

Study on EU lessons learnt in mediation and dialogue

Glass half full

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Acronyms

ACP	African, Caribbean, Pacific Group
AETS	Application Européenne de Technologies et de Services
APF	African Peace Facility
ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUC	African Union Commission
BCPR	Bureau for Crisis Prevention and Recovery of the United Nations
CAR	Central African Republic
CFSP	Common Foreign and Security Policy
CHD	Centre for Humanitarian Dialogue
CMI	Crisis Management Initiative
COASI	Council Working Group for Asia
COM	Commission
CPG	Conflict Prevention Group
CPMD	Crisis Management and Planning Directorate of EEAS
CSDN	Civil Society Dialogue Network
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisation
CSP	Country Strategy Paper
DEVCO	Directorate General of Development Cooperation (European Commission)
DfID	Department for International Development (UK)
DRC	Democratic Republic of Congo
EC	European Commission
ECDPM	European Centre for Development Policy Management
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
EPLO	European Peacebuilding Liaison Office
ERM	Emergency Response Mechanism (African Peace Facility)
ESDP	European Security and Defence Policy
EU	European Union
EUD	Delegation of the European Union
EUISS	European Union Institute for Security Studies
EULEX	European Union Rule of Law Mission
EUMM	European Union Monitoring Mission
EUSR	European Union Special Representative
FIIA	Finish Institute of International Affairs
FPI	Foreign Policy Instrument
FYROM	Former Yugoslav Republic of Macedonia
GAM	The Free Aceh Movement
GCC	Gulf Cooperation Council
GPA	Global Political Agreement
HoD	Head of Delegation

HoM	Heads of Mission
HQ	Headquarters
HR	High Representative
HRVP	High Representative/Vice President
ICG	International Crisis Group
ICG	International Contact Group (Philippines)
IDEA	Institute for Democracy and Electoral Assistance
IfS	Instrument for Stability
IGAD	Intergovernmental Authority on Development
IIGEP	International Independent Group of Eminent Persons
INGOs	International Non-Governmental Organisations
JOMIC	Joint Monitoring and Implementation Committee (Zimbabwe)
LTTE	Liberation Tigers of Tamil Eelam (Sri Lanka)
MDC-M	Movement for Democratic Change – Mutambara (Zimbabwe)
MDC-T	Movement for Democratic Change – Tsvangirai (Zimbabwe)
MEP	Member of the European Parliament
MILF	Moro Islamic Liberation Front (Philippines)
MoU	Memorandum of Understanding
MPC	Mindanao People’s Caucus (Philippines)
MS	Member States
MST	Mediation Support Team
MSU	Mediation Support Unit (UN)
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NLD	National League for Democracy (Myanmar/Burma)
NVPF	Nonviolent Peace Force
OIF	Organisation Internationale de la Francophonie
OSCE	Organisation for Security and Cooperation in Europe
PAMF	Policy Advice, Technical Assistance, Mediation and Reconciliation Facility
PRIO	Peace Research Institute
PSC	Political and Security Committee
REC	Regional Economic Community (in Africa)
RIP	Regional Indicative Programme
SADC	Southern African Development Community
TFEU	Treaty on the Functioning of the European Union
ToR	Terms of Reference
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNMIT	United Nations Integrated Mission in Timor-Leste
UNSC	United Nations Security Council
US	United States
ZANU-PF	Zimbabwe African National Union Patriotic Front

Key Messages

The European Union has a long history and rich experience as an actor in mediation and dialogue, from its recent high-level work regarding Kosovo-Serbia to supporting grassroots work in the Philippines. It is difficult to find a region of the world where the EU is not active to some extent in mediation and dialogue. As a peace project itself since its very beginning, the EU has had mediation and dialogue as part of its internal makeup and in 2009 the EU Council agreed a Concept on Strengthening EU Mediation and Dialogue Capacities, as a clear point of policy and conceptual reference. However, despite **EU experience illustrating a ‘glass half full’**, the breadth and depth of this engagement in mediation and dialogue is not entirely recognised even within the EU institutions. **Clear opportunities exist in the post-Lisbon institutional setup to scale-up mediation and dialogue within a comprehensive approach to conflict prevention, peacebuilding and stability.**

The EU has developed its capacity and experience in mediation and dialogue over the last 20 years along the lines of the five roles of the EU: as a mediator itself, and in promoting, leveraging, supporting and funding mediation and dialogue. Lessons learnt articulated in this study cut across or reference the five roles and range from Track 1 (the highest political level) to Track 3 (grassroots). This study, of a limited scope and for which only a short period of time was available, looked briefly at EU experiences in Georgia, Indonesia (Aceh), Israel-Palestine (Middle East), Kenya, Kosovo-Serbia, Myanmar/Burma, the Philippines (Mindanao), Sri Lanka, Yemen and Zimbabwe in addition to cross-cutting thematic issues and a range of other geographical examples in less depth.

The following lessons for the EU arose from the study, on which further progress should be made.

Lesson Learnt 1: Understand the context and adapt

Part of the added value of the EU is its extremely wide global reach, yet this poses both challenges and opportunities. Continual EU adaption to the various and constantly evolving country and regional contexts in which mediation and dialogue take place is highlighted as a crucial determinant of a successful EU intervention. The post-Lisbon institutions and recent developments offer greater opportunities for this that should be seized.

Lesson Learnt 2: Actively manage the EU’s own family engagement

The strength of the EU lies in its diversity and comprehensiveness in terms of the response it can offer. The EU’s family ability to ‘get its act together’ in the context of its own actions has been noted as a major determinant of success, yet too often this does not occur. When the EU manages its own engagement effectively (between EU institutions and Member States (MS), the field and headquarters, the political and operational spheres) it achieves better outcomes for mediation and dialogue and there is scope here for further improvement.

Lesson Learnt 3: Partnership is key and good partnership adds value

There are almost no instances where the EU works alone in mediation and dialogue. The EU works with UN, regional organisations, international non-Governmental organisations (INGOs) and local civil society as well as with direct parties to the conflict. Therefore the success (and failure) of EU mediation is heavily reliant on how well the EU can work together with its partners in order to add value. Good work has been done in the past but more is needed to maximise the value of the EU’s partnerships at the global, regional and local level, thus bringing together the political and financial resources of the EU.

Lesson Learnt 4: Leverage the EU’s added value by moving from *ad hoc* responses to international best practice

The EU’s added value lies in its global reach, its ability to engage over the long term, and its ability to work at multiple levels as well as its more ‘neutral’ profile in certain circumstances. Yet the EU’s approach is too often *ad hoc* rather than comprehensive, and the EU does not draw sufficiently on either its own internal experience as a peace and integration project or international best practice. Where it can act comprehensively, over the long term and across different levels, the EU has more of a chance of achieving a positive impact and this should be incentivised.

Executive Summary

Introduction

1. **Where the EU's engagement in mediation and dialogue is concerned the glass is most certainly half full.** This is in the sense that there is good experience to reflect and draw upon, the relevance of EU engagement in mediation and dialogue to EU foreign policy goals is clear, opportunities exist to be built on and the EU can bring an added value to other actors. The **European Union indeed has a long history of rich experience as an actor in mediation and dialogue**, particularly when a comprehensive definition is used. This experience extends from high-level work in Kosovo-Serbia, through comprehensive approaches in Aceh-Indonesia to supporting specific grassroots work in the Philippines and Yemen. As a peace project itself since its very beginning, the EU has had mediation and dialogue as part of its internal makeup. In recent years there has been an increasing recognition of the importance and scope of mediation and dialogue in making a contribution to preventing violent conflict and building sustainable peace and stability. The EU, along with other actors such as the United Nations, has developed its capabilities to do better where dialogue and mediation are concerned. In 2009 the EU Council agreed a Concept on Strengthening EU Mediation and Dialogue Capacities as a clear point of conceptual and policy reference.

2. Despite the fact that the 2009 Concept sought to clarify the EU's ambition for, and framing of, mediation and dialogue **there is still considerable confusion as to this topic within the EU institutions** including the European External Action Service (EEAS) and among the officials themselves; indeed, hardly any of those interviewed had ever heard of the 2009 Concept. This confusion often leads officials and third parties to contend that the EU 'doesn't do mediation' or that it rarely does mediation. **Yet when the ambition and framing of the 2009 Concept of the EU as a mediator but also of its role in promoting, leveraging, supporting or funding mediation and dialogue are explained**, EU officials and third parties are **quick to identify relevant experiences and lessons** which capture the nature of their work or of their interaction as partners of the EU, particularly as the relevance of these roles ranges from the highest 'Track 1' political level to the 'Track 3' level of grassroots engagement.

3. That the EU has developed a significant amount of mediation and dialogue activities (across the five areas of the 2009 Concept) in specific contexts is not in question. The EU has also partially adapted its policy framework, institutional setup and funding mechanisms toward this. Yet there are two questions, firstly as to **the quality and impact of this engagement**, not least by officials themselves, and secondly as to **whether the EU is currently fully exploiting its potential added value**.

Background to the Study

4. The purpose of this **study is to provide an overview of the EU's extensive inputs and diverse experiences in relation to mediation and dialogue**, as well as a **reflection on what can be learnt from these**. The key audience for this report is EU officials (EEAS, the EC Directorate General of Development Cooperation (DEVCO), Foreign Policy Instruments (FPI) and EU Delegations) who may not be aware of the extensive nature of the EU's engagement in this area. A second purpose is to provide a knowledge product that can be used as part of wider awareness-raising processes, as well as potential 'food for thought' for better practice and background material for internal capacity building within EU institutions. The **study is not, however, an impact evaluation** but rather a limited review of inputs, of what the EU has undertaken and of what could be learnt from this. Indeed it is important that the reader be aware of the methodological limitations and of the fact that **this study collects only a limited number of subjective perspectives on the EU's inputs**; different interpretations and other examples could also be given.

5. While the study is unashamedly Eurocentric given its purpose, and concentrates on the EU's role, it should of course be noted that it is the parties to the conflict, rather than the EU, who will always play the most important role in transforming conflict situations and it is to them that the greatest attribution of success or failure must be made. The study focuses on experiences that balance: 1) Geography: most

regions of the world are included in order to cover the geographical breadth of the EU's engagement and draw on global experience; 2) Level of engagement: covering Track 1 (Highest Political Level) to Track 3 (Grassroots Level); 3) Cross-cutting institutional developments with geographical experience: the EU has significantly developed its institutional capacity as well as its geographical experience (see Section 3); and 4) Pre- and post-Lisbon institutional arrangements: the study draws on nascent lessons learnt reflecting on the post-Lisbon institutional arrangements and the creation of the EEAS, though some of the most prominent mediation and dialogue experiences took place prior to the entry into force of the Lisbon Treaty. The starting point for deriving lessons was an appreciation of what the EU itself has chosen to highlight as its practice in relation to mediation and dialogue. Therefore the study looked at experiences in Georgia, Indonesia (Aceh), Israel-Palestine (Middle East), Kenya, Kosovo-Serbia, Myanmar/Burma, the Philippines (Mindanao), Sri Lanka, Yemen and Zimbabwe, yet also covers other geographical experiences and broader thematic issues.

6. In undertaking the research, interviews with 27 EU officials from institutions and with 8 others involved in the implementation of mediation and dialogue initiatives (e.g. CSOs/INGOs, UN or regional partners and other external experts) were conducted as was a review of relevant EU official documentation and third-party analysis of the EU's role. This constitutes a limited evidence base but one that nonetheless captures a diversity of experiences and views.

Lessons Learnt

Lesson Learnt 1: Understand the context and adapt

7. Part of the added value of the EU lies in its extremely wide global reach yet this poses both challenges and opportunities. Continual adaption to the various and constantly evolving country and regional contexts in which mediation and dialogue take place is highlighted as a crucial determinant of a successful EU intervention; Kosovo is not the Philippines and the Zimbabwean political context shares few characteristics with that of Kenya even if they are on the same continent. What the EU can offer differs considerably between even these contexts as does its position in relation to the conflict parties, yet through well crafted adaption the EU provided a positive and at times crucial contribution. Where the EU has both a good understanding of the political dynamics at different levels and the ability to adapt its political and policy responses accordingly rather than seeking to offer a 'one size fits all approach', its experience of mediation and dialogue is generally positive regardless of geography. This has been seen in the examples of Kosovo-Serbia, Philippines, Indonesia (Aceh), Kenya and Georgia.

Sub-lessons include:

- The quality, expertise, knowledge, flexibility and motivation of EU officials (at various levels) are key to the EU's adaption to context – good people make the difference;
- There is a need to further invest in systems and approaches that enable a better understanding of the political/conflict dynamics and to appreciate the true origins of demand and opportunities (or the lack thereof) for EU mediation;
- There is a need to be creative and take informed risks;
- Greater opportunities for mediation and dialogue exist in contexts where the EU is seen as relatively neutral but also as a credible political and financial actor; yet these contexts occur globally.

Lesson Learnt 2: Actively manage the EU's own family engagement

8. Another potential strength of the EU lies in its diversity and comprehensiveness in terms of the response it can offer. The EU's family ability to 'get its act together' in the context of its own actions has been noted as a major determinant of success, though also as a source of on-going frustration. It is this aspect of managing 'family relations' that external parties and even the EU's own staff most heavily criticised in terms of undermining success and potential opportunities. EU officials at all levels generally acknowledge that, while the vision of the Lisbon Treaty is of an EU that works together more closely and coherently, the reality is that this still has to be constantly and skilfully managed rather than simply arising as a matter of course. This requires the active and pragmatic management of the EU's own family at multiple levels; it cannot be left to chance that the post-Lisbon structures will automatically deliver this.

Sub-lessons include:

- EU-MS may either limit or open up space for EU mediation and dialogue; therefore engagement with them by EU institutions is key, particularly if mediation is at the highest level;
- EU institutions and MS must speak with 'one voice' at critical moments in dialogue processes; yet need not maintain complete coherence at all points of engagement or on all issues;
- Aligning and drawing on the strength of the EU's political, financial and technical competences requires active and specific collaboration across institutions (particularly the EEAS and Commission);
- Respect and dialogue between headquarters (Brussels and European capitals) and the field (Delegations and EU-MS embassies and/or Common Security and Defence Policy (CSDP) missions) is key and provides good-quality information and knowledge that flows both ways.

Opportunities exist to better actively manage the EU's own family in the post-Lisbon institutional setup that should be exploited, while risks that the post-Lisbon structure may create unhelpful divisions (particularly between the political direction of the EEAS and the Commission's instruments) should also be managed.

Lesson Learnt 3: Partnership is key and good partnership adds value

9. The key observation is that there are almost no instances where the EU works alone in mediation and dialogue. Therefore the success (and failure) of EU mediation is heavily reliant on how well the EU can work together with its partners in order to add value. Indeed, while the EU engagements in the Philippines, Aceh-Indonesia and Kenya can in some ways be characterised as successes, these can be ascribed to the conflicting parties themselves and to the international community as a whole. Even in the case of Kosovo-Serbia where the EU is the central mediator, the US also had an important and critical role to play and in Yemen it is (surprisingly) Russia that is the EU's key political partner. In the Philippines and Indonesia (Aceh) it was non-Governmental organisations that critically made space for the EU. By the same token, the 'difficult cases' of Zimbabwe, the Middle East, Georgia, Sri Lanka and the African Great Lakes represent a challenge for the international community overall, and the lack of progress made toward achieving positive outcomes through mediation and dialogue cannot fairly be attributed to the EU alone.

Sub-lessons include:

- EU partners can act in ways the EU cannot and can open opportunities for the EU; therefore it is constructive engagement, not competition or duplication, that should be prioritised;
- Good partnership extends beyond the provision of financial resources to smart political relationships that work both ways; there is room to further develop the EU's political partnerships with the UN, the African Union (AU), and INGOs as well as with local actors;
- The continued cultivation of a diversity of partners at global, regional and national level is necessary and must include legitimacy, experience and connections that can work at different levels of mediation and dialogue.

The EU has developed numerous innovative tools for working with different types of partners at global, regional and country level. The challenge now is to take this partnership to the next level by combining its political and financial aspects more effectively at the different levels.

Lessons Learnt 4: Leverage the EU's added value by moving from *ad hoc* responses to international best practice

10. That the EU has developed a significant amount of mediation and dialogue activities (across the five areas of the 2009 Concept) in specific contexts and is now taking them further with a specific Division in the EEAS at its centre is clear. The EU has also partially adapted its policy framework, institutional setup and funding mechanisms; however there is both scope and necessity to take this further. Nevertheless, in some cases the EU gives the impression of following an *ad hoc*, reactive and events-based approach, whereby it seems that in a number of contexts, it is merely conducting individual projects and initiatives rather than adopting a more comprehensive and considered approach or strategy.

Sub-lessons include:

- The EU is not maximising its potential in this area because mediation and dialogue are not immediately prioritised or understood as a response that the EU should offer. Further work on prioritising, socialising and incentivising approaches to mediation and dialogue within the EU institutions is needed;
- The EU's biggest successes in peacebuilding through mediation and dialogue have involved a multi-level and multi-stakeholder approach; something that the EU is extremely well placed to offer if it can be managed effectively. The EU should thus approach mediation and dialogue as part of wider support to a peace process (regardless of whether it is officially labelled as such) and bring the full EU menu of responses to the table;
- The EU can cover meaningful processes of mediation and dialogue even if these are rarely subject to quick wins. The successful engagements in the Philippines, Aceh-Indonesia and Kosovo-Serbia happened over a number of years. Despite the current lack of progress in Georgia and the Middle East, the importance of staying engaged and of maintaining the lines of communication through which the EU is involved is seen as critical positioning for success;
- The EU, as a project for peace and functional integration, has significantly under-utilised this internal experience in its external mediation and dialogue, despite the fact that this internal experience of relevant mediation and dialogue issues is significant (going beyond the Northern Ireland peace process to rich experience in minority rights, devolution, transitions from military to civilian rule, and the negotiation of functional technical issues such as border management). This represents a missed opportunity in promoting the EU's added value, yet such promotion should always be done sensitively and based on clear demand from the conflicting parties;
- The current internal systems used (by both the EEAS and the Commission) to archive, capture, and disseminate EU experience appear limited, and genuine evaluation of EU engagement in mediation and dialogue (for both learning and accountability) is practically non-existent. This needs to be developed and requires investment.

Significant opportunities exist for mediation and dialogue by the EU through coordination and leadership of the EEAS, working with the Commission, that can make a very useful contribution to the achievement of the EU's external action goals. Positive institutional developments in all four lessons learnt can currently be observed, although complacency, or a lack of political prioritisation or institutional investment, could lead to an undermining of progress already made. This would represent a missed opportunity for the EU and could result in it having to invest politically and financially in more costly external action alternatives. The body of the main report suggests specific options on how some of these lessons can be taken forward practically, particularly by the EEAS and other EU institutions.

1. Introduction

1.1. Structure

Section 1 of this study starts by introducing, clarifying and framing EU mediation and dialogue as well as introducing the scope of the study. Section 2 discusses the methodology and evidence base of the study. Section 3 goes on to introduce the evolution of the EU's capacity development in relation to mediation and dialogue. Section 4 presents specific geographical examples. Section 5 notes four key cross-cutting and recurring observations and four related lessons learnt for EU engagement. This section also includes recommendations for further developing the EU's role in mediation and dialogue.

1.2. Background

In recent years there has been an increasing recognition of the importance and scope of mediation and dialogue in making a contribution to preventing violent conflict and building sustainable peace. The EU, along with other actors such as the UN, regional organisations and international non-Governmental organisations (INGOs), has developed its capabilities to do better where dialogue and mediation are concerned. In 2009 it agreed a *Concept on Strengthening EU Mediation and Dialogue Capacities*¹, as a clear point of conceptual and policy reference. However, the initiation of EU engagement in this area far predates this document, and has continued to evolve in the post-Lisbon institutional context, particularly in relation to High Representatives/Vice Presidents (HRVP), the European External Action Service (EEAS), Foreign Policy Instruments (FPI), the Directorate General of Development Cooperation (DEVCO) and EU Delegations. The breadth of the EU's mediation and dialogue experience is significant; indeed it is difficult to identify a region of the world where the EU is not engaged in some way in mediation and dialogue.

The **purpose of this study** is to provide an overview of the EU's extensive inputs and diverse experiences in relation to mediation and dialogue, as well as a reflection on what can be learnt from these.² The key audience for this report is EU officials (EEAS, DEVCO, FPI and EU Delegations) and other external parties who may not be aware of the extensive nature of the EU's engagement in this area. A second purpose is to provide a knowledge product that can be used as part of wider awareness-raising processes, as well as potential 'food for thought' for better practice and background material for internal capacity building. The geographical cases are also designed to be helpful as stand-alone documents illustrating particular EU experiences.

The study is not, however, an impact evaluation but rather a review of inputs, of what the EU has undertaken and of what could be learnt from this.³ This is because of a number of factors that dictated this approach given the timeframe of this study, including: the original Terms of Reference (ToR); the contested nature of what constitutes success in mediation and dialogue; the time-bound nature of success; the fact that the field of evaluating mediation is in its infancy⁴; and what has to be acknowledged in this study as a limited evidence base. Indeed it is important to note that this study compiles a limited number of subjective perspectives on EU inputs; different interpretations and other examples could also be given. The study's approach is to capture experiences and views, particularly those of EU officials, rather than to assess whether these are fully verifiable or in line with official EU positions. The intention is to clearly 'fill a gap' in the EU's own institutional learning on this topic and to provoke discussion rather than represent a definitive account.⁵ While the study is unashamedly Eurocentric given its purpose, and concentrates on the EU's role, it should of course be noted that it is the parties to the conflict, rather than the EU, who will always play the most important role in transforming conflict situations and it is to them that the greatest attribution of success or failure must be made. The scope of this study extends well beyond the activities of the EEAS Conflict Prevention, Peacebuilding and Mediation Instruments Division (K2) Mediation Support Pilot Project (MSPP), whose more specific actions are covered in a complementary evaluatory review.⁶

1.3. Framing EU Mediation and Dialogue

The European Union has a long history of rich experience as an actor in mediation and dialogue, particularly when a comprehensive definition of the two terms is used. As a peace project itself since its very beginning, the EU has had mediation and dialogue as part of its internal makeup. Despite the fact that the 2009 Concept sought to clarify the EU's ambition for, and framing of, mediation and dialogue (see box 1), there is still considerable confusion as to this topic within the EU institutions and among the officials themselves; indeed hardly any of those interviewed outside of the K2 division had ever heard of the 2009 Concept. This confusion often leads officials and third parties to contend that the EU 'doesn't do mediation' or that it rarely does mediation. Yet when the ambition and framing of the 2009 Concept of the EU as a mediator or its role in promoting, leveraging, supporting or funding mediation and dialogue are explained, officials and third parties are quick to identify relevant experiences and lessons which capture the nature of their work or of their interaction as partners of the EU.⁷

Box 1: Types of EU mediation involvement – as drawn from the 2009 EU Concept

- 1. EU as a mediator:** acting as a mediator itself, be it as a lead- or co-mediator;
- 2. Promoting mediation:** Based on its own experience as a peace project and its engagement for human rights and the rule of law, the EU is a credible promoter of dialogue and mediation as a non-coercive response to tensions and conflict;
- 3. Leveraging mediation:** Given its political weight and financial resources, the EU can, as appropriate, provide diplomatic leverage (e.g. as part of a group of friends) and/or economic credence to mediation processes and can support follow-up to their outcome through its full range of civilian and military crisis management instruments, as well as EU policies and instruments in the fields of trade, development and crisis response;
- 4. Supporting mediation:** The EU can facilitate effective mediation processes led by other actors through capacity building, training, logistical support and the provision of expertise to mediators and conflict parties. This support needs to be well coordinated with all actors involved in order to avoid duplication of efforts and to fully draw on EU comparative advantages;
- 5. Funding mediation:** The EU will continue to provide financial support to formal, informal and grassroots mediation processes.

The three important aspects that guide the approach to framing this study (and were further validated by interviews) are the following:

1. The **various roles of the EU** as described in the Concept (see Box 1);
2. The fact that the **definition of mediation and dialogue** is best understood in its enlarged nature as in the Concept (see Box 2);
3. Mediation and dialogue works **at multiple tracks and levels** (see Box 3).

Box 2: Definitions maintained in the 2009 Concept

Mediation is a way of assisting negotiations between conflict parties and of transforming conflicts with the support of an acceptable third party. The general goal of mediation is to enable parties in conflict to reach agreements they find satisfactory and are willing to implement. The specific goals depend on the nature of the conflict and the expectations of the parties and the mediator. A primary goal is often to prevent or end violence through the cessation of hostilities or the establishment of ceasefire agreements. In order to ensure peace and stability in the long term, mediation should be cognisant of and, as appropriate, should address the root causes of conflict.

Dialogue is an open-ended process which aims primarily at creating a culture of communication and search for common ground, leading to confidence building and improved interpersonal understanding among representatives of opposing parties which, in turn, can help to prevent conflict and be a means in reconciliation and peace-building processes. Successful dialogue can de-escalate conflict and render more formal mediation unnecessary.

Box 3: Tracks and levels in Mediation and Dialogue⁸

Track 1 is official diplomacy and mediation that takes place at the highest level. It covers formal discussions typically involving high-level political, religious and military leaders and focusing on ceasefires, peace talks and treaties.

Track 1½ diplomacy involves situations where official representatives give authority to non-state actors to negotiate or act as intermediaries on their behalf. These can be advisors and those with direct links to the highest leadership level.

Track 2 diplomacy involves unofficial dialogue and problem-solving activities aimed at building relationships and encouraging new ways of thinking that can inform the formal process.

Track 3 diplomacy works at the grassroots level. It is undertaken by private groups to encourage understanding between hostile communities by way of organising meetings, generating media exposure and providing advocacy for marginalised groups.

Adapted from: European Institute for Peace: costs, benefits and options, Final Report, 15th October 2012⁹

2. Methodology and Evidence Base

The methodology and evidence base of the study draws on both desk research into relevant materials and interviews with EU officials. It sought experience that would balance:

1. **Geography:** most regions of the world are included in order to cover the geographical breadth of the EU's engagement and draw on global experience;
2. **Level of engagement:** covering Track 1 to Track 3;
3. **Cross-cutting institutional developments with geographical experience:** the EU has significantly developed its institutional capacity as well as its geographical experience (see Section 3);
4. **Pre- and post-Lisbon institutional arrangements:** the study draws on nascent lessons learnt reflecting on the post-Lisbon institutional arrangements and the creation of the EEAS, although some of the most prominent mediation and dialogue experiences took place prior to the entry into force of the Lisbon Treaty.

The starting point for deriving lessons was an appreciation of what the EU itself has chosen to highlight as its practice in relation to mediation and dialogue. As it was impractical to search through every EU foreign policy document, a shortlist of official and semi-official documents was chosen to help generate an evidence base of EU inputs and a pre-selection of possible cases (box 4). From this pre-selection a shorter list of examples was chosen to be supplemented with targeted interviews, where officials were available, following input from the Division of Conflict Prevention, Peacebuilding and Mediation Instruments (K2) of the EEAS.

Box 4: EU reports from 2006-2011 (2012 where available) systematically analysed for relevant examples:

- Annual Report on the European Community's Development and External Assistance Policies and their Implementation 2006-2012;
- Annual EU Human Rights Reports 2006-2012;
- Instrument for Stability Annual Reports 2007-2011;
- Annual Reports on the EU Programme of Action for the Prevention of Violent Conflict (2001-2010) (only those in the public domain);
- Annual report from the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament on the main aspects and basic choices of the Common Foreign Security Policy 2007-2011;
- African Peace Facility Annual Reports 2007-2011;
- EU Security and Defence: Core documents 2007-2011 (annually produced by the European Union Institute for Security Studies (EUISS) from official sources).

Additional sources also included third-party descriptions of the EU's role as a mediator and in dialogue, particularly from third parties funded by EU institutions or Member States (MS).¹⁰ In addition, the outputs and conclusions of the recent coaching sessions on mediation and dialogue organised by the EEAS K2 division were made available to the team and were analysed.¹¹ Also consulted were academic and policy studies in which the EU's role as a mediator (in line with the 2009 Concept) is analysed or referenced.

The team undertook interviews with 26 EU officials from institutions directly involved in a number of the cases included, as well as with 8 others involved in the implementation of mediation and dialogue initiatives (e.g. CSOs/INGOs, UN or regional partners and other external experts) who could offer an informed opinion on the EU. Some of these interviewees were identified directly by the team, others by the EEAS K2 Division. The final inclusion of examples was somewhat dependent on the availability and willingness of EU officials to be interviewed during the period of this study. Interviewees were not cited and were kept anonymous in order to ensure a full and frank assessment of the EU's lessons learnt in what remains a sensitive area both inside and outside the EU. While all geographical examples draw on at least two sources, it is strongly emphasised that other interpretations of events or prioritisations of key issues and lessons could of course be made. The purpose of this study is however to capture views and experiences for training and learning purposes rather than to provide a definitive account; the latter would require a much more robust research and verification process and inevitably a process to bring it in line with EU-agreed positions.

3. Evolutions in the Development of the EU's Capacity

There are two key aspects to the EU's development of its capacities for mediation and dialogue. First, there are wider developments in the EU's foreign policy architecture that assist in enabling mediation and dialogue (examples are noted below in Table 1). Secondly there are those of a specific nature related to conflict prevention and peacebuilding or to mediation and dialogue (examples are noted in blue in Table 1). Since the 1990s the EU has achieved significant evolution in both areas, and those interviewed as well as the literature were generally enthusiastic and positive regarding this development. Their enthusiasm stemmed from the fact that the EU was better able to play a role in achieving positive outcomes in foreign policy, conflict prevention and peacebuilding including mediation and dialogue, though this was tempered by the frustration that the positive system created does not always function in the way interviewees would hope or was intended. For every positive capacity development, interviewees injected a sense of realism and pragmatism which will be explored in the section of this study that deals with geographical examples, key observations, and lessons learnt.

Table 1: Key development of the EU's capabilities in relation to mediation and dialogue

Year	Institutional Developments	Policy Frameworks	Financial Instruments	Partners / Partnerships (Regional or Thematic Only)
1996	1 st EUSRs were Aldo Ajello for the Great Lakes and Miguel Angel Moratinos – first appointed as 'Special Envoys'			
1999	First EU High Representative: Solana, whose mandate was created by Amsterdam Treaty, from 1999 to 2009			
2000		Political dialogue is set out in Art. 8 and 96 of the Cotonou Partnership Agreement EU-ACP – specific Article 11 on conflict prevention		
2001	European Commission DG RELEX – Conflict prevention unit established	Communication on Conflict Prevention was issued noting mediation as an approach EU 'Gothenburg Programme' for the Prevention of Violent Conflict was introduced noting importance of dialogue	Rapid Reaction Mechanism created (which subsequently funded mediation and dialogue activities)	European Peacebuilding Liaison Office (EPLO) network of NGOs founded, including many with significant mediation and dialogue experience
2002				African Union founded
2003	1 st ESDP Mission deployed: Artemis in the DRC – assisted in giving EU an added dimension to dialogue in DRC and Great Lakes region	European Security Strategy agreed	9 th European Development Fund financing African Peace Facility – created for working with African Union	
2004				
2007		2007 Treaty of the European Union (articles 18, 21, 26) was signed	Early Response Mechanism established as a specific tool to enable rapid response including mediation and dialogue as part of the African Peace Facility under the direction of the African Union Commission Instrument for Stability (IfS) created including the Policy Advice and Mediation Facility EIDHR Strategy Programme 2007-2010 notes mediation	From 2007 onward, mediation is continuously mentioned in several EU documents in relation to the EU/UN partnership. EU-Africa Lisbon Summit on 9 December 2007 laid the foundation for the AU Partnership of Peace and Security and specific, albeit low-level commitment to mediation
2008		Review of European Security Strategy mentions mediation		International Dialogue on Peacebuilding and Statebuilding formed – EU is a key actor Initiative for Peacebuilding Mediation Cluster group of NGOs set up to develop analytical work financed by the IfS
2009	First HRVP Ashton since November 2009 EC Delegations become EU Delegations on 1 December 2009, increasing scope for mediation and dialogue	EU Concept on Mediation and Dialogue agreed under Swedish Presidency		
2010	EEAS created EEAS (Division on Conflict Prevention, Peacebuilding and Mediation Instruments) created Budgetary Authorities (Council and Parliament) Create Mediation Pilot Project in the EEAS FPI and DEVCO created			Second Action Plan for the Joint Africa-EU Strategy, mentions mediation in relation to Peace and Security specifically
2011		Council conclusions on conflict prevention explicitly mention mediation		European Commission signs agreements with the UN Department of Political Affairs and with UNDP to cooperate on mediation
2012	EUSRs for African Union and for Sudan explicitly include mediation in their mandates			

4. Geographical Examples

The following section details both long and short geographical examples of the EU's approach to mediation and dialogue. It looks briefly at each background before exploring key inputs relevant to EU mediation and dialogue and notes key lessons learnt relevant to the example that are explained in further detail in section 5.

Geographical examples concentrate on specific inputs in relation to the EU's role in mediation and dialogue and therefore do not cover the wider diplomatic development of crisis management engagements and inputs in which the EU may be involved in any given context. It is therefore strongly recommended that the geographical examples below are **not** presented without the provisos given in relation to the scope and methodology explained in section 3 in order that no misunderstandings occur, i.e. the perception is avoided that these geographical examples were designed to elicit perspectives from EU officials, and from non-official and official sources. They thus represent a limited perspective on the issues and other perspectives, insights and analyses are available. They are designed to promote discussion and reflection rather than to represent the definitive account of the EU's role, which would have to come from a much larger study of significantly greater depth. It should also be noted that the EU may well have provided other mediation and dialogue inputs before, during and after the time period covered that have not been captured.

4.1. Longer Geographical Examples

4.1.1. Georgia 2008-2012

EU as a mediator	Track 1
EU leveraging mediation	Track 2
EU funding mediation	Track 3

Background

The EU has had conflict prevention as one of its goals in Georgia for some time, but was unable to prevent the Russo-Georgian war in 2008 from occurring. Following the escalation of the Russo-Georgian war in August 2008, the EU led the international response to the crisis through mediation between the parties, humanitarian assistance, a civilian monitoring mission, and the provision of substantial financial support. The EU's Presidency at the time, led by President Sarkozy working with High Representative Solana, acted swiftly to mediate the Georgian-Russian Peace Plan negotiations, which resulted in a 6-point plan and led to the Georgian CSDP EU Monitoring Mission (EUMM), which aimed to build local confidence. However, the initial mediation was mainly characterised and seen as a French rather than an EU initiative in the international press.¹² Yet this high-level mediation was not the end but rather the beginning of the process, with the EU mandating the Special Representative (EUSR) for the Crisis in Georgia to prepare international talks on security in South Ossetia and Abkhazia, and to represent the EU in such a forum.

Mediation and dialogue roles played by the EU

The EU's engagement in mediation and dialogue in Georgia was comprehensive, as it was delivered through deploying several different instruments. A double-hatted EUSR had both mediation competences and a mandate to represent the EU in the subsequent Geneva talks. The EU was involved at the forefront of the international mediation exercise leading, among others, the negotiations with the major stakeholders involved in supporting the 'peace' process. The format of the Geneva talks was essential to ensuring dialogue, as through constructive ambiguity it was multilateral and bilateral at the same time, allowing for example the US and the EU to hold (in the margin of the main discussions) separate dialogues with Russia and Georgia and representatives of Abkhazia and South Ossetia under the same framework. The setup of such negotiations was a huge achievement, as the discussions were focused on issues of security and humanitarian aid. While it succeeded in keeping the participants from all parties engaged and was thus an achievement in itself, the Geneva framework however had serious limits in terms of what it could deliver in conflict transformation. Beyond the recognition by Russia of South Ossetia and Abkhazia, the EU could not expect to have a significant impact on the territorial issue. Also the EU Political and Security Committee's

mandate was not to discuss the status of these territories but rather to manage the EU's engagement in security (and indirectly, humanitarian) issues there.¹³

The EUMM provided a 'security chapeau' to the entire EU engagement in the field that has added a dimension of leverage (albeit not decisive) to mediation and dialogue at other levels. While it had a very limited mandate, with no access to Abkhazia and South Ossetia, the EUMM succeeded in being perceived as the major guarantor of security vis-à-vis Russia in the area. Moreover, the mission had the added value of bringing in a confidence-building component as its field presence was a major deterrent to possible violations and was a clear sign of the EU's commitment to ensuring stability and respect of the status quo.¹⁴ However, there was some disappointment expressed by the Georgian population that the EUMM did not represent a more robust security response by the EU.

Outside of the formal channels for mediation and dialogue, the EU has also been involved in supporting engagement through Instrument for Stability (IfS)-funded initiatives in Abkhazia. This has been particularly rewarding, especially in terms of the possibility of reaching out to different beneficiaries and promoting mediation and dialogue at a different level. The IfS is more than just funded projects, but rather a political commitment to engagement including on sensitive issues. Therefore the EU, through the variety of its tools, has been able to access Abkhazia and even (very delicately) South Ossetia through funding a water project implemented by the Organisation for Security and Cooperation in Europe (OSCE) which constituted a clear cross-border engagement. The EU's range of capacities and instruments is very well placed to be present at different levels in mediation and dialogue, even if these kinds of support activities do not necessarily gain the headlines of the press due to the sensitivity of the politics in these areas and the fact that they do not take place at Track 1.¹⁵

The importance of having an EU political strategy, if a very general one basically limited to the principle of non-recognition and engagement, proved to be effective in ensuring a common EU orientation; however if combined with stronger coordination between the different EU capacities deployed in Georgia and also with the Headquarters in Brussels it could have delivered more coherence. Some positive developments in the EU 'getting its family in order' have been observed in the post-Lisbon configuration with the different areas of the EU working better together, yet this is also a result of changes in personality. In the past Georgia has been a crowded house with stakeholders confused as to 'who speaks for the EU'. Strategic cooperation between different levels was introduced into the inter-institutional modus operandi, allowing more strategic integration.¹⁶ The EUMM perspectives were thus offered in the Geneva talks, co-chaired by the EUSR. The original EUSR for the South Caucasus did not take part in the discussions, but was informed on them. In addition, representatives of the South Caucasus EUSR and EUMM started to participate in the Delegation coordination meetings.¹⁷

The existing setup for EU mediation and dialogue in Georgia was not purely framed in a top-down approach, and therefore left room for proactive and creative bottom-up alignment among actors of different institutional backgrounds to bring forward initiatives and to ensure increased sensitisation and awareness. The outcomes of this framework were thus very much dependent on the power of initiative of personalities, especially when it came to attitude, visibility and exposure. This was equally valid for the high-ranking officials; the mandate of the EUSR was a powerful one, and this had to fit the disposition of the person to use it. The entrepreneurial spirit of single personalities proved to be essential both in stimulating debate and in forwarding the process through a creative, risk-taking and innovative approach that avoided the risk of becoming trapped in the EU's bureaucratic confines.¹⁸ However, in the past, personality problems and competition between the EU's major representatives in Georgia have limited its effectiveness in mediation and dialogue, at least at the higher levels.

As the EU's relations with Georgia started becoming more strategically planned, the potential for EU leverage on issues such as visas and trade played a role, and coordination began to become more systematic and thus to shape a more coherent and effective approach to the country. With Russia, however, the situation remained slightly different, with too many different EU interests at stake at MS level and the EU relegated to a less powerful position, due also to the geopolitical challenges facing relations in the geographical area of the former Soviet Union.¹⁹

Lessons learnt

One of the main lessons learnt from the EU's engagement in Georgia was the progressive realisation that when it comes to the EU, the total is always better than the sum of its parts and that working toward a shared goal must imply a substantial level of cooperation between different institutional capacities.²⁰ Yet the practicalities of this are not always easy to operationalise in practice, even if the post-Lisbon setup does offer greater opportunities. This was somehow acknowledged by the Council in its Report on the Implementation of the European Security Strategy, wherein there is reference to the EU's engagement in Georgia as an example of what can be achieved when the EU and its Member States act collectively and with the necessary level of political will.²¹ Also the EU's ability to deploy different instruments to engage at different levels and in different contexts, as well as the importance of its continuing to engage even in a difficult situation was noted as positive. Yet there is still significant room for improvement and other officially sanctioned reports acknowledge that the outbreak of the 2008 war was a failure of dialogue, conflict prevention and early warning, including on part of the EU.

4.1.2. Indonesia (Aceh) 2004-2008

EU as a mediator	Track 1
EU leveraging mediation	Track 2
EU funding mediation	Track 3

Background

The conflict with the Government of Indonesia opposing the separatist movement for the independence of Aceh (GAM) had already impacted severely on Aceh province when the 2004 tsunami destroyed vast swathes of the area and aggravated conditions for the local population, causing a civilian emergency. The gravity of the situation in Aceh acted as a trigger for national reconciliation as it forced the conflicting parties to prioritise the civilian emergency over the conflict agenda.

Mediation and dialogue roles played by the EU

The mediation of Martti Ahtisaari, former Finnish President and founder of the Crisis Management Initiative (CMI), came after the parties sent a request for mediation support to CMI, renowned for its expertise in brokering mediation and dialogue in conflict situations. The role of CMI and Ahtisaari was accepted by the parties as unofficial, informal and independent: in particular, the private diplomatic nature of such mediation was very much compatible with the Government's firm opposition to any internationalisation of Indonesia's domestic affairs.²² This clearly illustrates that there are roles INGOs can play that the EU cannot at certain moments in dialogue processes.

In the framework of the international response to the post-tsunami civilian emergency, the EU was involved in Aceh in channelling funds, together with its MS, to the Multi-Donor Trust Fund (MDTF). The initiative to step up the role of the EU in its support to the peace process came from a handful of Commission officials, who somehow planned the strategy for EU engagement with the aim to provide a more structured and political approach which could combine the humanitarian support with more practical support to facilitating peace.²³ A core group of Commission officials working on the Rapid Reaction Mechanism financing instrument planned a field mission for an analysis of the political context, established daily contact with the CMI in order to stay informed on the development of the peace process, and finally succeeded in receiving Commission approval of the EU's financial backing of the CMI.²⁴

In the case of Indonesia (Aceh) the Commission played a leading role in paving the way for further EU engagement in the peace process. In 2005 the mediation efforts undertaken by Ahtisaari ended in the signature by the parties of a Memorandum of Understanding (MoU) allowing the EU to adopt a more prominent role in the monitoring of the peace process. The desire for the EU to play a more political role in the process, and the persuasive power and personal connections of Ahtisaari,²⁵ seemed to combine very well with the possible role of the EU as a credible monitor in partnership with the Association of Southeast Asian Nations (ASEAN). While consultations took place in Brussels, and the Commission and the Council both had potential to be funders of the initiative, this did run the risk of becoming problematic. However, the joint intervention of President Ahtisaari and Javier Solana to the Political and Security Committee (PSC)

and the supportive role of the UK chair of the PSC constituted the turning point for the deployment of the Aceh Monitoring Mission to become financed by the budget of the European Security and Defence Policy (ESDP) in cooperation with individual Member States.²⁶ The Commission and the Council were thus able to assume complementary and mutually reinforcing roles, making for a very comprehensive EU approach to supporting the Aceh peace process.

Aceh was thus a good illustration of a clever use of a mix of instruments by the Commission²⁷. The EU has a large array of tools available to support the success of mediation and negotiations, and in the case of Aceh in particular it established itself as a global power and engaged in peacemaking efforts. By linking its mediation efforts to the capability of its ESDP, the EU succeeded in delivering a comprehensive approach to conflict resolution.²⁸

To be successful, support to any peace process however requires the full commitment of the stakeholders to the conflict: in Aceh such commitment was assured both on the part of the Government and of the GAM leaders. The tsunami emergency somehow played an essential role in changing the parties' priorities, resulting in concession by GAM, which to ease the process, gave up its quest for independence and opted for a more feasible status of autonomy, thus unblocking the stalemate of the negotiations.

The EU was present during the follow-up phase of the peace settlement, and thereby contributed to the safeguarding of a stable and sustainable post-conflict environment in Aceh. The Aceh Peace Process Follow-Up Project aimed to increase trust between the parties and stakeholders in order to sustain the peace process through the improvement of communication channels and the consolidation of existing conciliation mechanisms. Meanwhile the Accompanying Measures programme supported local governance reform, police reform, the reintegration of ex-combatants and monitoring, analysis and coordination.²⁹ The seven-year EU monitoring of the peace process ended in 2012, yet the EU plans to stay engaged through a variety of development and humanitarian projects in the region. The supportive and useful role played by the EU was widely acknowledged by stakeholders from the region as being very helpful to the process of mediation and dialogue.³⁰

Lessons learnt

Aceh demonstrates the success of a strategic and multi-level engagement of the EU that was context-specific and played to the EU's strengths and relative neutrality, and which also enjoyed a high degree of buy-in from the conflict parties. The EU also strategically partnered with non-Governmental organisations and deployed an ESDP mission to support the process of mediation and dialogue. The EU's own internal relations were well managed, as were partner relations, and the approach followed was one of more comprehensive support to a peace process than of a stand-alone mediation and dialogue activity. Thus the EU adapted to the context and also engaged for the long-term.

4.1.3. Israel-Palestine (Middle East) 2006-2012

EU as a mediator	Track 1
EU leveraging mediation	Track 2
EU supporting mediation	Track 3
EU funding mediation	

Background

The Middle East, particularly the Israel-Palestine dynamic, represents one of the world's most intractable and geopolitical conflict regions. The need for peace in the Middle East, notably between Israel and the Palestinian people as represented by the Palestinian Authority, is an integral part of the EU's country strategies and action plans. In addition to providing regular financial assistance to various programmes, the EU has also deployed a monitoring mission to oversee the implementation of the Israeli-Palestinian agreement on the operation of the Rafah border crossing between the Gaza Strip and Egypt.³¹ The EUSR represents the EU in the Quartet at envoy level and disposes of a mandate which specifically mentions the facilitation of the peace process or negotiations, yet whose scope for action is not limited to the Israeli-Palestinian conflict and touches upon wider regional security issues.³² At times the HRVP is also involved in the dialogue processes. However, it is widely acknowledged that the EU's efforts to resolve the Israeli-Arab conflict have become constrained by the EU's own difficulties in forging a meaningful consensus and by the geopolitical nature of the conflict.

Mediation and dialogue roles played by the EU

The example of the Middle East is always referred to as a case where, in spite of the EU's initiatives, EU Member States often entertain separate efforts that are not properly coordinated, owing to the different analyses and interests of individual MS that make them at times contradictory. Set apart from these divisions regarding the dynamics of the conflict, the EU's capacity to speak with one voice could have been demonstrated in situations such as the Palestinian Authority's request to the United Nations General Assembly (UNGA) for an upgrade of its status, which could have acknowledged the state-like quality of Palestine³³. However, the EU was unable to deliver a pan-European response³⁴. This lack of coherence does not go unnoticed by the parties on the ground; although experience has shown that, if the EU could manage to create common positions, it could benefit from a stronger leveraging role and the impact of its action could result in increased negotiation power, provided that the biggest and more influential MS are on board.³⁵ The EUSR does try to play a mediating role among MS with the EU institutions sitting in between them; however this is not an easy task.

The EU and its MS bilaterally support, mainly through funding, several initiatives which promote peace and dialogue between the conflicting communities. The positive outcome of engaging in such projects at the level of Track 2 and Track 3 is often held hostage by a lack of knowledge of the socio-economic differences between Israel and Palestine, and in particular of the vertical power relationships that exist between the parties³⁶. Furthermore, there are significant limits on how these popular projects, aimed at bringing people together, can tackle the causes of the conflict or influence other levels in the geopolitical context. Therefore, while they have been acknowledged as worthwhile and well-intentioned, these projects have distinct limitations.

As the biggest funder of the Palestinian Authority, the EU institutions (together with MS) dispose of a potential set of instruments that could be used to apply some leveraging power, but only to one of the parties. While this leverage is comprehensively coordinated to an extent through political and development instruments toward the Palestine Authority, no similar leverage exists with Israel. However, through its competence in fields such as trade, and through the Association Agreement, the EU could increase its negotiation power if it chose to use it in this way. For what concerns the Middle East peace process there are concrete examples in which lack of political coherence damages or at least reduces the EU's potential influence.³⁷ The concrete example cited of Israeli settlement products is explicative; as the EU considers products coming from settlements in Gaza and the West Bank to be from Israel, these products can enter the EU's market. Looking at this issue from a conflict perspective, it becomes a matter of credibility for the EU³⁸; if settlements are an important obstacle to peace, they should not be indirectly supported.

When approaching the EU's role in the Middle East Peace Process, the tendency is to focus on the factors causing fragmentation. On the international stage, however, the EU's initiatives in mediating the conflict have succeeded in having some positive resonance. The Council Conclusions on the Middle East³⁹, adopted in December 2009 to define the parameters for a solution to the conflict, identified the need to acknowledge the relations of power between Palestine and Israel. The Conclusions list a set of parameters which were not up for negotiation and which have since been accepted by the international community. The solution to the 1967 line (Jerusalem as the capital of both states) has also come from the EU, as well as the 'two states' solution. The international community endorsed the latter and US President Obama aligned⁴⁰ to this position.⁴¹ This was the result of a huge negotiation exercise within the EU's institutions and MS which was seen to be positive.

At the same time the EU's financial engagement in development and humanitarian actions in Gaza and the West Bank was seen to be largely conflict-sensitive and has helped keep the Palestinian Authority in place, giving it a vital financial lifeline and supporting many highly functional projects that keep the situation from deteriorating further in one of the parties to the dialogue. While this is not an example of a direct mediation and dialogue role, these other EU-financed initiatives have been evaluated as complementary to the role that other international parties would have found difficult to fulfil.⁴²

The EU is not very operational at present in terms of promoting mediation and dialogue based on its own experience as a peace project. However, at the time of the Israeli disengagement from Gaza, the Quartet US Special Envoy James Wolfensohn played a critical role in securing the November 2005 Agreement on Movement and Access (AMA).⁴³ The former president of the World Bank and his team on the ground, including representatives from all four Quartet members, was mandated to work on the non-security-related aspects of disengagement, namely the disposition of assets, passages between the West Bank and Gaza, access and trade to and from the Gaza Strip, and the revival of the Palestinian economy. Moreover, a few months after the disengagement Wolfensohn served as the mediator between Israel and the Palestinian Authority in negotiations on transit routes and on access to and from the Gaza Strip.⁴⁴ Consequently, separate negotiations with the parties led to the setup of the border observation mission 'EUBAMM Rafah'. The role of the EU in Palestine was mainly that of balancing and complementing the US' engagement in Israel; however, after Hamas entered the political space and won the elections, this symmetric framework of cooperation fell apart. The EU has not been able to follow up on this, and the listing of Hamas as a terrorist organisation has certainly not facilitated the ability of the EU to engage them as a party to the dialogue⁴⁵. Listing does not entail any specific legal restraint as regards talking to Hamas; however it does have an impact on the EU's overall mediation capacity, in the sense that a possible engagement with Hamas would be detrimental to the good relations with Israel and the US.⁴⁶ While there are legitimate political reasons for listing Hamas as a terrorist organisation it does significantly complicate the ability of the EU to engage them in mediation and dialogue. While this is understandable at the political level, constraining the ability of EU officials to engage a party to the conflict does limit the EU's realm of action.

In complex conflict situations the EU should be sufficiently flexible and should have the proper capacity to engage with different actors at different levels. Apart from being beneficial to raising the EU's profile and to purposes of context (conflict) analysis, having contact with local stakeholders has some added value. In Egypt, contacts with the Muslim Brotherhood proved useful and strategic, especially when these partners began to assume key positions after the elections.⁴⁷ Individuals' skills, competences, interests and contacts are essential to the effective performance of a mediating role.⁴⁸ The EU in the region is likely perceived as an interested actor yet its credibility is at times in question.. Moreover, the deployment of officials with a regional background, good Arabic skills, personal contacts and an inclination to engage can facilitate mediation and dialogue. Therefore the cutting of mission budgets and the use of the rotation policy within the EU services goes against this, as it does not allow the presence of the right people to become rooted in the region.

If there are to be moves made toward a credible peace process, Israel and Palestine will need to cooperate on an unprecedented level, touching upon immigration, transport, regional funds and air control. In this case the EU would have room to share its internal experiences as an integration project.⁴⁹ Another positive

experience the EU could offer could be the application of twinning to mediation and dialogue capacities, as it did with expertise in other areas by providing advice on both sides. Twinning has proven to be a useful tool for enlargement as per the European Neighbourhood Policy and is an instrument that other players cannot deliver in terms of the human resources capacity needed to send serving civil servants and experts to the partner country’s administration.⁵⁰ For these reasons officials think that the sharing of EU experience would be useful if the time were right in the context of the overall process; however the present stage of the conflict does not allow this experience to be drawn upon productively.

Ultimately, it can be concluded that the EU’s experience in mediation and dialogue regarding the Israeli-Palestinian conflict mirrors the challenges that the wider international community has also had to face. While it would be unfair to judge the EU too harshly it would also be remiss not to point out that significant room for improvement remains in terms of the EU family’s need to speak with one voice and to effectively link the different aspects of its engagement.

Lessons learnt

A lesson to be learnt from the EU’s engagement in mediation and dialogue in the Middle East Peace Process is the potential the EU can have when it actively manages its internal capacity as well as its partnerships and has a political strategy. The initiative of individual personalities proved essential; however in order to fully leverage the EU’s added value, greater flexibility in adapting to the changing context is required. While there are useful roles the EU can play in supporting, leveraging and promoting mediation and dialogue these are very much limited by wider political dynamics on which the EU currently has limited impact.

4.1.4. Kenya 2007-2012

EU leveraging mediation	Track 1
EU supporting mediation	Track 2
EU funding mediation	Track 3

Background

The EU is a major development partner of Kenya and has been for decades. In December 2007, a crisis following the presidential elections in Kenya rapidly escalated to a level of violence which gravely threatened stability in the country. The stakes were high for everyone, including for the EU as a substantial development partner in the country and across the region. To address the need for a solution to the conflict through dialogue and mediation, the African Union established the Panel of Eminent African Personalities, with former UN Secretary Kofi Annan in the role of chief mediator (though importantly, a woman, Grace Marchal, was also part of the team). The urgency of the crisis triggered international and regional cohesion around Annan’s efforts, and the EU’s engagement in Kenya was mainly directed at supporting the AU’s initiative of Kofi Annan and his team.

Mediation and dialogue roles played by the EU

The EU Commissioner responsible for Development and Humanitarian Aid, Louis Michel, was at the forefront of the EU’s response to the crisis at the highest level, as he was able to convey the EU’s unanimous support to Kofi Annan and was present in the country, maintaining regular yet at times discrete contact with the two presidential candidates, Raila Odinga and Mwai Kibaki, to encourage dialogue and help establish a political agreement. Moreover, the EU election observation mission⁵¹ played the role of another key EU stakeholder in the crisis, as it helped give the EU a neutral profile rather than being seen as supporting one of the parties to the conflict.⁵²

In line with Kofi Annan’s need to secure support at senior level, and Annan’s insistence that the conflicting parties should not ‘forum shop’ for other processes of dialogue, Commissioner Michel worked in unison with the chief mediator. Michel’s personality, credibility and high-level political position granted him access to the top-level interlocutors, he could liaise with his wide personal and institutional network of contacts, and his very particular ability to listen and communicate in an African cultural context proved to be very successful. He made it clear that he was there to try to understand what the problem was, to listen to the

parties and not to impose directions on the solution.⁵³ It also has to be noted that Commissioner Michel had a personal interest and motivation to engage in these types of political, mediation and dialogue processes in Africa that is not always found in Development Commissioners. While there was a time when the EU felt 'shut out' of the high-level process, ultimately its frustration passed quickly as it came to understand the logic of Annan's approach.

This general listening approach helped the EU escape the classic colonial trap and to build its engagement on its respect for the legitimacy of the African Union and the chief mediator in that context. While the EU was there on the ground, the details of the direct engagement (including financial support by the EU to the Kofi Annan team) were not advertised and were rather less visible. The EU's calculated invisibility also contributed to facilitating the dialogue between the parties, as the Panel remained the main reference actor in the mediation process.⁵⁴ At a very basic level Michel always made sure that the first person he saw when arriving in Kenya was Kofi Annan, in order to be fully in line with his message before he took any other meetings.

The Head of the Delegation, together with the Head of the political section within the Delegation and the Head of the election observation mission, was also involved in representing the EU toward Kenyans and other stakeholders. This generally worked well. The commitment of these officials to speaking on behalf of the EU demonstrated how less resource-intensive early responses, such as political statements and political dialogue, can prove to be effective instruments for use in mediation and dialogue.⁵⁵ The mediatic engagement by the Head of Delegation⁵⁶, through the publishing of periodic opinion articles in the local press⁵⁷, had a positive impact in making the EU's position clear and consistent with the Kofi Annan-led mediation while also raising the profile of the EU Delegation as a vocal and influential stakeholder.

Kenya was a very clear case and the lack of evident conflicts of interest made it easier for the EU to have its MS on its side and to maintain its neutral profile by avoiding portrayal as being the spokesperson of former colonial powers, taking sides in the conflict or meddling in the internal affairs of an African country.⁵⁸ Despite some initial reluctance to let the EU become involved on the ground, certain MS were in substance aligned to the EU: weekly meetings and the elaboration of joint positions among Delegation and Member State representatives (EU-HoMs) in Nairobi helped strengthen the collective voice of the EU bloc⁵⁹, which is always stronger and more influential than the sum of its parts⁶⁰. A good level of cooperation was also established among the donor community, which contributed to building a shared understanding of the issues at stake and, to some extent, of the ways to address them.⁶¹ However, the extent to which information and analysis was exchanged between the levels of European institutional capacity appeared limited: this was primarily a result of the pre-Lisbon structure of the EU which was not always conducive to strong collaboration between institutions with different competences on a similar set of issues, especially in the field of external relations, peace and security.⁶² There was some hope expressed by officials that the post-Lisbon structures would allow this to operate more smoothly in the future if a similar situation were to arise in the upcoming Kenyan elections.

At the time of the crisis, beyond Track 1 mediation there was extensive work done at Track 2 and 3 level on the ground, much of which has been acknowledged as being just as important as the high-level work of Kofi Annan in avoiding the escalation of violence and the spread of the conflict. The EU was also present in Kenya during the follow-up period in that it co-financed, through the Instrument for Stability (IfS), a project targeting the root causes of the post-election violence. The logic behind the project is that of tackling the structural causes of the 2007-2008 post-electoral violence in view of the 2013 elections, and key results included the establishment of regional peacebuilding networks between civil society organisations (CSOs), the involvement of community leaders and provincial administration, and one national and three provincial policy dialogue meetings.⁶³ The project, carried out by Konrad Adenauer Stiftung with two local partners and an associate organisation⁶⁴, aims to strengthen the capacity of non-state actors to mitigate community conflicts by improving know-how on early warning informal mediation, field-based political analysis, policy-orientated conflict research, and policy dialogue. The EU is also supporting the Intergovernmental Authority on Development (IGAD) through the Early Response Mechanism of the AU to engage in a range of community-based dialogue work in anticipation of the 2013 elections. However, some questions remain as

to whether the various tracks in Kenya that the EU supports are sufficiently linked within an overall political strategy.

Lessons learnt

The lesson learnt from Kenya is that through aligning behind and supporting very credible high-level mediation work by others, including at the highest level, the EU can play a useful role. This requires the EU to manage its own house well, which it did, and also to engage with follow-up at a complementary Track 3 level, which it continues to do.

4.1.5. Kosovo-Serbia 2010-2012

EU as a mediator	Track 1
EU leveraging mediation	Track 2
EU funding mediation	

Background

The adoption of the 2010 UN Resolution on the setting-up of talks between Serbia and Kosovo⁶⁵ opened the way for the first ‘consciously labelled’⁶⁶ EU mediation and dialogue process. In 2011 the first negotiations between Serbia and Kosovo took place under the mediation of Robert Cooper, nominated EU facilitator. The talks were aimed at consolidating a peaceful solution to the tension and conflict between Pristina and Belgrade in the wider framework of possible EU accession with a view to the stabilisation of the Western Balkans. Though sometimes seen as a weakness, the fact that only 22 members of the EU recognised Kosovo was seen as a positive in terms of it having a more balanced profile toward both parties than if all members had done so.

Mediation and dialogue roles played by the EU

The European consensus built around the UN Resolution not only demonstrated the importance of having the 27 Member States agree on a common position at a critical moment⁶⁷, but also highlighted the new inter-institutional balance of power within the European Union following the entry into force of the Lisbon Treaty. Following some initial resistance, it in fact became clear that it was at the Headquarters in Brussels where the central role should be played, which was considered more of a post-Lisbon feature.⁶⁸ While the internal negotiations whose aim was to agree on EU support for the Resolution were mainly orientated by the institutions and MS representatives based in Brussels, close contact was maintained with sources of extensive information and political knowledge on the ground.

Another feature of EU mediation in the talks somehow inherited by the Lisbon Treaty’s framework was the high level of cooperation between and within the institutions, which demonstrated the EU’s significant potential⁶⁹. The technical nature of the negotiation’s chapters required a number of experts to support the facilitation team on an *ad hoc* basis, and the Commission was invited to provide the main technical advisors. Extremely instructive relations were thus set up with DG Enlargement and DG Home and Justice, allowing the facilitation team to deliver a highly coherent and comprehensive approach that added value on technical details; while relations with the European Rule of Law Mission (EULEX) in the field were more of a challenge. The deep level of interaction with the Commission services was not an automatic coordination reflex, but rather the result of a mutual understanding process and of mutual high-level interest in the Kosovo-Serbia issue from different perspectives.⁷⁰ The only weakness that slowed down the process was that of the EU’s own internal multi-layered negotiations, which took an enormous amount of time to go through, and which at times had to be fast-tracked through high-level engagement.⁷¹

In spite of the complexity of the mediation process and the varying positions of Member States, even on fundamental issues such as the recognition of Kosovo, the facilitator succeeded in keeping the MS on board through a regular flow of information which not only built trust, but also laid the basis for a frequently common position as regards support to the negotiation phases. Member States ‘don’t like surprises’ in mediation and dialogue when it comes to Kosovo-Serbia so this had to be managed on an on-going basis. Thus, Every time Robert Cooper delivered a message in the Political and Security Committee (PSC), he made sure to conclude by affirming the 27 MS’ agreement in support of the facilitator. This capacity to

disseminate a coherent EU message to the parties also had a positive impact on the credibility of the EU, especially in Kosovo. In particular, the Council Conclusions acted as leverage for the message that Member States acknowledge the EU's ownership of the process.

On the international side, the role of the US as a partner to the EU was fundamental. The teamwork between the EU and the US was essential to ensuring coherent talks, and the facilitator was committed to securing US and EU agreement. Moreover, further to a gentlemen's agreement, a UN representative was also involved, providing real-time analysis and ensuring that the UN was also involved in directing the process.⁷² This increased legitimacy on both sides.

The EU's political strategy, partly developed by the EU mediator, was critical to the success of the EU's engagement. As a real facilitator, he was able to ease the process at senior level when preparation or negotiations were at a stalemate. The importance of having the right people on the ground is an obvious but essential element to guaranteeing a positive outcome to EU engagement in such a process. Three core people composed the facilitation team, all of which had political knowledge and experience of the Balkans and were accompanied where appropriate by external expertise to support or brief on the technical areas of the discussions. The EU did not always have a cohesive voice on the ground, and the negotiating team and local presence in Pristina were originally more focused as an aid delivery mechanism. However, the facilitation team and Fernando Gentilini, as an interim EUSR, were able to obtain immediate access to the political level in the field. The delicate nature of the negotiations was very much alleviated by the high-level connections of the facilitation team, as they were able to use their personal contacts at the level of MS Governments and political personalities to support and ease the negotiation process.⁷³ This was necessary because at critical times, only the very highest level could unblock the process; phone calls from HRVP or even other prominent European Heads of State were necessary to Heads of State in Belgrade and Pristina. Having a facilitator who could set this up and make it happen quickly was seen as a huge benefit at tough moments in the process.

The added value of the EU's engagement in Serbia and Kosovo was to make sure the parties understood that the EU's role was limited to describing the problems and to offering room for debate and discussions, and that under no circumstances must it propose solutions during the formal negotiations. The contentious issues were dealt with at a more informal level during the bilateral preparatory meetings with the two parties, so that very few things were left to chance and the EU could maintain overall oversight of the process, while simultaneously brainstorming, planning and anticipating the types of items likely to come onto the agenda so that it could be prepared to move rapidly when they did.⁷⁴

The implementation of agreements, which were mostly funded by the EU, constitutes a form of leveraging mediation and dialogue in reaching a settlement on particular issues. The EU had 'something to put on the table' that both parties wanted which greatly strengthened the facilitating role of the EU. While the contact made by the facilitation team with local NGOs and civil society on the ground was limited, the EU was able to creatively involve the latter in the implementation phase of the agreement, with the different areas of implementation subcontracted to these actors depending on their expertise.⁷⁵ However, civil society in Kosovo and Serbia often retained a rather negative opinion of the high-level process.

On the technical side, given the highly fluid nature of the negotiations and the number of stakeholders involved, it was at times very difficult for the facilitation team to make flexible travel arrangements and to ensure other flexible responses to their requests.

The fruits of the Serbia-Kosovo process have been seen in a number of tangible occurrences such as agreement on the recognition of educational qualifications, agreement on the name to be used by Kosovo, and more recently the first official meeting between the Prime Ministers of Kosovo and Serbia brokered by the EU under the auspices of the High Representative. Indeed the ability of the Serbia-Kosovo process as managed by the EU to mobilise the highest levels and to secure the direct engagement of the HRVP and other senior political figures was also a major contributor to its current success. Ultimately, the process is on-going and is fragile, but it is equally a clear indication that the EU can play a unique mediating role within its own neighbourhood.

Lessons learnt

Kosovo-Serbia represents a rather atypical case of the EU having something significant to offer to both parties, a mandate to mediate, and the ability to mobilise the highest political levels in the EU (particularly HRVP), as well as the appointment of a high-level facilitator with a clear political strategy and a team who really knew the context. Yet the ability of the EU to mobilise what it had to offer across the EU family and to collect good knowledge from the ground as well as through effective partnerships with the US and UN was also essential.

4.1.6. Myanmar/Burma (2011-2012)

EU promoting mediation	Track 1
EU leveraging mediation	Track 2
EU supporting mediation	Track 3
EU funding mediation	

Background

Since the 2010 parliamentary elections and the shift to a ‘civilian Government’ in 2011 after decades of military rule, Myanmar/Burma has undergone a significant political change. A number of political prisoners have been released, the by-elections in 2012 opened up the political space to the opposition, and ceasefire agreements have been concluded with the ethnic armed groups. Under U Thein Sein, Myanmar/Burma is making steps toward political, social and economic reforms, in the wider framework of a peaceful process of national ethnic reconciliation. Yet real political, social and economic challenges remain and with multiple conflicts unresolved the transition process is sure to be a challenging affair.

Mediation and dialogue roles played by the EU

The international community has welcomed such developments and has actively engaged in supporting the Government’s efforts. Present with a diplomatic representation in Myanmar/Burma since April 2012⁷⁶, the EU has been monitoring the reform process in the country and has as such been able to provide coherent responses to every positive sign of change. In the framework of international efforts led by Norway⁷⁷, the EU is engaged with Australia, the UK, Switzerland, Japan, the UN and the World Bank to provide political and practical support to the comprehensive peace process in Myanmar/Burma. In particular, the EU supports the ceasefire agreements between non-state armed groups and the Government through civilian mine action. The EU has been involved in humanitarian engagement in the country and has, through various budget lines, financed non-Governmental actors throughout the last 10 years. Moreover, the EU is the major funder of the Myanmar Peace Centre and, through the Aid to Uprooted People Programme, provides humanitarian aid to displaced and vulnerable communities in South East Myanmar, some of which have direct links to armed groups.⁷⁸

The Myanmar Peace Centre is an institutionalised peace process architecture established by presidential decree to serve as the Secretariat to the peace process. Since the beginning the EU has explored means of supporting the establishment of such an institution, to which it has now provided start-up funds that will be followed in 2013 by a bigger envelope to support the overall ethnic peace process. Moreover, the EU has committed to contribute internally acquired knowledge and experiences when dealing with democratic transitions and intra-communal violence, an area of expertise which has been specifically requested by the Government.⁷⁹ At the opening ceremony of the Myanmar Peace Centre, EC President Barroso, together with U Aung Min, Minister in charge of the Government’s peace team, signed a joint declaration to promote dialogue between all stakeholders in the Myanmar/Burma ethnic peace process.⁸⁰ The presence of EC President Barroso after a previous visit by HRVP Ashton was clear proof of the EU’s support to the momentous changes in the country and of its commitment to national reconciliation and lasting peace in Myanmar.

In the country, the EU has a positive profile, as an impartial political actor and credible donor, and the field visits conducted by top-level EU political actors significantly contributed to raising awareness and building confidence between the Government, ethnic groups and civil society. EEAS Counsellor Robert Cooper⁸¹

paid numerous visits to Myanmar/Burma, and was most crucially present during the elections, which the EU was observing following invitation by the Government⁸². HRVP Catherine Ashton⁸³ renewed the EU's commitment to accompany the country in its path to full democracy when she inaugurated the EU Office in Yangon. In the capital she also held meetings, among others, with the President and with the chairperson of the National League for Democracy (NLD), Aung San Suu Kyi.

Despite the resonance of European support to national reconciliation, and the personal engagement of high-level personalities, the EU has been able to deliver a very balanced support to Myanmar/Burma, in full respect of national ownership of the process⁸⁴. The EU acknowledges the importance of preserving the home-grown nature of the changes undergone by the country and in its support to the Peace Centre and ethnic groups it has managed to step in while never interfering with the domestic dynamics of the process.⁸⁵ The approach that 'ownership is key' and that it is essential to 'do no harm' when supporting delicate dialogue processes is very much in line with international best practice.

A specific feature of the EU approach to Myanmar/Burma is the high degree of cohesion among Member States which has facilitated the delivery of common messages and policies from the European side. On the one hand, the positive response delivered by the international community is a sign of general appreciation and sympathy for the developments in the country. On the other, the EU has been facilitated by the fact that only four MS are represented in Yangon⁸⁶. On the ground the EU has established excellent relations with this handful of MS, collaborating in joint analysis exercises and information sharing.⁸⁷ A very high level of cohesion has thus been present in the PSC when dealing with Myanmar/Burma.⁸⁸ In fact, MS proved able to deliver consistent responses, such as the Council's decision to suspend restrictive measures for a year⁸⁹, as a means of encouraging the wide-ranging reforms aimed at developing a national dialogue with political, ethnic and civil society actors.

In the case of Myanmar/Burma, the main difficulties encountered are related to EU internal capacity and functioning. In the post-Lisbon institutional framework, cooperation between the political and operational sections proved sometimes difficult. The specific needs of the country require a substantial level of cooperation between the EEAS and DEVCO, in order to deliver a comprehensive support inclusive of humanitarian, development and political inputs. However the divisions between the EEAS and DEVCO at the level of both HQ and the EU Delegation (EUD) do not always help in ensuring compatibility between political objectives and operational assistance, mainly due to a lack of a clear chain of command and the influence of different working cultures.⁹⁰

Within the EEAS, the inputs received from the K2 Mediation Support Team (MST)⁹¹ have been very useful and the MST supported very proactively the work of the EUD from Brussels and through field missions. Additional expertise in peace process support has also been mobilised to advise the EU Delegation. However, the substantial lack of human resources in the EUD consistently hampers the capacity of the EU on the ground, despite the positive results achieved and the immense dedication of the small team.⁹² Despite the political commitments and financial investment of EU Institutions in Myanmar/Burma, the human resources available both in the EU office on the ground and at headquarters appear not to be in line with this ambition. The functioning of funds is another constraint on the EU's capacity for action; it is not entirely straightforward for the EU to provide adequate resources to partners and to small NGOs and civil society organisations.⁹³ Many of these have links to groups directly involved in the conflict and therefore are crucial actors in any process of mediation and dialogue. Advice and assistance are mainly channelled through the European Instrument for Democracy and Human Rights (EIDHR); however the call for proposals system and the lengthy process involved in delivering the funds do not fit the type of assistance required.⁹⁴ The EUD should thus be supported with more (and permanent) human resources and with more flexible and swift funding capacity if it is to be better equipped to play a more substantial role whenever and wherever needed.⁹⁵ In conclusion, there is a mismatch between the EU institutions' political commitments on Myanmar/Burma and their financial investment and the level of available human resources, both in EU field offices and at headquarters, that may limit the longer-term sustainability of the EU's work in mediation and dialogue.

Lessons learnt

Myanmar/Burma demonstrates the necessity to engage with a comprehensive response adapted to the context and which fully leverages EU added value, combining political commitment with financial resources while simultaneously leveraging the EU's more neutral profile. The personal commitment of high-level personalities, as well as very good partner relations, also contributed to making the case of Myanmar a positive example of EU engagement in mediation and dialogue. Also, the EU has sought to balance its engagement with the Government (Myanmar Peace Centre) through supporting initiatives that reach out to other groups. Questions remain as to whether the EU can link its various levels of engagement; particularly given its limited human resources and specialist expertise on the ground.

4.1.7. Nepal

EU leveraging	Track 2
EU supporting mediation	Track 3
EU funding mediation	

Background

The role of the EU in Nepal was for decades that of a development actor, with a Delegation of the European Commission having opened in 1992. Several EU MS had a longstanding presence in the country and were counted among the principal development partners. A framework Cooperation Agreement between the European Commission and Nepal was signed on 20 November 1995 and entered into force on 1 June 1996. The Agreement is based on Nepal's respect for human rights and democratic principles.⁹⁶ From 1996-2006, a violent internal conflict existed primarily between the Communist Party of Nepal (Maoists) and the Royalist Government of the Kingdom of Nepal. This conflict formally came to an end with the adoption of the Comprehensive Peace Agreement (CPA) in 2006, yet many issues remain unresolved.

Mediation and dialogue roles played by the EU

In 2001 the EC took the unusual step (at the time) of commissioning a conflict analysis through the Rapid Reaction Mechanism to reorientate the development intervention in Nepal and to make it more sensitive to conflict dynamics. Following the conflict assessment a short-, medium- and long-term strategy for EU support to conflict mitigation were developed for Nepal that were subsequently reflected in the Country Strategy Papers (CSPs) for 2002-2006 and 2007-2012. Prior to the arrival of the UN Mission in Nepal, the EU noted on a number of occasions that a solution to the conflict would require the assistance of an independent and credible external partner. Informal, low-level approaches were made to the EU and UN and other bilateral actors played a substantial role, in full respect of Nepali ownership of the peace talks.

Since the beginning of the conflict opposing the monarchy and the Communist Party of Nepal (Maoist), the community of donors in Nepal had been held hostage by the dilemma of how to position themselves. On the one hand, relations with the formal political power were necessary to obtain permission to access the country, while on the other hand the Maoist authorities were *de facto* controlling access to the rural areas (where the EU was conducting development interventions). Indeed in Western Nepal the EU discretely used some of its implementing partners who had direct credibility with the Maoists. Following the failure of the ceasefire in 2003, the main donors, together with the European Commission, took the initiative to establish a series of Basic Operating Guidelines, based on the principles of humanitarian law, to ensure access to development funds and aid by civilians.⁹⁷ The Basic Operating Guidelines set out a framework for the provision of development assistance in conflict which helped to insulate the provision of basic services from becoming a propaganda tool for either party.

One of the main challenges of engagement for the EU in Nepal was that of transforming the EU's approach from being a traditional development actor to one supporting the peace process (including the provision of development actions and funding). Donors had previously found themselves locked in an approach which was not reflecting the on-going dynamics of Nepal: they were recruiting the well-educated English-speaking Nepali and were mainly operating in the area of the Kathmandu valley. While this was practical for reasons of communication, these Nepali were not representative of the societal dynamics in the country, which prevented a proper understanding of the complexity of Nepal and an analysis of the context of the conflict

and possible responses. There was a need to escape the language and capital bubbles, as many socio-economic and cultural differences exist between the centre and the periphery which have been overlooked for a long time by the international community and were at the heart of the conflict. The counterproductive approach adopted for many years by the international community has now somewhat shifted in favour of promoting more inclusive, local level-focused capacity building, especially with regard to electoral support.⁹⁸ The EU itself has formed part of this change by adapting its engagement to be more supportive to the fragile and difficult peace process in its Country Strategy and Mid-Term Review. Additionally, the EU specifically funded work by the INGO International Alert to set up a Nepali Peace Centre and has also worked with other donors (IDEA International) toward supporting a wider process of dialogue.

The EU strongly advocated inclusive and comprehensive dialogue as a means to achieve a negotiated peace agreement in numerous political declarations and dialogues (e.g. Joint Commission, EU Troika, visits by Members of the European Parliament (MEP) and local speaking engagements). In addition the EU marked a move to support the peace process and to assist policy and strategic initiatives such as the Nepal Peace Trust Fund, which was set up to help implement the CPA in 2006 and subsequent peace agreements. While the EU was not a major party to these peace agreements or their negotiations, it did ensure during some high-level Troika visits that a consistent message regarding the nascent and on-going peace process was delivered to the Nepali Government.

The need to adapt to the conflict context had particular relevance with regard to mediation and dialogue, in that it demonstrates how representative Track 1 is of mediation in such a conflict situation. When engaging in political initiatives in Nepal, the role of the EU was highly limited in what it could achieve in practice by the agendas of its Member States.⁹⁹ Hence the actual profile of the European Union as a development and political actor distinct from its MS was not particularly visible in Nepal to third parties. This was mainly due to the fact that several MS had a rooted presence in the country and that varying national interests were represented there, making it complicated to leave room to form a common EU position led by the EU Delegation. Thus, the EU's role in the country was very much conditioned by the footprints of its Member States, which determined the amount of space allocated to EU mediation and dialogue action, particularly at the highest level.¹⁰⁰ Yet the EU did support projects and initiatives to widen the participation of women and minorities in the peace process at Track 2 and Track 3, as well as to enhance the actions of INGOs engaged in wider dialogue and peacebuilding.

Both parties to the conflict were sensitive to criticism in international forums of their human rights record. This gave the EU some leverage as an influential member of the UN human rights bodies. The EU's development partners in Nepal (EC, the UK, Finland, Denmark and Germany) contributed significantly to the Nepal budget in their own right as well as being influential with the World Bank, the Asian Development Bank (ADB) and the United Nations Development Programme (UNDP). As a major development partner the EU was thus able to exert political leverage over Government policy. For example, in February 2005 EU Ambassadors in Kathmandu were recalled and some aid programmes suspended in protest against the introduction of direct rule by the King. The 2002-2006 CSP explicitly specified that 'EU co-operation with Nepal will depend on HMG/N demonstrating a real commitment to good governance, decentralisation, and building durable peace. Manifestation of this commitment should be clear progress made on these issues.'¹⁰¹

As the conflict evolved a greater sensitivity to conflict dynamics began to be appreciated and the number of international actors specifically committed to supporting the peace process grew.¹⁰² The interests of the main external actors present in Nepal were at times difficult to conciliate, given the presence of countries such as the US, the UK, India, China and the more neutral stakeholders such as Norway and Switzerland, with the EU sitting somewhere in between. Yet parties did support the peace process, including support to INGOs with direct access and the convening of power with the conflict parties at critical moments in the dialogue process. While the EU did not formally sit in on the talks (though no bilateral organisation in fact did this) it supported one of the INGOs which had direct access as well as many of the local NGOs acting as proxy for the conflict parties. EU Delegation staff maintained contact through these channels. The EU's positive role in Nepal was also recognised where it adapted to be supportive in providing humanitarian and development resources at different levels across Nepal that assisted in addressing some of the key causes

of the conflict related to inequitable access to resources, and also through the additional funding of some Track 2 and Track 3 activities that were not in direct support of mediation and dialogue at Track 1 (often through the IfS).

Lessons learnt

Nepal represents for the EU a more classic case where the space and demand for mediation and dialogue at Track 1 for the EU is small, yet in using its political leverage and adapting to the context, supporting Track 2 and 3 work and adopting a more conflict-sensitive and peacebuilding-focused strategy with its main development instruments, it was seen to have a limited but positive role. In developing and supporting its partners the EU was also able to engage in ways that would not have been viable had it been working alone. It also made a considerable effort to move from a traditional development logic to one where support to the peace process and political change was brought from the margins to the centre, a move which in itself indirectly supported mediation and dialogue.

4.1.8. Philippines (Mindanao) 2008-2012

EU leveraging mediation	Track 1
EU supporting mediation	Track 2
EU funding mediation	Track 3

Background

Engaged in Mindanao since the early 1990s, the EU and a few MS have been significant bilateral development and humanitarian actors in the conflict-affected provinces of the southern Philippines. At the time of the escalation of the crisis between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) between 2008 and 2009, the EU intensified its presence in the region of Mindanao, evolving from an established and well-respected donor to a more political actor supporting the peace process.¹⁰³

Mediation and dialogue roles played by the EU

Given its longstanding development and humanitarian engagement the EU was seen as a credible actor in Mindanao with a thorough knowledge of the context. After careful political consideration and through the then relatively new Instrument for Stability, in 2008 the EU started providing support to the peace process in Mindanao by financing the activities of two international NGOs and one national NGO network engaged in facilitating dialogue among the stakeholders to the conflict. The Centre for Humanitarian Dialogue (CHD) worked primarily on dialogue, mediation and facilitation, while the Nonviolent Peace Force (NVPF)'s key activities included regular patrolling and reporting on cases of human rights violations and other specific threats to civilian populations. Crucially, both had good links to senior parties to the conflict. In addition the Mindanao People's Caucus (MPC) worked at the grassroots level to broaden and expand the consultation processes among the various stakeholders in Mindanao in order to ensure transparency, participation and ownership of the peace process, yet also to connect this to other levels.¹⁰⁴

The experience of Mindanao is of particular importance as it underlines the positive added value of engaging with international and local NGOs in the setting up of conduits for privileged communications with the parties to the conflict and for the promotion of dialogue and mediation from the grassroots to higher levels.¹⁰⁵ In addition, the work of the CHD, NVPF and MPC substantially contributed to the improvement of the security situation from September 2009 onward¹⁰⁶ and raised the visibility of the EU in the region in mediation and dialogue, thus providing an entry point for further involvement.

During the peak of the crisis in the peace process, the EU's role was to provide humanitarian support to the civilian victims of the conflict. Moreover, the Ambassadors of the EU Member States visited Mindanao, drawing the attention of the press to the poor conditions in the region, the issue of Internally Displaced Persons (IDPs) and the impact of the conflict.¹⁰⁷ The EU and MS' representations in the Philippines created a favourable environment for the MILF to reach out to the diplomatic community in Manila and to raise awareness of its firm commitment to not let the peace process collapse. Reflection on how to bring forward the on-going efforts led to the EU's being party to the gestation of the idea of a mechanism to accompany

the talks and to mobilise international support to the resolution of the conflict¹⁰⁸. Thus the MILF and the Government of the Philippines agreed in September 2009 on the establishment of an International Contact Group (ICG), inclusive of Japan, Saudi Arabia, Turkey and the UK, and four international NGOs¹⁰⁹.

The EU's previous positive engagement in Aceh-Indonesia had somewhat set the tone, both in the region and within the EU, that it could provide a useful role in this type of action in Asia, smoothing the path for its own engagement. Throughout the process EU officials on the ground sought to work with MS locally and in communication with Brussels in order to identify and agree on the space and role to be occupied by the EU in mediation and dialogue. The EU was not considered to have the necessary political profile to be part of the innovative ICG,¹¹⁰ but was requested in 2009 by the Government and MILF to contribute by being an active participant in the International Monitoring Team to lead the supervision of both parties' compliance with their commitments on humanitarian, rehabilitation, and development activities in the south of the country. Following the Council's agreement (initially through the Council Working Group for Asia or COASI) to the request, a politically significant IFS intervention of €3 million was allocated in support of the EU's team. In parallel, the EU provided support to the political dialogue process,¹¹¹ in particular to the innovative participation in the ICG of INGOs. This 'peacekeeping' and 'peacemaking' programme has proven to be instrumental in improving, or at least preserving, the peaceful situation on the ground and in promoting political negotiations and ensuring these stay on track.¹¹²

The EU has a significant number of tools in its box for intervening in conflict situations, and the level and outcome of its engagement is very much proportional to knowledge and experience of the country involved, its visibility, and its ability to fruitfully assemble development, humanitarian and political ingredients in its approach. Key officials in the EU Delegation not only had significant past experience in the country but also had knowledge, expertise and an interest in supporting the peace process as well as the willingness to take certain calculated risks, which was backed up by Brussels. The EU's involvement in Mindanao through mediation, monitoring and confidence building was primarily made possible by the tandem between the Delegation in Manila and the Asia Department in Brussels in sharing information on the phases of the conflict and the choices for EU engagement on the ground.¹¹³ The real interest demonstrated by Brussels and the corresponding high quality of collaboration, both at inter-institutional level and with MS, was fundamental to conveying a coherent response to the crisis and a comprehensive assistance package to Mindanao. On the ground the good working relationship between EU HoMs and the political and operations sections at Delegation level was also invaluable in moving the support forward.

In the crowded space of Mindanao's peace process, the EU was able to use its funding instruments in a strategic way that was also appreciated by the parties, as the EU was not seen as having a biased agenda and thus secured credibility with both the Government and the MILF. Humanitarian and development assistance also formed part of a comprehensive EU strategy which revealed the underlying political thinking;¹¹⁴ this was essential to ensuring positive perception of the EU as useful and an added value to the peace process among the stakeholders to the conflict. Moreover, the EU's longstanding commitment in the region with the support of its Member States was successful in building confidence and gaining trust, and resulted in the EU being perceived as an impartial, neutral and credible partner in the process albeit not always the most visible one. In addition, specific actions the EU undertook, such as including women EU members in the International Monitoring Team, were also appreciated as being in line with best practice.

The public profile of the EU also had a significant impact, as the statements released by the DG RELEX Commissioner and the European Parliament raised awareness of the situation in Mindanao, gained the sympathy and trust of the locals and further legitimised the EU's involvement there.¹¹⁵ More recently the fruits of the mediation process were acknowledged in a supportive statement by the HRVP including the role of the EU in the International Monitoring Team. Yet the personal commitment, interest, innovation and motivation of the personalities involved at European level enabled the process. The organisation of informal meetings at diplomatic level contributed to encouraging the parties to negotiate and increased their interest in mediation and dialogue as alternative and valid solutions to the conflict. In particular, Mindanao is one of the rare cases where the EU drew on its internal experience in mediation and dialogue, leading to positive results. Through the initiative of the UK in raising awareness of the Northern Ireland experience, a meeting was organised by the CHD in the Philippines hosting two former negotiators in the

Northern Ireland peace process,¹¹⁶ while separate visits to Northern Ireland in 2009¹¹⁷ proved useful for the parties in determining the way forward to peace. While EU officials were of the opinion that other internal EU experience of the devolution of political power might also have been instructive, this was not taken up.

Lessons learnt

The Mindanao example represents the lesson that the EU can find the space and the tools to provide crucial and appreciated support to a peace process by knowing the context, supporting and managing the right partners and by leveraging its more neutral profile. At the same time the EU ensured alignment between its political ambition and its financial instruments and also, through supporting key INGOs, gained access to the mediation process. Key officials’ interest in taking calculated and innovative risks and the presence of good working relationships across the EU political and operational levels also smoothed the support significantly.

4.1.9. Sri Lanka 2003-2012

EU supporting mediation	Track 1
EU funding mediation	Track 2
	Track 3

Background

Sri Lanka suffered from an armed conflict for 26 years, which inflicted more than 150,000 casualties in both the north and south, and raised credible allegations of grave human rights abuses committed by both the Government and the armed Tamil group, the LTTE (the Liberation Tigers of Tamil Eelam). While there is currently no war, there is no peace either. As co-chair (with the United States, Japan and Norway) of the Tokyo Conference on the Reconstruction and Development of Sri Lanka starting in 2003, the EU provided continuous support to the peace process facilitated by Norway, with the aim to press for an end to the hostilities and human rights violations and for a move toward more sustainable peace in the country. The EU had long since been a development actor in the country and increasingly shifted toward becoming more of an actor in peacebuilding. The EU was also a major actor in the tsunami response in 2005 along with the international community.

Mediation and dialogue roles played by the EU

The EU provided support to the establishment and operation of an International Independent Group of Eminent Persons (IIGEP), which was delegated the monitoring of the national Commission of Inquiry’s work on human rights violations committed after 2005. In addressing the root causes of the violent conflict which further escalated in 2006, the EU support mobilised for building an inclusive civil society movement for peace in Sri Lanka was conveyed through assistance to a National Anti-War Front.¹¹⁸ Moreover, it funded a programme to enhance the capacity for interethnic dialogue and for promoting and protecting human rights and humanitarian law in Sri Lanka¹¹⁹ as well as providing support to the local National Peace Council in promoting the constructive participation of women and local peace committees and thereby the overall inclusiveness of the peace process.¹²⁰

Following the abrogation of the ceasefire agreement in January 2008, and the related deterioration in the humanitarian and human rights situation in the country, the EU sent a Troika of senior officials to visit Colombo in March 2008 to press for a political solution to the conflict. The EU’s political engagement in the overall peace process was delivered in support to Norway’s initiative as the main mediator, conveying the EU’s influence and actions in unison with the Norwegian strategy. However, the EU’s decision to list the LTTE as a terrorist organisation had very negative implications for the talks and severely impacted any possibilities for mediation.¹²¹ The proscription of the LTTE came at a fragile stage of the peace process, with the consequence of undermining the good work of the Norwegian mediators’ offices and Oslo’s role as a neutral facilitator.¹²² Indeed the EU’s listing of the LTTE as a terrorist organisation led to the Nordic Countries’ withdrawal from the Sri Lanka Monitoring Mission¹²³ and had a serious impact on the EU’s capacity and credibility to engage in talks with the LTTE.¹²⁴ It appears this listing came about despite strong opposition to it being instituted from diplomatic representatives on the ground in Sri Lanka, who felt that it would destroy the process of dialogue. With the effective end of the militarised armed conflict in May 2009,

and elections at the beginning of 2010, came a period characterised by few certainties about the future and heightened tension. It was acknowledged that it was very difficult for international actors to provide effective support.¹²⁵

Given the unwillingness of both parties to seek a settlement through peaceful means, the EU had used the IfS interventions to encourage and facilitate discussions at different levels. A portion of the funding was decided at HQ level to set up a series of meetings organised by an INGO between stakeholders from Sri Lanka and the Diaspora, with the objective of encouraging them to hold discussions on peace. However, the relevance and utility of this was questioned by people closer to the ground, not least because the INGO had no significant experience in Sri Lanka. By the end of 2009 this supported dialogue had been tentative, but had produced few results given the intransigence of the Government. The poor timing, the absence of political will from the Government's side, the lack of knowledge of the context and the Catholic background of the INGO did not help the process, which ultimately ended in failure in this particular instance.¹²⁶

On the other side, the EU's relations with the Government were not developing in a constructive way. When the peace secretariats were set up as bodies to ease the building of consensus between the two parties to the conflict, the international community backed the initiative as 'the right thing to do'. In order to ensure an impartial approach, European donors coordinated their funds in that the EU funded the Government while others supported the LTTE peace secretariat. However, as the situation developed the Government of Sri Lanka showed no commitment to the peace process through the Peace Secretariat. The Government had no interest in achieving an inclusive peace settlement when it could sense a military victory; therefore the Peace Secretariat became more of a propaganda machine. The organisation was eventually dismantled and a recovery order was issued for the Government to pay the EU back. This substantial lack of political will to pursue the peace process on behalf of the Government had a serious impact on the overall work of the Tokyo Conference co-chairs such as Norway, the US and Japan, and the EU itself became rather irrelevant after the Government of Sri Lanka moved away from the peace process and sought support from other countries for its alternative strategy of winning the war.¹²⁷

The difficulties the EU suffered in Sri Lanka rather relate to those of the international community as a whole, in that dialogue and mediation processes are almost impossible at Track 1 if one of the key parties seeks and pursues victory thus giving up on the processes of dialogue. However, the EU through its own actions did not assist the process by proscribing the LTTE. In the follow-up phase to the 2009 defeat of the LTTE, the EU was present with a project aimed at strengthening conflict prevention, crisis management and peacebuilding at district level. More specifically, the project sought to improve civil society capacity in conflict prevention, crisis management and peacebuilding through the promotion of linkages at district level with representatives of national civil society.¹²⁸ The EU continues to promote a conflict-sensitive approach to its engagement in Sri Lanka; however without a meaningful peace process to support, the EU has chosen to support dialogue at other levels and peacebuilding through other approaches.

Lessons learnt

The lesson learnt from Sri Lanka is that to deliver significant support to mediation and dialogue initiatives, the EU should carefully manage its partnerships, and should also acquire a consistent knowledge of the context in order to adapt to it. If the parties to the conflict at the highest level are not interested in dialogue and solely pursue victory there is a limited amount the EU can do; although the EU (together with the international community) did undermine the dialogue process by blacklisting the LTTE, one of the major parties, at a crucial point in the process. It should however be recognised that EU can still support wider conflict resolution and peacebuilding through other interventions even if the Track 1 processes end, yet these processes will have their limitations.

4.1.10. Yemen (2011-2012)

EU leveraging mediation	Track 1
EU supporting mediation	Track 2
EU funding mediation	Track 3

Background

In November 2011, following two months of unrest and violent demonstrations inspired by the Arab spring, President Saleh signed the Gulf Cooperation Council (GCC) Initiative¹²⁹ for a negotiated solution to the crisis. The GCC Initiative was conceived to support the democratic transition of the country and envisaged a power transfer agreement and the preparation of a comprehensive national dialogue, with a view to holding free elections in 2014. The situation in Yemen remains fragile and it is far from clear whether the national dialogue will lead to a sustainable solution, with many political and conflict issues remaining unresolved.

Mediation and dialogue roles played by the EU

Present in the country with a full diplomatic representation since 2009,¹³⁰ the EU is deeply involved in the Yemeni transition process.¹³¹ The EU itself developed its own comprehensive approach to Yemen as well as a joint strategy with MS which, despite being a difficult process, has provided dividends in promoting coherence. The EU has been engaged since the beginning of the GCC Initiative, and it now contributes to monitoring the implementation of the Agreement on National Dialogue¹³² among the G10 members (GCC countries, members of the UN Security Council (UNSC) and the EU). The G10 framework groups together an unusual selection of like-minded partners, and if in political terms this is a very challenging cooperation exercise for the EU, it also shows the potential of what can be achieved at international level if countries as disparate as these manage to work together.¹³³ Partners meet once a week to ensure collective agreement on the way forward and actions are taken both collectively and individually. The EU is also the co-chair of the working group on national dialogue with Russia, a partnership characterised by the promotion of a joint vision. While on the international stage interests do not always converge, in Yemen the EU and Russia are creating good working relations and this has been demonstrated by the fact that, when the current HoD was deployed to Sana'a, the first person she met was the Russian ambassador to Yemen.¹³⁴

The EU engagement in support to the Yemeni transition also takes the shape of promoting mediation and dialogue beyond Track 1, with the UN as the main partner, and through collaborations with NGOs and civil society at other levels.¹³⁵ The EU's support to the national dialogue is provided through different tracks and through various strands of EU activities, with the collating of these strands being the particular commitment of the EU Delegation in Sana'a. Addressing the weaknesses and lack of ownership of the Yemeni national administration is a priority; however, to help a country undergoing such a substantial change the EU must also underpin the short-term political context, with the goal of ultimately contributing to long-term stability. In addition, the EU has disseminated consistent messages as to the need to increase the inclusivity of the dialogue process and has correspondingly financed initiatives designed to increase the participation and engagement of women.¹³⁶

Yemen is a very sensitive context: political instability is accompanied by severe breaches in security, and the picture is completed by a situation of tremendous poverty and humanitarian crisis. The EU has managed to maintain presence with the whole range of its instruments and capacities, thus ensuring a truly comprehensive approach to a crisis which has simultaneous political, security and economic dimensions. The preparatory phase of the national dialogue has as its main objective the inclusion of all the different stakeholders in the country, with a view to ensuring political participation and avoiding the exclusion of the Yemeni people. The internal divisions in fact pose a threat to the stability of the country, as the militant movement in the south not only represents a challenge to security but also claims secession from Yemen and is far from willing to join the national dialogue at this point. A delegation of European Union diplomats met with representatives from the Southern movement in Aden to stress the need for involvement in the national dialogue process, and, in particular, to promote inclusiveness as a solution to old disputes.¹³⁷ Such efforts to encourage the Southern movement to join the national dialogue are in parallel with a boosted EU humanitarian commitment to address the victims of the conflict in the country and to support the transition

in the field of governance, social welfare, health and food security.¹³⁸ In addition, the visit to Yemen by EC Commissioner Georgieva in 2011¹³⁹ contributed to reinforcing the profile of the EU as international donor but also as a credible partner. The EC Commissioner met with the Huthi leadership in the North of Yemen and allocated a large share of emergency assistance to the region, thus helping to reinforce the perception of the EU as a trustworthy and reliable actor.¹⁴⁰

The added value of the EU in Yemen lies in its capacity to be perceived as having something to offer the country. The fact the EU has no colonial links with the region, and has never sent troops to the country, gives it strength and credibility as a mediator. Moreover, the EU has been present in Yemen since 2009 and was brave enough not to withdraw its entire staff during the most critical moments of 2011, with the former Head of Delegation continuously engaged to support the political transition.¹⁴¹ Dealing with partners in such a delicate situation is a daily challenge for the Delegation, as it has to coordinate any initiative or action to ensure its consistency with the overall EU strategy in the country, as well as reaching out to MS that are not part of the UNSC. To this end, the EUD's internal capacity is a fundamental element, as its human resources have been increased and the background and preparation of its staff is highly consistent with the services it is requested to provide.¹⁴² The presence in the Delegation of staff with a thorough knowledge of the culture, history and language has also been beneficial. The current Head of Delegation's longstanding exposure to the conflict and peace process has proven to be extremely pertinent, along with her coaching in mediation and dialogue, which added to the already solid knowledge and capacity she has gained through previous training.¹⁴³

Lessons learnt

Yemen represents a case where the EU, thanks to its capacity to understand the context, its internal coherence and excellent partner relations, and the high quality of key personnel, has been able to fully exploit and leverage its added value. The pertinence and preparation of the EU staff proved fundamental to the positive outcomes of the EU's engagement in mediation and dialogue, as did the positive perception of the EU among many key players on the Yemeni side. The EU's ability to work at different levels and to leverage credibility from its humanitarian and development engagement was also positive, as have been consistent messages on increasing the inclusivity of the national dialogue process.

4.1.11. Zimbabwe

EU supporting mediation	Track 2
EU funding mediation	Track 3

Background

The power-sharing agreement, signed in 2008 to end the cycle of violence and crisis which occurred in the country after the 2008 presidential elections, led in 2009 to the establishment of a Government of National Unity, comprising the three signatory political parties of the Global Political Agreement or GPA (MDC-T, MDC-M, and ZANU-PF). Negotiations were sponsored by the Southern African Development Community (SADC) and South Africa, and the EU was involved in supporting the process in Zimbabwe, backing from the start the mediation brokered by SADC.

Mediation and dialogue roles played by the EU

The ambition expressed by the EU to be present in supporting mediation and dialogue between the parties was however limited by the firm opposition of the President's party ZANU-PF, which succeeded in framing the EU as part of the conflict, echoed by the Government's press and propaganda, on the basis of the EU's (and certain Member States') positions on the ZANU-PF. The position promoted by ZANU-PF that the EU was pursuing a partisan or even colonial agenda when engaging in Zimbabwe proved to also have an influence at regional level, notably on SADC: the decision to disband SADC's tribunal and the SADC official position with regard to EU 'sanctions' are clear examples of ZANU-PF's power of influence to frame the EU as a non-neutral party in mediation and dialogue.¹⁴⁴ Indeed if a powerful party in the conflict chooses to characterise the EU as heavily partial for whatever reason, its ability to act as a mediator or even to be directly involved in mediation at Track 1 is hugely compromised.

Despite the EU being present in the country as a strong development actor, playing a substantial role in delivering aid aimed at the grassroots level, on the political side it was unable to counter such a hostile environment and thus could not position itself as a neutral interlocutor to the parties. Indeed its enacting of restrictive measures on senior people in the ZANU-PF as part of its political agenda impacted on its ability to be a credible actor in mediation and dialogue. The EU thus found it difficult to be perceived as a genuine player, and the post-Lisbon institutional framework did not help in that the creation of the EEAS blurred the dividing line between EU Member States and the EU institutions themselves yet further, making it more difficult for the EU to be seen as a distinct actor and to escape the neo-colonial labelling of its initiatives and positions.¹⁴⁵ The EU thus continued to be associated with those of its prominent MS who were vocal, especially those explicitly supporting the restrictions against the ZANU-PF, who in turn manipulated the information to reinforce the circle of mistrust and thereby reinforce the isolation of the EU. As a consequence, the capacity of the EU to play a more meaningful role in mediation at the highest levels was significantly reduced and the SADC and South Africa refrained from offering the EU a more direct role in support of their mediation.

Yet the added value of the EU as a global actor resides in its ability to offer a menu of options for engagement, which, if used strategically, can prove to be useful even in a highly authoritarian environment such as Zimbabwe. The case of Zimbabwe is of particular relevance as it highlights the capacity of the EU to adapt to and seek to circumvent the obstacles at Track 1 level, opting instead for a less visible profile and investing in support for mediation and dialogue-related interventions at Track 2 and Track 3 levels.¹⁴⁶

After some initial support for the national reconciliation process in the context of the 2008 elections, from 2009 the EU widened the envelope of the IfS and increased the country allocations to conflict prevention and peacebuilding actions. The adoption of more of a strategy for mediation and dialogue in the Delegation was also supported in December 2011 with the involvement of EEAS K2, and constituted a shift from the previous conflict prevention approach. As the violence of 2008 was driven by political actors but implemented through local capacities, it was necessary to target the middle and community levels as an attempt to address these mechanisms, even if it was understood that political direction would come from above.¹⁴⁷ In a country situation where there were real problems of access for external initiatives, the EU worked with intermediaries such as civil society and foundations and chose counterparts who were well rooted in Zimbabwe in order to ensure ownership of the process, obtain proper knowledge of the context and reach out to key parties at different levels. The EU's choice to support Zimbabwean-driven processes proved to be positive in trying to build trust at Track 2 level when the EU financed a project seeking to promote dialogue at community level through an umbrella organisation comprising 12 national civil society organisations specialised in conflict transformation, who implemented the activity and received capacity building support in peacebuilding and conflict mediation.¹⁴⁸ Additionally most EU support was provided discreetly, without EU visibility.

The 2011 Zimbabwe roadmap for future elections seemed to offer an occasion for the EU to plan its engagement in the country. The document defined milestones to implement in order to prepare for the next elections, and identified priorities for reform in the sector of human rights, rule of law and democratic principles on the basis of what was agreed in the GPA. Through the IfS the EU provided significant support to the reforms outlined in the GPA, in particular constitution-making and electoral processes, the promotion and monitoring of governance reforms, and support to the restoration of the delivery of basic health services.¹⁴⁹ In order to engage in such controversial areas the EU adopted the strategy of depoliticising its support to a very technical level. This way the EU was able to fund the capacity building of the electoral and human rights commissions through the UNDP and to support the work of the Joint Monitoring and Implementation Committee (JOMIC) through the Zimbabwe Institute.¹⁵⁰ While JOMIC is acknowledged as being weak, it remains one of the few forums in which all parties are represented that does engage in local-level mediation and dialogue in relation to incidents of violence and incitement.

The choice to support local partners required an enhanced degree of flexibility of the financial instruments that the EU did not usually have, and the benefits of working in tandem with local capacity were often hindered by the bureaucratic difficulties involved in obtaining exceptions for specific measures to allow the right implementing parties to secure contracts and to receive the necessary funds. However, the EU

Delegation was able to develop experience in the creative use of the IfS and to make full use of the various Commission regulations for fragile contexts even if this was in itself more labour-intensive to begin with.¹⁵¹ The identification of implementing partners would have been counterproductive if undertaken through open calls for proposals, as this would have limited the possibility for the right strategic actors to access the resources and would have led to unwanted attention. The approach adopted allowed for a more directive choice of partners, already analysed by the EU Delegation in Zimbabwe as being more credible and strategically positioned to deliver change within the political fabric. Yet a clear sense of realism was maintained that these initiatives were not necessarily going to be fundamentally transformative but were nonetheless worth the investment and this informed taking of risks.

By working at middle level with limited visibility, the EU could also protect its activities from the political contagion around its lack of neutrality that had occurred at Track 1 level. The capacity of the EU to deliver such strategic results without being politically compromised is a unique added value that other actors would find difficult to bring. In the case of JOMIC, the EU saw the potential of having such an inclusive instrument for implementation and monitoring, and encouraged JOMIC to decentralise its operations at provincial and district level in order to provide deterrence to political and structural violence and help build confidence. On the same line, the EU provided its support to the inclusiveness of the electoral commission. In a country such as Zimbabwe, certain MS usually welcome the EU's ability to deal with such delicate and risk-taking support activities and see the EU as a qualitative intermediary that can reach out to those stakeholders in Zimbabwe with whom they themselves would have difficulty interacting.¹⁵²

Lessons learnt

The lesson learnt is that the EU has adapted to the context, its space for Track 1 engagement is limited, and it has sought to use the different tools at its disposal to gain entry at other levels. Questions remain as to whether the EU's support to the Track 2 and 3 levels can really address the conflict dynamics in such an authoritarian country, yet the acknowledgement also remains that such creative risk taking and use of the instruments in such a sensitive environment is impressive.

4.2. Short Examples

In addition to the longer examples given above, the following series of shorter examples also give an indication of the breadth of the EU's experience in mediation and dialogue and provide clear insight for the four observations.

Africa Great Lakes (2003-2009)

- Managing the EU's own engagement

Successive EUSRs have struggled to reconcile and build consensus between different Member States' interests and positions in the region to forge a common EU purpose. At critical moments in the Sun City Process of Inter-Congolese Dialogue, during the DRC elections in 2006 (both heavily funded by the EU) and the Goma Agreement in 2009 the EU did manage to negotiate a common purpose, which brought the real added value of the EU in other areas to the fore and thus did create a stronger role in supporting mediation and dialogue. Yet the maintaining of a common EU line has in the past proven difficult, requiring active management by the EUSRs.¹⁵³

Chad (2006-2011)

- Understanding of context and EU adaption
- Primacy of Partnership

Chad is an interesting example of efficient teamwork between the EU HoD and the EC. On the one hand, the EC played a key role in facilitating the 18-month negotiation process that led to the political agreement between the Déby regime and the members of the opposition, signed in August 2007. On the other, the Head of Delegation was involved in supporting the democratic transition. Moreover, the EC has also been involved in the follow-up to the implementation of the agreement, on the basis of its presence in the steering committee, which was made up of an equal number of members from the majority parties and the opposition plus representatives of the Presidency, of the Parliament and of the Government, with observers

from the EC, France, the US, Germany, the AU, the Organisation Internationale de la Francophonie (OIF) and Coopération Suisse acting as facilitators of the process.¹⁵⁴

Ethiopia (2005)

- Understanding of context and EU adaption
- Managing the EU's own engagement

In Ethiopia in 2005 the Head of the EU Delegation was the main architect and broker of a pact of non-violence between the opposition and Government following the post-election violence.¹⁵⁵ While the EU was taken seriously as a major development partner in the country, it also appears that the Head of Delegation himself took the initiative rather than his actions being a result of direct instruction from Brussels. Officials in Brussels up to the level of the Commissioner as well as the EU ambassadors on the ground however supported the Head of Delegation fully in his attempts to defuse the crisis and play a mediating role.¹⁵⁶ This illustrates the importance of EU cohesion, backing from headquarters and the initiatives of EU Heads of Delegation and other officials on the ground. While questions ultimately remain as to the success of this mediation, this has more to do with the position of the parties than the role of the EU.

Former Yugoslav Republic of Macedonia (2001)

- Understanding of context and EU adaption
- Primacy of Partnership

The FYROM has been noted as a case of quadrilateral power mediation by a strongly outcome-orientated EU (Javier Solana and François Leotard, former Defence Minister of France), the US (James Pardew), NATO, and the Organisation for Security and Cooperation in Europe (OSCE), where the possibility of significant EU financial support and NATO troops functioned as leverage. NATO also had the mandate to make contact with the armed group. Due to its strong geo-strategic importance and preventive function, the conflict also saw the EU working with partners on its own doorstep. This is clearly an illustration of the EU working in partnership with others while also applying leverage.¹⁵⁷ While the mediation itself was important, the wide-ranging and multi-level follow-up, to which the EU has given a great deal of attention, is equally important to the long-term endurance of the agreement.

Laos (2010-2012)

- Primacy of Partnership
- Exploiting the EU's added value

The EU is engaged in Laos in the funding of mediation activities undertaken by third-party actors, aimed at normalising relations with the Lao Hmong Diaspora. More specifically the Centre for Humanitarian Dialogue was committed to bringing Government of Laos and Hmong Diaspora representatives to the negotiation table with the aim of establishing confidence-building measures that could perhaps lead to a final agreement. This is a little-known case of a country that is not widely regarded as a conflict zone yet where the EU enabled mediation through funding. It again illustrates the ability of the EU to work at multiple levels as well as the importance of the work of international partners, including INGOs.¹⁵⁸

Madagascar (2009-2012)

- Primacy of Partnership

While the EU has recently given diplomatic support to SADC (including a recent statement by the HRVP), it has in the past initiated Article 96 negotiations which it then specifically slowed down in order to achieve their alignment with African processes, thus not only playing the role of good partner but also adding weight to the work of the SADC and AU. The EEAS also sourced and provided expertise to the SADC negotiating team on amnesties; a key aspect of the negotiation and dialogue process.¹⁵⁹

Somalia and Somaliland (2012)

- Understanding of context and EU adaption
- Managing the EU's own engagement

The Somaliland-Somalia talks in London that were co-hosted by the UK, Norway and the EU set the agenda for the Dubai presidential meeting between the two parties. The EU was brought in by the UK as it

had legitimacy and clout due to its multi-faceted and multi-level engagement in Somalia and the Horn of Africa, while retaining a neutral profile yet also remaining a critical player vis-à-vis Somalia and Somaliland. This is a clear example of working in partnership and illustrates the importance of establishing synergy between the multifaceted engagement that the EU can leverage and its more 'neutral' profile.¹⁶⁰

Sudan (2006-2008)

- Primacy of Partnership

The EU was involved in mediation at all levels. EUSR Pekka Havisto was involved in mediating the Darfur Peace Agreement reached in 2006. The EU has also contributed by funding Thabo Mbeki's role as chief mediator as part of the African Union's High-Level Implementation Panel for Sudan. The EU also provided expertise as well as funding, through the African Peace Facility Emergency Response Mechanism (APF-ERM), through the IfS, and through discussions between EUSR Political Advisors and the UN/AU Mbeki Team. The EU furthermore adopted a programme through the IfS to contribute to the UN/AU-administered Trust Fund for the AU/UN Joint Mediation Support Team for Darfur.¹⁶¹ While all these actions were noted as important and useful, the EU is seen mainly as having played a supporting (albeit important) role rather than a decisive one.¹⁶²

Timor-Leste (2006-2008)

- Understanding of context and EU adaption
- Primacy of Partnership

In March 2006 the situation in Dili deteriorated dramatically and forces from Australia, Portugal, New Zealand and Malaysia were deployed to contain the crisis. Miguel Amado was sent on an assessment mission as an EU Special Envoy and on his recommendation a stabilisation programme was initiated to support the national dialogue in Timor-Leste in the run-up to the 2007 elections, thus contributing to the efforts of the integrated Mission (UNMIT) which had just been set up. Moreover, the EU financed high-level dialogue involving the Prime Minister, the President of the Parliament, the party leaders, the Commander of the Defence Forces and representatives of the Catholic Church.¹⁶³ This illustrates the lesson that the EU can play a useful role even in non-strategic countries and that it can add value to what other partners are doing.

Ukraine (2004)

- Understanding of context and EU adaption
- Exploiting the EU's added value

Several EU actors (HR Javier Solana, along with the Presidents of Lithuania and Poland) came together to lead in mediating the crisis around the elections. This provides an example of track 1 mediation in situations that have yet to become violent but could deteriorate, yet also offers the lesson that mediation is never truly finished (given the 2012 elections); EU engagement should be on-going and needs to be followed up with complementary measures at multiple levels that are not necessarily about mediation and dialogue but concern wider conflict prevention, peacebuilding and statebuilding.¹⁶⁴

5. Key observations and lessons learnt

Key Observation	Related Lesson Learnt for EU
1. The understanding of context and EU adaption is key	1. Understand the context and adapt
2. Managing the EU's family's own engagement is a challenge	2. Actively manage the EU's own family
3. The primary of partnership	3. Partnership is key and good partnership adds value
4. Exploiting the EU's added value requires creativity	4. Leverage the EU's added value by moving from <i>ad hoc</i> responses to international best practice

The EU has clearly developed its capacity and experience in mediation and dialogue over the last 20 years along the lines of the five roles of the EU as mediator, and in promoting, leveraging, supporting and funding mediation. Four key observations and four related lessons learnt arise across the geographical contexts, levels of officials interviewed, EU official reports, and other relevant literature on the EU's responses related to mediation and dialogue. These observations and lessons learnt cut across or reference the five roles of the EU (as a mediator, but also to promote, leverage, support or fund mediation and dialogue) and range from Track 1 to Track 3. While the study specifically draws on the multiple geographical examples presented, interviewed officials and other sources at times also made cross-cutting points that were relevant to these observations rather than to those featured in the specific geographical examples. The challenge for the EU is now one of both widening and deepening its experience. This requires the further socialising of the approach within the EU institutions and across the EU family with the EEAS playing a lead role. Yet success ultimately depends on EU institutions and Member States working together. Gaps and clear opportunities exist within each of the four major lessons learnt, with more operational conclusions made at the level of the sub-lessons presented.

Observation 1: The understanding of context and EU adaption is key

A good understanding and continual adaption to the evolving country and regional context is highlighted as a crucial determinant of a successful EU engagement in mediation and dialogue.

Where the EU has both a good understanding of the political dynamics at different levels and can adapt its political and policy responses accordingly rather than seeking to offer a 'one size fits all approach', the EU experience of mediation and dialogue is generally positive. At the same time the EU has to be modest about the amount of transformative change it can bring. Four key aspects stand out in terms of developing an understanding of the context and EU adaption to it.

The first aspect is the need to understand the political and conflict context: as the EU is a global actor the countries and regions in which it engages vary widely. Geopolitics, regional politics and national politics all have to be navigated by the EU if it is to be a successful actor in mediation and dialogue from Track 1 to Track 3. Even within a single continent or region the national conflict dynamics and political context may vary greatly. At the geopolitical level Kosovo-Serbia poses different challenges to those faced in Georgia, where Russia plays a major role. In the Philippines and Indonesia-Aceh the fact that the EU was neither the US, Japan, China nor a Member State with a strong national interest allowed it to play a role that others would have found difficult; the EU's relative neutrality being an important factor. A profound contextual understanding is not just relevant at Track 1 level, but also at more grassroots-level processes of mediation and dialogue. In Kenya, for example, local-level mediation and dialogue was critical in the 2008 response to violence and there was political space for the EU to support others to operate in this area. However, in Zimbabwe and Ethiopia, where the EU was confronted with authoritarian regimes, the political space was very limited (yet importantly, the EU adapted its interventions to these contexts). Given these realities, the space for EU engagement in mediation and dialogue is not always large or evident, and demand for engagement of the EU (whether as a mediator or through promoting, leveraging, supporting and funding mediation and dialogue) should be assessed prior to undertaking mediation efforts. Assuming a mediation role where incentives are not balanced across negotiating parties limits the EU's role unless a counterbalancing partner can be found. For instance, while the EU may have a degree of leverage with the

Palestinian Authority in the Middle East conflict, it has very little leverage with Israel directly, making the EU's relationship to the US particularly important.

The **second key aspect is the appreciation of what the EU has to offer, what it wants to offer and what it is valued for among conflicting parties**, in societies and across the region. This is not just a case of 'leveraging' mediation and dialogue through the use of 'carrots' and 'sticks'. Even in the Kosovo-Serbia dialogue, positive incentives were emphasised over sanctioning actions – yet the fact that both parties seek EU accession and that the EU has an interest in preventing conflict on its doorstep is self-evident. Yet, working at a lower level EU mediation sought to adopt a step-by-step approach on other issues where it could offer technical or financial support to the implementation of agreed components. What the EU 'has to offer' and the political stakes at play vary markedly from case to case; in Kosovo-Serbia it has access to the full menu ranging from enlargement, visa-free travel, and a CSDP mission in Kosovo to the ability to fund very specific aspects of negotiated agreements such as the technical implementation of activities toward the recognition of diplomas across the two countries. In Africa, however, most EU officials and other experts interviewed were clear that conditioning aid, even large amounts of aid (Kenya, Zimbabwe, Ethiopia) had a limited impact on conflict parties and could be counter-productive. This is also valid for sanctions and other restrictive measures. Such an approach could be used to characterise the EU as a party to the conflict and as a neo-colonial power, as has been the case in Zimbabwe. A more sophisticated understanding and use of the EU's profile is therefore required rather than just focusing on the use of 'carrots and sticks'. In the Philippines and Yemen the fact that the EU is a credible humanitarian and development actor with a long-term experience of engaging in conflict regions was critical to its credibility in supporting the more political peace process. Furthermore, the positive outcome of the successful Aceh-Indonesia engagement showed, both regionally and to the EU itself, what EU engagement can achieve in Asia. In Nepal, the EU's development and humanitarian programmes supported the achievement of some of the outcomes of the peace process dialogue in which the EU had no direct formal role.

While in certain circumstances the EU may not be able to offer much at Track 1 level, for example when one of the parties to conflict does not want the EU to be involved, it can engage at other levels (Zimbabwe). If there is no demand or enthusiasm internally or externally for the EU to play a mediating and dialogue role (such as between India and Pakistan over Kashmir) because the EU is prioritising other interests, then there are limited options. However, the EU does discreetly support dialogue at the Track 2 and 3 levels, indicating that in even these circumstances it is able to engage, albeit very modestly.

The **third key aspect is the need to understand and leverage the EU's relatively 'neutral profile'** in particular countries and regions. This EU profile may be more neutral than those of individual Member States, regional powers, or other players in particular situations. In Zimbabwe, Serbia-Kosovo, Georgia, Aceh-Indonesia, Yemen, the Philippines and Myanmar the more neutral profile of the EU, particularly in relation to some of its own Member States, was clearly noted as an asset to its wider engagement in conflict prevention and peacebuilding. This included the opening of windows for engagement in mediation and dialogue at various levels. It seems here that there is a balance to be identified between the EU's need i) to be perceived as 'more neutral' and ii) to be seen as a political player that is accepted by the parties.

The EU has also been brought to mediation processes to 'balance out' the less neutral position of Member States, for example in the Somalia-Somaliland dialogue. It should also be noted that if a critical mass of EU cohesion with regard to playing a more neutral role in a particular context cannot be achieved at higher levels (particularly between the EU institutions and EU-MS), then the ability of the EU to play the role of mediator, specifically at Track 1 level, will be very limited. Yet where this is the case, there is still scope for the EU to adapt to other useful mediation and dialogue roles, such as supporting conflict prevention and peacebuilding or facilitating other Tracks (2 and 3) of mediation and dialogue, even if these initiatives carry some risks of failure (Zimbabwe). It may also mean that the EU can better support the mediation efforts of other partners (see observation II below). At the same time, it should be understood that the EU may not have the same level of neutrality or legitimacy as the United Nations. Therefore, in order to be continually perceived as a credible supporter of mediation and dialogue, it must maintain a degree of neutrality – or else run the risk of becoming perceived as supportive of a partisan agenda.

The **fourth key aspect of understanding and adaption is the importance of people**. In particular, the ability of EU officials to acquire information, develop contacts and steer the changes in the EU's response to the evolving context is crucial. In order to seek openings for appropriate engagement and to adapt responses that 'do no harm', the necessity for good-quality information, plenty of contacts, and high-quality 'operators' at multiple levels has been consistently noted. The presence of EU officials (at different levels) with sound knowledge of the context and the existence of personal networks (Philippines, Kosovo-Serbia, Kenya, Zimbabwe, Indonesia-Aceh, Myanmar, Yemen) are both critical determinants for the successful exploration of possibilities for EU mediation and dialogue, for making the most of what the EU has to offer, and for adequately adapting responses. These assets were also emphasised as important in the building of personal trust between officials, such as the EU-AU relationship on mediation and dialogue with the African Union Commission through the Addis EU Delegation in Ethiopia. In Kenya, Myanmar and Kosovo-Serbia, EU headquarter officials had spent time in the respective regions (and vice-versa), which interviewees felt was important to their understanding of the culture, the positions and dynamics of the conflicting parties and how to best engage with them and tailor the EU's response. The presence of officials or political figures with soft skills, such as being good listeners and consensus builders and being comfortable with their interlocutors, was noted as positive. Entrepreneurial skills and the courage to take creative and informed risks were equally positively received (Georgia, Kosovo-Serbia, Kenya, Zimbabwe, Indonesia-Aceh, Yemen).

Even EU Heads of Delegation have, through their contacts, mediated in highly sensitive internal conflicts at a very high level such as in Ethiopia (2005) and Chad or are key actors in supporting local processes (Yemen). This is, in a way, a 'natural' role for them. The post-Lisbon setup was seen as conducive to increased opportunities for EU Heads of Delegation to pursue such roles (often in collaboration with Member States), provided that the EU is perceived as maintaining a certain level of neutrality. It was also noted that the post-Lisbon setup offers more opportunities to appoint personnel with a more political profile (in the EEAS and in EU Delegations) who could not only conduct the required political analysis but could also forge the contacts needed to enable mediation and dialogue at multiple levels. This change was described as being 'in progress' rather than the benefits having yet been fully realised.

However, partners and interlocutors had to get used to this 'new, more political role' for the EU; the crucial aspect here being that, beyond having comprehensive knowledge of the context, officials need a thorough understanding of it as well as a personal network. Still this may not be enough, as an interest to pursue mediation and dialogue and to support peace processes more widely, as well as the skill to engage in the type of discussion involved, are equally essential. It was emphasised that in cases where officials have the right skills or level/access to get the best out of the entire range of responses the EU has to offer (Kenya, Philippines, Kosovo-Serbia, Aceh-Indonesia or at the level of the AU Commission), things can move quite quickly. This leads to the further observation that the software of people is needed to drive and adapt the hardware of the many tools the EU can bring to mediation and dialogue. Getting the best out of institutional innovations is only possible if taken forward by people. Thus, investment in its people with regard to developing skills for mediation and dialogue should continue to be a priority for the EU and its institutions, given that the current state of affairs is rather unsatisfactory. While a certain degree of success of any venture can be put down to people, the process of 'institutionalising' the type of competence displayed – e.g. knowledge of context, people skills, the ability to work across institutions, and knowledge of what the EU can offer – should continue to be developed.

The concluding observation is that an understanding of the regional and country context, and ensuring that the EU adapts well to it, are critical aspects of success. There are a number of positive experiences and initiatives that may be built on to ensure that this understanding and adaption is further taken on board.

Lesson Learnt I: Understand the context and adapt

The first observation clearly leads to the finding that a 'one size fits all' approach is neither appropriate nor does it make the best of the EU's added value of being an adaptive player with a full range of responses on offer. The main message for the EU is to continue to develop its capacity to understand and adapt to highly diverse contexts in order to maximise the impact of EU mediation and dialogue.

Sub-Lesson and Gap	Opportunity
<ul style="list-style-type: none"> Invest in understanding political/conflict dynamics and appreciate the true origins of demand and opportunities for EU mediation (or the lack thereof). 	<ul style="list-style-type: none"> Use the analytical tools the EU (EEAS/DEVCO) is developing (conflict analysis, political economy analysis, political reporting, increased political staffing in Delegations but also knowledge held by operations staff) to assess and appreciate whether there is a demand for EU mediation. Undertake such exercises together with multiple EU stakeholders. Also ensure that informal knowledge of the dynamics, particularly the positions, interests and needs of parties to the conflict, is continually tapped.
<ul style="list-style-type: none"> Appreciate what the EU can and cannot offer in a particular context as determined by geopolitics, regional politics, or national politics; yet be creative and take informed risks. 	<ul style="list-style-type: none"> In addition to the above, brainstorm creative ways for the EU to engage in mediation and dialogue through utilising best practice of the EU and others. It is rare that there are no opportunities for the EU to enable mediation and dialogue, given that the EU can operate at multiple levels and in multiple ways (mediate, promote, leverage, support, fund). Use the EU's outreach and network in-country and at the regional level (as well as visiting missions) to test the water by engaging parties and partners informally at tracks 1 to 3. Use the IfS and ERM in Africa to take informed risks in backing innovative projects that may open doors to greater engagement.
<ul style="list-style-type: none"> Greater opportunities for mediation and dialogue exist in contexts where the EU is seen as relatively neutral and acceptable in relation to the parties, but also as a credible political and financial actor. There may also be opportunities to build on credibility through the EU's humanitarian and/or development engagement. 	<ul style="list-style-type: none"> Assess in all parts of the world where the EU is seen as a relatively neutral and credible actor whether there is an un-met demand for the EU to undertake, promote, leverage, support, or fund mediation and dialogue. However, guard against becoming a conduit for 'forum shopping' at Track 1.
<ul style="list-style-type: none"> Options for EU mediation and dialogue at Track 1 are limited when the EU is perceived by associations as being 'party to the conflict'. 	<ul style="list-style-type: none"> In such circumstances assess from the ground up if there are non-Track 1 levels of engagement in which the EU could usefully engage, or alternatively if there are non-mediation and dialogue-related peacebuilding and conflict prevention activities that could make a useful alternative contribution to peace and stability.
<ul style="list-style-type: none"> The level, quality, expertise, knowledge and motivation of EU officials are key to the EU's adaption to context. 	<ul style="list-style-type: none"> At different times, a different level of official is required to engage. Instances when the highest level is required are few and may only be for a short amount of time – yet the need to line up high-level involvement (HRVP, Commissioners, EEAS Corporate Board members) should be managed. Also recognise that relatively middle-ranking officials (EU Heads of Delegation) may be extremely valuable and can creatively influence Track 1 levels. Seek to 'hire' into the EU institutions (not just the EEAS) those with a profile useful to mediation and dialogue and to wider conflict prevention and peacebuilding. Continue to develop the awareness, knowledge and expertise of EU officials in mediation and dialogue – particularly by drawing on their own experiences. Work to incentivise creative political engagement by EU officials rather than only bureaucratic compliance. Ensure that a good mix of country knowledge and expertise on the substance of the mediation and dialogue issues, process design, and conflict prevention and peacebuilding is brought together by the EU institutions in interdisciplinary teams under the leadership of the EUSR, EEAS or EU Head of Delegation in particular contexts and by EEAS K2 at the cross-cutting level. Think now toward the long term on how the staff profile can be transformed in the EU institutions (EEAS, DEVCO, FPI) – look for opportunities (such as the EEAS 2013 review) to put this on the right track.

Observation 2: Managing the EU's family's own engagement

The **EU's ability to 'get its act together' within its own family was noted as a major determinant of success and, though a source of on-going frustration, it can also be a source of considerable strength if managed effectively.** EU officials at all levels generally acknowledge that, while the vision of the Lisbon Treaty is of an EU that works together more closely and coherently, the reality is that this has to be constantly and skilfully managed rather than simply arising as a matter of course.

Positive experiences were derived from various levels at which this relationship was actively managed, with the post-Lisbon arrangement generally seen as a significant step forward (Georgia, Yemen, relationship with the AU). Yet, in other cases interviewees were more hesitant about the immediate benefits of the post-Lisbon setup for more coherent collaboration (Zimbabwe). Third parties, including partners of the EU, were much more critical in this regard of the EU's ability to manage its own family in almost all circumstances. Remarks were made about squandered opportunities, slow decision making, a technocratic risk-averse nature and high levels of bureaucracy due to the inability of the EU to manage its own internal relations. This was commonly noted and expressed by third parties as a loss of the EU's collective weight, due to ponderous infighting and indecision as well as to MS effectively vetoing EU mediation engagement. Yet in the case of EU mediation and dialogue there are four recurring issues where these 'internal' or 'EU family' relations could be better managed and to which observations gleaned from EU experience in mediation and dialogue relate.

The first issue is the **EU's ability to creatively manage its relations within and between Member States and EU institutions.** This was seen as a critical determinant of the political capacity of its mediation and dialogue activities to impact the Track 1 level (Kosovo-Serbia, Zimbabwe, Georgia, Aceh-Indonesia, Yemen, the Caucasus more generally, African Union). Even where the EU is more engaged at other levels (Track 2 or Track 3) the 'fallout' from mixed messages and the pursuit of different agendas by EU institutions and MS is significant. The Serbia-Kosovo dialogue, for example, requires some skill to manage; while the stakes are high, 22 of the EU-MS have a different position on the recognition of Kosovo than 5 others. The EU has sought to turn this into somewhat of an advantage rather than a weakness, noting that it gives it a more 'balanced' profile as a supporter of dialogue than if all EU-MS were of the same position, which would more clearly place the EU in the camp of one of the parties to the conflict. Yet, herein lies tension as to whether the EU should be seeking to further leverage its dialogue for particular outcomes or should instead seek a less partisan approach where it really is a mediator. Most of those interviewed felt that EU 'hard' leverage in mediation and dialogue is overstated, particularly if EU cohesion cannot be found or maintained.

The EU institutions, both at the highest levels (Serbia-Kosovo), and through the EU Delegation on the ground (Zimbabwe) or the EUSRs (Georgia, Great Lakes), often see themselves as mediators between Member States' positions. In Kosovo-Serbia, the presence of a high-level facilitator of dialogue who was able to make direct links between various EU constituents outside and around the official EU forums (PSC, Council) including within the MS in order to manage their political relations, was deemed key, though it is unusual for the EU to have someone engaged at this level in such a role. In other places EUSRs have played the role of coalescing 'one message' of the EU (Georgia, Great Lakes) despite not always having been successful in transmitting a clear and consistent EU message to the major conflicting parties at a higher level. This is at times the result of very difficult political discussions, which can only be managed at the highest levels of the EU capitals.

In some cases (Georgia, Kenya, Ukraine) it seems easier to manage EU coherence in the crisis phase when political attention and stakes are at their highest. This level of cohesion tends to drop off in the post-crisis phase when the threat of an immediate and damaging escalation recedes; however it is in this next phase that the *de facto* difficult work of mediation and dialogue in support of conflict prevention and peacebuilding begins. There exist counter-examples of this observation (e.g. in Libya during the crisis phase where there was no strong EU cohesion around whether there should be a mediated solution), although these are not covered in this study. While on-going alignment and coherence may be impossible to maintain at all times, at key moments coherence has proven essential (Kosovo-Serbia, Georgia, Aceh-

Indonesia). The observation is therefore that at critical moments in dialogue processes the EU should speak with one voice and this needs to be actively managed.

The **second issue** of the EU managing its own family is **the ability of those with a more political role and those with a more operational role to work together to 'make the right things happen at the right time'**. This cooperation has to happen at the level of the EEAS, DEVCO and FPI as well as at the level of the EU Delegations. It is essential for the different parts of the EU institutions to have 'one purpose' and to be aligned with and support each other rather than pursuing their own agendas or acting at cross purposes with regard to mediation and dialogue efforts. This was noted as particularly important in a number of examples (Philippines, Zimbabwe, Myanmar and engagement with the UN or AUC).

Yet a level of skill and nuance is required to manage better cooperation that goes beyond simple alignment by playing on the skills and competences that different sections provide. In Zimbabwe the operational sections of the EU Delegation were able to maintain and develop lines of dialogue and capacity building for mediation locally, with local partners, that could then be sensitively built upon by the Head of Delegation and Political Section. These lines of dialogue would not be open if the EU were perceived as pursuing as a first response an overtly partisan agenda through its political section with its partners on the ground. Trust must first be built. In the Philippines the EU also skilfully used a political strategy to directly support the innovative International Contact Group with IfS resources. This in turn required the political and operations sections to work closely together in order to design a system of support that would work for intermediaries directly engaged with the conflicting parties. In the EU Delegation in Addis Ababa the Peace and Security Section has both an operations component and a content component that work together to ensure quick political decisions on mediation and dialogue supported through the Early Response Mechanism of the AU.

Mixed opinions were expressed as to whether the post-Lisbon institutional arrangement has made this cooperative approach easier or more difficult to achieve at the level of the EU Delegations. With the political sections reporting to the EEAS and the operational sections to the Commission (DEVCO/FPI), the role of the Head of Delegation and the personal relations between individuals have been cited as important, particularly where operational decisions have political consequences and vice-versa (which was the case for all geographical examples featured at anything other than the Track 3 community level). The importance of developing personal relationships of trust and of building a common purpose was seen as equally, and at times even more, important than the post-Lisbon institutional arrangements themselves. Therefore, semi-formal and functional opportunities to build a common understanding and purpose linking the political with the operational within the EU family should be pursued in order to further promote this collaboration on mediation and dialogue.

The third aspect of EU family relations is the ability of the EU's thematic and geographical sections to work together effectively, particularly within and between EU institutions (specifically the EEAS and the Commission). Most interviewees in geographical sections acknowledged that the EU exhibits significant knowledge in its thematic competences (within the Commission, EEAS or Member States) of issues that arise in relation to mediation and dialogue (not just on conflict issues, but on the technical issues related to economic, social, and legal concepts that may be part of the dialogue). However, unlocking this knowledge and making it available is not always easy or straightforward. Competences useful to the often highly technical issues that formed part of the dialogue in Kosovo-Serbia were found within the wider EU family and were always made rapidly available, thereby greatly assisting the dialogue process. Some scenario planning and brainstorming was done in advance by the small Kosovo-Serbia dialogue team to anticipate the issues and therefore to be able to seek access to expertise on topical issues that were expected to arise as part of the negotiations from DG HOME, DG ENLARGEMENT etc. early on.

However, availability of the right technical expertise is not always a given. In other contexts, the thematic sections in the EEAS and the Commission more generally have not always been able to 'gain access' to the work of geographical sections. Yet there are also some positive examples to draw on. In Myanmar the use of thematic expertise on mediation and dialogue by the EEAS-K2 Division complemented the geographical knowledge held by the desk and EU Delegation. Equally in Georgia and Zimbabwe expertise provided by or through the EEAS-K2 Division complemented the contextual knowledge of the actors on the

ground. It has to be noted that there is some degree of initial scepticism about working together in terms of adding real value, although this is usually overcome by the actual experience of cooperating. (More of this will be covered in the complementary evaluatory review).

The **fourth aspect of managing EU family relations is the Brussels-field axis** of the EU internal relationship. This should work both from both the top down and bottom up, as noted in the 2009 Concept. For instance, while much of the initiative for the engagement in the Philippines and Yemen emerged from the ground, a real effort was made to use the EU structures (Geographical Working Groups) and to ensure buy-in and support from senior (Director-level) officials in the EU hierarchy, while at the same time managing relations through EU HoM meetings on the ground. This did not just involve the operations and political sections but rather required that the EU work on the ground be linked effectively with the political structures in Brussels. In Aceh-Indonesia the Council (ESDP mission) and Commission (EU Delegation) worked closely together in order to add value on the ground by adopting a complementary approach, but also in ensuring that the right discussions were held at Brussels level. The working arrangements in Kosovo-Serbia generally functioned well, with local knowledge from the ground of how parties in Pristina and Belgrade were disposed being critical to feeding the decision-making process at the higher Brussels level. For the Early Response Mechanism of the African Peace Facility the good working relationship between DEVCO and the EU Delegation in Addis ensures that decisions can be taken remarkably rapidly. Such good working relations also pragmatically enable good informal communication to go hand-in-hand with the more formal process of decision making, so that any potential 'road bumps' can be smoothed over before they have the chance to delay the process.

The necessity for the EU to actively manage its own family in terms of outcomes relating to mediation and dialogue requires building on the positive experiences and on-going challenges identified above.

Lesson Learnt II: Actively manage the EU's own family engagement

There is a tremendous amount that the EU can bring to mediation and dialogue. Yet this requires the active and pragmatic management of the EU's own family at multiple levels and it cannot be left to chance that the post-Lisbon structures will deliver this. Opportunities however exist to better actively manage the EU's own family in the post-Lisbon institutional setup that should be taken advantage of, while risks that the post-Lisbon structures create divisions (particularly between the EEAS and the Commission) should also be managed.

Sub-Lesson and Gap	Opportunity
<ul style="list-style-type: none"> EU Member States may limit or open up space for EU mediation and dialogue initiatives. 	<ul style="list-style-type: none"> Assess the positions of Member States in relation to EU mediation and dialogue in a particular context – promote, discuss and negotiate what added value the EU institutions can bring. However there is also a need to challenge unreasonable 'gatekeeping' by Member States where it can be demonstrated that the EU institutions or the EU as a whole can bring an added value.
<ul style="list-style-type: none"> The EU institutions and the EU Member States must speak with 'one voice' at critical moments in dialogue processes. Creation of this one voice must be managed at multiple levels. 	<ul style="list-style-type: none"> Assess likely key moments in mediation and dialogue processes where it is most necessary for the EU to speak with 'one voice' – use both post-Lisbon structures and informal opportunities to build consensus and clear messages (rather than wasting time and energy in attempting to ensure coherence of EU messages at all times).
<ul style="list-style-type: none"> The EU institutional framework (EU Delegations) and EUSRs (at HQ and in the field) act as an 'internal mediator' within the EU family. This is a valuable step toward the establishment of clarity as regards an external approach. 	<ul style="list-style-type: none"> Recognise that some mediation and dialogue activities have to work their way through the post-Lisbon structures and can only be managed at the level of the EU institutional framework in Brussels. Further explore more the role of the EUSRs and EU Delegations/EU HoMs in building consensus for EU mediation and dialogue activities and ensuring an appropriate division of labour.
<ul style="list-style-type: none"> Aligning and drawing on the strength of the EU's political, financial and technical competences requires active and specific collaboration across institutions (EEAS, Commission, Council, MS) and further adaption. Post-Lisbon structures offer both opportunities and risks. 	<ul style="list-style-type: none"> At Headquarters and Delegation level ensure that there are opportunities to jointly analyse and plan responses involving both those with political responsibilities and those with operational ones.
<ul style="list-style-type: none"> Respect and dialogue between EU headquarters and the field is key. Opportunities need to be taken to build this further. 	<ul style="list-style-type: none"> Increase and continually look for opportunities and functional budgets for missions, good dialogue, meetings, joint planning, seminars and trainings that enable functional collaboration between the field and headquarters. These should also be cross-institutional so that trust, understanding and a common purpose can be built.

Observation 3: The Primacy of Partnership

The **key observation is that there are almost no instances where the EU works alone** (as shown in all of the geographical examples described). Therefore the success (and failure) of EU mediation is heavily reliant on how well the EU can work together with its partners in order to add value. Indeed, while the engagements in the Philippines, Aceh-Indonesia and Kenya can in some ways be characterised as successes, these can be ascribed to the parties and the international community as a whole. Even in the case of Kosovo-Serbia where the EU was central, the US also had an important and critical role to play and in Yemen it is (surprisingly) Russia that is a key partner. By the same token, the 'difficult cases' of Zimbabwe, the Middle East, Georgia, Sri Lanka and the Great Lakes represent a challenge for the international community as a whole and the lack of progress made toward achieving positive outcomes through mediation and dialogue cannot fairly be attributed to the EU alone. Given this reality the primacy of partnership and the necessity for more effective types of partnerships in mediation and dialogue loom large. In the challenge of managing partnerships five areas recur, but the biggest cross-cutting theme is that of the need to move from the current profile of the EU institutions as a donor, to one of a political partner who also has financial means.

The **first area is effectively managing political partnerships**. There are two key aspects to these. The first is the legitimacy and credibility that the EU may gain through its relationship with a political partner, while the second relates to additional or complementary leverage. In Kosovo-Serbia, Georgia and the Middle East the EU's principal mediating partner at Track 1 is the US and to a lesser extent the UN, while for Macedonia it was the US and NATO. In most other examples the EU is playing a supporting role to *ad hoc* International Contact Groups as co-chair or a participant in lower-level forums (Sri Lanka, the Philippines, Nepal). Regional powers can also play an important role (South Africa in Zimbabwe, Malaysia in the Philippines, Saudi Arabia in Yemen). In Aceh-Indonesia, collaboration with the Association of Southeast Asian Nations (ASEAN) was critical to increasing the EU's legitimacy to engage in certain aspects of the peace process. In Africa, the EU usually chooses to align with the African Union (such as in Kenya) or with the appropriate Regional Economic Community (SADC in the case of Zimbabwe or Madagascar). Alignment behind AU or REC mediation and dialogue initiatives was noted as 'good politics' for the EU and it was felt to work best when the EU was able to bring together both the political and funding aspects in a coherent strategy.

Questions remain as to how successful AU initiatives are (though the same claim can be levelled at the UN or the EU), and certainly there is some give and take in that the EU loses 'control and influence' but gains legitimacy and insight in working with the AU and with RECs. In some cases the EU has even slowed down its own political processes (Cotonou Agreement Article 96 dialogue) to ensure full alignment with African positions (Madagascar) in order to manage both legitimacy and leverage.

A **second area concerns avoiding unhelpful competition**. This is the danger that the EU plays a role in setting up other forums for mediation and dialogue that may undermine partners' initiatives. Kofi Annan was very clear in Kenya that there should be no option for 'forum shopping' available to the conflicting parties as this would confuse and undermine the process, significantly diminishing its chances of success. Similar concerns have been expressed in other situations. While there is no evidence that the EU has set up parallel or unhelpful forums allowing for 'forum shopping' in the past, as it seeks to increase its political role in mediation and dialogue the EU should be mindful of this danger and should thus ensure that it adopts a conflict-sensitive approach that 'does no harm'. In Yemen, in order to avoid unhelpful duplication, the EEAS took the decision to delay and stop a capacity-building process related to mediation and dialogue when it was found that the UN was offering something similar.

The **third area is managing a dual and hopefully complementary political and financial relationship with numerous partners** effectively, thus moving beyond the EU simply being seen as a technocratic funder. In many of the EU's mediation partnerships the relations involved are not purely political. The EU rather plays both a political and a financial role, which is increasingly the case in the post-Lisbon era. The availability of funding is important to many official and non-official partners. This evolution toward the role of a more political partner does not mean that the EU always has to be visibly politically engaged; indeed the EU's calculated invisibility in supporting partners' initiatives is seen as positive and is in itself a political choice. Indeed there are almost no high-level African Union mediation initiatives that have not in some ways been funded by the EU, yet the fact that the EU has not been directly visible, but instead aligned behind the AU, has increased rather than reduced these initiatives' chance of success.

The EU has a relationship of competition, cooperation and funding with the UN, and clearly the UN, having a more neutral profile in many circumstances, can do things that the EU cannot. Some officials expressed frustration that the UN only looks toward the EU as a source of resources rather than as a political partner, although this seems to be changing. Indeed the need to build relations of trust that extend beyond a mere donor relationship was consistently emphasised as important and as the key through which partners can get the best out of each other. Discussion by the EU headquarters (within Divisions and Units, but also with Directors, Managing Directors, and the Corporate Board) and at field level (EU Delegations) at the right time and with the right people was emphasised by both thematic and geographical sections as important when uniting and aligning political positions and financial resources with partners. This requires good coordination among the EEAS, DEVCO, FPI, the EUSRs and the EU Delegations as the responsibilities are somewhat spread across the different institutions in the post-Lisbon context. The need to engage EU

Delegations early on (both politically and operationally) in order to ensure i) a clear demand and ii) that there is sufficient capacity to follow up any headquarter-level initiatives with partners (for example the funding of partners) was explicitly noted. Only if the EU effectively coordinates internally can it manage its political and funding role with its external partners well.

The **fourth area is the importance of non-Governmental actors** in mediation and dialogue. This is also linked to the EU being a political actor as well as a donor. Non-Governmental actors are not only important for Track 2 and Track 3 mediation and dialogue processes but can also open doors to Track 1½ and even Track 1 processes. A set of highly professional and experienced non-Governmental partners has proven influential and the main initial vehicle for the EU's engagement with armed groups in the Philippines and in Aceh-Indonesia – and in a slightly different way in Nepal. Other examples featured show that the EU has supported NGOs in their highly 'political' work in Laos. Many more examples exist in geographical cases beyond the scope of this study, such as in the Caucasus. Where NGOs have good regional and thematic knowledge or experience of mediation and dialogue, they are invaluable partners to the EU beyond the role of mere 'project implementers'. Inevitably, experiences of cooperating with NGOs have not always been positive; however, the negative experiences usually arose because the organisations chosen as partners (at times through headquarters-driven processes) had inadequate thematic experience, had insufficient knowledge of the context (Sri Lanka) or cooperation with the EU officials close to the ground was lacking. These types of partnerships with NGOs also tend to work best when they are based on more than just funding relations and where the knowledge, expertise and insight of these partners is shared with the EU and vice-versa. Beyond the level of international NGOs the EU has also funded several complementary initiatives at the level of local civil society, directly or indirectly, in Georgia, the Philippines, Zimbabwe, the Middle East, and Nepal. In Zimbabwe, legitimate local NGOs and semi-official bodies such as JOMIC can engage in work on mediation and dialogue that other actors would find almost impossible to do.

Despite significant progress over the past 10 years in terms of EU partner relations, there is still room for improvement in terms of turning what has often been a donor-recipient relationship (particularly with the UN, UN agencies, INGOs and civil society) with regard to mediation and dialogue issues into a more political one of substance. This also requires further adaption of the EU's financial instruments in order to improve their suitability to support this kind of relationship, while also ensuring the development of a political relationship based on substance. In addition the EU will have to manage its relations differently with partners, as in its post-Lisbon configuration it has the capacity and mandate to take on a more political role in a broader range of contexts. Avoiding unhelpful competition, or the emergence of damaging 'forum shopping' possibilities for conflicting parties, should be seen as another key priority for the EU in its management of partner relations.

Lessons Learnt III: Partnership is key and good partnership adds value

The EU has significant experience of partnership and has developed numerous innovative tools for working with different types of partners at global, regional and country level. The challenge now is to take this partnership to the next level by combining its political and financial aspects effectively.

Sub-Lesson and Gap	Opportunity
<ul style="list-style-type: none"> There are very few instances where the EU acts alone; supporting other credible mediators both politically and financially is useful, legitimate, appreciated and effective. 	<ul style="list-style-type: none"> The EU should seek to add value and to complement partners' engagement – yet this does not automatically limit its right of initiative. Engagement with partners should not be purely or even mainly on financial terms but should be based on substance.
<ul style="list-style-type: none"> EU partners can act in ways the EU cannot and can open opportunities for the EU. 	<ul style="list-style-type: none"> Recognise and assess the added value of different partners in particular contexts. Assess the levels for engagement from Track 1 to Track 3. Appreciate that even non-Governmental actors may have direct links to conflict parties that can enable mediation at Track 1. Assess the opportunities and risks of alignment or complementary action with partners.
<ul style="list-style-type: none"> Good partnership extends beyond the provision of financial resources to smart political relationships that work both ways. 	<ul style="list-style-type: none"> Ensure that financial and political relationships are not fragmented by the post-Lisbon structures in terms of relations with partners. When designing political engagement with partners, ensure that EU operational capacity (FPI, DEVCO, operations sections) is included in the discussions at an early stage.
<ul style="list-style-type: none"> Cultivate a diversity of partners with legitimacy, experience, and connections that can work at different levels of mediation and dialogue. 	<ul style="list-style-type: none"> EEAS, working with DEVCO and FPI, should further develop existing good relations with the UN, AU, NGOs, and CSOs – both at the global level and in particular contexts. EU Delegations and EUSRs should seek to systematically develop an understanding of the actors engaged in mediation and dialogue in any particular context, as well as of where gaps exist, and to extend this beyond Track 1 to Tracks 2 and 3. Recognise, use, and adapt different funding tools to engage different levels; thus making them better fit the reality of mediation and dialogue. A key point for improvement is the transition from IfS or ERM to other forms of longer-term support. Seek to use the full flexibility afforded by the Commission regulations for fragile states to directly contract partners where it can be demonstrated that these can offer a 'political' added value that an open call is unlikely to bring.

Observation 4: Exploiting the EU's added value requires creativity

That the EU has developed a significant amount of mediation and dialogue activities (across the five areas of the 2009 Concept) in specific contexts is not in question. The EU has also partially adapted its policy framework, institutional setup and funding mechanisms. Yet there are **two questions, firstly as to the quality and impact of this engagement**, not least by officials themselves, and **secondly as to whether the EU is truly exploiting its potential added value**. Six aspects need to be taken into account in the necessary move from more *ad hoc* approaches toward those that better exploit the EU's added value.

The first aspect is **that mediation and dialogue is still not something that is socialised or seen as a first response by the EU institutions, despite the 2009 Concept and a quite significant amount of past practice**. It would seem that **the EU is not maximising its potential in this area because mediation and dialogue is not immediately seen as a response that it should offer**. That there is not yet a strong culture of mediation and dialogue, or peacebuilding more generally, within the EU institutions is also supported by other more comprehensive studies.¹⁶⁵ The geographical examples reviewed in this study highlight that cases where the EU possesses a significant amount of practice and experience represent the exception rather than the rule. Some distinct opportunities were noted as having emerged from the post-Lisbon changes – not only in terms of new institutional arrangements, greater political profile and ambition, but also with regard to the appointment of personnel with new competences capable of moving EU mediation and dialogue to a new level.

The **second key aspect** is that the EU's most successful cases of peacebuilding through mediation and dialogue have involved a multi-level and multi-stakeholder approach (Aceh-Indonesia and the Philippines). Yet the EU for the most part has been reactive rather than proactive, often acting quickly as major events unfolded (Kenya, Georgia, and through the AU ERM), with preventative diplomacy being a less frequent modus operandi (although the examples of Macedonia and Ukraine do illustrate preventive engagement). Where the EU has been deemed successful by third parties in Aceh-Indonesia, Serbia-Kosovo and the Philippines, its engagement has been based around a more comprehensive, multi-level and longer-term approach, with key EU officials helping to drive the process.

The scope of the EU to operate or engage on multiple levels (from Track 1 to Track 3) or to adapt in order to address gaps in the overall international response to a process is a key strength and an added value of the EU that few other international actors can replicate. Yet the EU often finds it difficult to exploit this ability to work on multiple levels, to tie different levels together to accomplish a genuinely integrative approach, or to adapt in order to fill gaps. The ability of the EU to engage at Track 2 and Track 3 level, usually through partners, is seen as a key added value if the EU can effectively link these activities to actions around Track 1. Yet connecting the different levels of engagement in mediation and dialogue continues to be a problem for the international community as a whole, although the EU is uniquely placed to play a role here as it can, with its various instruments, operate at different levels (as it did in Philippines-Mindanao and Aceh-Indonesia and as it continues to do in Georgia and Zimbabwe). There is some level of scepticism as to whether civil society and Track 3 processes in Kosovo-Serbia or Zimbabwe can yield any results, particularly if the EU is unclear as to what it aims to achieve at this level and if, simultaneously, there is no movement in Track 1. Yet, risk-taking and the provision of support to actors aiming for positive change was deemed as very worthwhile, particularly in the absence of other actors supporting lower levels of mediation and dialogue. It was seen as particularly beneficial in cases where partners could be carefully and directly selected (rather than simply going to calls for proposals).

The **third aspect** is the ability of the EU to cover meaningful processes of mediation and dialogue even if these are rarely subject to quick wins. The successful engagements in the Philippines, Aceh-Indonesia and Kosovo-Serbia happened over a number of years. Despite the current lack of progress in Georgia and the Middle East, the importance of staying engaged and of maintaining the lines of communication through which the EU is involved is seen as critical positioning for success. EU officials noted that the opportunities created through the network of EU Delegations and via the multilateral nature of the EU's cooperation instruments imply that it is possible for the EU to engage in the long term, even if there is no EUSR or CSDP mission present. This could be exploited further through the post-Lisbon setup. In addition, the EU can take risks that others would find difficult to support. In Somalia, for example, it took more than six years for the EU-supported dialogue to result in a transitional Government; in Georgia the current process has been on-going since 2008. Even in successful cases, such as Aceh-Indonesia, which began in 2005, there is still unfinished business. This long-term approach does not suit the IfS crisis response funding mechanisms, which only last for 18 months. Even the Early Response Mechanism of the AU covers only 6 months (a source of some frustration both inside and outside the institutions). Yet a longer-term engagement is something that the EU is well suited to undertake. Thus, further adaptation of the EU's funding instruments in order to bring them into line with political realities and to strengthen the link between the shorter- and longer-term instruments was noted as a crucial point.

The **fourth aspect** is the EU's ability to reconcile an EU-agreed 'political strategy' (including mobilisation at a high level) with being simultaneously entrepreneurial and taking informed and calculated risks (the Philippines, Kosovo-Serbia, Aceh-Indonesia, Yemen and Myanmar). However, some cases give the impression of an *ad hoc*, reactive and events-based approach by the EU. It seems that in a number of contexts, the EU is merely conducting individual projects and initiatives rather than adopting a more comprehensive and considered approach or strategy.

Many of the activities listed in the overall EU reports (see box 4) and noted in the geographical cases can be worthy in themselves but may have very limited impact if they are not at some point aligned with an overall strategy of what the EU is trying to achieve politically. Within this political strategy should be placed

the need to engage at the highest EU level at certain points. This owes to the noted positive experiences of having the higher levels involved in moving a process forward at the Track 1 level, even if this involves only a short visit or phone call by the Head of State of an EU-MS, a visit by a Commissioner, or a meeting convened by the HRVP. Credible examples of the success of this high-level engagement are found in the cases of Georgia, Kenya, Macedonia, Kosovo-Serbia, Yemen, the Great Lakes and Myanmar. The EU's ability to mobilise the highest level, including in areas that are not of immediate strategic concern to the EU, is seen as important, yet only if it occurs within a wider process based on a clear political strategy. Also, while mediation and dialogue by its nature has to be somewhat reactive to windows of opportunity, there is still a need to further professionalise the EU's response to mediation and dialogue, as well as to conflict prevention and peacebuilding more generally, in order to go beyond mere *ad hoc* reactions.

The fifth aspect is that, despite a specific commitment to be a promoter of mediation and to draw on its own experiences, this appears to be the least developed and practised of the five roles the EU sets out for itself. Despite the fact that this internal experience of relevant mediation and dialogue issues is significant (going beyond the Northern Ireland peace process to rich experience in minority rights, devolution, transitions from military to civilian rule, and the negotiation of functional technical issues such as border management) the EU rarely draws on these in its external mediation and dialogue.

The sixth aspect is that knowledge of best practice in mediation and dialogue among those interviewed is limited if it falls outside of their immediate geographical experience. This includes important core issues such as the participation of women, despite the EU's specific commitments to this area. This lack of knowledge especially relates to process design, thematic mediation and dialogue issues and to the roles and capabilities of the range of international actors. While many EU officials have an excellent intuitive 'feel' for these issues, the sharing of experiences within and across regions, and staff exposure to international best practice beyond the activities undertaken by the EEAS K2 Division, seems to be very limited.

Lesson Learnt IV: Leverage the EU's added value by moving from *ad hoc* responses to international best practice

A picture emerges of the EU developing its experience and capacities in relation to mediation and dialogue. Yet, in order to truly exploit the EU's added value, more progress on the areas noted above is needed. Thus more action is required in relation to socialising mediation and dialogue as a response within the EU, developing a comprehensive approach to conflict prevention and peacebuilding with mediation and dialogue as a key aspect, exploiting the EU's ability to engage over the long term, developing political strategies while also being entrepreneurial, and increasing awareness of best practice and relevant EU commitments within the institution.

Sub-Lesson and Gap	Opportunity
<ul style="list-style-type: none"> Implement comprehensive approaches to the challenges of violent conflict where mediation and dialogue play a key role, and seek opportunities to further advance this. Despite a significant amount of practice, the EU institutions do not yet have a strong culture of mediation and dialogue or comprehensive approaches. 	<ul style="list-style-type: none"> EEAS K2 should continue to drive through a pragmatic approach to fostering progressive awareness of mediation and dialogue as a crucial and underexploited tool within the EU's comprehensive approach to conflict prevention and dialogue. This should also be seen to penetrate higher-level EU strategic thinking and priorities in crisis and conflict situations through the PSC, Crisis Platform and Inter-Service Conflict Prevention Group. Positive and more challenging examples should be used in future discussions of the EU's role and experience.
<ul style="list-style-type: none"> Approach mediation and dialogue as part of wider support to a 'peace process' (regardless of whether it is officially labelled as such) and bring the full EU menu to the table. 	<ul style="list-style-type: none"> A more systematic process-orientated approach as seen in Aceh-Indonesia and the Philippines should be adopted. There should however always be room for <i>ad hoc</i> political initiatives and projects that respond to needs and opportunities: thus the EEAS, EU Delegations and EUSRs should be encouraged to take risks informed by best practice and by a solid understanding of the context in this regard.
<ul style="list-style-type: none"> Develop an EU political strategy for the linking of various levels (Tracks 1 to 3) of EU engagement. Ensure that the strategy encourages rather than limits informed risk-taking. 	<ul style="list-style-type: none"> Bringing a level of clarity to what the EU's 'strategy' is with regard to preventing conflict or building peace and to where mediation and dialogue fit in is immensely useful. This need not be a heavy formal process and should not be confused with the EU-required formal Country Strategies agreed with national authorities. The EU is uniquely placed to engage at multiple levels (or at least to link these together) and to adapt to fill gaps at levels not met by other actors. Specific planning processes that look at where the EU can add value through its multiple-level engagement or its ability to engage at levels where others cannot (usually through partners), should therefore be instituted.
<ul style="list-style-type: none"> Increase awareness of international best practice among EU institutions in ways that are useful to officials' 'day jobs'. 	<ul style="list-style-type: none"> Training or expertise should be demand-led, but demand should be stimulated. Expertise should be provided quickly and in a format useful to EU officials. The difficulty lies in finding expertise that combines knowledge of the context, of the thematic issue and of the way the EU operates. More needs to be done to develop internal and external skills that can combine these three levels of expertise. Further insight into this issue is also contained in the complementary evaluatory review.
<ul style="list-style-type: none"> Recognise that the 'promotion of mediation and dialogue' drawing on the EU's own internal experiences is the least utilised of the EU's five approaches. This represents a missed opportunity in utilising the EU's added value. 	<ul style="list-style-type: none"> The EEAS K2 Division should be the first stop for those looking to connect to wider EU experiences of mediation and dialogue that may be useful in external experiences. Therefore K2 would need to set up a wide variety of contacts inside and outside the institutions to connect to relevant experiences and expertise.
<ul style="list-style-type: none"> Develop internal systems to archive, capture and disseminate EU experience, as these appear limited and genuine evaluation (for use in either learning or accountability) is practically unheard of. 	<ul style="list-style-type: none"> Develop archival systems within the EEAS more generally. The K2 Division should continue to capture lessons learnt and to disseminate them. Serious consideration should be given to developing a means of evaluating the EU's approach to mediation and dialogue in line with best practice (preferably within a more comprehensive approach to conflict prevention and peacebuilding rather than as a stand-alone activity) both in particular contexts and overall.

Annex A: Synthesis of geographical examples

Table 2: Regions/Countries, Role of EU, level of mediation and lessons learnt

Country/Region	What role for the EU?	Level of mediation	Lessons learnt
Africa Great Lakes	EU supporting mediation EU funding mediation	Track 1 Track 2	<ul style="list-style-type: none"> Managing the EU's own engagement
Chad	EU supporting mediation EU funding mediation	Track 1 Track 2	<ul style="list-style-type: none"> Understanding of context and EU adaption Primacy of Partnership
Ethiopia	EU as a mediator	Track 1	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Exploiting the EU's added value
Former Yugoslav Republic of Macedonia	EU as a mediator EU leveraging mediation EU funding mediation	Track 1 Track 2	<ul style="list-style-type: none"> Understanding of context and EU adaption Primacy of Partnership
Georgia	EU as a mediator EU leveraging mediation EU funding mediation	Track 1 Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Exploiting the EU's added value
Indonesia (Aceh)	EU as a mediator EU leveraging mediation EU finding mediation	Track 1 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value
Israel –Palestine (Middle East)	EU as a mediator EU leveraging mediation EU funding mediation	Track 1 Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement
Kenya	EU leveraging mediation EU supporting mediation EU funding mediation	Track 1 Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value
Kosovo - Serbia	EU as a mediator EU leveraging mediation EU funding mediation	Track 1 Track 2	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value
Laos	EU supporting mediation EU funding mediation	Track 2 Track 3	<ul style="list-style-type: none"> Primacy of Partnership Exploiting the EU's added value
Madagascar	EU supporting mediation EU funding mediation	Track 1 Track 2	<ul style="list-style-type: none"> Primacy of Partnership
Myanmar	EU promoting mediation EU leveraging mediation EU supporting mediation EU funding mediation	Track 1 Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value
Nepal	EU supporting mediation EU funding mediation	Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement
Philippines (Mindanao)	EU leveraging mediation EU supporting mediation EU funding mediation	Track 1 Track 2 Track 3	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership

			<ul style="list-style-type: none"> Exploiting the EU's added value
Somalia and Somaliland	<ul style="list-style-type: none"> EU leveraging mediation EU supporting mediation EU funding mediation 	Track 1	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement
Sri Lanka	<ul style="list-style-type: none"> EU supporting mediation EU funding mediation 	<ul style="list-style-type: none"> Track 1 Track 2 Track 3 	<ul style="list-style-type: none"> Understanding of context and EU adaption Exploiting the EU's added value
Sudan	<ul style="list-style-type: none"> EU supporting mediation EU funding mediation 	<ul style="list-style-type: none"> Track 1 Track 2 	<ul style="list-style-type: none"> Primacy of Partnership
Timor-Leste	<ul style="list-style-type: none"> EU supporting mediation EU funding mediation 	<ul style="list-style-type: none"> Track 1 Track 2 	<ul style="list-style-type: none"> Understanding of context and EU adaption Primacy of Partnership
Ukraine	<ul style="list-style-type: none"> EU as a mediator EU leveraging mediation EU funding mediation 	<ul style="list-style-type: none"> Track 1 Track 2 	<ul style="list-style-type: none"> Understanding of context and EU adaption Exploiting the EU's added value
Yemen	<ul style="list-style-type: none"> EU leveraging mediation EU supporting mediation EU funding mediation 	<ul style="list-style-type: none"> Track 1 Track 2 Track 3 	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value
Zimbabwe	<ul style="list-style-type: none"> EU supporting mediation EU funding mediation 	<ul style="list-style-type: none"> Track 2 Track 3 	<ul style="list-style-type: none"> Understanding of context and EU adaption Managing the EU's own engagement Primacy of Partnership Exploiting the EU's added value

Endnotes

¹ Council of the European Union, *Concept on Strengthening EU Mediation and Dialogue Capacities*, (15779/09 – 10 November 2009) (hereafter known as the 2009 Concept)

² Full Terms of Reference (ToR) available from k2@eeas.europa.eu

³ A full and comprehensive external evaluation, which was a three-year process, was recently undertaken of EC support to conflict prevention and peace building 2001-2010 and published by DEVCO's Evaluation Unit. See < http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm>

⁴ For one example of an EU-funded conceptual study looking into evaluating mediation, see: David Lanz, Martin Wählisch, Lars Kirchhoff, Matthias Siegfried, 2008: *Evaluating Peace Mediation*, Brussels: Initiative for Peacebuilding-Mediation Cluster. <http://www.oecd.org/derec/ec/Swiss%20Peace%20-%20evaluating%20peace%20negotiations.pdf>

⁵ While there have been a number of good-quality external assessments targeted at cross-cutting factors or specific geographical cases (many of which are funded by the EU or its Member States) the EU institutions or EEAS have never before commissioned such an exercise themselves. See for example the work of the Initiative for Peacebuilding-Mediation Cluster funded by the Instrument for Stability, the work of MediatEUr, EPLO and EPLO members, and also (most recently) the FIIA report on EU mediation.

⁶ See, ECDDPM for Cardno of AETS Consortium, *Evaluatory Review of EEAS Mediation Support Pilot Project*, December 2013. This study may be available from K2@eeas.europa.eu

⁷ Multiple interviews with EU officials and third parties September-October 2012. This also is a finding that emerged from feedback on the Mediation Training and Coaching sessions, although there is a question as to whether the Concept provides the right operational level of guidance.

⁸ These definitions were chosen to ensure coherence across studies commissioned by the EEAS K2 division in 2012.

⁹ These definitions were chosen to ensure coherence across studies commissioned by the EEAS K2 division in 2012.

¹⁰ Examples of credible sources include the Mediation Support Unit of the UN and non-Governmental sources include: International Alert, MediatEUr, European Peacebuilding Liaison Office (EPLO), Centre for Humanitarian Dialogue, Conciliation Resources, International IDEA, Berghof Foundation, PRIO – Peace Research Institute of Oslo, United States Institute for Peace, Crisis Management Initiative, Initiative for Peacebuilding (Mediation Cluster members), International Institute for Transitional Justice, International Crisis Group, Norwegian Refugee Council, Institute for Security Studies (Pretoria), Women Waging Peace, Institute for Inclusive Security, ACCORD, Center for Conflict Resolution (Cape Town), Harvard University – Programme on Negotiation, Swiss Peace Foundation.

¹¹ Specific Terms of Reference – MEDIATION SUPPORT PILOT PROJECT KNOWLEDGE PRODUCTS FWC COM 2011 – LOT 1

¹² Finding from the Evaluation of EU Visibility in External Action, Brussels, 2012 press survey (annex).

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¹⁵ Interview with EU Official, 22 October 2012.

¹⁶ Magdalena Frichova Grono, *Georgia's conflict: what role for the EU as mediator?*, Initiative for Peace building and International Alert, March 2010, p. 19. http://www.initiativeforpeacebuilding.eu/pdf/Georgia_March2010.pdf

¹⁷ Interview with EU Official.

¹⁸ Interview with EU Official.

¹⁹ Interview with EU Official.

²⁰ Interview with EU Official.

²¹ Council of the European Union, *Report on the Implementation of the European Security Strategy, Providing Security in a Changing World*, 11 December 2008, p. 9.

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf

²² Antje Herrberg, *The Brussels 'backstage' of the Aceh peace process*, Accord, p. 32. http://www.c-r.org/sites/c-r.org/files/Accord%2020_9The%20Brussels%20%27backstage%27%20of%20the%20Aceh%20peace%20process_2008_ENG.pdf

²³ Antje Herrberg, *The Brussels 'backstage' of the Aceh peace process*, Accord, p. 33-34. http://www.c-r.org/sites/c-r.org/files/Accord%2020_9The%20Brussels%20%27backstage%27%20of%20the%20Aceh%20peace%20process_2008_ENG.pdf

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<http://www.initiativeforpeacebuilding.eu/pdf/Synthesis_Engaging_the_EU_in_mediation_and_dialogue.pdf>
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⁹¹ The Mediation Support Team is part of EEAS K2 Conflict Prevention, Peace Building and Mediation Instruments Division.

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⁹³ Interviews with EEAS Officials.

⁹⁴ Interviews with EEAS Officials.

⁹⁵ Interviews with EU Officials.

⁹⁶ The objectives of the Agreement are (i) to develop two-way trade; (ii) to support sustainable economic development and improve the living conditions of the poorest strata of the population; (iii) to enhance mutual interests, economic co-operation and support the current move toward a market economy; and (iv) to support environmental protection and regional co-operation. See the Official Journal of the European Communities, Cooperation Agreement between the European Community and the Kingdom of Nepal, June 1996.

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