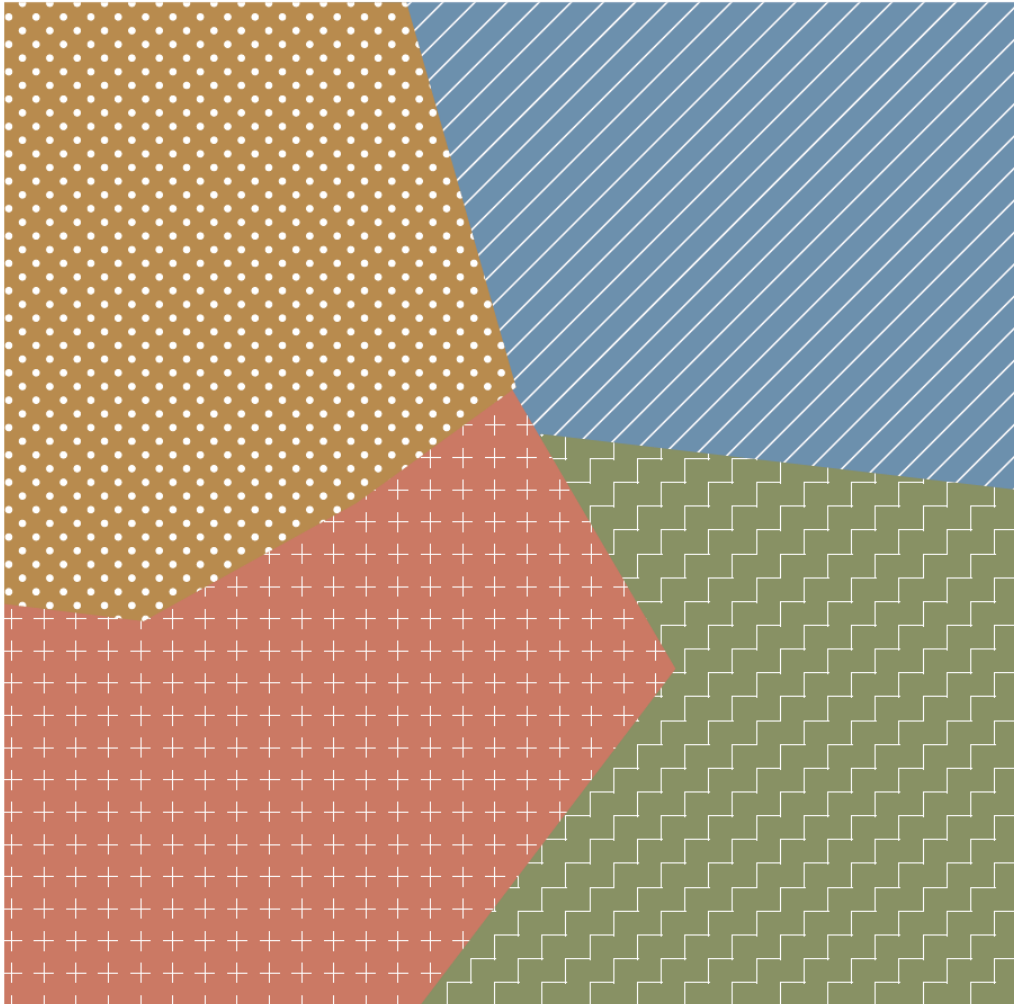


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ENHANCING EU PEACEBUILDING CAPABILITIES



From Power Mediation to Dialogue Facilitation: Assessing the European Union's Approach to Multi-Track Diplomacy

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Colophon

FROM POWER MEDIATION TO DIALOGUE FACILITATION: ASSESSING THE EUROPEAN UNION'S APPROACH TO MULTI-TRACK DIPLOMACY

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Whole of Society Conflict Prevention and Peacebuilding

This scoping study was produced as part of the project “Whole of Society Conflict Prevention and Peacebuilding”, which aims to enhance the EU’s peacebuilding and conflict prevention capabilities.

This paper is part of the first series of orientation papers that were intended to indicate lines of inquiry and propose research questions, as a basis for discussion and input for the project’s Theoretical and Methodological Framework. They seek to provide an overview of scholarly knowledge about the EU’s capabilities and means for conflict prevention and peacebuilding in relation to several cross-cutting themes and clusters that the project focuses on. More information at www.woscap.eu

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Executive Summary

This scoping report defines multi-track diplomacy (MTD) as a specific approach to EU foreign policy, alongside other intervention strategies such as security sector intervention, political reform support or socio-economic assistance. It places a primary emphasis on diplomatic initiatives aimed at supporting conflict prevention and peacebuilding, especially during the various (formal and informal) stages of peace processes.

The purpose of the report is four-fold. Firstly, it reviews the main scholarly and policy trends regarding the use and effectiveness of MTD in contexts of intra-state conflicts. It defines the concept of MTD by anchoring it within the contemporary academic and policy literature on mediation and dialogue support, with specific emphasis on the role of EU institutions. By examining the rationale, dimensions and timing of MTD, it describes the recent policy shift from a sole reliance on traditional state diplomacy and Track I muscled mediation towards multi-track engagement in conflict constellations by mediation/dialogue support teams involving multiple stakeholders, and diversified methods of 'soft power' diplomacy, according to the various stages of conflict and peacebuilding, as well as the degree of power asymmetry between the primary contenders.

Secondly, it reviews and classifies past or ongoing examples of EU MTD intervention – with a primary emphasis on the four country cases at stake in the WOSCAP project (Ukraine, Georgia, Mali and Yemen) – along the three Tracks of engagement in the given contexts, and according to their primary strategy of intervention (power-based, deal brokering diplomacy; interest-based, problem-solving diplomacy; and transformative, long-term diplomacy).

Thirdly, it discusses four clusters of challenges pertaining to the implementation of EU MTD in conflict-affected countries, with a particular emphasis on areas of overlap or tension with other capability clusters and cross-cutting themes covered by the WOSCAP project. The insights are drawn from scholarly assessments of the factors that facilitate or hinder the effectiveness of international mediation or dialogue support efforts, and assessments by EU policy experts on key priority areas for improving the internal coherence and external coordination of EU MTD.

Finally, it concludes by offering concrete recommendations to the field researchers with regards to key areas of investigation and methodological considerations.

1. Introduction

Out of 59 armed conflicts that have come to an end over the last thirty years, 74.6% were terminated through peace agreements (Fisas 2015, 44). This trend indicates that negotiation seems to be the best path for resolving conflicts, and signals a widespread recognition that political conflicts need political solutions. According to the same source, 79.4% of all ongoing negotiations in 2014 used external mediation. Recent years have indeed been marked by a “rapid proliferation of mediators, growing involvement of regional organisations in peace processes...and increasingly more complex and demanding mediation processes” (Lehmann-Larsen 2014, 2, 4). The July 2014 UN General Assembly Resolution on strengthening mediation in the peaceful settlement of disputes was an important demonstration of support for mediation by the international community (UNGA 2014).

Such trends can also be observed at the level of the European Union (EU). Even though foreign policy instruments remain dominated by EU Member States in comparison with other (e.g. socio-economic) domains of intervention (Giegerich 2015), EU institutions are becoming increasingly active in conflict resolution and crisis management through mediation and dialogue outside their borders (Tocchi 2007, Müller 2013, Bergmann and Niemann 2015). Several self-justifications are offered for this growing trend, including the cost-efficiency of mediation interventions, and the opportunity to make a contribution to international peace and security by building on the perceived strengths of the Union (Council of the European Union 2009).

In order to account for the complex conflict dynamics in which most current mediation and dialogue efforts take place, this report will use the analytical lens of multi-track diplomacy (MTD). While diplomacy is traditionally defined as “the art and practice of conducting negotiations between nations” (Merriam Webster Dictionary 2015), it has become widely recognised that diplomatic relations are no longer the exclusive preserve of states and supranational organisations, as demonstrated by the concepts of ‘private diplomacy’ (Bolewski 2007, Herrberg and Kumpulainen 2008) or ‘citizen diplomacy’ (Giles 2014). This also reflects contemporary trends in armed conflicts, whereby negotiation parties represent an increasing variety of (armed) non-state actors.¹

In the context of the WOSCAP project, we will frame diplomacy as a specific approach to EU foreign policy, alongside other intervention strategies such as security sector intervention, political reform support or socio-economic assistance. Given the scope of the project, a specific focus is placed on diplomatic initiatives aimed at supporting conflict prevention and peacebuilding, especially during the various (formal and informal) stages of peace processes.

¹ “What stands out in the 21st century is the lack of large-scale interstate conflict. Only one was active in 2014, the conflict between India and Pakistan, which led to fewer than 50 fatalities. The remaining 39 conflicts were fought within states” (Pettersen and Wallensteen 2015, 537).

In turn, diplomacy encompasses many distinct means or strategies – such as negotiation, dialogue and mediation – which can be employed at various levels or Tracks of intervention, and through various instruments. The analytical framework on multi-track diplomacy presented in this report draws on several key scholarly and policy sources, including Diamond and McDonald (1993), Lederach (1997), Herrberg, Gündüz and Davis (2009), and the EU Concept on Strengthening EU Mediation and Dialogue Capacities adopted by the EU Member States in 2009 (hereafter ‘EU 2009 Concept’).² The concept of MTD is closely connected with the whole-of-society approach which lies at the heart of the WOSCAP project: it rests on the assumption that transforming complex and multi-dimensional conflicts requires an inclusive approach which does not solely focus on elite bargaining but requires constructive interactions at different levels of society in order to reach a sustainable settlement.

Although EU entities overall still tend to favour formal, state-level mediation over more inclusive efforts that embrace Track III civil society actors (Sherriff et al. 2013), the 2009 Concept explicitly advocates for a multi-level approach to mediation and dialogue. By deploying multiple actors across different levels and functions in the EU, including Delegations, EUSR teams, CSDP missions and the EEAS Mediation Support Team, the EU is supporting peace processes at various tracks, ranging from mediating, monitoring and implementing peace agreements to facilitating dialogue processes with civil society organisations (Youngs 2014; Davis 2014).

The purpose of this paper is four-fold. Firstly, it will review the main scholarly and policy trends regarding the use and effectiveness of MTD in contexts of intra-state conflicts – with a specific emphasis on negotiation, dialogue and mediation support by international organisations such as the EU. Secondly, it will map EU actors and instruments which are currently involved in supporting MTD, drawing most examples from the four case study countries which are part of the WOSCAP project (Georgia, Ukraine, Mali and Yemen). Thirdly, it will discuss related challenges and open questions, with a particular emphasis on themes which have a strong overlap with other WOSCAP research clusters and cross-cutting themes. Finally, it will conclude by offering concrete recommendations to the field researchers with regards to key areas of investigation and methodological considerations.

² Developed under the Swedish Presidency, the EU Concept remains to date the only policy document explicitly addressing the EU’s mediation capacity (Davis 2014).

2. State of the art: Scholarly and policy trends in the field of multi-track diplomacy

This section aims to define the concept of multi-track diplomacy, and to anchor it within the contemporary academic and policy literature on mediation and dialogue support, with specific emphasis on the role of EU institutions. By examining the rationale (or justification), dimensions and timing of MTD, we describe the recent shift operated by the international community, from a sole reliance on traditional state diplomacy and Track I muscled mediation towards multi-track engagement in conflict constellations by mediation/dialogue support teams involving multiple stakeholders, and diversified methods of 'soft power' diplomacy, according to the various stages of conflict and peacebuilding.

2.1 WHY: MTD as an effective and ethical peacebuilding strategy

The WOSCAP project seeks to identify avenues for EU civilian capabilities to support inclusive and sustainable conflict prevention and peacebuilding interventions and policies. Multi-track diplomacy is conceived as one cluster of interventions within the full spectrum of foreign policy instruments available to the EU. Both normative and pragmatic arguments have been put forward by EU institutions to justify the use of MTD.

Given the EU's history and origins as a 'peace project', the promotion of conflict prevention and peacebuilding lies at the heart of its foreign policy. According to the Lisbon Treaty, the EU aims to promote peace (Title I, Article 3-1), and draws its understanding of peace on its own values and principles "that have inspired its creation, development and enlargement" (Title V, Article 21). These principles translate into foreign policy goals inspired by a comprehensive definition of peace which includes not only security and stability (i.e. absence of armed violence), but also addresses the root causes of conflict by promoting democracy, good governance, human rights, sustainable development, and human security. The universality of such 'liberal' principles has been questioned by the critical constructive literature on peacebuilding, that points to the risk of neo-colonialist tendencies in liberal political interventions by proscribing what peaceful societies should look like, replicating unequal power structures, or dismissing local agendas and customary practices (Richmond 2009, Chandler 2011). This raises an interesting area of enquiry for this research, namely, whether EU MTD interventions in the four countries under scrutiny are prescribing a desired political outcome, or whether the EU leaves the agenda and outcome of MTD to the local stakeholders.

For the purpose of this project, the definition of **peacebuilding** which will be used as a benchmark to assess the effectiveness of MTD activities in conflict-affected or post-war contexts encompasses three overarching goals: transforming the structural contradictions which underlie the conflict; improving the relations between conflict parties; and changing individual attitudes and behaviour (Berghof Foundation 2012, 62-63).

If peacebuilding is the goal, multi-track diplomacy represents one key set of foreign policy strategies which can be deployed to achieve this goal – alongside e.g. military

intervention or development assistance. One should note that diplomatic means might also be employed in the pursuit of political and security governance reform (the other thematic clusters under scrutiny in the WOSCAP project, which also contribute to peacebuilding), but the scope of analysis in this paper will be limited to the use of diplomatic means to support negotiated peace settlements.

When it comes to justifying the use of 'soft power' means such as mediation and dialogue, the EU 2009 Concept puts forward both normative and pragmatic arguments. On the one hand, it argues that the EU is seen as "a credible and ethical actor in situations of instability and conflict", which makes it "well placed to mediate, facilitate or support mediation and dialogue processes" (Council of the European Union 2009, 2). On the other hand, mediation and dialogue are seen as "effective, cost-efficient instruments for conflict prevention, transformation and resolution in all stages of ... conflict" (Council of the European Union 2009, 4). This echoes the literature on mediation as a foreign policy instrument (e.g. Touval 2003), which finds that official mediators perceive mediation both as a moral obligation and as a means of pursuing domestic and strategic interests. If third-party mediation as an overarching strategy to pursue peaceful change is seldom questioned or criticised (Touval 2003), academic and policy debates rather revolve around the respective advantages and shortcomings of various approaches to mediation and facilitation, which this section now turns to.

2.2 WHAT: MTD as a whole-of-society approach to peacebuilding

2.2.1 The diplomacy toolbox: negotiation, mediation, facilitation, dialogue

As stated above, **diplomacy** is a tool of foreign policy and influence which might be used to advance strategic interests as well as to support (or export) the normative values of peace, human rights, democracy, development etc. Our proposed definition of diplomacy encompasses four distinct (but overlapping) strategies that can be employed consecutively or simultaneously (albeit rarely by the same individuals or organisations) to effect change: negotiation, mediation, facilitation and dialogue.

Negotiation can be broadly defined as a direct encounter aiming to reach an agreement on a situation that is perceived as a problem or conflict. As bluntly but accurately expressed by Fisher and Ury (1992, xvii), "negotiation is a basic means of getting what you want from others". When EU institutions or representatives engage in diplomatic negotiation with a third country, they act as primary parties to a conflict, dispute or disagreement with their interlocutor, which they seek to resolve through a bargaining process leading – in the best-case scenario – to a mutually-beneficiary ('win-win') solution.

In processes of negotiations between the primary parties to an armed conflict, external actors might also provide one-sided **negotiation support** to one or the other party, in order to promote the overall goal of sustainable peacebuilding. A number of conflict transformation scholars have pointed out that in highly asymmetric conflicts between state and non-state actors, negotiations need to be preceded or accompanied by strategies to redress power

balance between the negotiation parties (Curle 1971, Lederach 1997). Scholarly experts (e.g. Young 1967, Bercovitch 1991, Kleiboer 1996) agree that power parity (or at least mutual recognition) between the disputants is a crucial factor for successful negotiations to come about. Third parties can empower disadvantaged groups, such as armed movements or opposition parties, to participate effectively in negotiations, either through public 'advocacy' or through discreet capacity-building support – in order to inform them about peaceful strategies, negotiation options and skills, as well as to enhance their ability to devise fair and equitable peace agreements, or to later abide by their commitments (Wils and Dudouet 2010, Dudouet, Planta and Dressler 2015).

Mediation also aims to reach an agreement among two (or more) parties through negotiation processes, but it “involves an additional party who is responsible for directing and supporting the flow of communication” (Berghof Foundation 2012, 50). In the context of EU foreign policy, it can be defined as “intervention(s) in the multi-layered environment in a process of peacebuilding or crises management by an intermediary representing the EU ... who actively support the conflict parties in settling their conflict or resolving their differences without resorting to physical force or invoking arbitration; by negotiating an agreement which is mutually acceptable to the parties and in line with relevant national or international law, standards or norms” (Davis 2014, 38). Most scholars (as well as the EU 2009 Concept) distinguish formal mediation settings from unofficial **facilitation**, a third-party approach which “does not necessarily strive to reach an agreement...[but] primarily seeks to improve the relationship between the parties. Consequently, the participants in facilitated encounters do not have to be mandated to enter into a binding agreement” (Berghof Foundation 2012, 50).

Dialogue, like facilitation, is a less directive approach than mediation. The EU 2009 Concept defines it as “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” (Council of the European Union 2009, 3). Anchored in social-psychological approaches to peacemaking, it underpins the belief that conflict is not an inter-state or inter-governmental phenomenon but an inter-societal one (Kelman 2010).

Although EU representatives do engage in direct dialogue with state officials in third countries (e.g. through institutionalised political dialogues), the EU Concept's definition rather points to inter- or intra-societal dialogue processes on the ground. For example, a format for inclusive dialogue which has become increasingly popular, especially since the Arab Revolutions, consists in convening national dialogue conferences that bring together various political elites as well as direct representatives from civil society and marginalised constituencies (e.g. women, youth, ethnic minorities) to deliberate on the contours of state reform following a regime change or an armed conflict. Although national dialogue conferences are by definition nationally-led and mandated, they might benefit from various forms of external dialogue support in the form of technical or financial assistance.

As will be described in Section 3, since the Lisbon Treaty (i.e. the timeframe for this research), EU institutions have engaged in – or supported – negotiation, mediation, facilitation and dialogue in all four countries under scrutiny in the WOSCAP project, with different degrees

of emphasis according to their respective degrees of leverage, domestic or strategic interests, credibility and resources, as well as the historical, geographic and cultural context of intervention.

2.2.2 Three conceptual approaches to peace process support

The basic commonality behind the various strategies which have just been described is the fact that they are non-coercive, i.e. not based on the use of physical force (although some do involve the threat of force). As such, they are often referred to as 'soft-power' foreign policy instruments (as originally coined by Joseph Nye). Beyond this commonality, however, they underscore quite distinct approaches to diplomacy. Herrberg, Gündüz and Davis (2009) have conceptualised three models of international peace mediation, which could be applied by extension to international diplomacy. These models are anchored in three distinct peacebuilding schools or paradigms – most commonly labelled as conflict management, conflict resolution and conflict transformation (Ramsbotham, Woodhouse and Miall 2011, Berghof Foundation 2012).

- **Power-based, deal-brokering mediation** is led by powerful third-parties who use their leverage, incentives and threats of punishments ('carrot and stick' strategies) and manipulative tactics in order to get the parties reach a settlement (e.g. Zartman and Touval 1985, Bercovitch 1991).
- **Interest-based, problem-solving mediation** is employed by facilitators promoting the parties' ownership of the process and outcome in order to generate creative solutions satisfying the underlying interests of all parties, and who draw on external expertise and parallel tracks to address 'sticking points' through confidence-building measures (e.g. Kelman 2010, Fisher 2011).
- **Transformative, long-term mediation** is conducted by interventions at different levels that support the empowerment and recognition of a broad variety of actors in conflict societies with the aim to change the relationships between the parties as well as their self- and mutual perceptions (e.g. Lederach 1997, Francis 2002).

There are intense scholarly debates on the comparative effectiveness between these approaches. Some authors (e.g. Sisk 2009, Bergmann and Niemann 2015) found that power-based mediation is positively correlated with success, when associated with high leverage on the parties or process. Other authors (e.g. Carment et al. 2009) contend that facilitative strategies which do not employ third party pressures are more likely to lead to sustained peace. They stress the importance of other factors of effectiveness, such as impartiality, credibility, expertise or empathy (Rauchhaus 2006). A third group of scholars (Fisher and Keashley 1991, Hopmann 2001, Böhmelt 2010) finds that mediation works best when combining different tracks and approaches – which brings us to the concept of MTD.

2.2.3 Multi-track diplomacy: a systemic model

The term multi-track diplomacy was first coined by Diamond and McDonald (1993) to depict the interconnected activities, individuals, institutions that cooperate to prevent or resolve conflicts peacefully, primarily through (direct or mediated) dialogue and negotiation. The concept rests on a systemic lens to peacebuilding and focuses on the relationships between different actors in a given system. It targets multiple levels of society and decision-making simultaneously, in an inter-connected (or at best coordinated) manner.³ A simpler model, which has become the most commonly-used classification of the main levels of interaction within societies stems from Lederach (1997)'s pyramid. It consists of three main Tracks:

- **Track I** refers to official discussions between high-level governmental and military leaders focusing on ceasefires, peace talks, treaties and other agreements.
- **Track II** refers to unofficial dialogue and problem-solving activities aimed at building relationships between civil society leaders and influential individuals that have the ability to impact on Track I dynamics (and who are sometimes, although rarely, invited to participate in official and formal negotiations). When governments' representatives take part in non-governmental, informal dialogue, this is referred to as 'Track 1.5' (Allen-Nan 2005).
- **Track III**, finally, consists in people-to-people interactions at the grassroots level to encourage interaction and understanding between communities through meetings, media exposure, political and legal advocacy for marginalised people and communities (EPLO 2013).

Track III diplomacy represents a crucial dimension of the whole-of-society, bottom-up approach guiding the WOSCAP project, especially when dealing with deep-rooted protracted conflicts such as those under scrutiny in this research. However, grassroots dialogue encounters are hardly able to bring about negotiated settlements if they are not accompanied by top-down and 'middle-out' (Lederach 1997) strategies of inter-party bargaining and/or relationship-building. The EU 2009 Concept also recognises the need to pursue "a top-down and a bottom-up approach in parallel tracks, which reinforce and inform each other". It also argues that thanks to the EU's "engagement at the grassroots level and its emphasis on civil society development, this holistic approach on conflict resolution contributes to the development of a unique and differentiated role for the EU amongst other providers of international peace mediation" (Council of the European Union 2009, 7).

³ The model proposed by Diamond and McDonald involves nine tracks: (1) Government, or Peacemaking through Diplomacy; (2) Nongovernment/Professional, or Peacemaking through Conflict Resolution; (3) Business, or Peacemaking through Commerce; (4) Private Citizen, or Peacemaking through Personal Involvement; (5) Research, Training and Education, or Peacemaking through Learning; (6) Activism, or Peacemaking through Advocacy; (7) Religion, or Peacemaking through Faith in Action; (8) Funding, or Peacemaking through Providing Resources; (9) Communications and the Media, or Peacemaking through Information.

2.3 WHEN: A contingency approach to MTD

According to the EU 2009 Concept, mediation is “a relevant feature of crisis management at all stages of inter- and intra-state conflicts: before they escalate into armed conflict, after the outbreak of violence, and during the implementation of peace agreements” (Council of the European Union 2009, 3-4). However, not all forms of mediation, nor other MTD strategies, are equally relevant throughout the various escalatory and de-escalatory phases of the conflict transformation cycle (e.g. Dudouet 2006). According to the contingency approach to conflict resolution theory (Fisher and Keashley 1991, Ramsbotham, Woodhouse and Miall 2011), the failure of third-party strategies is mainly attributed to their inappropriate timing with regard to the stages of conflict escalation and de-escalation. MTD tools should thus be adapted to the right (or ‘ripe’) moment during extended peace processes,⁴ from secret back-channels dialogue to formal negotiations and post-agreement implementation negotiations (see Table 1).

Finally, when it comes to conflict prevention, EU institutions seem keen to create policy space for more proactive – rather than reactive – diplomacy, by deploying “flexible resources for facilitating and supporting sustained dialogue and mediation processes...at an early stage, ideally before the outbreak of violent conflict” (Council of the European Union 2009, 7). Notwithstanding such aspirations, most EU mediation and dialogue support activities remain primarily confined to short-term crisis response instruments during violent conflicts or in fragile post-war environments.

⁴ **Peace processes** might be described as encompassing three distinct steps: (1) Establishing a confidential channel to exchange messages and information and to build trust between the parties; (2) Engaging in direct dialogue, beginning negotiations and establishing the idea of compromise in order to allow the parties to articulate achievable goals; and (3) A public process towards a lasting peace agreement (Whitfield, Paffenholz and Potter 2013: 32). However, many contemporary peace (building) processes do not follow such neat linear trajectories, and peace accords no longer represent a panacea. External actors must thus be prepared to go through various negotiation and dialogue cycles, including relapses into violence (Garrigues 2015).

Table 1: Overview of international diplomatic intervention in support of peace(building) processes

Approaches to peace(building) support	Main entry-points	External intervention strategies	Stages of intervention
Power-based, deal brokering diplomacy	Track I	Negotiation Muscled mediation Mediation support	Formal peace processes
Interest-based, problem-solving diplomacy	Track 1.5 and II	Facilitation Dialogue/mediation support	From early informal talks to post-agreement negotiations
Transformative, long-term diplomacy	Track II and III	Negotiation support Dialogue support	All stages of conflict transformation

2.4 WHO: Role of regional organisations in the growing field of mediation support

Even though states still make up the majority of third party mediators, regional (and sub-regional) organisations have increased their role in peace mediation (Hansen, Mitchel and Nemeth 2008). They have also strengthened their own internal mediation capacities (Lehmann-Larsen 2014) by training their staff, setting up appropriate teams and structures, and establishing rosters of mediation experts (especially the UN and African Union).

Another notable trend is the growing demand for mediation support activities by multi-stakeholder mediation teams (Lehmann-Larsen 2014, Barth Eide 2013, 4). Hence peace support architectures are becoming more sophisticated, combining strong local ownership mechanisms with carefully-crafted and strategic international support (Cohen 2013, 10). An often-cited illustrative example is the hybrid form of (non-governmental, regional and international) mediation support in Mindanao (Philippines) which enabled the 2011 Framework Agreement between the government and the Moro Islamic Liberation Front (MILF). As will be discussed in Section 4, this diversification of the mediation field, occupied by inter-governmental organisations, state diplomats, as well as NGOs and private individuals, can be either assessed as positive if managed in a coherent and strategic way, or negative if leading to competition and disagreement among mediators (UN 2012).

The EU mediation and dialogue support architecture is also complex and diversified. It involves entities, actors and instruments adapted to various Tracks and strategies. In Brussels, this includes the EU Council and Presidencies, the High Representative for the EU Foreign and Security Policy and Vice-President of the European Commission (EU HR/VP), the Conflict Prevention, Peacebuilding and Mediation Instruments Division (and its Mediation Support Team) at the European External Action Service (EEAS), the EU Commission (through its various funding instruments) and the European Parliament (e.g. through its newly-established European Parliamentary Mediation Support (EPMS)). In-country, EU delegations and EU Special Representatives (EUSRs) or Envoys are often involved in direct and indirect MTD, in addition to Common Security and Defence Policy (CSDP) Missions. The next section will map in a more detailed manner the EU actors and instruments involved in (or supporting) negotiation, mediation and dialogue, according to their respective strategies, functions and approaches to MTD.

3. Mapping of EU institutions and instruments engaged in MTD

The EU 2009 Concept on strengthening EU mediation and dialogue capacities is closely aligned to the spirit of MTD which has been presented above. It presents five complementary mechanisms through which EU institutions might support peace processes, from direct intervention as lead (or co-) mediator, to indirect tools promoting, leveraging, supporting or funding dialogue and mediation processes. This section presents past or ongoing examples of EU MTD intervention – with a primary emphasis on the four country cases at stake in the WOSCAP project – along the three main approaches to MTD and various strategies of intervention described in Section 2.2.

3.1 EU power-based, deal brokering diplomacy (Track I)

As described in Table 1 above, Track I diplomacy may be pursued either through direct means of bargaining, pressure and/or persuasion as part of a negotiation process, or through muscled third-party mediation using different means of leverage to induce the parties to come to an agreement.

3.1.1 EU as a primary negotiating party

Negotiation represents a key strategy to attain foreign policy objectives, and the reforms undertaken under the Treaty of Lisbon has given the EU more ‘teeth’ in this area, especially with the establishment of the EEAS and the new roles assigned to the ‘Foreign Minister’ of the EU, the HR/VP. A primary role of the **EU HR/VP** is in fact to conduct traditional diplomacy, as exemplified for instance in the role of both Federica Mogherini and her predecessor Catherine Ashton in the Iran nuclear deal negotiations or the multiparty talks over the future of Syria.

Other diplomatic tools of relevance for MTD include the bilateral **political dialogues** which the EU Council conducts regularly with partner countries on various issues of common interest. Formal political dialogue settings can be used to convey political messages in support of peace processes, and thus might “serve as entry points for dialogue and mediation processes aiming at conflict prevention and resolution” (Council of the European Union 2009, 3). A relevant example is the multi-layered architecture of the Russia-EU political dialogues, which involve the EEAS, the EU Political and Security Committee, and EU parliamentarians. The political crisis in Ukraine has seriously affected these various dialogue tracks, most of which has been suspended by the EU as part of its overall policy of exerting political pressure on Russia.⁵

⁵ See 'Permanent Mission of the Russian Federation to the European Union', www.russianmission.eu/en/political-dialogue#sthash.9bPODHuh.dpuf.

The suspension of diplomatic relations can in fact be described as a form of negative sanction in the pursuit of domestic or strategic interests, which can be leveraged to support conflict resolution objectives in third countries – as will be further described below.

3.1.2 EU as a muscled mediator

Mediation (or co-mediation) represents a major MTD tool at EU's disposal, which has some strong relevance in all four countries under scrutiny in this research. It can be used by EU officials with or without a formal mandate through Council decisions on EU engagement in conflict regions (Girke 2015). Since the focus here is on Track I official mediation, the most concerned EU actors are the **EU HR/VP** (e.g. Catherine Ashton was directly involved in mediating the Pristina-Belgrade Dialogue), and the **EU Council**. In particular, Member States in charge of rotating **EU Presidencies** often use their mandate as an opportunity to engage in high level mediation. The conflict between Georgia and Russia over the status of South-Ossetia and Abkhazia in 2008 presents a case in which “the EU's Presidency at the time, led by President Sarkozy, working with High Representative Solana, acted swiftly to mediate between Georgia and Russia” (Sherriff et al. 2013). Although France acted in its role as EU presidency, the high level mediation was portrayed as a “French” initiative in the international press, which shows that there are clear overlaps between EU and Member State-level diplomacy when it comes to formal mediation attempts.

Permanent representations such as **EU Delegations** can also play important mediation roles in-country. For instance Bettina Muscheidt, head of the EU delegation to Yemen, has been leading EU diplomacy since the current war broke out in March 2015, by maintaining active communication with the two conflict parties in Riyadh and Sana'a (Political Development Forum 2015). In Mali, the EU Delegation also formed part of the mediation team led by Algeria which resulted in the Algiers Agreement signed in June 2015 by the Malian government and the main armed opposition groups (Crisis Group 2015).

Finally, **EU Special Representatives (EUSRs)** perform essential third-party roles in crisis regions. In the countries under study in this research, several EUSRs were explicitly appointed to assist international mediation efforts. The position of EUSR for the Crisis in Georgia was established in 2008 to prepare international talks and increase the visibility of the EU's role in the peace process (Davis 2014). The current office holder (EU Special Representative for the South Caucasus and the crisis in Georgia) has a broader mandate to “contribute to a peaceful settlement of conflicts in the region, including the crisis in Georgia and the Nagorno-Karabakh conflict”, notably by co-chairing the Geneva International Discussions on the consequences of the 2008 conflict in Georgia (Council of the European Union 2014). The EUSR for the Sahel is also mandated among many other tasks to “contribute to regional and international efforts to facilitate the resolution of the [Mali] crisis, in particular the implementation of the roadmap for the political transition, a free and transparent electoral process and a credible national inclusive dialogue” (Council of the European Union 2013).

3.1.3 Mediation support: Promoting and leveraging mediation

The EU 2009 Concept lists several types of indirect forms of EU support to mediation and dialogue, including through promotion and leverage strategies.

Promoting mediation

First, **public statements** are often used to welcome or call for positive developments in ongoing conflict or peace processes, such as through the adoption of Council Conclusions or official declarations by the EU HR/VP or EEAS spokesperson.⁶ To legitimise EU engagement as a credible third party mediator, such statements often refer to or hint at “its own experience as a peace project and its engagement for human rights and the rule of law” (Council of the European Union 2009: 6). For instance the Irish EU Presidency justified its interest in supporting the Belgrade-Pristina Dialogue by citing Ireland’s own experience in conflict resolution during the Northern Irish peace process.⁷

Recognising that public declarations and other forms of ‘megaphone diplomacy’ might sometimes have counter-productive effects (e.g. hardening the interlocutors’ positions), diplomats have also developed an array of instruments of ‘quiet diplomacy’. **Demarches** are usually carried out in a confidential manner by the Troika (current and incoming EU Presidencies, Commission and Council Secretariat), in the form of a written document delivered to a representative of the third country government. They have been variously used to remind host governments of their international obligations, and to promote peace processes (Dudouet and Clark 2009).

Leveraging mediation

As argued by the EU 2009 Concept, “given its political weight and financial resources, the EU can ... 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” (Council of the European Union 2009, 6). According to Sisk (2009), mediation leverage can take both non-coercive and coercive forms.

Concerning **non-coercive leverage**, EU institutions might rely on their humanitarian and/or development engagement to demonstrate their purchase and legitimacy as a peace mediator. For example, in Yemen the EU is seen as “credible humanitarian and development actor with a long-term experience of engaging in conflict regions”, which was “critical to its credibility in supporting the more political peace process” (Sherriff et al. 2013, 31). Another analyst likewise argues that “the EU Delegation was perceived as impartial, not biased in terms of its history and relations with Yemen and had the reputation of being a strong supporter of democracy” (Girke 2015, 10). Partnering with other mediating parties might also help to build diplomatic leverage. By coordinating mediation efforts in Yemen in 2011 through a group of

⁶ For recent declarations calling for the resumption of talks in Yemen, see http://eeas.europa.eu/statements-eeas/2015/150326_02_en.htm and http://eeas.europa.eu/statements-eeas/2015/151026_03_en.htm.

⁷ See <http://eu2013.ie/news/news-items/20130419tanserbiakosovonegotiations/#sthash.7D2vvPge.dpuf>.

ten ambassadors – including the five permanent members of the UN Security Council and the Gulf Cooperation Council (GCC) – the EU benefitted from the leverage of the GCC countries as biggest donors to Yemen, which led to the resignation of the then president Saleh, but also enabled an agreement on a roadmap to peace, including the establishment of a National Dialogue Conference (Girke 2015).

When it comes to **coercive forms of leverage**, EU positive or negative conditionality instruments are primarily used as a conflict prevention strategy in the context of human rights and democracy promotion (Portela and Usobiaga 2015), but they have also at times been leveraged to promote a peace process, by incentivising conflict parties (governments and/or non-state armed groups) to move forward towards dialogue and negotiation.

Positive incentives can come in the form of “free trade and association agreements lifting visa regulations or the promise of future direct investments” (Bergmann and Niemann 2015, 10). For instance, the European Neighbourhood Policy (ENP) and the corresponding Eastern Partnership helped convince Georgia to accept EU (co)mediation during the 2008 political crisis, under the premise of being able to offer closer diplomatic and economic relations. A reversed scenario occurred when the EU delayed a trade agreement (part of a wider association agreement) with Ukraine in order to convince the Russian government to enter a constructive dialogue regarding the security crisis in Eastern Ukraine, and to abide by the ceasefire agreed in September 2014 (Speck 2015). EU accession processes have also been leveraged to bring antagonist parties to the table. For example, Kosovo and Serbia entered an EU-mediated dialogue under the premise of advancing on the process of EU membership (Bergemann and Niemann 2015).

Although EU institutions are more inclined to use positive measures and conditionality, in cases where these were deemed ineffective, increased leverage was generated through negative conditionality such as targeted sanctions – including visa bans on senior members of the regime, financial restrictions such as freezing of assets held in the EU, or investment bans (Tocci 2007, Portela and Usobiaga 2015). For example the EU applied a sanctions regime against Russia in order to discourage its support to rebel groups in Eastern Ukraine (Ćwiek-Karpowicz and Secrieru 2015). This policy has been assessed as effective in terms of deterring Russia from escalating the situation (Institute of World Policy 2015). The EU capacity to use ‘hard power’ pressure or sanctions is limited since it does not have an integrated military strategy or apparatus, and is thus unable to use the threat of military intervention in order to induce warring parties to negotiate. In the specific case of non-state armed actors, targeted sanctions are applied through EU terrorist blacklisting, which has been partly justified as a legal and political tool to incentivise behavioural shifts towards moderation, and might encourage the targeted entities to enter a peace process (Sullivan and Hayes 2010). Research has shown, however, that far from encouraging shifts to non-violent strategies, proscription tends to fuel radicalism and can create direct impediments for humanitarian or political negotiation (Dudouet 2011). No armed groups operating in the four country cases in the WOSCAP project are currently listed under the autonomous EU proscription regime, but the EU regime implementing UN Security Council resolution 1989 (2011) on the freezing of funds of persons and entities associated with the Al-Qaida network applies to some Islamist jihadi groups operating in north Mali.

Discreet behind-closed-door incentives and threats of sanctions have also been used by mediators to put pressure on negotiating parties during a peace process. In Mali, the mediating team which facilitated the Algiers accords has been criticised by the coalition of armed opposition groups (Coordination des Mouvements de l'Azawad, CMA) for failing to act as an impartial mediator, by exerting strong pressure on them to accept an accord pre-drafted by the lead mediator. EU officials have admitted to the use of targeted sanctions as well as discreet offers of positions, money or exile offers towards leading members of the CMA in order to accelerate the negotiation process (Crisis Group 2015).

These examples illustrate that power-based mediators who rely on positive or negative leverage, especially when there are strong strategic interests at play, could in fact be considered 'negotiators by proxy', as they employ psychological or material pressure on one conflict party, which implies partisanship.

3.2 EU interest-based, problem-solving diplomacy (Track 1.5 or II)

While Track I diplomacy mainly involves senior EU officials based in Brussels (or Europe), third-party facilitation and mediation/dialogue support at the Track 1.5 or Track II level is primarily led by EU representatives in-country (EUSRs, field missions or permanent geographic representation), or delegated to other stakeholders through funding instruments. In contrast to muscled mediation, the credibility and effectiveness of EU unofficial facilitators relies less on their leverage and power than on their ability to build confidence through their thematic or geographic expertise and their extensive local outreach.

3.2.1 Dialogue facilitation

Although **EUSRs** were described earlier as official mediators 'with muscles', they can also sometimes be considered as Track 1.5 dialogue facilitators, depending on their particular mandate in a given context. In fact, only few EUSRs have been clearly mandated to "mediate" (Davis 2014); instead, they usually "provide a direct communications channel and can act as mediators and facilitators with actors with whom the EU cannot deal through official channels" (MediatEUr 2012, 3). Several EUSRs have actually benefited from the constructive ambiguity in the formulation of their mandate (MediatEUr 2012), as it has provided them with considerable leeway in the conduct of their diplomatic activities, including the facilitation of formal and informal dialogue encounters.

The senior staff of **CSDP missions** is also well placed to perform Track II facilitation functions. These missions, which usually intervene in post-war contexts with a security enhancement mandate, are designed to conduct activities "conducive to achieving political settlement, to implementing the provisions of a peace agreement or to sustaining confidence in the peace process" (Gourlay 2010, 14). Therefore, while they are not mandated to directly engage in Track I mediation, CSDP mission staff have constant working relationships with government officials and representatives from civil society, and thus have the potential to impact Track I.5-, II- and III- level mediation (Gourlay 2010). For example, within the format of 'Incidence Prevention and Response Mechanism (IPRM)' the EU Monitoring Mission in Georgia

(EUMM) was tasked to host meetings to discuss the security situation at the border between South Ossetia and Abkhazia with Georgia, attended by relevant authorities from all parties, in order to mitigate future security clashes. Hence, the EUMM was effectively engaged in dispute resolution (Davis 2014, Gourlay 2010, Sherriff et al. 2013).

Finally, **EU Delegations** in conflict-affected third countries maintain a permanent dialogue with local stakeholders. In Yemen, until the 2015 crisis, EU in-country delegates have been “facilitating events and meetings of the conflict parties at the Delegation facilities in Sana’a, which they understood as opportunities to listen and to understand their views and demands. In so doing, they offered an informal setting for discussion...These events did not act upon a formal mandate but helped to establish communication between the disputants, which can be situated in the realm of dialogue” (Girke 2015, 9).

3.2.2 Even-handed dialogue support through technical and financial assistance

The EU 2009 Concept also lists technical and financial assistance as two forms of indirect mediation support towards conflict parties, other external third parties, insider mediators or the broader population.

Technical support

Technical support consists in “capacity building, training, logistical support and the provision of expertise to mediators and conflict parties” (Council of the European Union 2009, 6). This vision was implemented by establishing a **mediation support team (MST)** within the EEAS Conflict Prevention, Peacebuilding and Mediation Instruments Division, which is “tasked with supporting EU institutions and partners with advice, technical expertise and real-time support before, during and in the aftermath of armed conflicts” (EEAS 2014). In Mali the MST has deployed experts who helped to “to define EU options for support to the dialogue and reconciliation process in the post-crisis context and to conduct an expert workshop with the Commission on Reconciliation and Dialogue” (EEAS 2014). Furthermore, in Ukraine, experts dispatched by the team have “provide[d] support to the Ukrainian authorities on national dialogue and inclusive reform processes” (EEAS 2014). In Yemen finally, the MST provided mediation training to relevant EU Delegation officials and carried out a scoping mission with all relevant Yemeni actors involved in the National Dialogue Conference (Girke 2015, 10).

Financial support

EU mediation support is also channelled through financial assistance. In particular, since 2007 the Instrument for Stability (IFS), later replaced by the **Instrument contributing to Stability and Peace (IcSP)**, have provided short-term funding for peace processes on all levels of multi-track diplomacy, from formal talks to grassroots dialogue initiatives. The funding under Article 3 (which covers most of the budget) specifically targets “the provision of technical and logistical assistance for the efforts undertaken by international and regional organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation” (Council of the European Union and the European Parliament 2014, Article 3(2)). For instance, in 2008 the IFS funded an external mediation specialist to advise the Office of the

Georgian State Minister for Reintegration on conflict resolution (MediatEUr 2012). Since 2014, the IcSP also funds the European Resources for Mediation Support (ERMES) scheme ran by a consortium of European NGOs, which supports the work of the EEAS Mediation Support Team by providing technical assistance to conflict parties and mediators engaged in peace processes around the world. No public information is available as to the countries of deployment of ERMES experts.

Finally, the IFS/IcSP instrument has also supported the mediation efforts of other international organisations, such as the standby team of the UN Mediation Support Unit, or the AU 'Early Response Mechanism'. In Ukraine, the IcSP contributes to the implementation of the Minsk agreement between the state authorities and the self-proclaimed autonomous Eastern territories by funding the OSCE Special Monitoring Mission, which conducts (among other activities) high-level diplomacy and multilateral dialogue (EEAS 2015b). In Yemen, the IcSP has also supported the National Dialogue Conference by providing funds to the 'Trust Fund' established by the G10 – the ten international players involved in the mediation process.

3.3 Transformative, long-term diplomacy through empowerment/advocacy and dialogue support (Track II and III)

This third sub-section assesses the EU's capacity to engage in transformative mediation by supporting the empowerment and recognition of a broad variety of actors in conflict societies, and by encouraging interaction and understanding between and within communities.

3.3.1 Negotiation support to conflict parties

Although the EU 2009 Concept does not mention this specific form of support to peace(building) processes, the conceptual framework presented in Section 2 introduced the strategy of negotiation support as aiming to empower disadvantaged or excluded parties in order to foster more sustainable political settlements and to prevent the appearance of peace 'spoilers' in the post-conflict phase.

Advocacy for more balanced and inclusive talks

One component of the EU strategy in Yemen since 2011 has been the promotion of an inclusive national dialogue, by advocating the need to include marginalised constituencies and excluded actors. During the National Dialogue Conference held in 2013-14, "one major task of the EU Delegation was outreach to those groups that had not been included in the negotiations of the GCC Initiative", including by hosting discussions with the southern secessionist movement to try and address their grievances in the transitional period. "By bringing the Houthis, CSOs, the moderate wing of al-Hiraak and representatives of the youth to the table, the EU Delegation officials tried to pave the way for an inclusive process" (Girke 2015, 9-10). The EU Council also issued declarations urging all Yemeni stakeholders to ensure that the national dialogue would be "fully inclusive, balanced, and transparent, adequately

representing all strands of the Yemeni society and reflecting the important role of youth and women” (Council of the European Union 2012).

One EU institution which has not been mentioned so far is the **European Parliament (EP)**. It has developed an increasing interest in external mediation and peace support, in addition to its traditional advocacy role in promoting human rights and democracy. Given its political mandate and composition, it is in a privileged position to offer party-to-party assistance to marginalised stakeholders such as opposition parties in situations of structural violence or armed conflict, and several EP initiatives aim to raise international attention to the plight of political parties or movements associated with non-state armed groups, and to call for their inclusion in a peace process with the respective states (e.g. Basque Friendship Group, Kurdish Friendship Group).⁸

Capacity-building to conflict parties

The revised EEAS Factsheet on Engaging with Non-State Armed Groups in Peace Processes (Dudouet, Planta and Dressler 2016) mentions the importance of providing (thematic or process-related) technical support to non-state parties involved in peace negotiations, in order to build their capacity to engage effectively and confidently in dialogue and negotiation processes, and to allow them to participate in the design of transition measures – such as power-sharing arrangements or post-war security mechanisms. Given the sensitivities around the legality and legitimacy of such activities, they have been mainly channelled through other actors, e.g. by funding European NGOs to carry them out. The Factsheet cites examples of such assistance in the conflicts in Syria and Myanmar, but none in the four countries under study.

3.3.2 Funding grassroots dialogue initiatives

Although EU institutions do not facilitate direct dialogue encounters at the Track III level, relevant EU instruments have funded NGOs to conduct such activities, two examples being the IcSP and the **European Instrument for Democracy and Human Rights (EIDHR)**. A particular feature of these two instruments is that their funding can be disbursed to local civil society organisations without requiring cooperation and consent of the host governments (Marchetti and Tocci 2011).

The aforementioned IcSP funding scheme also supports Track III dialogue initiatives. For example, in Georgia the IfS has previously funded international experts to facilitate dialogue between young leaders across conflict lines between South-Ossetia and Georgia. In Mali, a recent project conducted by Interpeace to engage the population in a participatory dialogue and research process to identify obstacles and priorities for peace was also funded by the IcSP. Furthermore, the IcSP also sponsored the conduct of local dialogues at the governorate level of

⁸ See <https://basquefriendship.wordpress.com/> and <http://en.hdpeurope.com/?p=826>

Yemen, which were carried out by the Yemeni NGO Political Development Forum and the German Berghof Foundation (Girke 2015, 12).

For its part, the EIDHR is described as “a soft policy instrument, non-prescriptive, grassroots and focused on social development” (Marchetti and Tocci 2011, 189), aiming to support “measures to facilitate peaceful conciliation between segments of societies, including support for confidence-building measures relating to human rights and democratisation (EIDHR Article 2 (1)). Funding has been provided to European NGOs to support grassroots dialogue and capacity-building for peace, including by building youth capacities to contribute to peacebuilding in Yemen, and by supporting civil society efforts to promote reconciliation in Georgia and the surrounding region.⁹

Table 2: Mapping of EU capabilities for negotiation, mediation and dialogue support

Entry-point	Strategy	Examples
Track I	Negotiation	EU HR/VP participation in inter-party talks (e.g. over Syria crisis) Political dialogues between EU Council and Russia
	Mediation	EU HR/VP co-mediating the Kosovo/Serbia dialogue EU Presidency (French) mediation attempt in Ukraine Head of EU Delegation co-mediating talks in Yemen and Mali EUSRs supporting dialogue in Mali and Georgia
	Mediation support <ul style="list-style-type: none"> ▪ promotion ▪ leverage (+) ▪ leverage (-) 	EU HR/VP declarations on resuming talks in Yemen ENP incentives for Georgia to accept EU mediation in Georgia EU Council targeted sanctions against Russia
Track 1.5 and Track II	Dialogue facilitation	CSDP mission hosting inter-party meetings in Georgia EU Delegation facilitating informal talks in Yemen
	Dialogue support <ul style="list-style-type: none"> ▪ technical ▪ financial 	EEAS (MST) deploying experts in Mali, Yemen and Ukraine IcSP funding dialogue initiatives of the OSCE mission in Ukraine
	Negotiation support <ul style="list-style-type: none"> ▪ advocacy ▪ technical 	EU Delegation supporting inclusive participation in Yemen dialogue European Parliament advocating dialogue with opposition parties IcSP funding for training with armed groups (e.g. Myanmar)
Track III	Dialogue support (financial)	IcSP funding grassroots dialogue in Georgia, Mali, Yemen EIDHR supporting capacity-building for CSOs in Yemen, Georgia

⁹ EIDHR focal points in Yemen and Georgia, e-mail message

4. Challenges and dilemmas

This section aims to identify the main challenges pertaining to the implementation of EU MTD in conflict-affected countries, with a particular emphasis on areas of overlap, complementarity or tension with other capability clusters and cross-cutting themes covered by the WOSCAP project. The insights are drawn from scholarly assessments of the factors that facilitate or hinder the effectiveness of international mediation or dialogue support efforts, and assessments by EU policy experts on key priority areas for improving the internal coherence and external coordination of EU MTD.

The EU 2009 Concept itself mentions the following guiding principles that should inform mediation and dialogue support: coherence with EU foreign policy objectives, comprehensiveness (synergies with other tools for conflict prevention and crisis management), risk assessment (with the overall goal of upholding the EU's credibility), the tension between addressing human rights violations and successful peace negotiations, and the promotion of women's participation according to the United Nations Security Council Resolution (UNSCR) 1325 and 1820 (Council of the European Union 2009, 6-8). The UN Guidance for Effective Mediation developed by the Secretary General in 2012 also lists key fundamentals that should be considered in mediation processes (preparedness, consent, impartiality, inclusivity, national ownership, international law and normative frameworks, coherence, coordination and complementarity of the mediation effort, and quality peace agreements), which are highly relevant for EU MTD efforts. This section will touch on many of these principles, reviewing areas of progress and persisting challenges.

4.1 Integrated approach to MTD

The first challenge is concerned with the need to better coordinate the EU's various actors, approaches, tracks and mechanisms related to mediation and dialogue support.

4.1.1 Systemic and dynamic analysis informed by ICT tools

The concept of MTD is anchored in a systemic approach to peacemaking and peacebuilding. Applying a systemic lens to conflict analysis enables a comprehensive view on the various actors, perspectives and interests involved in a peace process, as well as the relations between them. EEAS staff in HQ or in-country should thus be encouraged to adopt analytical tools (such as network analysis) which take into account the complexity of MTD and allow the EU to understand its own position in a given system, and thus to evaluate where, when and how to influence and coordinate peace(building) processes through multiple channels in a more effective way.

A second challenge relates to the necessity to adapt analysis and intervention tools to the changing nature of armed conflicts and conflict actors, from classical state/opposition constellations to fluid dynamics, alliances, group boundaries and drivers of violence.

Considering the complexity of the conflicts in Mali, Yemen or Ukraine, diplomatic instruments such as negotiation and dialogue are not necessarily suited at all times and for all actors on the ground (OSCE 2011, Garrigues 2015, Dudouet, Planta and Dressler 2015).

Information and communications technology (ICT) can contribute to bridging knowledge gaps on conflict dynamics in order to help EU staff to either act preventively or to better design mediation and dialogue efforts. For example, shifting alliances, movements of troops or violent incidents are being monitored through advanced satellite imagery in South Sudan (Legatis 2015), by triangulating social media sources with local informants in Syria (Carter Center 2015), and by monitoring the social media accounts of Russian soldiers in Ukraine (Volchek and Bigg 2015). Such tools can help mediation teams to gauge the military strength and capacities of negotiation parties, to assess whether ceasefires are being complied with, to prevent further hostilities through preventive diplomacy, or to enhance the inclusivity of dialogue and mediation agendas. Hence “social media platforms can be used as a filter to glean the issues that are most pressing in a broadly representative way, ensuring that they are as grounded as possible in the everyday life of local communities and endorsed by as many voices as possible as being the appropriate subjects for negotiation” (Legatis 2015, 14).

4.1.2 Coordination between mediation and dialogue Tracks and approaches

The concept of MTD also calls for a multi-level and multi-stakeholder approach to conflict transformation. In terms of EU internal policy, this requires the EU to manage its own family to ‘make the right things happen at the right time’ and to combine top-down and bottom up inputs, by improving coordination between mediation and dialogue support efforts at different levels: (1) between member states and EU institutions; (2) between those with a more political role (EU Council/Presidency and HR/VP) and those with a more operational and technical role (EEAS, Commission and EU delegations); (3) between EU thematic and geographic sections; and (4) between Brussels and in-country staff (Sherriff et al. 2013, 35). EUSRs have an important role to play in this regard, as they are specifically mandated to strengthen “the EU’s ability to engage in a more coordinated and coherent manner in conflicts”, by acting as “boundary spanners and bridge builders across institutional and political divides” (Davis 2014, 97).

As noted by the European Peacebuilding Liaison Office (EPLO), in some contexts multiple EU actors are involved in mediation at different or parallel levels. On the positive side, this allows the EU to choose the most suitable actors or instruments in a given situation. However, most often “the mediation functions, mandates and portfolios of EU actors are not clearly spelled out, and it is not clear how they relate to each other and contribute to EU’s objectives for a specific mediation process (which may not be clearly defined)” (EPLO 2013, 6). For example, as reviewed in Section 3, multiple EU actors have been involved in MTD in Georgia, including at some point in time two EUSRs (for the South Caucasus and for the Crisis in Georgia), in addition to the EU Council Presidency, the European Commission delegation, and the EUMM. According to analysts (EPLO 2013, Davis 2014), this profusion of actors with overlapping roles and mandates has created some confusion on the ground and thus undermined the coherence and effectiveness of EU’s mediation capacity, although the EU itself has portrayed its intervention Georgia as a successful case of internal coordination (Council of the European Union 2008, 9).

In Brussels, some efforts have been made to enhance institutional coordination in the area of mediation and dialogue support, for example by setting up an informal Mediation Support Group consisting of representatives from the Council Secretariat and the Commission, in order to coordinate their respective activities. In 2015 the European Parliament (EP) also established the European Parliamentary Mediation Support (EPMS) as a focal point to support all European Parliament activities in the area of conflict prevention, mediation, facilitation and dialogue, and to identifying tools and instruments where the EP has a clear potential to be an added value within the overall EU comprehensive approach to crises and conflicts (Rutrauff and Bruce 2015). However there have not been any independent assessments so far on the effectiveness and added value of these new coordinating bodies.

4.1.3 Professionalising EU MTD efforts

In addition to the aforementioned coordination efforts, EU mediation experts (Herrberg, Gündüz and Davis 2009, EPLO 2013, Sherriff et al. 2013) point to areas of possible reform and training options which would help mainstream mediation and dialogue expertise across EU institutions, and to better optimise the mediation potential of EU actors in-country (EUSRs, Delegations, CSDP missions). There have been significant initiatives to strengthen expertise on mediation within the EEAS and EU Delegations, including through the establishment of the MST, as well as the provision of mediation and dialogue support services to the EEAS Conflict Prevention, Peacebuilding and Mediation Instruments Division by a Consortium of five European NGOs since 2014.¹⁰ However, these capacity-building efforts do not yet reach other EU institutions, and the overall knowledge and competency of EU staff in MTD areas remain heavily underdeveloped in comparison with the EU's long-standing experience in crisis management intervention. By contrast, UN agencies and donor embassies in-country have more staff, expertise and institutional culture in mediation and dialogue support.

4.2 A comprehensive and coherent EU foreign policy

As argued earlier, EU MTD strategies are subject to the foreign policy agenda of advancing EU principles and values in the wider world. But sometimes these values might be driven by divergent interests (e.g. peace, human rights, stability) and need to be carefully managed and balanced in order to provide a coherent response to emerging crises. The EU's comprehensive approach to external conflicts and crises (European Commission 2013) calls for a better integration of the full range of EU instruments and resources, in order to make its external action more consistent, more effective and more strategic. In practice, this implies that the dialogue and mediation activities of the EEAS should be coordinated with the Council's diplomatic positions, the Commission's development cooperation and democratic governance support, the security mandates of CSDP police or military missions, the legal and criminal

¹⁰ For more information, see <http://www.berghof-foundation.org/programmes/dialogue-mediation-peace-support-structures/mediation-support-to-the-european-external-action-service-eeas/>

approaches of the Counter Terrorism Task Force, and the various Member States' foreign policies.

4.2.1 EU as an honest broker? The difficult quest for impartiality

While impartiality¹¹ is a key guiding principle in the practice of mediation (as highlighted for instance in the UN guidelines for effective mediation), it is often the reality that international mediators are biased for one or the other of the primary conflict parties (Herrberg, Gündüz and Davis 2009). Impartiality may be impeded by a number of factors, some of which are linked to the particularities of the EU as a regional organisation.

The external policies of the EU are often driven by the distinct – and at times opposite – strategic interests of its member states, which impede a coherent collective vision. For instance, the effectiveness of an even-handed approach to the conflicts in Georgia and Ukraine is hampered by distinct visions of EU's relations with Russia among its member states, from the hard stance of the so-called young European states that scrambled out of Soviet influence to the pragmatic positions of the 'old democracies' such as Germany, Italy and France (Khintba 2010). As a result, the EU's approach to the Geneva talks over the resolution of the conflict in Georgia fluctuates according to the rotating presidencies of the Union (EPLO 2013). The EU might in fact be described as an interested – rather than fully impartial – mediator when intervening in its geopolitically tense Eastern neighbourhood, including in Georgia and Ukraine (where the EU enlargement prospect became a direct trigger of the ongoing conflict). As argued in Section 3, in some instances EU mediation is more akin to negotiation. Herrberg (2012, 23) warns against the “danger that the term mediation is sometimes seen more as an instrument to maximise EU's interest, rather than an EU interest in overall conflict resolution.” By contrast, in more distant regions such as Yemen and Mali, the EU might be able to play a more impartial role. In fact, it is perceived as a relatively neutral body in Yemen by all political components (Political Development Forum 2015).

The lack of **coherent EU foreign policy strategy** in certain countries might also be challenging for the EU's capacity to act as a mediator, as the parties on the ground might not hold a differentiated understanding of its internal structure. If not coordinated, EU institutions might apply distinct policies and interventions (such as terrorist listing, counter-insurgency, rule of law intervention, DDR programs, dialogue and mediation) contradicting one another, at least in the eyes of the conflict parties, especially if they target the same audience.

Finally, the principle of neutrality might clash with other values upheld by EU mediators, including the principle of territorial integrity. Given the state-centric international system, “multilateral actors with commitment to state sovereignty may have difficulties remaining impartial or avoiding perceptions of partiality in conflicts that involve demands for autonomy or independence of parts of a country” (Gündüz and Herbolzheimer 2010, 17). For instance, in

¹¹ Impartiality is understood here negatively, in the sense of being not connected to either disputant, not biased towards either side, and having nothing to gain from aiding either protagonist (Young 1967). It could also be translated more positively in terms of balance, or even-handedness.

Georgia, it has been argued that undertaking a status-neutral position in regard to Abkhazia and South Ossetia must be a precondition for the EU to obtain any significant role in the resolution of the conflict (Khintba 2010).

4.2.2 Soft vs. hard power: Balancing MTD with defence and security policy

Do mediation and dialogue represent a complement to military and security approaches to crisis management, or their antithesis? When imagining peacemaking and peacebuilding strategies on a continuum of hard and soft power approaches, MTD is located closer to the 'soft power' end of this spectrum (with some nuances according to the intervention Track and approach), while military intervention would embody the opposite end.

However, MTD and defence or security approaches (such as **security sector reform**) might also be conceived as different but complementary means to achieve common foreign policy goals, in the spirit of **civil-military cooperation**. For instance, the threat of military action might be used in order to pressure a government or armed group to accept a mediated peace process. Although the EU does not have the capacity to engage in military operations, its member states or other external third-parties might be willing and capable to leverage such threats (e.g. France in Mali or Saudi Arabia in Yemen, which is part of the G10 mediation initiative).

Another area of potential complementarity (or tension) lies in the dual mandates of CSDP missions, some of which have a military dimension while also making use of mediation tools to conduct their operations (as mentioned in Section 3). In Mali, the EU was involved as a co-mediator in the recent Algiers negotiations, while providing military training to the national army that fights the insurgents on the ground. It might thus be interesting to find out how far these concurrent strategies are perceived as complementary or contradictory among the different segments of society.

4.2.3 Dialogue vs. governance reform: Risks of 'depoliticising' dialogue support

Another area of potential tension concerns the challenge of promoting dialogue, consensus-building and (re)conciliation while simultaneously supporting **democratic governance reform** in fragile and conflict-affected states. At the Track I level, EU diplomatic, technical and financial support to national dialogues processes – which may be instrumentalised by incumbent elites to appease their disgruntled opponents and preserve the status quo – should not be equated with an apolitical approach hindering reform. One analyst argues that while the EU has become a prominent mediator in the Middle East and North Africa since the Arab Revolutions by promoting inclusive dialogue between government actors, opposition parties and civil society, including in Yemen, it should avoid making “mediation and end in itself rather than integrating into a more comprehensive support for democratic reform” (Youngs 2014, 16).

Similar critiques have been raised with regards to grassroots dialogue support projects funded by EU instruments. While many dialogue initiatives are based on the assumption that bringing together representatives of conflicting parties is inherently positive, and while there is no doubt that many Track II and III dialogue projects have contributed significantly to creating

islands and cultures of peace, they might also bear the risk of concealing structural inequalities, and ultimately reinforcing an unequal status quo (Berghof Foundation 2012). Others argue that EU support for grassroots initiatives might lead to the de-politicisation of civil society by prioritising support to technical and professional NGOs to the detriment of more overtly political ones such as trade unions, social movements or religious charities (Marchetti and Tocci 2011). The most cited and scrutinised examples come from Israel-Palestine (e.g. İşleyen 2015) and Bosnia-Herzegovina (e.g. Belloni 2001), but this discussion is also of high relevance to the countries under scrutiny in this project. For example, it has been argued that the ENP Action Plan for Georgia takes an “externalist” approach fostering confidence-building measures without any significant efforts to transform the structural conditions that created the conflict with Abkhazia, by supporting reform and addressing people’s needs. This approach might have weakened the credibility and influence of EU actors among the Abkhazian and South Ossetian population and elites (Khintba 2010).

4.2.4 Peace vs. justice dilemma

In certain circumstances, the EU’s professed values of peace and human rights might raise some prioritisation dilemmas. In line with the UN, the EU is bound by international legal framework regulating the treatment of human rights violations. However, mediators are faced with the challenge of bringing all relevant actors to the table to secure a sustainable peace, while promoting accountability for past crimes (Davis 2014). This dilemma was faced for instance during the political transition in Yemen, over the question of immunity for former President Saleh and other members of the ruling elite, which became a major issue of disagreement among the G10 countries. “For EU actors, the problem of being pragmatic on this matter had a political and technical dimension. Politically, granting immunity to President Saleh was against the EU’s human rights principles. Seen from a technical mediation perspective, it was a necessary compromise to achieve the immediate goal of the EU’s mediators, namely to end the violence. At the same time, it meant ignoring the voices of the protesters of the Change Square who demanded justice. Therefore, this step involved the risk of undermining the peace process in the long run” (Girke 2015, 8).

This sub-section has thus shown that MTD interventions at all levels, far from occurring in isolation from other instruments of foreign policy, should be combined and/or balanced with support for democracy and governance reform, security sector reform and human rights, in order to truly embody a whole-of-society approach to peacebuilding. In contexts where different instruments might run the risk of impeding each other (as illustrated for instance by the peace vs. justice dilemma), certain strategic choices might have to be made, according to the capacity and/or interests of EU institutions and other actors operating on the ground.

4.3 An inclusive approach to MTD

Since the Programme for the Prevention of Violent Conflicts adopted by the EU Council in 2001, the principles of local ownership and civil society empowerment are at the forefront of the EU conflict prevention and peacebuilding agenda. Both pragmatic and normative arguments

explain the trend towards inclusive mediation agendas: on the one hand, it is believed that participatory processes help to enhance public buy in, legitimacy, accountability, and sustainability of the agreed outcomes (Whitfield, Paffenholz and Potter 2013, Dudouet and Lundström 2016). On the other hand, the “growing imperative of normative frameworks in mediation practice” (Hellmüller, Palmiano Federer and Zeller 2015) has induced third-party interveners to promote the norms of inclusivity, gender equality, or human rights in MTD activities. This sub-section suggests a few entry points to critically assess to what extent EU diplomacy, mediation and dialogue support engage and include all stakeholders that are affected by the conflict, including those who have capacity to either impede or promote social change.

4.3.1 National (vs. government) ownership

According to the EEAS Factsheet ‘Strengthening national capacities for mediation and dialogue’, mediated peace processes should represent a “microcosm of the entire conflict systems” (ECDPM 2012). **Local ownership** principles, if properly applied, should go hand in hand with a shift away from muscled mediation strategies towards light-handed facilitation, increased support for locally-led facilitation by insider mediators, and the promotion of mechanisms to facilitate the participation of, and communication with, civil society and the broader public (UNSG 2012). Inclusive MTD also requires the introduction of institutional mechanism that can provide the necessary support structures for societal participation, for instance through so-called infrastructures for peace, i.e. “dynamics networks of interdependent structures, mechanisms, resources, values and skills which, through dialogue and consultations contribute to conflict prevention and peacebuilding in a society”.¹²

The role of insider mediators (i.e. bridge-builders from the same society as the belligerents) is also stressed by analysts (e.g. Mason 2009, Svensson and Lindgren 2013) as credible and effective intermediaries, but their role is still insufficiently acknowledged in EU policies and integrated in EU mediation support strategies. The range of societal actors involved in the nine levels of MTD as initially conceptualised by Diamond and McDonald (1993) might be used as a relevant benchmark to assess to what extent external intervenors engage with, and rely on, domestic resources for peacemaking – such as religious leaders, academics, the business community, etc. One should nevertheless avoid ‘romanticising’ the role and contribution of insider mediators. For instance, while religious and traditional leaders in Mali play an undeniably positive role in solving local conflicts between and within communities, customary conflict management methods have also been described as conservative instruments for maintaining the status quo rather than promoting social justice (Vernon 2014).

¹² As defined by the International Network on Infrastructures for Peace (IfP). Online at www.i4pinternational.org/infrastructures-for-peace/defining-i4p

4.3.2 Gender dimension of EU mediation and dialogue support

It is widely acknowledged that the inclusion of **women and gender**-related issues in mediation and negotiation processes enhance the efficiency and effectiveness of their outcomes, and contribute to sustainable and inclusive approaches to peace and security (Onslow et al. 2010). However, gender still represents a marginalised issue during peace processes. Not only do they lack women's participation at all levels, but they also neglect gender-related grievances and perspectives (Whitfield, Paffenholz and Potter 2013, Palmiano 2014). Including more women at the decision-making table is crucial, yet it is equally important to address the structure of the conflict management process itself to problematise the reluctance of negotiating elites, such as the military or armed groups, to seriously include women. Although the EU has directed greater attention to gender issues than any other regional organisation, it is still lagging behind on implementation, particularly when it comes to supporting women's participation to EU-sponsored peace processes (Onslow et al. 2010, EPLO 2013).

4.3.3 Engaging with armed groups and potential 'spoilers'

By definition, mediation support implies direct engagement with all sides to a conflict, including non-state armed groups, in order to reach a sustainable peace agreement and to facilitate their transition from violent to peaceful political activities. In three of the country cases at stake in this project (Mali, Yemen and Ukraine), non-state armed groups of various types – from separatist movements to Islamist groups and criminal networks – are involved as conflict stakeholders and/or engaged in peacemaking efforts. The revised EEAS factsheet on 'Engaging with Non-State Armed Groups in Peace Processes' cites a range of legitimate foreign policy objectives which might justify EU staff's dialogue and contact with armed groups, including the need to gather information on their motivations, capacities and willingness to engage in a peaceful transition; confidence-building measures to bring them into a peace process; more formalised and structured dialogue and negotiation in the context of supporting official peace talks; or military and security-related engagements in the context of negotiating, monitoring or implementing security arrangements and ceasefires (Dudouet, Planta and Dressler 2016).

However, as mentioned earlier, there are still a number of legal, political and security challenges which impede and constrain such types of engagement. Although the legal impact of the EU's counter-terrorism legislation on mediation is relatively limited and does not ban physical contact with listed entities, the political impact of EU proscription is wide reaching. It has increased the political risk for EU envoys and member states and has reduced European mediators' credibility and perceived neutrality with some conflict parties (Haspeslagh and Dudouet 2011). Where the EU's impartiality is undermined, it might more effectively support other third-parties instead of taking over the mediator's role itself, as described below.

4.4 External (inter-agency) coordination

The growing professional field of mediation and dialogue support is marked both by a horizontal expansion of multilateral actors engaged in peacemaking, and a vertical expansion of non-state actors playing complementary roles to formal diplomacy, and sometimes acquiring

mediation roles themselves (Gündüz and Herbolzheimer 2010). This trend represents an opportunity for the EU to leverage or channel its peacebuilding efforts through other state, inter-state and non-state actors, if accompanied by effective coordination efforts.

At the inter-state level, regional organisations as well as UN agencies (such as peace operation missions or the UNDP) represent key partners for the EU. In fact, as illustrated by the various examples cited in this report, there are very few instances where the EU acts alone – from the partnership with the United States in mediating the conflict in Georgia to the promotion of an inclusive dialogue process in partnership with the UN in Yemen, until the recent outbreak of violence in 2014. In fact, it has been argued that the EU's most successful cases of peacebuilding through mediation and dialogue (such as in Aceh/Indonesia and Mindanao/Philippines) have involved a multi-level and multi-stakeholder approach (Sherriff et al. 2013). By contrast, in several ongoing conflicts such as Libya or Colombia, various inter-governmental organisations and states have each designated their own official envoys to help resolve the conflict, creating a risk of cacophony if sending mixed messages to the parties (Garrigues 2015). Coordination between mediating organisations, and the nomination of a lead mediator, also lower the chance that conflict parties might engage in “forum shopping” between them (Böhmeit 2012, Sherriff et al. 2013).

Various forms and degrees of coordination might thus be introduced in given contexts where several mediation or mediation support entities are operating, from information sharing to joint operations (e.g. as part of ‘groups of friends’ and co-mediation teams) or a shared strategic approach (OSCE 2011). Joint interventions with regional organisations such as AU, ECOWAS or IGAD in sub-Saharan Africa become especially relevant when dealing with conflicts spreading across national borders. But coordination also implies the need for each organisation to assess their respective strengths and weaknesses on the ground, and to take a realistic decision to rely on, and support, others’ MTD efforts when their own direct intervention is not requested or accepted. In fact, EU financial instruments also support the mediation efforts of other multilateral organisations, such as the Mediation Support Unit at the UN Department of Political Affairs.

For their part, non-governmental actors involved in mediation and dialogue support can often open doors for all three MTD Tracks (particularly Tracks II and III). Several recent initiatives funded by the IcSP have enabled greater cooperation with European NGOs, including the aforementioned ERMES programme, or the regular Civil Society Dialogue Network seminars with the NGO sector on topical issues pertaining to conflict prevention and peacebuilding. The special role of the newly-established European Institute of Peace (EIP) should also be mentioned, as it is specifically mandated to pursue “multi-track diplomacy and act as a flexible, external tool in support of EU mediation efforts where the EU has limited freedom to act”. Although it is still too premature to assess its contribution to MTD efforts, the EIP aims to both complement EU action through direct mediation intervention, and to build up the EU’s capacity in mediation and dialogue, including through conflict analysis, training and facilitation.¹³

¹³ See www.eip.org/en/about-us/mission

5. Conclusion

As demonstrated in this report, the concept of multi-track diplomacy provides a useful lens to examine both descriptively and analytically the interlinked approaches, strategies, intervention levels, entry points and stakeholders involved in what is commonly referred to in EU language as mediation and dialogue support in third countries. MTD is also closely aligned with the whole-of-society approach which informs the WOSCAP project, as it stresses the importance of complementing top-down official diplomacy with bottom-up and 'middle-out' dialogue support, so that negotiated solutions might be truly owned and led by the respective state and societal stakeholders. The report mentions a wide range of competencies which EU institutions have at their disposal to engage in, and support, complementary MTD strategies. It also reviews a list of key challenges which might be used as benchmarks for the field study researchers to assess the levels of internal coherence and cohesion of EU MTD tools in their respective countries, but also the attention paid to the different dimensions of inclusivity, and the nature and effectiveness of coordination efforts with other approaches to foreign policy and with external (inter-governmental, state and non-state) agencies.

Finally, based on our assessment of EU MTD approaches, capabilities, challenges or opportunities, we would like to recommend the following areas of enquiry for fieldwork research in Georgia, Ukraine, Mali and Yemen:

Key questions related to the nature of EU MTD:

- **WHY:** Are EU MTD strategies pursuing a specific goal (i.e. their own definition of what peacebuilding should look like in the given context), or do EU actors and instruments allow local stakeholders to shape the agenda and desired outcome of MTD?
- **WHAT:** What range of MTD strategies have been employed by EU institutions and actors in the last few years, and what approaches to peace process support do they embody?
- **WHEN:** To what extent have MTD tools and instruments been primarily used to support a negotiated peace accord, or also in the post-war/post-transition implementation stage?
- **WHO:** What range of (international, state and non-governmental) actors within and outside of the EU architecture have intervened in, or supported, MTD efforts, and what is the nature of their relationships and coordination?

Key questions related to EU capabilities for MTD:

- **Track I:** Under which conditions are EU institutions more likely to rely on coercive or non-coercive leverage to enhance the credibility and effectiveness of their negotiation or mediation efforts?
- **Track 1,5:** Are EU representatives in-country (such as Delegation staff and EUSRs) specifically mandated to conduct MTD activities, how does their actual practice differ

from (or coincide with) their ascribed roles, and what factors affect their ability and interest to engage in mediation and dialogue support?

- Track III: How effective are EU funding schemes for grassroots dialogue initiatives in terms of supporting transformative, inclusive and sustainable conflict prevention and peacebuilding?

Key questions related to the dilemmas and challenges of EU MTD and areas of interplay with other WOSCAP themes:

- Are EU MTD actors, approaches, tracks and mechanisms employed in a complementary and coordinated matter?
- Are EU representatives perceived as impartial actors, and what factors influence that perception?
- What is the range of insider mediators who are supported/engaged with by the EU?
- How inclusive is the EU's engagement when it comes to promoting the role of women, marginalised groups and armed groups in negotiation and dialogue?
- Under what conditions is the EU more prone, and more apt, to act a direct mediator or co-mediator, or to support (i.e. fund and leverage) the mediation efforts of others?

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