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Workshop Report: Mapping Perspectives on the EU as Mediator

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Executive Summary

Research on the European Union's role as a mediator is nascent. It predominantly focuses on case studies or is cursorily embedded within wider research on the European Union (EU) as a crisis manager. Moreover, there is a significant disconnect between the established studies on mediation based in Conflict Analysis Studies and the EU's foreign and security policy situated in Security Studies. Thus, there is a dearth of systematic engagement on the issue of EU mediation, although the EU often uses the language of mediation as a key component of its external commitments to conflict prevention, transformation and resolution. While advancements in mediation research suggest that there are certain determinants of mediation, and highlight key features that support and impede actors during conflict, this has not been systematically applied to the EU. Consequently, a key task of this workshop was to establish conceptual clarity and practical information about on the EU's mediation roles.

As a starting point, this workshop took stock of EU mediation knowledge from the perspective of different actors including academics, civil society and policy practitioners. In particular, it explored the limited academic engagement with this particular aspect of EU foreign and security policy. Additionally, the workshop critically interrogated how the EU understood its role in international mediation practice by exploring its capabilities and infrastructure and thereby locating opportunities and constraints to its performance. By bringing together various perspectives these discussions generated critical insights into where the remaining gaps in knowledge lay and the possibilities of academic partnerships with practitioners and policymakers to create new knowledge for Security and Conflict Analysis Studies.

Core Themes

The discussions at this workshop focused primarily on:

1. Mapping knowledge of EU mediation.
2. Addressing the infrastructures that support mediation as a tool of EU foreign policy.
3. Exploring perspectives from practitioners involved in EU mediation efforts.
4. Future Research Trends

Introduction

This workshop was the first of two intended to bring together a range of actors including academics, practitioners and policy officials working in the area of international mediation. This workshop introduced a new programme of study, as part of the School of Politics and International Relations' Thematic Programmes, The European Union in Crisis Management: Mediation Capabilities. Whereas mediation plays an important role in international conflict analysis theory, it has found limited integration in the study of international politics. Moreover, and perhaps more pertinently, the role of new actors such as the European Union remains understudied. Taken together, the workshop's conveners set out to provide a space for rigorous intellectual and practical discussions on how to understand the role of the EU as mediator in its context as a foreign policy actor. The workshop provided the opportunity for a diversity of perspectives on the EU's roles in international peace support, especially through mediation.

I. Mapping the Academic Literature on EU as Mediator

These discussions have been motivated by the fact that there is no coherent body of work on EU mediation in the context of its role as foreign policy actor. Consequently, and as noted by one of the first speaker, it provides an exciting space for new studies.

Nevertheless, one of the key issues that arose is that in the academic context where definitional rigour is often demanded, there is no consensus as to what mediation in the EU context is.

One of the key issues that was first raised during the morning session and highlighted throughout the day is that the EU's understanding of mediation is perhaps different from established academic definitions, norms and practices. In particular, mediation in the EU context potentially takes on new meaning given that its political role excludes neutrality, which has often been understood as essential to mediation practices. Thus, to understand the EU's mediation capacity, it is essential to frame this within a broader context of the EU as a foreign policy actor. Through this lens mediation can then be seen as a policy instrument, within its crisis management toolkit. As one of three modes of engagement (including facilitation and dialogue) mediation is one of the EU's most directly interventionist tools.

Further, the EU's conceptualisation of mediation is deliberately broad, precisely because this is a tool located in its foreign policy framework thus allowing for its deployment at any stage in the conflict cycle for the purposes of prevention or transformation. Yet, this has not been necessarily reflected in academic study. While practitioners tended to take a broad definition of activities performed by EU representatives (including officials and contractors) and other activities supported by the EU but performed by other organisations, academic discourse reflected a preference for a tighter focus wherein only activities performed on behalf of the Union by officials is applicable for assessment as constituted for EU mediation performance.

In the morning sessions, we were reminded that in the EU's case, analysis calls on us to examine the system of rules and procedures (of the EU as a foreign policy actor) which create opportunities and/or constraints for the EU's activities in mediation.

The current foreign policy architecture, within which the EU acts, as a mediator, is quite personalised. The system relies on heads of delegations and their deputies in specific countries, in addition to appointed EU Special Representatives (EUSRs). EUSR appointees have staying power and this allows for expert continuity of country teams' engagement in a given conflict. This is further evidence of how mediation performed on behalf of the EU is subject to and relies on interpersonal interactions. As acknowledged by one of the workshop's presenters, scholars of mediation increasingly acknowledge the impact of mediation processes on international politics, but often fail to acknowledge its link with the processes and mechanics of it. In other words, these are deemed technical. However, the failure to fully acknowledge

the interpersonal relations, for example, constitutes a knowledge gap that is essential to understand the EU's mediation impact.

Additionally, within a system that sees the EU's efforts of mediation within a foreign policy context, the normative framework of engagement must also be examined. This framework is articulated in the Treaty on the European Union, and it was the perspective of one of the participants that this could be potentially interpreted as the EU having a state-building agenda. In this context, state-building refers to the process of 'constructing or reconstructing institutions of governance capable of providing citizens with physical and economic security' (Chandler, 2006, p. 1). The normative framework therefore matters because it impacts on perceptions of the EU's political and normative motivations as a mediator. In researching the EU, it is essential that the perception of local actors, those who are parties to mediation processes facilitated by the EU be taken into account. One of the key questions that thus emerge is how do we go about ensuring this?

It was further noted that the potential comparative advantage of the EU as a political, economic, and development actor is the potential to work across hierarchies and different contexts. Because the EU embodies other foreign policy roles, its engagement as mediator often allows broader participation, which is embedded in the EU's own normative perspectives. As one participant who has worked in both academic and practitioner settings noted, to understand mediation in conflict, it would benefit deeper understanding if mediation is understood as part of the broader 'dataset' of conflict interventions, as mediation is a process rather than a singular act. Importantly, mediation must be understood within the specific context of the conflict under consideration. By understanding the specific contexts, this gives voice to various and competing narratives, beyond the dominant ones proffered by elites and those that often overshadow the process might not be enough to lead to conflict transformation towards peace. Challenges were put to the workshop's conveners, (for research on the possibilities of the EU's added value) including a call for academic research to look beyond Anglo-American notions of mediation. In the first instance, these notions are limited to the narrow conceptualisations of mediation; but also, it invariably silences potential innovation, especially those that consider bringing local perspectives into mediation Discourse.

II. EU Mediation Processes: A View from the Inside

A. Infrastructure

In the first part of the afternoon, the second session tackled the EU's mediation infrastructure, drawing on perspectives of those who work within it and those working on understanding and improving its capabilities.

From this insider perspective, mediation is confirmed as a tool to be used at all stages in conflict. The core mediation expertise of the EU lies within the European External Action Services (EEAS) further confirming that for the EU, mediation is viewed as part of its broader foreign policy instruments. The relevant unit within the EEAS is the Conflict Prevention, Peacebuilding and Mediation Instruments Division (K2) which houses the Mediation Support Team. The core role of the unit is to support Delegations and those involved in actual mediation. The unit provides important services, such as technical guidance and experts to other colleagues that have political and diplomatic 'know-how'.

The Mediation Team highlights which countries to focus on and then the member states can inform the team of what is already being done. With this information, the EEAS mediation team can then decide further where coordinated effort should be placed. This process of negotiating the priority cases allows for a focus on potentially neglected areas of emerging conflict, and attempts to reduce the over politicisation/political wrangling over the choice of engagement and how this engagement is undertaken.

The unit includes over 50 members of staff who work on the following capabilities:

The **Early Warning System** is supposed to help with determining which cases get picked for EU engagement. It is suggested that this process is systematic requiring surveys to be sent out to various parties at Brussels and member states' levels. It also relies on open-source information and is thus an intricate process of looking at certain countries and coming up with recommendations on about 15 countries to the member states in the Political and Security Committee (PSC).

Conflict Analysis – an important tool that is supportive of the comprehensive approach. It helps all EU parties address commonalities before engaging in conflict situations.

Mediation support as part of EU Foreign Policy is driven by the EU's desire to contribute to peacemaking externally based on what is seen as its own unique experience. There are various actors involved in this process, and beyond Brussels – importantly, it involves the EU Delegations all over the world as key participants in processes of mediation.

Other activities include Security Sector Reform (SSR) and Partnerships.

EU mediation despite its difference from traditional conceptions of mediation uses some of the same language framed within other diplomatic practices, e.g. the system of diplomatic 'Tracks' or Military and civilian missions are sometimes deployed alongside one another, which in itself raises questions as to whether peace support in conflict is at risk of securitisation.

For EU policymakers, funding provided by the EU for mediation efforts is considered a part of EU efforts even when there is no direct participation. This again reinforces an institutional narrative that is reiterated in the key policy framework document *Concept on Strengthening EU Mediation and Dialogue Capacities* that sees mediation in a broad sense. Additionally, the EU often aims to deploy multiple tools alongside mediation efforts, one of which is dialogue. While distinct, mediation and dialogue are linked. The politicised nature of mediation however is seen as an advantage from the perspective of the EU. In other words, the EU does consider its prior engagement in conflict situations to be an asset in its efforts to mediate peace.

Two Cases where the EU often used as examples of its best practices include Aceh and East Timor. The approach taken in East Timor is linked to the EU's commitment to promoting regional integration. The view from within the EU is that the EU serves as a good model of regional integration, and ASEAN depends on this. However, the literature on ASEAN would suggest that while there is learning with regards to regional integration, the EU is not precisely a model that is replicable in the region, and thus, the EU's potential strength is less in the modelling. Yet, it cannot be denied that the EU is a good case of regional peace building post WW II.

The view from within the EU institutions is that there is a realistic expectation of what the EU can achieve during mediation. Indeed, perhaps contrary to what the literature suggests would be an ideal outcome of mediation; the achievement is often not a peace agreement. Rather, the EU's action can be preventive, or create the space for on-going dialogue to help break deadlocks. This is especially important in cases where on-going negotiations can help to identify possible solutions, even if no concrete agreement is reached. The EU thus works towards mediation activities that can help to bridge gaps in order to build confidence between parties. Mediation activities can provide externally sponsored guarantees that anything that comes out of the process will have some degree of success through implementation due to external accountability. Or potentially, a mediator can act as a guarantor towards an eventual peace. Mediation provides the safe spaces for debate, knowledge exchange, and can help with concrete suggestions or help in drafting particular agreements.

Further, given the challenges of EU- led troop deployment in crisis management, mediation may also make a more useful contribution by the EU to addressing conflict based insecurities such as displacement, food insecurity, and gender based violence. Further it is less expensive than peacekeeping. To be clear,

although cheaper than peacekeeping, mediation is an expensive endeavour and someone still has to pay for it.

But mediation is not without its own challenges and these can be viewed in two parts.

B. Challenges

The first set of challenges has to do with problems that arise from the conflict parties. The greater the discrepancy in resources and capacity between parties to conflict, the greater the likelihood of dependence on external mediators by one side or another. But resources are not finite, and as a result of time and resource pressures sometimes, conflicting parties are forced to sign something that they don't believe in or they don't understand and cannot truly implement. Further, dependence on the resources put in by donors like the EU could lessen the incentive to move towards an agreement since continued mediation means more money from donors. Then if the mediator leaves prematurely, there is the likelihood that the positive impact of mediation is limited. Further, given the reliance on interpersonal relationships and its importance for continuity and building trust, the individual mediator(s) role is very important. Often, the mediator is mostly dependent on the donors for continued employment in those cases where the EU or other international organisations contract out mediation support. Creating a narrative of necessity, mediators can often find ways of justifying their own relevance to keep going back to the communities of the parties to conflict within which they work. Criticality must therefore be maintained in researching EU mediation activities given that the work of mediators can be self-defeating and actually maintain the status quo thus causing more harm than good.

The second set of challenges is to some extent linked with the above, but especially concerned with the process of mediation itself. It was suggested that sometimes mediators are not fully conversant in local cultural and political complexities, which undermines their ability to support a mediation process substantively. Their knowledge is sometimes superficial enough to lead to serious problems, which can make it difficult to know how and where the mediator fit in within the mediation process. Given the nature of mediation, which relies on personalised relationships, the mediator's role can become over personalised where the mediator becomes more important than the process (establishing trust and dialogue) and the outcome.

Academics and International Organisations (including third party representatives¹) can be complicit in compounding these challenges, by going into conflict areas wanting to understand the situation through 'measurable' established frameworks. It is important, therefore, to note that experts have their own agenda within the mediation process, which does not always echo what is needed within processes or local preferences. There is a need for academic experts not to 'crowd' the field and also maintain critical distance. There was a significant consensus around the room that often international 'experts' have the potential to overwhelm the conflicting parties with their 'expertise'. The question remains however how can we gain more knowledge into these processes as academics while accounting for and respecting local preferences and avoiding an environment that becomes overwhelming for those who are vulnerable?

Of course, there are constraints to how and within what contexts mediators can act. From the point of view of international organisations like the EU, whereas certain agendas have their basis in international legal norms (e.g. preserving territorial integrity, no amnesties for human rights violators), sometimes this is not appropriate at the pragmatic level. This of course raises questions of balance for the EU who is obliged to keep international legal norms and indeed sees itself as a norm shaper.

One of the questions raised in the first session of the afternoon's proceedings was how the EU identifies which conflicts it chooses to mediate. There is no scientific formula that has thus been deciphered. Rather, the K-2 unit is dependent on information from EU Special Representatives and their staff who are

¹ For example civil society organisations contracted to work on behalf of specific donors

already working with conflicting parties. One example of where this has happened is in the current case of Mali, where the local EU delegation played a role in shaping Brussels' responses. Additionally, information that drives decision-making is informed by other regional organisations, with whom the EU works in every conflict it is involved. The positive examples of Aceh and East Timor were cited as good practice, and led the group to conclude that, in contrast to most other foreign policy areas, the EU performs its mediation function best in locations at distances well beyond its neighbourhood. There was the sense however that although counter intuitively to most other foreign policy areas which often prioritises the neighbourhood (loosely defined), the EU performs best when it is as far away from a case needing mediation as possible. So, in those cases where the perception is that the EU has no immediate stake in the conflict and its outcome, it fared better as a mediator. In those instances where the EU cannot be viewed as a 'neutral' actor, it is still involved in funding peacebuilding activities, as in the Georgian/Abkhaz context. In the Philippines, for example, the EU funds civil society organisations as part of mediation support mechanisms. The closer a case is to EU borders the bigger the interests of EU member states, which complicates its role as mediator.

On Syria, the divisions in views of EU member states have made it difficult for the EU to be more engaged. Conflicting or competing interests among member states at Brussels level, particularly amongst those who are also UN Security Council members, have inhibited a more active role for the EU in Syria. Beyond the EU institutions, the actors within the EU driving the decision to contribute to mediation often include the Nordic countries, Belgium, Netherlands and Spain. Civil society organisations (CSOs) play a significant role in encouraging EU engagement in mediation and the EU tends to work with existing patterns.

While mediation is applicable to all cycles of conflict, it is often linked to instances where there is already evidence of crisis. However, one EU insider gives one example of using mediation at the conflict prevention level through engagement with election processes. In this sense, elections are seen as potential conflict triggers and one of the countries the EU is currently working with is Togo (West Africa). It is nevertheless important to consider that there is a lot going on within mediation that is unplanned that is sometimes beneficial and other times not. The key then is trying to ascertain when mediation can be most useful.

One of the EU's advantages over some other international mediators is the ability to conduct both mediation and dialogue. Whereas mediation tends to want an end result such as an agreement, dialogue is more open ended, and creates the space for continued negotiations. One of the issues raised is how these two processes relate to each other – are they mutually reinforcing, or does one set the stage for the other?

But the EEAS unit is faced with challenges too. It would be useful, for instance, to have the capabilities to go beyond the member states so that it can autonomously deploy mediation capacity especially since the framework of the Lisbon Treaty encourages this. However, this will only happen if the current High Representative develops a strong presence and is more 'daring' because the member states often claim this area of high politics for themselves.

III. Civil Society Perspectives on EU Mediation Activities

In the final part of the main programme, the space was given to civil society organisations' perspectives on EU contributions to international mediation, but also to ascertain the utility of the EU in crisis management through the use of mediation. The civil society representatives all had experiences of having worked with or on behalf of the EU in mediation. Mediation from this perspective is something that the EU has been engaged in for a while despite the limited literature or knowledge of its activities.

There exists one instance of desktop based research conducted by a policy think tank, which examines official policy documents to map out what the EU is doing and is the first attempt to start getting to the challenge of examining the EU's nascent role in international mediation. Additionally, limited but

unattributed interviews with EU officials have the potential to yield other substantive information; however, respondents often consider the subject matter sensitive and are reluctant to speak about it. This raises two challenges. First, how can we as researchers deal with the ethical dilemmas of not being able to attribute or corroborate information due to the perceived sensitivities? Second, and perhaps even more importantly, how do we get the information in the first instance? One suggestion was to examine historical cases and speak with people who have left the institution.

In the first attempt to probe relevant officials about EU's mediation practices, there was the sense (prior to the formation of a dedicated EEAS section on Mediation) that officials felt that the EU did not 'do mediation'. The inquiry found that there are sections of the EU who are not aware of what mediation entails despite the range of work that the EU does in this area. The EU *Concept* itself is not widely known despite the existence of the K2 unit. Further research on mediation thus has the potential to increase the visibility of this sort of work even within the EU.

Drawing on experiences of interacting with EU actors, there was the sense that the EU had intimate knowledge of a particular conflict's dynamics, both the perspectives of those on the ground and of policy elites; the EU is able to contribute more substantively to international mediation. The knowledge often comes from the members of EU delegations and representatives (including well informed geographical desks) in the country or region. These people knew how mediation worked and fed the EU the relevant information needed for engagement. So the role of individuals was essential.

A member of civil society echoed the inhibiting role that EU actors such as member states play in engaging in mediation activities. One of the lessons drawn out from the limited study of EU mediation is the need to actively manage the EU's own family: the EUSRs and the member states. Even EU officials are aware of the sometimes tense and counter productive relationships within the EU family. Yet, in order for EU mediation to work, member states' backing is needed.

While the academic and policy literatures are often insistent that EU foreign policy needs coherence and the ability to speak with one voice is viewed as the tangible expression of this, it seems an unachievable dream. Consensus therefore cannot be the criteria for the EU to engage in mediation activities, even when the backing of key actors within the Union is needed. What is needed is that at 'critical junctures' there needs to be one voice coming from the EU, rather than getting all the member states to agree on every issue.

Partnership is key. It is very rare to find the EU doing mediation and dialogue on its own. Success and failures are heavily reliant on a wide range of partnerships. In examples such as Aceh, Kenya, Kosovo, Serbia, these were areas where the EU had partners including the UN, international NGOs, regional organisations and the US. Another example is in the Caucasus where there is no formal peace process, but where the EU nevertheless is supporting the space for dialogue through the European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK), which is an initiative of international NGOs funded by the EU.

There is a need to have smart political relationships. The EU is often seen as a 'giant' cash machine - the go-to for resources. Yet, where the EU worked better was where it had existing relationship, but not necessarily a subordinated one. A relationship beyond the financial relationship is often the one where the EU does best in terms of its contributions to mediation and dialogue.

There is a need to move from ad hoc responses to international best practices. While the EU has always had many approaches to 'mediating' conflict, often these were not situated within broader concerns of conflict management or peace support operations. And this is an area where taking forward a research agenda on EU mediation can contribute. The perspective from civil society is that it is useful to see mediation as part of the broader peace-building effort, and for mediation to be successful the framework must go beyond the negotiating table to support efforts to build sustainable peace. This suggests a rethink

of how we conceptualise mediation. But also importantly, the EU's broad concept of mediation, encompassing mediation, dialogue and facilitation makes it a key mediation actor in this regard – facilitating support to broad-based peace processes, as well as more elite negotiations.

IV. Avenues of Research to Explore

These discussions confirmed that there was a gap in the academic literature concerning EU roles in international mediation. The existing limited research has been mostly conducted by policy think tanks on an ad hoc basis despite the wealth of knowledge on practice. In the next stage of this research agenda, we are keen to explore first what academics can contribute to the debate by engaging more directly with the policymakers and other partners.

In setting a future research agenda, the research team is asked to consider that headlines in media and research about mediation are often associated with the 'Big Man' or Prestige Mediator. Yet, the areas where those on the ground suggest the EU has made a difference are often smaller in scale in terms their contributions to change. This dimension of where mediation takes place could potentially be an area of research to explore. For example, focusing on the supply-demand side of mediation by trying to understand the 'whys' and 'hows' that goes into the EU's decision-making on whether to mediate or not mediate. Along these lines, the temporal dimensions of mediation as it affects sequencing would be a useful empirical contribution to the field. Understanding the sequencing of activities could potentially help to elaborate on where the EU is most needed. Further, it would be useful to understand how the EU fares in comparison to other actors. Of course, it is often difficult to separate out the EU-effect from those of other actors; nevertheless, there is an opportunity to explore the workings of the EU as it develops into an established actor in the field of international mediation.

A broad definition of mediation may be useful in framing the research agenda, which takes as its starting point EU Foreign Policy. While the *Concept* document provides a definitional frame of what constitutes mediation, it may still be useful to conduct research intended to understand how certain practices of the EU are enacted as mediation, while others are excluded from this frame. Undertaking this type of research may be necessary in order to truly engage in transforming conflict towards peace. Whereas to date, the EU is not often in the lead with regards to mediation, the EU does have a role to play and thus a research agenda with the EU as its focus has the potential to significantly contribute theoretically and methodologically to existing explorations of international mediation in conflict analysis studies.

Critical approaches to mediation should examine questions around 'who is the mediator' – thus considering both those in the spotlight working on macro-level issues and those who interact with local actors at the micro-level. The importance of local perspectives cannot be understated and EU must consider this a priority when choosing mediators for EU sanctioned roles in mediation. Here, the role of the EUSRs is very important.

Tentatively, we would also like to explore questions we consider pertinent to gaining a full up to date and systematic picture of EU mediation activities. These questions fall within four main themes:

- a. The institutional architecture of EU mediation, including capabilities and transparency
- b. The manner in which power is located in mediation knowledge, processes and practices
- c. The ethics of undertaking a sensitive research agenda
- d. Sources of holistic data of EU mediation endeavours

Crafting research questions and an agenda based on these themes will not be without its challenges. For example, we need to address the methodological challenges posed by researching macro-level mediation

activities and micro-level activities. Furthermore, methodological challenges inevitably arise from studying mediation as an instrument of security (and therefore through International Relations lenses) or an instrument of peace (through Peace Studies/Conflict analysis lenses). However, finding a way to address at least some of the questions posed at this workshop, we believe, can contribute not only new knowledge but ***enable lasting peace***.

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