Global Challenges and Trends in International Peace Mediation and Diplomacy: A Background Note

«International mediation is the primary strategy for ending civil wars but it has not been conducted and developed in a professional and systematic way. This has greatly reduced the prospect of successful peacemaking in deadly conflicts.» Professor Laurie Nathan.

Peace mediation has also evolved considerably since some of the first senior EU mediators (such as the first EUSRs for the Great Lakes and the Middle East Peace Process), were given their mandates almost twenty years ago. It has largely moved away from the negotiation of fairly limited ceasefire agreements behind closed doors to stop fighting and has become more complex - involving multiple stakeholders negotiating multiple issues on multiple levels (Government, Civil society, local communities) (Papagianni, 2014) – as well as perhaps more ambitious – looking to find solutions that address root causes of conflicts and reduce the chances of a relapse into violent conflict (Mason, 2007). Results can often fall short. Simultaneously, the field of mediation has been influenced by, for example, the work of the International Criminal Court on issues including impunity, transitional justice, accountability and reparations.

About the EU's dialogue and mediation mandate and approach

The EU understands 'mediation' as a way of assisting negotiations between conflict parties and transforming conflicts with the help of an acceptable third party. The general goal of mediation is to enable parties in conflict to reach agreements they find satisfactory and are willing to implement.

'Dialogue' is an open ended process, aimed at creating a culture of communication that can provide common ground, confidence-building and improved understanding among opposing parties. Both dialogue and mediation can help prevent conflicts and be means towards achieving wider reconciliation and peacebuilding.

EU Concept on Strengthening EU Mediation and Dialogue Capacities, 2009

This increased complexity and ambition has led to a move away from individual mediators to mediators who head teams that provide professional mediation support, which has grown steadily since the Cold War (Herrberg, 2015). It has also coincided with more frequent offers of mediation to conflict parties, which has in some instances created a somewhat 'crowded marketplace' where multiple actors offering mediation services and parallel tracks at times compete for a pre-eminent role (Lanz and Gasser, 2013). Therefore, EU mediators and mediation supporters are faced with the need to work collaboratively and bring added value to complex situations that reflect their specific institutional and personal strengths. These are significant challenges that mediation practitioners have to grapple with, and this is no different for the European institutions, actors and capacities that have to keep up with these developments in order to remain relevant.

The next section presents a snapshot overview of current trends and dynamics we see in peace mediation. In an ever-evolving field, these are just a sample, and not an exhaustive list.

Global Trends and Dynamics

Managing Multi-Stakeholder Processes: it is rarely an option to broker limited deals between small groups of military and political leaders behind-the-doors, as limited and elite-focused peace talks regularly fall short of expectations and needs on the ground. Different groups in

conflict-affected societies now demand a say in the decision making that affects their lives, spurred in part by greater connectivity and information. The international community has made some progress in its efforts to promote more inclusive processes, and to encourage more focus on local and national actors' needs, rights and participation (Bayne and Trolliet, 2009). The rise of large-scale, public National Dialogue processes, such as in Yemen and Myanmar show a trend for much more open and public negotiations. In closed door processes such as Colombia, victims have been brought into negotiations to address the Government and the FARC. In the initial national conference in the Central African Republic, civil society representatives were included beside the conflicting parties and President. To be effective, mediation and peace process support needs to be able to understand, reach and work at multiple levels of a conflict-stricken society. Nonetheless, the latest research shows that «the push for broader inclusion is mostly motivated by realpolitik, rather than by normative considerations.» (Paffenholz, 2015).

Limited Truce Making in Wider Peace Processes: despite the increase in multi-stakeholder processes, the focus of several recent mediation efforts has returned to more 'minimalist' ceasefire and truce negotiations, often with tactical considerations playing a role in the mediator's and conflict parties' decision making. This has been the case in Syria, Libya, Ukraine and Yemen, where diplomacy and mediation have had to co-exist with the role and impact of outside military interventions. For the EU's role in peace mediation, this has meant encouraging our partners, as well as conflict parties, to pursue approaches that are technically solid, and at the same time more inclusive and comprehensive.

Questioning of the Effectiveness of International Conflict Resolution: violent conflict dynamics in some regions appear less amenable to mediation. The majority of transitions in the Middle East and North Africa region have fast turned into violent and protracted conflicts, where existing conflict resolution mechanisms struggle to be accepted by conflict parties. Long-standing conflicts in parts of Eastern Europe have turned into 'protracted peace processes', with international peace process support unable to break the conflict dynamics and instead running the risk of becoming part of them, de facto supporting a status quo. The EU in response monitors international trends in the field on an ongoing basis, draws on experts with the relevant knowledge, and constantly adapts to changing trends.

International Legal and Normative Frameworks: those mediating in conflicts today are faced with clearer, more comprehensive, but also more complex, international legal and normative frameworks that attempt to define what is (and what is not) acceptable in negotiations to end armed violence. This applies for example to the protection of human rights in the context of international peace mediation, impunity and expectations with regard to transitional justice in dealing with perpetrators of violence and abuse, as well as victims' needs. In many instances, EU policy has become or

is in the process of becoming more defined (eg transitional justice); efforts to address impunity at international level (eg sexual violence in conflict) is also clearer. Such codification inevitably affects mediators' work to broker lasting peace agreements.

Making Women's Participation Meaningful: 14 years after the adoption of UNSCR 1325, most official peace processes still do not sufficiently capture gender-specific concerns and women´s needs and interests. References to gender issues in many peace process documents remain insubstantial and abstract; the participation of women is not sufficiently established at all levels of decision-making (Reimann et al., 2013). At the same time, it is clear that the inclusion of women in peace processes does not automatically lead to gender-sensitivity. It is also clear that gender capacity built up by international organisations does often not get fully utilised for peace process support and that a mediation in and of itself is not the only (or best) means to adequately address gender issues. There are few senior level women playing key roles in peace processes, including among international third parties.

Dealing with Violent Extremism: official mediators face challenges in factoring violent extremist groups or actors subject to sanctions into their mediation strategies and processes, while the influence of these groups is growing. Where peace processes and subsequent transitions fail, remain weak, or do not get the main armed contenders to come to mutually acceptable agreements, they have in several instances created vacuums that have been filled by new, (more) violent extremist groups such as ISIL, Boko Haram, or Al Shabab. Whether, and how, diplomacy and peace mediation can engage with them in the context of wider peace processes are open questions. Dealing with radicalised but non-violent 'difficult' actors is another challenge. The outlook of persons belonging to such groups (ideological, religious) means that the options to deal with them are very different from those developed in other contexts, such as cases of armed groups with political agendas, which the international system has found ways of engaging to bring them into the political process, for example, Maoist Rebels in Nepal and the FARC in Colombia (Ricigliano, 2005).

A Comprehensive Approach – Still Some Way Off: the need for early action and a comprehensive approach to conflict resolution are widely acknowledged, but have to a large extent not been mainstreamed in either policy or practice. Many cases illustrate that outside mediation comes too late in the escalation cycle to be effective, and is seldom used systematically for early prevention. Short-term mediations (tactical) too often remain de-linked from longer-term (strategic) peace efforts on the ground.

Acting in A Crowded Field: the number of third parties (be they local, national, regional, or international) involved in resolving conflicts has exponentially increased in the last decade, with an impact on the ability of mediators to ensure coordination, coherence and complementarity within a peace

process. This has increased the need to design and manage processes more collaboratively, communicating and working at multiple levels. Nonetheless, this multiplication of conflict prevention and mediation actors has also created more and stronger capacities in the international system, has led to important innovations and has helped the development of more systemic approaches to conflict prevention, mediation, crisis management and peacebuilding.

EU institutional responses

In order to better respond to the challenges outlined above, international organisations, governments and the non-governmental community have worked over the last decade to improve their own preparedness for conflict prevention and mediation, at the level of institutions, operations, and individual staff. The EU has been among the forerunners in driving such innovation, and EUSRs, EU Delegations and Senior Management have been benefiting from this more systematic, institutionalised approach.

What is now termed 'mediation support' now includes a number of 'core' areas:

1.   Policy statements and mandates that set clear parameters for conflict prevention and mediation support – in the EU's case, the 2009 Concept on EU Mediation and Dialogue; specific EUSR Mandates; or Council Conclusions for instance.

2.   Institutional structures that concentrate relevant capacity to make it easily accessible and available internally and externally – in the EEAS, this includes now a Mediation Support Team (MST), comprised of five professional Mediation Advisers, and a wide network of partner institutions that can deploy high-level peace process experts at short notice.

3.   Moving from a 'high-level mediator' model to a team approach: given that conflict prevention and peace mediation have become more complex and ambitious, it is clear that institutional responses need to bring together human resources in a way that enables collective work across a number of technical, geographic and process areas. The EU has begun seconding or temporarily deploying technical experts on EUSR teams, and to EU Delegations, for those purposes.

4.   Systems to pool and make available technical expertise at short notice – such as rosters of experts, or stand-by teams of experts with a specific skill-set to support peace processes. The EEAS K2 Division manages a Framework Contract and works closely with the European Resources for Mediation Support (ERMES), who both provide access to two world-class consortiums of organisations that can provide Conflict Prevention and Mediation Support to the EU.

5.   More systematic knowledge gathering, management and dissemination dissemination – through knowledge products that target the needs of specific institutions and their operational requirements; and specific peace process efforts. In line with best practice, the EEAS has begun to pilot EUSR debriefings for example; and offers lesson learning and other types of support to specific peace processes, including through commissioning conflict analyses.

6.   Professionalisation and capacity-development of senior mediators and in-house staff, other third parties, and conflict parties – through standardised as well as tailor-made coaching and training modules; and the hiring of professional expertise. The EEAS has been engaging in these for the last three years, having trained and coached hundreds of EU staff in dialogue and mediation support.

7.   Funding mechanisms focusing on rapid disbursal of funds for mediation support-related activities. The Commission's Instrument contributing to Stability and Peace (IcSP) is a primary, but not the only, instrument that can provide funding for flanking measures for peace processes, peace efforts at different tracks, or indeed peace talks directly.

Conclusions

The provision of support to conflict parties in their efforts to shift from a situation of conflict to one of lasting peace and deal with the aftermath of violence is perhaps better resourced than ever before. It has, however, become vastly more complex. A systematic approach to learning from past experience and to evaluating the impact of conflict prevention and mediation remain the exception rather than the rule. While more knowledge and expertise is generally available, the task for the EEAS mediation support team is to make it more accessible, practical and operationally relevant for colleagues across the EU Institutions. Furthermore, examples like Syria or Ukraine provide evidence that it cannot be taken for granted that mediation will be accepted by those engaged in armed conflicts; that it will lead to successful agreements once entered into; that the belligerents will be willing to stick to what has been agreed; or indeed, that the international community will provide the necessary long-term support to accompany and support long and fragile transition processes.

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