SAIS Review*, Vol. 19, No. 2. pp.161-183.

IMPROVING COMPLEMENTARITY BETWEEN MEDIATION AND OTHER TYPES OF EU CONFLICT PREVENTION AND CRISIS MANAGEMENT INTERVENTIONS

The mediation effort in the Nagorny Karabakh conflict illustrates the connectedness between mediation and other conflict resolution and management mechanisms the EU can avail itself of, such as peacekeeping. The parties in conflict needed international actors that could help them to guarantee any peace settlement between them, also to renegotiate an agreement with mutual benefits. Given that there were possibilities for exploitation of each parties' concession, the parties could not by themselves credibly commit to a peace settlement. In fact, parties needed third-party guarantees that could make sure that the parties respected their agreement.²⁶

As evidenced in its involvement in the Aceh Monitoring Mission, as well as to some extent the EU missions in Georgia and Kosovo, the EU has a large array of tools available to support the success of mediation and negotiations efforts such as peacekeeping, i.e. monitoring. If the EU seeks to establish itself as a global power and engage in peacemaking efforts, the linkage to its Foreign Policy and Defence capability to mediation efforts in line with its effort to create a comprehensive approach to conflict resolution, will be important. Having the capability to monitor agreements can be an important leverage tool when the EU is acting as a mediator, also in order to enhance the likelihood of success of a transition of a mediation effort towards a sustainable peace process. The fact that the European Commission funded the CMI supporting Martti Ahtisaari's mediation efforts between the Indonesian government and the rebel group *Gerakan Aceh Merdeka* (Free Aceh Movement, or GAM), was a conducive factor in the transition to the EU monitoring mission following the peace agreement, because working relations were enhanced at all levels of EU hierarchy.

ENSURING ADEQUATE INCORPORATION IN PEACE PROCESSES OF INTERNATIONAL HUMAN RIGHTS PRINCIPLES AND TRANSITIONAL JUSTICE PROCESSES

As a value-based community, the EU enshrines human rights and democratic principles in its own and Member States' institutions and structures. Its assistance to other countries, for example through development instruments or the EIDHR, explicitly aims at promoting these values (enshrined in international law) among partner countries. The EU needs to take the same approach to mediation efforts, where the inclusion of transitional justice issues and addressing past human rights violations can be particularly challenging.

Indeed mediation, especially where transitional justice issues are relevant, 'has to take place in the shadow of – and with close reference to – the fundamental norms of public international law'.²⁷ While balancing human rights with pragmatic peacemaking is a difficult task for any mediator, this dilemma needs to be recognised and addressed by the EU as part of improving and systematising its approach to international peace mediation. In this policy area, the EU lags behind the UN. Given its international leadership in promoting human rights and the rule of law, it might be problematic for the EU to engage in peace processes that will not consciously (or deliberately) consider addressing the legacy of massive human rights abuse. This could create a risk and call into question the legitimacy of specific mediation efforts to conflict-affected populations, and in turn sustainable peace.

As the work on transitional justice in the mediation cluster has shown through a case study on the Democratic Republic of Congo (DRC),²⁸ the EU is committed politically to supporting international justice. However, the EU human rights policies offer insufficient guidance on amnesty for international crimes; EU mediators in the DRC relied on untested interpretations of provisions in the Rome Statute of the International Criminal Court, and on the UN's guidelines for mediators (which prohibit UN officials from witnessing amnesties that do not exclude the crimes of genocide, crimes against humanity and war crimes).

26 B.F. Walter (2002). *Committing to peace: The successful settlement of civil wars*. Princeton, US and Oxford, UK: Princeton University Press.

27 L. Kirchhoff (2007). *Linking mediation and transitional justice*. Paper presented at the International Conference, 'Building a Future of Peace and Justice', 25-27th June 2008, Nürnberg. p.21.

28 L. Davis (2009). *Small steps, large hurdles: The EU's role in promoting justice in peacemaking in the DRC*. Mediation Cluster, Initiative for Peacebuilding. Available at <http://www.initiativeforpeacebuilding.eu/publications/index.php>.

But in negotiating a peace agreement, it is important that justice issues are not limited to ensuring that genocide, war crimes and crimes against humanity are excluded from amnesties. Beyond promoting the prosecution of the worst offenders of human rights violations, there is a whole range of transitional justice measures that EU facilitators could draw on, including the wide range of judicial and non-judicial measures available. These measures may include truthseeking (including truth commissions), reparations, institutional reforms and, for example, memorials. There is no single model on such measures, and each measure must be rooted in the national context, and place the needs of the victims at the centre. Sufficient international expertise is available through international organisations such as the UN, NGOs and via Member States to assist the EU to implement options tailored to specific contexts.

The lack of sufficient information and expertise on transitional justice directly available to mediators in the context of ongoing talks is often related to the sensitivities and confidentiality associated with peace talks. Mediators are oftentimes hesitant to reach out to actors and experts that are not directly involved in the talks.

Experience shows that questions of justice and accountability are rarely fully settled at the peace table.²⁹ It is thus important that an official mediator tries to incorporate general principles and commitments in a peace agreement, but leaves some level of detail open for future consultation and public input, that can be shaped as a dialogue process. A mediator should also be aware that badly drafted provisions may hinder future justice initiatives.³⁰

Civil society organisations are often key champions of justice initiatives, even if they are not present at the talks, and may play an important role in monitoring proper implementation after the agreement is signed.

The *Draft Document on "Transitional Justice and ESDP"* recognises that transitional justice can provide guidance in facilitating peace processes.³¹ It also suggests developing transitional justice guidelines in line with UN standards, and considering appropriate transitional justice elements in EUSR mandates.³² The *EU Checklist on children affected by armed conflict* includes two provisions for engaging children in accountability mechanisms and truth-seeking mechanisms, and protecting child participants.³³

However, policy on transitional justice has not yet been developed for the EU, and no guidance exists for EU mediators on addressing justice for human rights violations in mediation. This is possibly due to the fact that no systematised structures for international peace mediation exist, nor has specific expertise on justice and peace issues been developed by the EU to date. Realising these commitments to develop policy in this area could greatly enhance the ability of the EU, especially through the offices of the EUSRs, to promote justice in peace processes.

IMPROVING EU PRACTICE BY STRENGTHENING EVALUATION CAPACITY

It is difficult to arrive at a solid understanding of the conditions for success unless we systematically compare successful and unsuccessful cases of mediation.³⁴ As a workshop of the mediation cluster in March 2008 has shown, there is a consensus that the EU should strengthen quality control and accountability mechanisms of its mediation activities, without limiting the necessary leeway that mediators require to be effective.

Existing efforts to systematise evaluation of conflict prevention and peacebuilding interventions, such as the Development Assistance Committee (DAC) guidance, have so far not focused exclusively on international peace

29 For example, see: S. Cunliffe, E. Riyadi, R. Arwalembun and H. Boli Tobi (2009). *Negotiating peace in Indonesia: Prospects for building peace and upholding justice in Maluku and Aceh*. Mediation Cluster, Initiative for Peacebuilding. Available at <http://www.initiativeforpeacebuilding.eu/publications/index.php>.

30 For example, the truth commission in the DRC. See: L. Davis (2009). *Op. cit.*

31 Council of the EU (2006). 'Draft document on "Transitional Justice and ESDP" in view of the PSC meeting on 20 June 2006' (Doc 10674/06). para.8. in *Consilium* (2008). *Op. cit.*

32 *Ibid.* para.9, d, e.

33 Council of the EU (2006). 'Draft general review of the implementation of the checklist for the integration of the protection of children affected by armed conflict' (Doc. 9822/08) in *Consilium* (2008). *Council handbook on mainstreaming human rights and gender into European security and defence policy – Compilation of relevant documents*. Brussels, Belgium. pp.36-41.

34 I. Svensson (2008). *Op. cit.*

mediation.³⁵ To date, there is no commonly accepted framework for evaluating international peace mediation processes though the Organisation for Economic Cooperation and Development (OECD) has expressed its intention to elaborate guidance 'on international support to political settlements and on the role of mediation and peace negotiations in creating the necessary conditions for sustainable peace and state building, including in situations of protracted crisis'.³⁶

The EU stands to benefit from a framework for evaluating peace mediation in three ways: first, a consistent framework will facilitate decision-making in terms of which mediation processes the EU should support both financially and politically; second, it can serve as a tool for EU desk officers to assess ongoing processes; and finally, when the EU or its Member States are to act as a mediator, the framework may facilitate the design of an effective mediation process. Seven key parameters for evaluation can be identified, adapted from the OECD-DAC guidelines on evaluation of conflict prevention and peacebuilding activities.³⁷ These concern: 1) relevance to assess mandates, interests and the qualities of the mediator; 2) effectiveness and impact, to assess change and effect; 3) sustainability; 4) efficiency in terms of cost and benefits of a mediation; 5) coherence; 6) coverage of actors involved; and 7) consistency with values of mediation (such as confidentiality, actor-driven approach, etc.).

PROFESSIONALISING EU MEDIATION EFFORTS

At present, EU mediators are selected on the basis of their roles as political figureheads – leaders with personality traits like empathy, experience working with political actors and some expertise in handling conflict situations. Professional and technical expertise in mediation are not considered decisive factors in whether the EU selects special representatives to engage in mediation efforts. EU Special Representatives, largely seen to be chosen as a result and furthering of national political interests, rather than by professional standards, are a case in point. Sometimes and as a consequence, EUSRs do not follow mediation practice but 'impose the solution because they want to get rid of it and go to the next conflict'.³⁸ Such practice obviously ignores the importance of professional methods 'to do conflict prevention, to do facilitation, to do mediation' and does not recognise that a professional mediator would be perceived as neutral.³⁹ Professionalising EU mediation efforts in this way can therefore help the EU to be regarded as an impartial actor, rather than only a player with a number of vested interests, particularly in areas of close geographic proximity to the EU or where there are former colonial interests at play.

In this sense, the EU could emulate international trends and good practice in the field of the practice of mediation and mediation support that have emerged over the last few years. The challenge is not only to systematise existing knowledge, but also to provide resources, skills and technical support to improve a mediation effort's chances of success. An emerging model that responds to this challenge is one that distinguishes between two separate roles, that of a high-level mediator (i.e. a high-level appointee with convening power), and the role of mediation support (sometimes provided by stand-by teams of technical and process experts). The UN Department of Political Affairs' Mediation Support Unit is one example. This model has the merit of bridging the gap between eminent people on the one hand and that of mediation professionals on the other. The EU does have the option to develop similar capacities. These could be shaped into a fully integrated capacity (within EU structures), a hybrid mechanism (in cooperation with an independent organisation) or an outsourced service (externally managed) to provide mediation support.

The idea is to have a mediation support team to support and complement a mediator's standing and ability to build trust. The expertise provided can range from process and logistical support, analysis and research, as well as directly supporting talks. Country- or region-specific expertise may also be provided. According to some officials in the EU, professionals of different backgrounds are deemed to be the right combination here.⁴⁰ Support teams are

35 D. Lanz, M. Wählisch, L. Kirchhoff and M. Siegfried (2008). *Evaluating peace mediation*. Mediation Cluster, Initiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/pdf/Evaluating_Peace_mediation.pdf.

36 Organisation for Economic Cooperation and Development (OECD) (2008). *10th Meeting of the DAC Fragile States Group and conflict, peace and development co-operation*. Joint Room Document 9, Proposed PWD 2009-10. p.4.

37 OECD-Development Assistance Committee (DAC) (2008). *Guidance on evaluating conflict prevention and peacebuilding activities*. Working draft for application period. Paris, France: OECD.

38 See: A. Herrberg (2008a). Op. cit.

39 Ibid.

40 Ibid.

supposed to build professional practice within the field of peace mediation itself. Mediation support teams could and should also include process and other thematic experts and mediators who can help to prepare the actual peace process. Mediation support could also be extended to conflict parties so as to build symmetry for negotiations.⁴¹

The creation of a code of conduct in international peace mediation for the EU is an issue that is sometimes considered by European policy-makers. Presently, its development and application, however, is viewed with some hesitation and reservation.⁴² A code of conduct needs to be applied with flexibility, although this might seem like a contradiction in terms. It should allow for guidance and ensure the conscientious application of professional practice.⁴³ Such a code of conduct could be seen as a service to the parties, notably so that 'the parties who may want to avail themselves of this service know already what they are dealing with. In this sense such a code of conduct could be part the confidence building and trust building exercise'.⁴⁴

There are several entry points for strengthening mediation capacity through training across EU mechanisms. Generic training in mediation could for instance be relevant to ESDP daily crisis management training for civilian or military presence on the ground, taking into account that ESDP personnel are often facing frictions in local contexts when deploying a new mission, and at the same time even within ESDP missions. As such, the Member States' diplomats, military and civilian personnel could receive mediation training in their basic training. Such a far-reaching approach to mediation could, in the medium term, in itself create a basis for different types of operations and engender a different culture in EU foreign policy-making. It is clear, however, that training will only be effective if it is embedded in institutional and staffing changes that incentivise the uptake and utilisation of such new skills. On its own, training has been shown to leave little impact.

Likewise, different types and levels of training need to target specific audiences within the EU: for example, some recognise the need for training senior figures within the EU institutions, including EUSRs. However, there is an apprehension that high-level EU staff might either think that they do not require training, or might even take offence at being required to complete such training.

41 Ibid.

42 Ibid.

43 Ibid.

44 Ibid.

RECOMMENDATIONS

From the activities and research of the Mediation Cluster of the IfP to date, these specific recommendations arise for consideration by the EU:

1. Operationalise a “multi-track” approach. For this purpose, the EU could:

- Further systematise mapping of expertise, considering method, values and approaches applied, of non-governmental actors involved in mediation, so as to allow for greater awareness of practices and resources available to the EU;
- Promote joint learning exercises between actors involved in peace processes between state and non-state actors. Examples of this could include actors from Nepal, Bolivia, the DRC, the Middle East, Afghanistan, Aceh, etc.;
- Ensure that any formal development in mediation activities by the EU and Member States and the EU should enable the creation of effective linkages with in-country-based informal dialogue and mediation efforts;
- Tailor EU financial and policy tools such as the Stability Instrument and the PbP, but also the EIDHR as well as official development assistance through instruments such as the Development Cooperation Instrument to improve linkages between governmental and non-governmental actors involved in different mediation efforts;
- Work actively with specialised NGOs working in the field of mediation either based in the EU and in conflict-affected countries that have the capacity to improve and complement the EU's role, e.g. through technical or process expertise, analysis and research, training and by setting up methodologies of an EU multi-track approach;
- Promote the setting up of specific expert networks that can assist mediation efforts; and
- Ensure that political analysis on conflict situations, e.g. collected by Delegations and the Policy Planning Unit; include perspectives from non-state and Track II actors, through regular interactions and consultations.

2. Promote the inclusion of international human rights principles and transitional justice into peace agreements.

- Make available information on policy options, legal obligations and the constraints of international law; judicial as well as non-judicial options for addressing the legacy of massive human rights abuse and lessons on process and parameters of such transitional justice measures to mediation teams as well as conflict parties;
- For this purpose, it is important to draw on independent substantive experts, international or national nongovernmental organisations, to draw on specific expertise in the field of transitional justice by partnering with existing networks;
- Measures should be sought to incorporate views and analysis from civil society – religious and community leaders, rights advocates, victims groups, and others – to inform talks on how to address the legacy of human rights violations, including by engaging the public in consultations on any proposed transitional justice processes;

- In the setting up of a more systematised structure for the EU in the field of peace mediation, sufficient training needs to be made available to allow mediators to understand the whole range of transitional justice options available; and
- Allow for greater mainstreaming of transitional justice options within the present policy framework of the EU in the field of crisis management and conflict resolution.

3. Improve EU practice by strengthening evaluation capacity.

- Strengthen quality control and accountability mechanisms of its mediation activities, while not restraining the necessary leeway that mediators require to be effective;
- Given the wealth of mediation experience among Member States, the EU should contribute to refining a framework for evaluating peace mediation, preferably within the OECD or other collaborative fora;
- Carry out a small number of pilot evaluations of past mediation activities based on the framework proposed by the IfP Mediation Cluster. The results and lessons learnt from such evaluations will contribute to refining the existing methodology. Evaluation approaches could also be tested with former conflict parties; and
- To take this issue forward, convene seminars on evaluation with other organisations involved in mediation, such as the UN, the African Union, Switzerland, Norway and relevant NGOs.

4. Conduct mediation research to improve mediation practice.

- Support research and analysis on some key thematic areas of interest and relevance to the EU. These will inform approaches as regards to specific missions but also the practice of crisis management and response overall; and
- Support research on mediation and negotiations in crucial areas of EU relevance including:
 - Intrastate conflicts: Given the increasing occurrence of intrastate conflicts, the importance of meaningful peacemaking processes to overcome intractability is of direct relevance to the EU and its engagement in international peace mediation;
 - Dealing with difficult conflict parties;
 - Specific case studies where the EU has directly or indirectly played a role; and
 - Diplomacy and the role of mediation.

5. Strengthen the role of international peace mediation as an instrument in EU CFSP and ESDP. Include mediation-sensitised analysis for conflict analysis and early warning mechanisms.

- Review and clarify the relevance, strengths and weaknesses of current instruments and mechanisms available to the EU for the purpose of international peace mediation;
- Aim to work towards complementarity of mediation and other types of EU conflict prevention and crisis management interventions. Build institutional structures and mechanisms that can support EU mediation efforts more effectively (e.g. explore the relevance of a mediation support unit, and/or who can support EU mediation efforts);
- Consider elaborating a policy document to define a concept of international peace mediation for the EU within the CFSP and ESDP framework; and
- Work towards coordination and complementarities between Commission, Council, and Member-State efforts in the field of international peace mediation.

6. Strengthen EU mediation capacity through professionalisation. For this purpose, the EU could:

- Clarify and systematically map out mediation modalities available to the EU drawing on existing expertise on each;
- Conduct a systematic review of existing good practice resources and mediation codes of conduct; explore their relevance and usefulness for EU mediation efforts;
- Rely on the advice of mediation professionals, identify the required skill-sets and expertise which EU mediation efforts should draw on, taking into account the different roles in mediation, i.e. the role of official and high-level convening powers and mediators and mediation experts in specific areas of interest;
- Conduct a needs assessment for mediation training across relevant EU mechanisms, formulating tailored training curricula, to fit into existing training mechanisms;
- Consider developing EU-specific programming tools that can assist mediation efforts, taking into account the EC's interservice Quality Support Group (iQSG) efforts in other areas;
- Assess past efforts of the EU in mediation in order to establish good practice and lessons learned; and
- Formulate a policy document that takes into account different options and actions for the EU as an actor or a supporter of actions in international peace mediation which can provide a basis for discussion with Member States.

THEMATIC REPORTS

CMI (2009). *What is a good mediator?* Mediation Cluster, Initiative for Peacebuilding. Available at <http://www.initiativeforpeacebuilding.eu/publications/index.php>.

Cunliffe, S., Riyadi, E., Arwalembun, R. and Boli Tobi, H. (2009). *Negotiating peace in Indonesia: Prospects for building peace and upholding justice in Maluku and Aceh*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Negotiating_Peace_in_Indonesia.pdf.

Davis, L. (2009). *Small steps, large hurdles: The EU's role in promoting justice in peacemaking in the DRC*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Small_steps_large_hurdles.pdf.

Farasat, W. and Hayner, P. (2009). *Negotiating peace in Nepal: Implications for justice*. Available at <http://www.initiativeforpeacebuilding.eu/publications/index.php>.

Herrberg, A. (2008). *Perceptions of International Peace Mediation in the EU: A needs analysis*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Needs_analysis.pdf.

Herrberg, A. and Kumpulainen, H. (2008). *The private diplomacy survey 2008: Mapping of 14 private diplomacy actors in Europe and America*. Available at http://www.initiativeforpeacebuilding.eu/pdf/IfP_mediation_mapping_the_private_diplomacy_survey.pdf.

Lanz, D., Wählich, M., Kirchoff, L. and Siegfried, M. (2008). *Evaluating peace mediation*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Evaluating_Peace_mediation.pdf.

Mirimanova, N. (2009). *Mediation and dialogue: Official and unofficial strands*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Mediation_and_Dialogue_Official_and_Unofficial_Strands.pdf.

Svensson, I. (2009). *The Nagorno-Karabakh conflict. Lessons from international mediation efforts*. Available at http://www.initiativeforpeacebuilding.eu/pdf/Nagorno-Karabakh_conflict_lessons.pdf.

WORKSHOPS

'Workshop on mediation: The EU multitrack approach in international peace mediation: Building capacity and strengthening cooperation between the EU and private diplomacy actors', IfP/CMI, Brussels, 26-27th January 2009. Workshop report available at http://initiativeforpeacebuilding.eu/resources/Workshop_report_26-27_The_EU_Multitrack_approach_in_International_Peace_Mediation.pdf.

'Roundtable on mediation in peacebuilding', a workshop on mediation in the South Caucasus, IfP/International Alert, Tbilisi, 19th July 2008. Roundtable report available at http://initiativeforpeacebuilding.eu/resources/IfP_mediation_roundtable_Tbilisi_19_July_2008.pdf.

'Expert roundtable on International Peace Mediation: Creating a basis for case analysis and evaluation', IfP/CMI, Brussels, 28th February 2008. Roundtable report available at http://initiativeforpeacebuilding.eu/resources/International_Peace_Mediation_Analysis_and_Evaluation.pdf. This was followed by a commissioned study entitled *Evaluating Peace Mediation*, conducted by swisspeace and the University of Viadrina (see "Thematic Reports" section for details).

FURTHER ACTIVITIES

An interview with Nobel Peace Prize Laureate Martti Ahtisaari on the topic: 'What is a good mediator?' See: Herrberg, A. and Savolainen, M. (2008). *Martti Ahtisaari on: What is a good mediator?* Filmclips of the interview are available at <http://initiativeforpeacebuilding.eu/video/index.php> and <http://www.youtube.com/user/CMIFinland>.

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