

The new ‘Concept on EU Peace Mediation’: boosting EU capacities in crisis response and conflict resolution?

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Executive Summary

- > A decade after the adoption of the ‘Concept on Strengthening EU Mediation and Dialogue Capacities’, the EU presented the new ‘Concept on EU Peace Mediation’ in December 2020. Despite the 2009 concept’s importance for strengthening EU mediation capacities, there had been a persistent plea for updating the mediation concept in order to better outline the EU’s priorities and objectives in peace mediation and adapting them to a new geopolitical context. The new concept clearly delivers on these points.
- > The birth of the EU’s new concept on mediation and its enhanced ambition sensibly align with the EU’s unveiled ambition for a greater ‘geopolitical’ role. As the new concept underlines, the EU’s peace mediation efforts add to its geopolitical power and should not be seen as opposed to a vision of the EU becoming a more assertive global actor.
- > Although the new framework is a positive step towards a politically and operationally more coherent EU mediation practice, open questions remain regarding the political and institutional conditions of an effective practical implementation of the new concept.
- > Going forward, the EU should further invest in institutionalising cooperation with member states in mediation, improve communication practices regarding its mediation activities and mainstream the mediation concept into its strategic and programming documents.

On 7 December 2020, the Council of the European Union (EU) adopted conclusions on EU Peace Mediation. The conclusions welcome the adoption of a new ‘Concept on EU Peace Mediation’ replacing the 2009 ‘Concept on Strengthening EU Mediation and Dialogue Capacities’. The Council calls for a more proactive and timelier EU engagement in conflict prevention and resolution (Council of the European Union, 2020). Accompanying the release of the new concept, the European External Action Service (EEAS) published ‘Peace Mediation Guidelines’ to provide conceptual and strategic guidance to all EU actors and institutions involved in peace mediation efforts (EEAS, 2020b). The work on these new documents had begun under the 2019 Finnish Council Presidency and been concluded during the 2020 German Council Presidency, with the inclusive participation of a broad community of practice of peace mediation, including civil society organisations, researchers and mediation practitioners.

The release of the Council conclusions, the Concept on EU Peace Mediation and the EEAS Peace Mediation Guidelines underscores the EU’s “heightened ambition” as a provider of both mediation and mediation support (Council, 2020: 1). It may also mark a new phase of the EU’s engagement in this domain, eleven years after the adoption of the EU’s first mediation concept. Since then, the EU has systematically strengthened its institutional capacities, including through the establishment of a mediation support team within the EEAS (Herrberg, 2021: 137). Moreover, it has been engaged in mediation and mediation support activities in various conflict contexts around the globe, including the Kosovo-Serbia conflict, Georgia, Ukraine, Egypt, Yemen, and Myanmar, underlining the broad scope of EU mediation activities and the diversity of facets of EU engagement.

Given a wide array of new emerging security risks that challenge the rules-based international order the EU upholds, the new concept underscores that peace mediation remains high on the Union's foreign policy agenda. Its release is thus also an expression of the EU's strive for boosting its 'soft power' capacities and raising awareness for this important element of the EU's foreign policy toolbox at a time when the Union strongly focuses on expanding the military dimension of its engagement in fragile and conflict-affected states.

This policy brief analyses the new Concept on EU Peace Mediation and, by contrasting it with the 2009 concept, offers an overview of its novel elements. Although it acknowledges the progress on the path of strengthening EU mediation capacities, it also reflects upon political and institutional conditions for practically enhancing the EU's capacities in this domain. To this end, the brief advances a set of policy recommendations guiding the path towards more effective implementation of the concept in practice.

Towards a more assertive peace mediation practice?

In contrast to the 2009 concept on EU peace mediation, the new framework reveals a more assertive stance favouring a stronger EU role and engagement in conflicts. The concept acknowledges the role of politics in peace mediation and reflects upon inclusive political solutions as a crucial aspect of conflict prevention and resolution. This and its enhanced ambition sensibly align the new concept with the EU's desire for practicing the "language of power" and generally playing a greater geopolitical role (EEAS, 2020a). Mediation is a tool that can be used at all stages of the conflict cycle. Hence it represents a powerful means for the EU to not only address emerging security challenges in an ad-hoc manner, but to also pursue its foreign and security policy objectives more broadly, as enshrined in the treaties. The vision of the new concept is, therefore, that peace mediation becomes the EU's preferred tool of first response to emerging crises and protracted conflict situations.

The new concept outlines a variety of mediation roles that reflect the reality of the broad range of EU mediation engagements. However, due to the EU's global political standing, actors usually assume that the EU plays leading or co-leading mediation roles and expect a rather power-based intervention on its part. Conversely, the level and discretion of the EU's role in mediation mainly depend on the specific conflict context. They can vary from diplomatic leveraging to merely assuming 'observer or grantor-like roles' (Council of the European Union, 2020b, 11). A broader sketch of the EU's

mediation roles in the new concept is a positive move. It enables a more context-specific and multidimensional assessment of the EU's success in peace processes, as it allows for observing if it fulfilled a specific role expectation.

Despite this progress regarding the conceptualization of EU peace mediation roles, there remains a need for a thorough context analysis of the EU's interests, as well as improved communication regarding the EU's role and mandate in various peace processes. In some instances, other actors may be better placed to mediate conflicts, which requires the EU's ability to systematically analyse which added value it could bring to the negotiation table and how it might contribute to already existing peace mediation initiatives. It may also require the EU to be able to flexibly adapt to changing circumstances within a conflict, which may render the context for direct EU mediation engagement more or less favourable. While the new concept clearly acknowledges this need for context-specific decisions and a "sense of humility and respect for local contexts" (Council of the EU, 2020b), it will be important to put this ambition into practice, particularly in situations in which member states may strongly push for EU engagement due to their foreign policy interests in a given country.

The EU as a value-based mediator?

The new concept reaffirms the EU's mediation profile as a 'value-based actor'. This implies that the European Union's foundational values of respect for human rights, freedom, democracy and the rule of law, in line with the principles and norms of international law, shall guide its engagement in mediation. The concept also emphasises the EU's aspiration to apply a human rights-based approach in its mediation practice. In fact, severe violations of human rights and humanitarian law frequently accompany conflicts.

In practice, the EU's mandate and its engagement in conflicts and crises might at times be limited due to diverging member states' priorities. However, in the spirit of protecting human rights and effectively responding to the needs of the conflict-affected populations, the EU should consistently and robustly react to human rights violations together with other international actors. Although the concept mentions that the EU's action will be guided by its framework on transnational justice, it does not specify how it will better ensure that victims of conflicts have access to justice and those responsible for human rights violations are held accountable. Mainstreaming the human rights-based approach and human security dimension are genuine merits of the new mediation

framework, reaffirming the EU's commitment to fundamental values. However, the implementation of the new concept should also demonstrate that the Union has the capacity and willingness to consistently deliver on these commitments.

Mainstreaming gender equality, climate change and cultural heritage

A commitment to the promotion of women's engagement was an integral part of the EU's 2009 mediation concept. Since then, the EU has further strengthened its devotion to gender equality, notably by adopting Council Conclusions on Women, Peace, and Security (WPS) in 2018. In this vein, the new concept points to the need for gender-sensitive mediation practices and reflects upon gender aspects at various levels. First, the concept acknowledges the gender-specific impacts of conflicts. Second, it recognizes the need for enhanced engagement of women in peace processes, as mediators, political representatives, etc. Third, it emphasizes the positive role women can play in post-conflict societies, eventually contributing to sustainable peace. With the new concept, the EU also sets a minimum target of achieving 33 per cent of women participation in its external engagement concerning peace processes and mediation. Although this is a welcome and positive step forward, the concept does not specify an explicit path of action ensuring the accomplishment of this benchmark, which leaves it to the EEAS and the member states to take this issue forward and define a clear pathway for implementation.

Following the adoption of the European Green Deal, attention to climate change has been gradually incorporated and strengthened in diverse EU policies. Since a significant number of conflicts worldwide are associated with access to and the depletion of natural resources, climate change might have a 'multiplier effect' on threats to sustainable peace. Although consideration of climate-associated security risks in the new concept is a positive development, the EU's understanding of security remains rather state-centred. As Krampe and Remling (2021) note, responding to climate-related security threats involves primarily the protection of populations guaranteeing that climate-related challenges do not endanger the security of humans. Even if the acknowledgment of the relevance of climate change to peace mediation practice is altogether a rather beneficial move, a more assertive mainstreaming of the human security dimension is necessary for a climate-sensitive and human-centred EU mediation approach.

Remarkably, the new concept has also reflected upon the role cultural heritage can play in mediation, conflict prevention and peacebuilding. The concept acknowledges that due to its strong symbolic importance for local communities, the protection of cultural heritage may offer multiple entry points for interventions in different phases of the conflict cycle. However, both the concept and the EEAS mediation guidelines do not specify how the EU would incorporate this important and sensitive aspect into its mediation practice.

The way forward: recommendations for fostering the coherence of EU mediation practice

The new concept has set out a more ambitious role for the EU in peace mediation. It better defines the roles EU actors can play in mediation, and has introduced or reinforced certain elements in the EU's peace mediation framework, such as gender, climate and cultural heritage issues, which over time had proved to play significant parts in the EU's engagement in mediation. However, this will only make a difference for EU mediation practice if it serves as a catalyst for efforts both by the EEAS and the member states to address the shortcomings outlined above. This section offers some concrete policy recommendations that could support the effective implementation of the new concept.

Better communicating mediation to actors within and beyond the EU's foreign policy framework

Despite the EU's growing mediation profile and the systematic strengthening of its capacities, raising awareness for peace mediation as an instrument of EU foreign policy has often been an uphill battle during the last decade. Due to the necessary secrecy in which some mediation efforts need to be conducted, there has sometimes also been a legitimate tendency among EU policy-makers not to publicly overstate the EU's involvement in mediation and peace process support efforts. At the same time, uncertainty about the EU's concrete role in a peace process may also lead to simplistic and intrinsically negative assessments of its mediation efforts. Hence, there is a need for the EU to reflect upon more dynamic and effective ways of communicating its objectives and roles in mediation. It needs to expand its communication practices regarding its engagement in peace processes, showcase those engagements where its intervention was a tangible success and provide further information on how it puts the 'evidence-based approach to mediation' highlighted in the new concept into practice (Council of the European Union, 2020b, 9).

Concretely, the EEAS could cultivate the practice of issuing 'factsheets' concerning peace processes the EU is engaged in, clarifying its role and mandate, outlining possible mediation benchmarks, and presenting already attained mediation

outcomes. Such documents would not only add value to the EU's communication regarding its mediation practice but also offer a rather ingenious guide regarding its needs and capacities to both member states and other mediation actors willing to contribute to the Union's mediation efforts.

In fact, the new concept announces the EEAS' ambition to produce thematic mediation guidelines (Council of the European Union, 2020b, 13) which could build upon lessons learned and best practices. In the process of producing such guidelines, the inclusivity of the EU's approach in developing the new mediation concept could serve as an example of how to best garner a broad level of expertise from a variety of stakeholders, including civil society organisations, mediation researchers and practitioners.

Discussing publicly the strengths and limitations of EU peace mediation may also serve to ensure that the EU is considered a credible and reliable actor in peace mediation and alleviate the risk of prevalent expectations towards the EU seeking for a greater peace-making role.

Institutionalising member states' engagement

The member states are key actors in EU foreign policy. Hence, they also have a crucial role in the EU's mediation architecture, due to their mediation expertise and capacity as well as their special bilateral relations with third countries across the world. Previous EU mediation practice included diverse occasions where individual EU members undertook mediation roles on behalf of the Union. Moreover, there is clear evidence that member states have played an important role in supporting mediation efforts undertaken by EU institutions (Bergmann, 2020).

Going forward, there needs to be more strategic guidance, however, on how to feed member states' resources and expertise into the EU's mediation efforts, including better coordination and coherence among member states in their approaches to specific conflicts. Moreover, although burden-sharing is thoroughly practiced by institutions and member states in EU foreign policy, a more institutionalised form of member state participation in mediation efforts might lead to a more effective and coherent mediation practice. The very fact that member states have played a key role in shaping the new concept – underlined by the adoption of separate Council conclusions – is a strong signal of member states' enhanced interest in EU peace mediation. It may create the momentum for advancing the debate about how to further institutionalise member states' involvement in EU peace mediation.

One idea could be the formation of an 'EU Core Group on Peace Mediation' composed of interested member states, the EEAS as well as possibly European Parliament and Commission representatives. Such a group could serve at least two purposes. First, it could be an institutional platform for a

permanent structured exchange between EU institutions and member states on how to best use their resources for peace mediation, also by exchanging on best practices and lessons learned in previous mediation engagements. Second, it could help map and systematise the capacities – in terms of knowledge, technical expertise, personnel – member states may be willing to provide in support of EU mediation initiatives and enable their swift deployment when needed.

Living up to the promise of a genuinely integrated approach

Finally, for operationally more coherent EU mediation action, the new mediation concept should be effectively mainstreamed and incorporated in other EU thematic and programming documents. Especially within those EU policies having high relevance for peace mediation, including but not limited to development cooperation, democracy and human rights promotion, as well as climate change policies. The link between the EU's diplomatic engagement and external assistance is rarely referred to in EU strategies and policy documents, which limits the Union's leverage and effectiveness when engaging in conflicts and crises externally.

To effectively implement the EU's integrated approach towards external crises and conflicts, the Union needs an overarching strategic framework that puts policy coherence for sustainable peace at the centre of its external action and specifies the division of labour between all actors and policy domains concerned (Bergmann and Friesen, 2021). As initiated by the 2020 German Council Presidency, an EU-wide 'Consensus on Crisis Prevention, Conflict Management and Peacebuilding' may establish such a framework. It could also specify and anchor the role of mediation within the EU's integrated approach.

Conclusion

To truly boost the EU's capacities in crisis response and conflict resolution, the swift and effective implementation of the new EU mediation concept will be of the essence. The concept has clearly delivered on key expectations such as the clarification of the EU's various roles in mediation, its value-based approach to peace mediation and its alignment with the broader agenda to make the EU fit for the geopolitics of the 21st century. At the same time, the EEAS and member states need to ensure that the release of the concept is followed by concrete measures to put its vision into practice. In particular, they should strive for a better communication of the EU's mediation engagements, invest in further institutionalising the cooperation between EU institutions and member states and work towards the implementation of the integrated approach. Only by doing so, the envisioned "assertive stance for the EU in the practice of mediation" (Council of the European Union, 2020b, 1) will become a reality.

Further Reading

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