



EFFECTIVE MEDIATIVE DIPLOMACY AND ITS SEVEN VIRTUES: THE CASE OF THE EUROPEAN UNION

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The purpose of this contribution is to provide a practitioner's view of the effectiveness of institutions in enacting a peace mediation approach. The European Union is used to provide an illustrative example but this analysis might also be applied to other institutions, possibly in a comparative context. The article suggests an actor-centered approach to assessing mediation effectiveness through seven "virtues:" competence of the actor; political will, norms, and values; resources to induce mediation leverage; legitimacy, presence, and mandate; information and analysis; multitrack competence; and follow-up, sustainability, and accountability. The contribution aims to facilitate the work of scholars and practitioners who work in this field of mediation, as the author has noted a confusion about what the field of peace mediation in terms of practice and inquiry actually *is*, which results in discussions one could characterize as "ships passing in the night," which advances neither scholarship, nor practice. As such, this article calls for greater attentiveness to a few further dimensions of mediation process with intention of stimulating more research in this field and a fuller understanding of the evolution of peacemaking practice itself.

INTRODUCTION

As a practitioner, and thus both subject and object of this inquiry, it is useful to begin with a short introduction. As a mediator with both academic and practical training who has been working in the field for two decades, I have been involved in the European Union's (EU) conflict prevention, mediation, and peacebuilding sector for the past seventeen years having been deployed around one hundred times for peace support missions. I have done this work as an independent mediator working for nongovernmental organizations (NGOs) such as

mediatEUr and the Crisis Management Initiative (CMI) as well as various other peacebuilding organizations such as Interpeace and in steering functions for organizations like the European Peacebuilding Liaison Office. With CMI, I managed the Aceh Peace Negotiations and its follow-up process with the EU and worked as chief facilitation advisor to the peace negotiator Martti Ahtisaari, also in the follow-up to the peace negotiations that enjoyed substantial EU involvement, developing a normative framework on peace mediation that has been used for global advocacy. This permitted the elaboration of a policy proposal that brought about the EU Concept on Strengthening Mediation and Dialogue Capacities.¹

I directly supported the EU Special Representative to the Caucasus as an independent advisor to the Georgian government from 2007 to 2009 and have been training EU and member state diplomats and envoys in mediation practice for the past eight years. As CEO of mediatEUr, a service-based peace mediation NGO financed by the EU, which is now the executor of a framework contract deploying mediation experts globally on behalf of the EU, I survey roughly fifty mediation support assignments per year, many of which are undertaken personally.² In nearly a decade in this position, I have been actively involved in supporting the creation of European mediation capacities through research, mediation practice, and mediation support and was instrumental in the formation of the European Institute of Peace.³ This position also puts me in a support role to several EU member states and regional organizations such as the Organization for Security and Cooperation in Europe (OSCE) and the African Union, which I assisted in the establishment of mediation support structures. Finally, as a senior expert on process design for the United Nations (UN) Standby Team for Mediators, deployed globally, I gained a pertinent perspective of the UN dimension of peace mediation. Overall, I have supported about thirteen peace processes, all with varying dynamics, and have trained and coached close to a thousand diplomats and engaged officials.

My experience leads me to unequivocally advocate the practice of peace mediation as a foreign policy tool when used at the appropriate time and place. As a soft power tool, peace mediation has undoubtedly enlarged and substantiated traditional diplomacy, offering a real and cost-efficient alternative to coercion, be that military intervention or power-based approaches that gave little decision-making power to conflict parties, such as arbitration. In the post-Cold War era, this has

propelled multilateral institutions such as the EU to gradually consider their role in the field of international peace mediation as a promising field of practice. Today, I observe a certain ‘mediation hype’ in the diplomatic community. The quantity of international NGOs interested in this practice has mushroomed, as has the readiness of many state-based actors to configure themselves in the field of mediation. Due to its perceived usefulness and its attractive humanistic nature when compared to military intervention, mediation has been perceived by diplomats as a panacea to the world’s conflicts; however, one could question the manner in which mediation has been idealized as a practice of conflict resolution. Is the performance convincing enough? What and where do we need to grow and evolve as scholars and practitioners?

INTERNATIONAL PEACE MEDIATION AS A PROFESSIONAL PRACTICE IN THE FIELD OF DIPLOMACY

Mediation by state-based institutions as a recognized practice was re-empowered by the UN in 2012 by the Report of the Secretary General on Enhancing Mediation and Its Support Activities (S/2009/189). Mediation is therein defined as a “process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.”⁴ This definition mirrors the notion that a peace agreement, which is supposed to be in writing, has been used as the single most important determinant of success and effectiveness in peace mediation.

The clarity of nonviolent practice that conveys substantial responsibility for conflict resolution to the parties might be one explanation of the growing interest in mediation that has prompted national institutions to make mediation such a distinct aspect of their foreign policy. It could also be in response to the fact that a majority of conflicts that have most recently been before the UN Security Council have in some way involved nonstate transnational actors, which do not lend themselves to reaching agreements through the application of bilateral and even classic multilateral diplomacy. It is widely believed that a noncoercive, multilateral approach that has the potential to protect individual states’ national interests is best suited to tackle this form of conflict. Sometimes the attention today is shifted to numerous conferences and workshops taking place around the globe on a weekly basis,

often discussing similar topics. A flurry of activity is evident within the UN Group of Friends of Mediation, now consisting of forty-seven member states and seven regional organizations. This is indicative of a willingness to engage in a new form of diplomacy. This new form of diplomacy increasingly sets itself apart from “traditional” diplomacy, which is based on competitive or distributive bargaining as its main negotiating practice. Diplomatic negotiations’ essential aim is “. . . to harmonize the interests of different states without an overarching framework that is strong enough to direct them to a common agreement.”⁵

MEDIATION SUPPORT: A DISTINCT PROFESSIONAL PRACTICE?

The creation of the UN Mediation Support Unit in 2006, which, conceptually speaking, set mediation *support* apart from the actual practice of mediation and professionalized each field, could be credited with the eruption of activity that has emerged of late. The increase in mediation support units in countries such as Belgium, Finland, Germany, Norway, Sweden, Switzerland, Turkey, and the United States, as well as in regional organizations, is geared toward the need for foreign policies to adapt themselves to the new transnational nature and complexity of crises, to crisis interventions themselves, and to render the mediated processes in these crises as effective as possible. Perhaps the evolution of mediation practice is indicative of a reinvigorated practice of diplomacy, centered on the maintenance of peace as a national interest, which uses dialogue and mediation as its main tools. This new tendency, and thus way of a specific foreign policy culture, focuses on a new type of diplomacy witnessed in especially in small and more neutral states like Sweden and Finland, with Norway and Switzerland as the champions. Germany, due to its specific weight, history, and position, might gradually change the field of practice even further.

Mediation support thus is a product of a multifaceted process and an interplay of interests that are based on the political interests of the actor, a functionalist problem-solving approach to “get things done,” and a normative logic that is based on the belief that mediation is a professional practice that needs to be supported.⁶ Mediation support is broadly understood as “activities that assist and improve mediation practices, for example, training activities, developing guidance, carrying out research, working on policy issues, offering consultation,

backstopping ongoing mediation processes, networking and engaging with parties.”⁷

For those engaged in the quest of solving conflicts, scholars and practitioners alike, the persistence of intractable conflicts causes frustration and gives rise to a certain degree of cynicism. In actual fact, the existential question of whether and how mediation constitutes a useful practice should be at the forefront of discussions. Even as the only method of relative (physical) nonviolent intervention, it is, from a normative standpoint, worthwhile querying the elements that render it effective or ineffective. Although the literature on international (peace) mediation is blossoming, we might not have sufficiently questioned whether it is in fact an effective method of making the world more peaceful or whether there are still alternative practices that we overlook due to the limitations that we are setting ourselves. In my own practice, I have witnessed a considerable degree of self-serving acceptance of mediation and the creation of echo chambers with little constructive self-criticism and self-inquiry about the utility and effectiveness of the practice itself.

Although statistics exist that respond to the question of the effectiveness of mediation, they can easily cause confusion. Consider three basic sets. In his first seminal article on effectiveness, renowned pioneering scholar Jacob Bercovitch analyzes mediation outcomes from 1945 to 1989.⁸ He notes that 47 percent of mediation interventions failed, 22 percent of the offers were refused, 9 percent did not take place at all, 5 percent achieved a full settlement, and the rest fell somewhere in between.⁹ The prevalence of mediation processes was therefore impressive during the Cold War, but the mediation processes most frequently ended in failure.

The continuing trend from 2015 is that of thirty-five ongoing conflicts, three have been solved with a peace agreement, whereas four are in a consolidated peace process, fourteen in a peace process with interruptions, and fourteen without a process.¹⁰ Of the 117 conflicts from the past thirty-five years that have been analyzed, 40.2 percent ended with a peace agreement, while 47.9 percent remain unresolved. Despite the prevalence of peace mediation, Ferenc Fisas points to a 40 percent failure in peace negotiations. Thus, although mediation and negotiation might be the most prevalent methods for conflict resolution, resolving conflict by these means is far from assured.¹¹

Another data set that focuses on the period from 1995 to 2013 suggests that the proportion of conflict resolution by means of

mediation remains remarkably low, ranging from 33 percent in 1995 to just 7 percent in 2010 and all except one were intrastate conflicts.¹² One explanation suggests this is due to the asymmetrical attention of the international community, which focuses on high-intensity armed conflicts (which are notoriously difficult to mediate), leaving out the substantial amount of mediation of those conflicts that are classified as less intense but have a higher likelihood of resolution due to their degree of escalation. This phenomenon outside our collective habits of focusing leaves “a lacuna in which mediation needs to be filled.”¹³ Hence, the seemingly small number of peace agreements might be viewed as a lack of “success.” As a result, all in the international community—practitioners and scholars alike—are in danger of losing important opportunities to nonengagement or even missing important perspectives of processes due to nonstudy as a consequence of the undue attention paid to the “Agreement.”

Since the beginning of the inquiry, more than a quarter of a century ago, not much has changed in this field since Bercovitch recognized mediation as “one of the most important methods of managing international disputes.” When he equated mediation effectiveness with mediation success, he recognized that an evaluation of success is a “quite a complicated matter” to understand.¹⁴ Since then, however, few have attempted to address this complexity¹⁵ and many have recognized the challenge in having to provide a pluralistic picture (objective, subjective, systemic, third parties or actors’ perspectives, etc.) that would still have analytical value. Another attempt to evaluate the effectiveness of peace mediation and mediation support within the EU context is provided by David Lanz et al. and more recently by Julian Bergmann and Arne Niemann, who include strong empirical evidence from the EU practice.¹⁶

In line with recent attempts to “capture” peace mediation, there is still no conclusive evidence that mediation support has contributed to mediation effectiveness.¹⁷ Interestingly, analyses of mediation support are also quite outcome oriented within the dimension of mediation success. There is a danger, however, of conceptualizing mediation effectiveness and relating it to specific goal attainment if we do not take into account the growing complexity of processes. The effectiveness of both mediation research and practice will depend upon developing approaches with at least complementary perspectives, if not new methodologies.

One other option is to consider “effectiveness” in terms of *expected* outcomes or in consideration of whether the mediation has been able to identify and serve the interests of the parties and stakeholders, which in my own practice I have rarely seen.¹⁸ Another alternative is to apply Ernest B. Haas’s concept of mediation success, in which a mediation is defined as successful when it is credited with making a great difference to or settling a dispute.¹⁹

One needs to be aware of the dichotomy between efficiency of a mediation actor and the efficiency regarding that which the mediator is seeking to resolve; a more comprehensive understanding of the overall efficiency will be reached when both are considered. Rather than focus on the contextual aspects (such as the nature of parties, disputes, mediation dynamics per se as suggested initially by Bercovitch), looking at the issue within and through the prism of a peace process could give rise to crediting an organization with a process that ends violence and allows a transition into a peaceful process. It is helpful that we revert to an original definition of international mediation as “a process of conflict management where disputants seek the assistance of, or accept the offer of help from an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of law.”²⁰ As mediation is situational, it is perhaps not worth querying which should be the independent or dependent variable, as they are all dependent on each other.

BACK TO THE BASICS: MEDIATION AS A PROCESS

A more holistic and less categorical approach to conceptualizing mediation effectiveness accepts mediation as a multidimensional, open process. This broader view considers mediation more than the action around bringing parties to a table and eventually bringing about an agreement in a contained process. It also helps to answer the question that arises from the statistics presented by Isaak Svensson and Monika Onken that show there are fewer mediated processes, in the classical sense, that might result in a peace agreement.²¹ The puzzle can be solved by reconfiguring narrow theoretical conceptualizations of mediation itself.

In practice, a mediated peace process entails exchange of information and trust building, direct dialogue and negotiation, as well as socialization during and after the negotiations. Socialization entails

how mediation actors responsibly manage, with local stakeholders, the realities of a peace agreement. It means that peace will become part of the horizon of all actors and involves informational and communications as well as dialogue work on multiple levels. Most often, peace processes are not linear and are thus difficult to discern. Sometimes mediators go to negotiation cycles, where relapse into conflict is common, posing specific challenges to process planners and scholars alike.

The “classic” international peace mediation case to which many are accustomed as an object of discussion and inquiry might consequently be a thing of the past. I can only think of three more conventional mediation cases in the recent past: Syria, which is not a mediation but rather a multilevel peace negotiation between the government and various opposition groups; Mali, a mediation that suffered from partiality and lack of inclusivity but produced an accord; and Colombia, which in fact involved various rounds of secret talks and produced a peace agreement that did not win a popular vote due to a lack of socialization. Rather, what we see today are processes that contain aspects of mediation practice and measures that can be defined as mediation support. My experience suggests South Sudan, Libya, Yemen, and Myanmar provide examples of this phenomenon.

The challenge in distinguishing between mediation proper and its effectiveness could also stem from the normative professionalization of the field, inherent to the UN Guidance on Peace Mediation. Although sound from an international mediation perspective, the UN Guidance has created challenges. For example, by stressing greater inclusivity, processes are more complex and are very challenging for any one actor (e.g., Yemen) to manage, which might consequently harm the overall peace process itself. Second, a push for greater local or regional “solutions” to conflicts has created a plethora of locally or regionally managed processes (e.g., Libya and Yemen). Such cases come with an embedded dilemma: while there is a proclaimed desire for regionally owned processes, there is unfortunately also a lack of local capacity to create these locally owned processes. Added to this is the competition of international actors for mediation assignments a certain prevalence for nepotistic behavior in mediation. This has created an additional layer and dynamic of international support for locally owned processes, complicating the contextual setting, and often the international mediation community becomes part of the problem. This has led to international support being conditional upon full

accountability and sometimes certain allegiance to supporting actors. These factors do obviously not render processes more effective, as seen from a professional angle.

Third, at least until recently the interregional dynamics of terrorist groups and existence of human rights norms have prevented many diplomatic actors from holding any formal negotiations (e.g., Iraq and Afghanistan) and if they do, they are highly confidential, possibly escaping any statistical inquiry. Fourth, the plethora of mediation organizations involved (or seeking to be involved) in processes can result in role sharing, sometimes even creating parallel processes (e.g., Mali). Once again, this makes it difficult to discern one single mediation process, as there is instead a more multilayered, multitrack process, in which (and perhaps as a result) actual deals will be made between the actors themselves. Fifth, the parties involved in the conflict officially refuse to accept any international mediation (but may still negotiate behind the scenes). Lastly, there are several conflicts that do not have the “sufficient degree” of violence to justify international mediation. Third parties are therefore choosing not to intervene, although it is common for local ambassadors, heads of delegations, or others to respond with differing degrees of success.

This should not mean that the overall practices of mediation, diplomacy, and mediation support are diminishing, and it should not necessarily call their utility into doubt. Rather, I believe that mediation practice manifests itself differently, which is something that the scholarship needs to consider more proactively if it is to assist the practitioner in process design. The discussion should show that mediation is a flow of activities, that it involves different levels of engagement, and that it is multifaceted. Its only outstanding characteristic is its use of normative professional practices that serve as anchors, but not as blocks in terms of mediation. These are impartiality, balance, some form of structure, humanistic dialogue, and interest-based negotiations at all levels.

Current international peace mediations are, to me, peace processes in which third actors’ supports are somehow intertwined and supportive of some elements of a process, which is nothing new, but with applied mediation logic giving rise to the practice of mediative diplomacy. As such, mediative diplomacy displays characteristics of mediation such as impartiality, trust building, providing for some sort of a structured process to assist and support parties to come to acceptable behavior if not agreement, while not necessarily engaging in a formal

peace mediation process. Other examinations would otherwise become a futile exercise in examining the effectiveness of peace negotiations comparatively in the future, as the exercise would prove too complex, or the material for research, namely peace agreements, is not sufficient for the excellent scholars working in this field.

WHAT CONSTITUTES EFFECTIVENESS IN A MEDIATION PROCESS?

What I have been missing in my own practice is the means to assess a mediation organization and its engagement in a *process* as an object of inquiry. If this could be concretized and analyzed, we could come up with more definitive results. Therefore, in taking a distinct actor-centered perspective in considering mediation effectiveness, and as such, is as mutually codetermining among context, process, and outcome. This can be contrasted with the initial Bercovitch model of 1991 where the process is a result of mediation strategies (Figure 1).

Thus, one could open the black box of process effectiveness and consider eight virtues of effectiveness for peace mediation. As these virtues are controlled by the actor itself, their manipulation might offer the possibility of enhancing effectiveness. Moreover, they allow for a comparative assessment of these aspects with other mediation organizations. For the purpose of this article, I isolate them as follows (Figure 2).

To illustrate my hypothesis for assessing effectiveness, in the following, I discuss each of the categories as virtues with the provision of

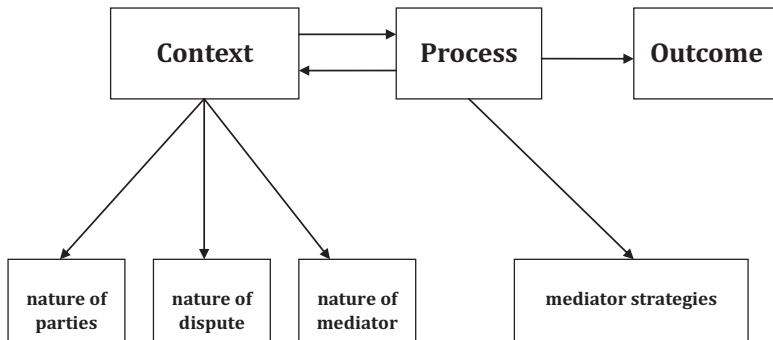


Figure 1. Bercovitch's contingency model of mediation (1991).

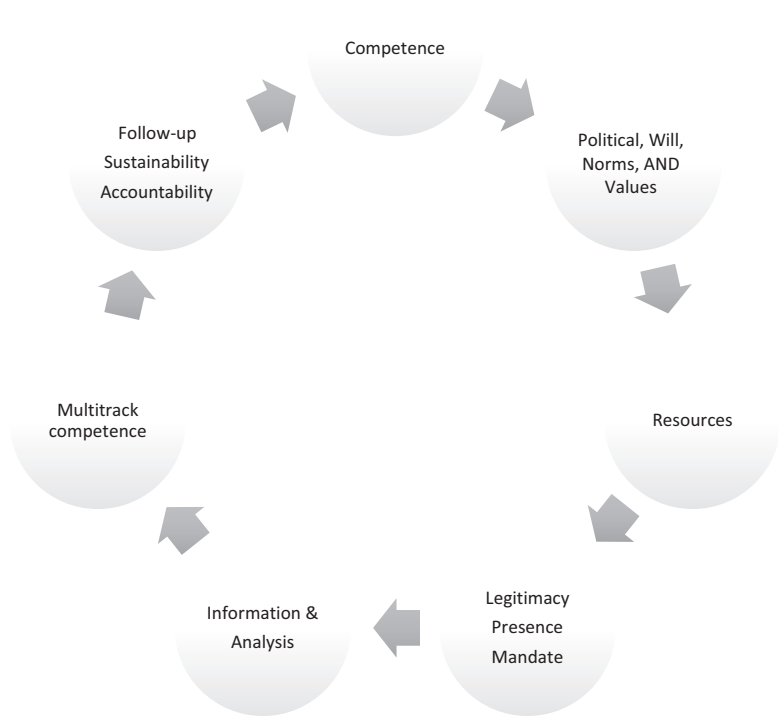


Figure 2. Virtues of meditation efficiency.

some concrete examples of the EU case. Although they are discussed separately, they need to also be seen as interconnected and mutually reinforcing. Each of these “virtues” is discussed in terms of the overall theme, providing some concrete examples for illustrative purposes.

THE EU AS AN ACTOR IN PEACE MEDIATION: BACKGROUND

At this point, it is worth providing some background regarding the EU to establish a foundation for comparative analysis and evaluation. The gradual “self-actualization” of the EU as a peace mediation actor (albeit rooted in its treaty and its general provision), began in 2005, with a few mediations/negotiations that involved the former

High Representative of the European Union, Javier Solana, that made strong use of power and other processes in the Balkans, such as Ohrid, conducted in close cooperation with the U.S. government.²²

The genesis of the EU as a mediation actor is documented quite well.²³ It is notable that although the EU in itself is a product of a peacemaking effort, until 2009, it lacked a coherent vision of peace mediation when the institutions and the member states became conscious of it as a political tool within its overall policy apparatus. This development was particularly aided by outside NGOs like CMI that, following the successful involvement of the EU in the Aceh Peace Process, advocated for a proactive role in EU mediation. Sweden as holder of the then-presidency of the EU council began to provide distinct policy proposals regarding how the EU could augment its capacity as a soft power actor (see Initiative for Peacebuilding). In line with the quest of the Lisbon Treaty for greater coherence and political clout on the international stage, the EU eventually adopted a new concept of mediation that rapidly became the basis for the EU's involvement in international peace mediation.²⁴ The European Parliament provided the newly created Mediation Support Unit with an administrative budget, which allowed for a small but highly motivated staff that has progressively inserted the relevance of mediation and mediation support into its overall policy practice.

With the advent of the EU's Global Strategy of 2016, the EU's foreign policy doctrine, mediation became the second most important priority of the European External Action Service (EEAS) for the year to come. This is perhaps owing to the EU having found its foreign policy niche, filling the gap between the lack of a strong military capacity and economic power. Mediation diplomacy is thus the most powerful soft power tool that a civilian power can use.

The Seven Virtues of Mediation Effectiveness

Deriving from Haas's initial view and going beyond specific goal attainment that looks to achieve full conflict settlement as has been attempted elsewhere, here mediation effectiveness is viewed from a process dimension of a third actor and asks whether the actor (EU) has used its process assets (or virtues) aimed at resolving (violent) conflict sustainably.²⁵ These are in order of descending but codetermining importance: (1) mediation competence; (2) political will, norms, and values; (3) resources to induce mediation leverage; (4) legitimacy,

presence, and mandate; (5) information and analysis; (6) ability to engage in a multitrack approach; and (7) follow-up, sustainability, and accountability.²⁶

Mediation competence

Expert power might be underrated but it is indispensable in the long term, as it boasts superior knowledge and experience and is therefore the most important source of effectiveness. This is because a positive perception is important for earning the trust of the parties involved. This might explain the effort of the international community to professionalize mediation as a distinct field of practice, separate from what is traditionally seen as “diplomacy.”²⁷ The professionalization of mediation derived from a wave of alternative dispute resolution (movements and through its popularity, authors, and mediation actors) introduced the Harvard approach to the field of diplomacy. As mentioned above, the professionalization of international peace mediation is relatively recent, beginning probably at the same time as the UN Mediation Support Unit in 2006, propelled by several outside NGOs that joined forces to emphasize the importance of principled professional practice that allows negotiation to occur beyond positional bargaining.

Mediation competence was initially geared toward how a mediator would act within a given negotiation process, based on preparation, execution, and sustaining the result of a process. As a minimum professional denomination, competence entails the ability to conduct conflict analysis that discerns positions, interests, needs, and power relationships; design a multitrack mediation process; employ and observe the main principles of mediation enshrined by the UN; represent a sufficient degree of impartiality and detachment as to the outcomes of the process; use communication skills for negotiations (listening, reframing, nonviolent communication, willingness to work beyond positions); and demonstrate both understanding of the subject area in question and the practice of conflict resolution, which are the two strands of expert power of a mediator.²⁸ This is not a given for many state or non-state-based actors, which is one of the reasons for the high number of specialized peace mediation trainings.

The EU has trained its officials in the field of mediation since 2008, initially in small numbers (approximately twenty to sixty diplomats per year). These trainings are of short duration, usually only

three days. The EU also provides training to EU officials engaged in all types of peace processes through specialized, very client focused mediation training and coaching. These mediation training sessions are being executed both in-house and through outside experts, amounting to about thirty sessions per year. These trainings have developed informal networks within the institutions and some participants have consequently proactively searched for “mediation opportunities,” whereas the increase of specialized competence in mediation and mediation support would require a sophisticated system of mentoring and specialized training for diplomats. The ceiling of mediation competence is hanging quite low and will require a substantial investment either in cultivating external expert networks or in dedicated in-house capacity-building exercises.

The EU possesses some in-house mediation competence through a specialized Mediation Support Team (see below) that hosts a handful of mid-level personnel representing a mix of experts and career diplomats. The recurrent challenge not unique to the EU is to employ specialist professionals with long-term experience and expertise rather than career diplomats. Since the creation of the EEAS, much of the work of the Mediation Support Team is concerned with conflict analysis and coaching but is increasingly moving into expert support to EU Special Representatives, as, for example, was the case with the EU Envoy to Colombia or the EU Special Representative to Mali. To illustrate in terms of the conflict analysis in the year 2016, at least sixteen inclusive large conflict analyses have been carried out in local EU delegations in conflict theaters such as facilitated by both EU and expert consultants including a number of stakeholders. The result of these are greater local networks and the creation of a joint understanding of the conflict at hand, thus allowing for more efficient building of a mediation/dialogue engagement strategy and programming of resources. In this context, the recognition of mediation competence of the EU by actors, be it the international community or local actors, is of crucial importance.

Authenticity of practice: Political will, norms, and values

To protect its practice, the effectiveness of mediation depends on the normative framework, values, and political will involved. A key distinguishing feature of the authenticity of the practice of peace mediation is how its practice permeates its foreign policy culture. The

emergence of mediative diplomacy as alluded to above means that the core tenets of mediation such as confidentiality, impartiality, assisting parties to find sustainable solutions, taking pains to understand the interests and needs of the parties, and working to end the conflict-induced suffering will have to become part and parcel of every engagement. This runs contrary to the (mis)use of mediation as a tool for economic or political ends. It is not uncommon to observe the presence or emergence of mediation actors, whose countries have substantial military means and commercial interests (i.e., Sweden, Germany, Belgium), which could be evaluated as problematic if not hypocritical. Far from being a European issue, it is a global blight that has affected mediation's credibility internationally and it is most likely to blame for the failures of several peace processes. As the largest trade bloc in the world and as a union that includes several states with colonial legacies, the EU must prioritize the protection of its integrity as a mediator. Foreign policy approaches that are based on mediation concepts or doctrines, as here, should then enact a mediative diplomacy. As the EU bases its engagement on its own doctrine through its own mediation concept, with its own definition and framework, it should be accountable on the basis of these principles.

In 2009, following an extensive needs analysis of EU respondents, I pointed out that it was widely recognized by its own policy makers that the EU has distinct commercial and geopolitical interests that might convince it to favor one party over another in a particular conflict situation, thus preventing from acting in a truly impartial manner. Mediation might therefore be seen as a tool that the EU can exploit to maximize its own interests, rather than as a tool for the EU to fulfill its philanthropic interest in conflict resolution.²⁹ Furthermore, as a human rights actor, the EU's role appears limited, as is the role of all actors who have signed the Rome Statute as it concerns negotiating with terrorist or listed groups. This has implications for how the EU works with nonstate actors. At the same time, this provides an interesting opportunity to work with NGOs and Track II actors in a multi-track fashion. For example, an EU Special Representative might not have the opportunity to enter into dialogue with a particular rebel group but could engage with an NGO that does. As I have observed, this frequently occurs.

The EU also enacts its values through its continued advocacy. For example, through its ambassador in the EU delegation in Yemen, the EU strategically reached out to those parties excluded from the

National Dialogue Conference. Meanwhile, different discussions with critical parties, such as the secessionist movement from the south of the country, were being held. On a political level, the EU-27 asked for a fully inclusive, gender-balanced, and transparent process.

Unless there is political will that comes from the top of the political hierarchy, the practice and values of mediation are easily undermined by other interests. To reflect an attitude within an organization that is politically oriented around the interests of the member states is a transformative process. The EU's High Representative (equivalent to a Foreign Minister), Frederica Mogherini, and her Secretary General (equivalent to a state secretary), Helga Schmid, have made mediation one of the EEAS's, the EU's foreign policy institution, top priorities; that might have both positive as well as challenging outcomes, as many if not most interventions could be being viewed through a conflict-sensitive lens. Whereas mediation within the mainstream in foreign policy is desirable in terms of effectiveness, as seen, for example, in Switzerland and Norway, there is also a danger of overmainstreaming mediation. In such a scenario, all diplomatic engagements are seen through a mediation lens or construct a mediation rationale; doing so renders the entire practice meaningless.

Resources to leverage mediation

Two important sources of mediation power are coercive power (the ability to cause damage to the other party) and reward power (the ability to bring about benefits to the other party). At a recent advisory meeting that I conducted, a senior diplomat made a crucial point: "If you don't put your money where your mouth is, we can't even start." It has not been proven, yet I have often felt that having the resources in international peace mediation creates the possibility of creating concrete opportunity, which serves as an effective tool to achieve recognition from conflict actors. Mediation resources are financial, human, and intellectual.

The EU uses sanctions and blacklisting as a coercive power. I have been consulted on several occasions about the possibility of "negotiating" removal from these blacklists that prevent travel into the EU. Few institutions have such a wide array of mediation resources than the EU, even possibly the UN, which requests the support of the EU from time to time.

In terms of finances, the foreign policy arm of the EU has several financial mechanisms at its fingertips when operating in the field of mediation. Four sources are of interest here. First, the conflict prevention and mediation support budget of about €450,000, which helps the unit responsible for mediation to travel without much bureaucratic delay to be present at important peace mediations. A framework contract is responsible for deploying external experts to support the EU for around seven hundred days in four years. An additional contract of about €5.6 million aims to support local peace processes through mediation and facilitation. The Instrument contributing to Stability and Peace of the European Commission is the largest funder of peace and mediation projects, currently running around sixty-seven dialogue projects amounting to about €136 million annually. In terms of mediation, the Instrument contracts around thirty projects per year on several levels. For example, at Track I, it supports the UN Standby team for Mediation; at Track II, it helps create space between intra-Palestine and between Israel and Palestine; and at Track III, it supports capacity building for local communities to foster the peaceful resolution of local social conflicts in Colombia.

The EU also provides large amounts of funding in development assistance to allow for postconflict development projects. If there is strong member state cooperation, then additional funding is provided.

Not unlike national foreign ministries, or the UN, the EU works with special appointees on special conflicts, called Special Representatives, which are supported by their own teams. They often have a regional role; their mandate is very often loosely formulated to allow for maximum flexibility. Most Special Representatives, sensitized to the professional practice of mediation, engage in mediative diplomacy with the support of the EEAS.

Institutionally, the resources that the EU has are a unit that specializes on the process of the conflict cycle, named PRISM (Prevention of Conflict, Rule of Law/SSR Integrated Approach, Stabilization and Mediation). A diverse but unique combination of assets and a specialized mediation support team of five officials support the entirety of the EEAS and its delegations abroad. Although this might seem to be a small team, it is comparable to other multilateral organizations. Moreover, the unit relies on two external framework contracts, executed by external organizations that are deployed globally:

1. For in-house expertise, eighty-nine experts from a consortium of peace mediation organizations are deployed worldwide to

support EU staff in providing conflict analysis, process support, thematic expertise, coaching, and training.³⁰

2. For support to outside actors, the EEAS can also rely on its project labeled ERMES (European Resources for Mediation Support), which deploys experts and facilitators around the world to support processes, parties, and actors in need.³¹

The fact that the EU is the most important donor worldwide, however, also has its drawbacks. Until recently, still suffering from the legacy of having had neither mediation competence nor expert resources for a long period, EU funding was most often requested to the exclusion of its other capacities. It is taking a slow and substantial effort to fill this perception gap: this is done by creating additional mediation competences and by exerting the EU's political will to enact its role as a mediator.

Through the commissioning of very specific knowledge products, the EEAS Mediation Support team provides mediation teams with essential background information on critical questions. Numerous lessons learned and targeted knowledge products exist within the system; however, these are not yet done in a truly systematic manner. Initially, this was a role foreseen to be executed by the European Institute of Peace, yet so far, systematic knowledge management on EU mediation practice remains a gap to be filled, which is true also for other multilateral (OSCE) or international organizations (UN).

Legitimacy, mandate, and presence

Legitimacy as a mediation actor means that the mediating actor has the right to request that the parties to do something and that those parties feel a degree of obligation to do as requested.³² There is no other international organization with the same formal level of legitimacy and support, mandated and resourced by the large majority of the international community than the UN.³³ No other organization has the same degree of legitimacy as the UN in global peacemaking. This does not prevent any regional or multilateral organization from having its own mandate or legitimacy to act as a mediator. The EU legitimacy is anchored at two levels. First, legally on the basis of the Treaty of the European Union, to “promote peace, its values and the well-being of its peoples” (TEU Article 3(1) as amended by the Lisbon Treaty) and to “preserve peace, prevent conflicts and strengthen

international security” (TEU Article 21(2)). Second, it has its own mediation doctrine and mandate: the EU’s 2009 Concept on Strengthening EU Mediation and Dialogue. This concept has laid the foundation for creating an institutional framework by setting up a dedicated mediation support structure within the EEAS that is the focal point for mediation activities, also discussed in Mediation Competence.

As all students of international relations know, mediation is in principle not a self-mandated practice. As the EU’s mediation concept stipulates, it requires “a formal mandate from the parties to a conflict” and it refers to the fact it sees facilitation less exclusively, while stressing the importance of dialogue 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 . . . to prevent conflict and be a means in reconciliation and peacebuilding processes.” As such, the Concept’s architects had, from the beginning, built a mandate for engaging itself not (only) as a mediation actor but in its role in a mediated peace process, advocating its own mediative diplomacy rather than classifying itself as a mediation actor only. This has provided it with ample sufficient space to explore its mediation role. It is also notable that all EU Special Representatives except two (Georgia and Mali) have been equipped with a facilitative, rather than mediation, mandate, which provides an ample mandate also for mediative diplomacy.

Without a doubt, mediation effectiveness is enhanced by the mediating actor’s physical presence in the conflict theater. Even with modern communication technology at hand, presence remains the most important function of diplomacy.³⁴ With regard to diplomatic representation, the EU has a substantial presence worldwide: 140 delegations, 8 multilateral delegations, 8 EU Special Representatives, and 16 ongoing field missions. Since the Lisbon Treaty, which provided the EU with a coherent foreign policy identity and brought the delegations into being, the EU wields substantial coordination power among its member states in any local situation on the ground. Member states hold regular Heads of Mission meetings in which local engagement and practice are discussed; member states also share information at these meetings. With a maximum of twenty-seven (twenty-six without the United Kingdom) member states discussing issues regarding a peace process, the EU is able to prepare for appropriate programming to support projects and processes. This has proven to create a dense network of colleagues with a good understanding of issues working

with one another and, even if not always working along the same policy lines, not openly opposing them. This gives the EU Head of Delegation, with the assets for leveraging political power, achieving a common position among member states already on the ground at a speed that might be decisive in conflict settings.

That said, no EU member state has the same degree of presence as the EEAS, which makes the EU as a partner in peace difficult to circumvent. At the EU's Political and Security Committee, a biweekly high-level ambassadorial meeting, mediation and peace processes are regularly discussed. But mediation is neither a priority nor a strong competence of many member states' foreign policies. The EU's 2009 concept has yet to draw the interest of all member states, which has created a certain asymmetry between member states and the EU. This asymmetry is reconciled somewhat by the fact that the EU can use its mediation capacities in areas that are of geopolitical interest to its member states, such as in the EU's so-called neighborhood.

A recent innovation is the coordination of meetings with all member states to create a joint understanding of the EEAS' approach to mediation. This could be an effort to further the political mainstreaming of mediation and create an EU foreign policy culture that will absorb mediation into its diplomatic practice.

Ability to engage in multitrack processes

As previously noted, there has been a burgeoning of activities related to mediation and mediation support giving rise to what we could call "private" mediative diplomacy by NGOs, referring to diplomacy enacted by nonstate actors, mainly NGOs or former statespeople. In addition, due to the increased understanding of the importance and perceived effectiveness of multitrack diplomacy, there is also a growing demand for multistakeholder mediation teams. The EU concept for mediation has been a forerunner in anchoring the importance of multitrack approaches as a normative element of mediation and mediation support.

As local ownership and inclusivity have been made imperative, peace support structures have become more sophisticated. They combine hybrid structures often involving local, national, and international nonstate and state actors.³⁵ The EU mediation and dialogue support structure is complex, diverse, and unique in its institutional setup. It can work laterally through its institutions and member states, through

its partnerships with regional and international organizations and, due to its provision of funding, multiple NGOs. The integrated approach espoused by its 2016 Global Strategy has made the EU more proactive in seeking out partnerships with NGOs.³⁶ It does so in an effort to implement different conflict resolution strategies in specific conflict theaters. Do these strategic partnerships provide the concept of multi-track diplomacy with new meaning?

Although the ability to create such partnerships highlights one of the EU's strengths, it can become a challenge for the EU to present a coherent image and a clear message through those partnerships, especially if practices and voices are not well coordinated. The EU's multi-level multitrack identity means that it is sometimes seen as an "animal with many heads." For example, in Georgia, the EU had two special representatives (one regional and one conflict specific), a Head of Delegation involved in mediation and negotiations with the local government, conflict resolution advisors, and several funded NGOs working on conflict resolution.

Information and analysis

In mediation, information power refers to the possession and access to information that is valuable for the parties and crucial for the success of the mediation. An information network that can assist all parties—be it composed of mediation teams, parties, or stakeholders—and that can influence party behavior is of key importance to actors in mediation processes. Informational power can help create a narrative that can influence the international community or other third actors significantly.

The EU has a joint intelligence system based on the combined experience and intelligence of its member states. As the EEAS has engaged in its own early warning activities and organizes regular conflict analysis workshops with and without local stakeholders in certain conflict theaters, combined with its presence and multirange network, it is possibly one of the largest diplomatic information networks worldwide. The EU is therefore an important source of information for both the main international actors and the conflict parties. Even bringing (one) party through Caucus meetings for information sharing provides it with certain privileges of information (opposition, separatist group) also through its dedicated civil society projects. Diplomats and mediators sometimes make use of these meetings to control

the content and timing of the information release to manipulate the process.³⁷ An example is the EU's consultation and outreach with the Syrian opposition in April 2017, which was a sign of support for transition, but also defined its programming and engagement for the future Syria that was then consequently announced at its donor conference.

Follow-up, sustainability, and accountability

Peace agreements do not guarantee peace, but they could be the first step to it; expecting peace agreements to contain solutions for all relevant issues would be wrong. Implementing agreements whether they are based on a formally signed peace agreement or they come out of a long-term engagement supporting peaceful conflict transformation requires distinct skills and knowledge, as well a third party that would be unwilling to exploit the potential political success of an intervention. Peace mediation requires long-term planning, beginning during the negotiations, if stabilization and peacebuilding are to be achieved. The fact that 50 percent of peace agreements are said to fail within the first five years is a testament to the lack of implementation infrastructure. Designing implementation infrastructures could be part and parcel of a negotiated peace process, both as an incentive and as a tool to ensure that the mediator and the conflict parties are held to account.

Usually, following a crisis, the method is to apply a stabilization rationale to build confidence that entails first restoring the basic functioning of a country so that a peacebuilding and development process can take place. As I have seen myself that, following a settlement and before a peacebuilding engagement, the five most important elements for the EEAS are dialogue, rehabilitation, rule of law, continued dialogue, and mediation.³⁸ Like the UN, the EU has several tools for follow-up. These are civilian or armed missions, such as the Aceh Monitoring Mission (AMM), in which the peace agreement and disarmament process were monitored, and the EU Monitoring Mission in Georgia (EUMM), for which the implementation process was devised in a five-point plan. Although these missions are driven by the member states, they constitute an important confidence-building measure. Unlike the UN, the EU has the financial capacity to program long-term development planning that permits economic recovery and reconciliation. Another example is the EU's role as a lead contributor to the Colombian Trust Fund that was created in 2015 between the EU and

its member states, amounting to €95 million to support the implementation of the peace agreement in the early recovery and postconflict stabilization.³⁹ Finally, in its support of a Myanmar Peace Centre and peacebuilding initiatives, the EU has provided approximately €110 million to enhance the likelihood of the emergence of peace.

CONCLUSION

Although it is beyond the scope of this article to provide a comprehensive scholarly assessment of mediation effectiveness overall, it does integrate current scholarship with specific insights from the field of peace mediation from a European practitioner. In having taken the opportunity to reflect upon the use and practice of peace mediation and the concept of effectiveness, and by shedding light on key virtues of effectiveness through an actor lens, using the EU as a key example, three conclusions can be drawn. First one needs to apply caution in the categorization of mediation and in analyzing peace agreements as a success indicator of mediation. Rather, practitioners and scholars need to show openness and curiosity in exploring a broad set of variables and entry points for supporting and leveraging mediation. While mediation is a specialized professional practice, it is important to also consider it within the field of diplomacy that applies the main tenets of mediation (interest-based approach, impartiality, communicative approach) as units for assessment. This is what I would call mediative diplomacy. How this will influence the overall practice of foreign policy is a new opening for research and analysis with implications for practice.

Second, a solely outcome-oriented approach to mediation analysis and practice is not useful to the practitioner or researcher. The focus should be instead on the overall process. Mediation is situational. Over focusing on a successful outcome risks research and practice that attends to a rough array of surface elements that will not guarantee sustainability, to the exclusion of those that can.

Third, and finally, It is worth considering factors of mediation effectiveness—here referred to as the virtues—from an actor-centric approach as a preferred option for studying the involvement of an organization in mediation. Such an approach, seen through the prism of certain competencies that can be labeled mediation *virtues*, consider the aspects of political will, norms, and values, resources, legitimacy, information and analysis, and the ability to follow up with

accountability. These categories enable assessments of the completeness of mediation beyond the effectiveness of the act “at the [mediation] table.” Furthermore, such an approach can both challenge and complement the study of “ripeness” as the consistency of these virtues holds the potential to induce transformative processes before, during, and after negotiations. In any case, the use of such a model could deserve a comparative analysis and has the potential to be useful for architects of mediation support units. Finally, this could help in the design of causal models that query of what kind of peace mediation is effective enough to make peace sustainable.

NOTES

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6. David Lanz, Jamie Pring, Corinne von Burg, and Mathias Zeller, “Understanding Mediation Support Structures,” *Swisspeace*, 2017.

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24. Council of the European Union, "Concept on Strengthening EU Mediation and Dialogue Capacities," 2009, http://www.eeas.europa.eu/archives/docs/cfsp/conflict_prevention/docs/concept_strengthening_eu_med_en.pdf, accessed January 26, 2018.

25. Bergmann and Niemann, "Mediating International Conflicts."

26. This analysis is inspired by Omer Shapira, "Exploring the Concept of Power in Mediation: Mediators' Sources of Power and Influence Tactics," *Ohio State Journal on Dispute Resolution* 24, no. 3 (2009): 535–569. Her concepts of the following are relevant here: (1) Coercive Power, (2) Reward Power, (3) Expert Power, (4) Legitimate Power, (5) Information Power, (6) Power of the Third Party.

27. Diplomacy is defined as being "concerned with the management of relations between states and other actors," thus technically not excluding international peace mediation from it. See also Ronald Peter Barston, *Modern Diplomacy* (London, U.K.: Longman, 2015), 6.

28. Ibid.

29. Herrberg, "International Peace Mediation."

30. See "Deploying Mediation Expertise Around the Globe."

31. See European Commission, "Negotiating the Future European Resources for Mediation Support," http://ec.europa.eu/dgs/fpi/images/content/showcases/eu_showcase_ermes_final.pdf, accessed January 22, 2018.

32. Shapira, "Exploring the Concept of Power in Mediation," 15.

33. Martin Griffiths, "Talking Peace at the Time of Terror: United Nations Mediation and Collective Security" (Geneva, Switzerland: Henri Dunant Centre for Humanitarian Dialogue, 2005).

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35. Véronique Dodouet and Matteo Dressler, "From Power Mediation to Dialogue Facilitation: Assessing the European Union's Approach to Multi-Track Diplomacy," *Berghof Foundation/WOSCAP*, 2016, 7.

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