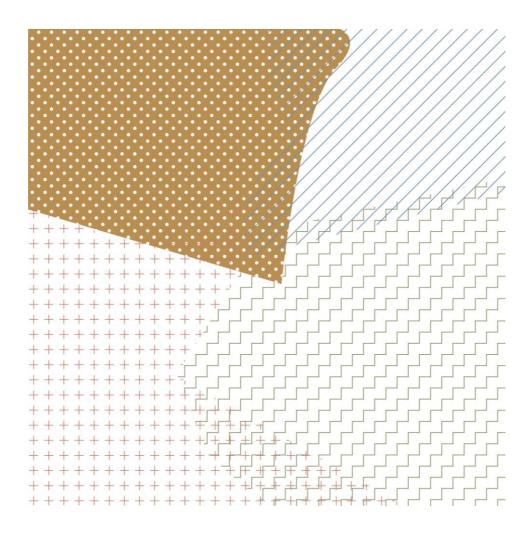
# W O S C A P

#### ENHANCING EU PEACEBUILDING CAPABILITIES



# Main Findings from Country and Desk Studies

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#### Colophon

#### MAIN FINDINGS FROM COUNTRY AND DESK STUDIES

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#### Whole of Society Conflict Prevention and Peacebuilding

This report was produced as part of the project "Whole-of-Society Conflict Prevention and Peacebuilding" (WOSCAP). It presents the main findings from the studies that were conducted in Work Package 3 (WP3) of the WOSCAP project which consists of four country studies in Georgia, Mali, Ukraine, and Yemen, conducted by teams in these countries, complemented by desk studies of EU policies in Kosovo, Afghanistan, Sri Lanka, Guatemala and Honduras, beyond the field research, conducted by Utrecht University. In-depth studies of selected policies provide us with detailed insights in the EU policy process and in the ways the EU capabilities are forged and used in selected policy areas. This synoptic report includes observing initial conclusions and points of comparison, presented to the community of practice for analysis. More information at <a href="https://www.woscap.eu">www.woscap.eu</a>.



ENHANCING EU PEACEBUILDING CAPABILITIES



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# Abbreviations

| AA        | Association Agreement  |
|-----------|--|
| ABL       | Administrative Boundary Lines  |
| ANSF      | Afghan National Security Forces  |
| CFA       | Cease Fire Agreement   |
| CICIG     | Comisión Internacional contra la Impunidad en Guatemala                  |
| CMC       | Crisis Management Concept  |
| COBERM    | Confidence Building Early Response Mechanism                             |
| CSDP      | Common Security and Defence Policy                                       |
| CSO       | Civil Society Organisation   |
| DCFTA     | Deep and Comprehensive Free Trade Agreement                              |
| EaP       | Eastern Partnership  |
| ECOWAS    | Economic Community of West African States                                |
| EEAS      | European External Action Service   |
| EEC       | European Economic Community  |
| ENP       | European Neighbourhood Policy  |
| ENI       | European Neighbourhood Instrument  |
| EU        | European Union   |
| EUAM      | European Union Assistance Mission  |
| EUBAM     | European Union Border Assistance Mission                                 |
| EUCAP     | European Union Capacity Building Mission                                 |
| EULEX     | European Rule of Law Mission in Kosovo                                   |
| EUMM      | European Union Monitoring Mission  |
| EUPOL-A   | European Union Police Mission in Afghanistan                             |
| EUSR      | EU Special Representative  |
| EUTM-Mali | EU Training Mission Mali   |
| GID       | Geneva International Discussions   |
| GOV       | Governance Reform  |
| GoSL      | Government of Sri Lanka  |
| GSP+      | Generalized System of Preferences  |
| ICT       | Information and Communication Technology                                 |
| IDP       | Internally Displaced Person  |
| IcSP      | Instrument contributing to Stability and Peace                           |
| ILO       | International Labour Organisation  |
| IPA       | Instrument for Pre-accession Assistance                                  |
| IPRM      | Incident Prevention and Response Mechanism                               |
| KFOR      | Kosovo Force   |
| LTTE      | Liberation Tigers of Tamil Eelam   |
| MINUSMA   | United Nations Multidimensional Integrated Stabilization Mission in Mali |
| MTD       | Multi-Track Diplomacy  |
| MTF       | Methodological and Theoretical Framework                                 |
| NATO      | North Atlantic Treaty Organization                                       |
| NGO       | Non-Governmental Organisation  |
| OSCE      | Organization for Security and Co-operation in Europe                     |
|           |  |

| PAOSC II           | Deuxième programme d'appui aux organisations de la société civile          |  |  |
|--------------------|--|--|--|
| PARADDER           | Programme d'appui à la réforme administrative, à la décentralisation et au |  |  |
|                    | développement économique régional  |  |  |
| PASS               | Programa de Apoyo al Sector Seguridad                                      |  |  |
| SAA                | Stabilisation and Association Agreement                                    |  |  |
| SSR                | Security Sector Reform   |  |  |
| UN                 | United Nations   |  |  |
| UNDP               | United Nations Development Programme                                       |  |  |
| UNMIK              | United Nations Interim Administration Mission in Kosovo                    |  |  |
| UNOMIG             | United Nations Observer Mission to Georgia                                 |  |  |
| UNSCR              | United Nations Security Council Resolution                                 |  |  |
| US                 | United States  |  |  |
| VLAP               | Visa Liberalization Action Plan  |  |  |
| WOSCAP             | Whole of Society Conflict Prevention and Peacebuilding                     |  |  |
| WP3 Work Package 3 |  |  |  |

## 1. Introduction

This synoptic report presents the main findings from the studies that were conducted in Work Package 3 (WP3) of the Whole of Society Conflict Prevention and Peacebuilding project. WOSCAP aims to improve understandings of how EU civilian capabilities can facilitate peacebuilding and conflict prevention interventions and policies that are inclusive and sustainable, and to provide scope for innovation. The project follows a four-pronged operational logic: to review the EU's past and ongoing conflict prevention and peacebuilding interventions; to reflect on the analysis of the findings; to recommend possible policy changes; and to innovate, including pointing out future avenues of research.<sup>1</sup>

The objective of WP3 is to review EU capabilities through assessing EU interventions in national contexts. As discussed in the Methodological and Theoretical Framework (MTF) (Martin et al, 2016), the focus is on three EU types of action: Multi-Track Diplomacy (MTD), Security Sector Reform (SSR) and Governance Reforms (GOV), while in each cluster a number of themes will be analysed: multi-stakeholder coherence, local ownership, gender and information and communication technologies. The research in WP3 consists of four country studies in Georgia, Mali, Ukraine, and Yemen, conducted by teams in these countries, complemented by desk studies of EU policies in other relevant contexts beyond the field research, conducted by Utrecht University.

As discussed in the MTF the question guiding the research in WP3 is how has the EU developed its capabilities in the three policy domains and in relation to the four themes in the selected countries, and what are the main characteristics of the social and political processes in which these capabilities have evolved over the past one or two decades.<sup>2</sup> While the research is informed by the existing literature on EU capabilities, as well as scoping studies on the three policy clusters and four cross-cutting themes, it is primarily exploratory and empirical in that it looks for relevant factors (both contextual and internal to the EU), as well as processes and patterns of interaction, that provide information about the ways in which the EU deploys, develops, and adapts its capabilities in multiple policy domains and in interaction with other stakeholders.

The four country studies take an in-depth look at selected EU policies in each of these countries. The in-depth studies of selected policies provide us with detailed insights in the EU policy process and in the ways the EU capabilities are forged and used in selected policy areas. In addition to these four in-depth studies, Utrecht University conducted desk studies of selected EU policies in other contexts than the four in-depth case study countries. The desk study component consists of four separate reports. Afghanistan and Kosovo were selected because the EU has come to play an important (though quite different) role in both countries. These two reports are therefore longer than the ones on Guatemala/Honduras and Sri Lanka, where the role of the EU is less salient.

The guiding questions and structure of the eight studies are quite similar and based on the MTF.<sup>3</sup> All studies provide information about the 'general picture' of the EU presence and

<sup>1</sup> See the website of the programme: www.woscap.eu

<sup>2</sup> See M. Martin et al 2016, chapter 6.

<sup>3</sup> Ibid.

intervention in each context, while taking a more in-depth look at selected policies in each of these countries. These in-depth studies of selected policies (cases within a case) in context provide us with detailed insights in the EU policy process and in the ways the EU capabilities are forged and used in selected policy areas. The eight reports underlying this synoptic report all include chapters on (a) an analysis of the national context and international involvement, (b) an analysis of the EU presence in the national contexts, which takes into account its politics and policies during different phases of the conflict, and its relations with other national and international stakeholders, and (c) an analysis of selected EU interventions, with a focus on the EU's capabilities to act, to coordinate and to cooperate. Within this general framework, the researchers of the studies made further choices regarding the focus on particular time periods, the relevant clusters, and the combination of methods. All researchers made use of literature review (policy documents, evaluations, academic articles, policy reports, etc.), while the country teams also conducted semi-structured interviews with a range of stakeholders, as well as participant observation and focus group discussions.<sup>4</sup>

This report consists of three chapters. The next chapter presents the main findings from the four case studies in Ukraine, Georgia, Mali and Yemen, as well as the findings from the desk studies on Kosovo, Afghanistan, Honduras/ Guatemala and Sri Lanka. The following chapter summarizes the main findings from the country studies and desk studies per policy area: Multi-Track Diplomacy, Governance Reform and Security Sector Reform. In the subsections dedicated to each of the policy areas, the main findings from the relevant interventions per country are briefly presented. The final chapter of the report provides a preliminary reflection on the findings, discussing commonalities and differences between the interventions. For an overview of the selected countries and the interventions per country see table 1.

Lastly, a note on the authors of this report. Most of the text in this report has been taken from or is based on the reports written by the authors of the country studies and desk studies and should thus be considered their contribution. The editors of the report (Chris van der Borgh and Georg Frerks) aided by Ralph Sprenkels, Melle Lyklema and Toon Dirkx, wrote the executive summaries (chapter 2) and distilled the most important information about selected interventions (chapter 3). The final chapter (4) is written by Georg Frerks and Chris van der Borgh. The information in chapters 2 and 3 is based on the comprehensive analysis in the different reports (country reports and desk studies) that contain a full overview of the references on which these summaries are based. If readers want to refer to information about the selected countries or interventions (in chapters 2 or 3) we kindly request them to turn to and refer to these original reports.

This report is the last deliverable of WP3, and we would like to thank all those who have been involved in and contributed to the research over the past 9 months, including Laurean Dekker who has been proofreading the document. The research in WP3 has been a valuable and exiting process. We hope that the findings of WP3 will feed into the publications in next phases of the project as well as the policy discussions on future EU capabilities.

<sup>&</sup>lt;sup>4</sup> The desk studies are primarily based on the existing literature, but were complemented with semi-structured interviews (approximately 15 in the cases of Kosovo and Afghanistan, 9 in the case of Sri Lanka, and 1 in the case of Honduras/Guatemala).

| Country (case or desk) | Interventions   | Policy field <sup>5</sup> |
|------------------------|---|---------------------------|
| Ukraine (c)            | Normandy format   | MTD                       |
|                        |   |                           |
|                        | EUAM  | SSR                       |
|                        | EUBAM   | SSR                       |
|                        | Decentralisation  | GOV                       |
| Georgia (c)            | Geneva Discussion   | MTD                       |
|                        | EUMM  | SSR, MTD                  |
|                        | COBERM  | GOV, MTD                  |
| Yemen (c)              | National Dialogue   | MTD                       |
| Mali (c)               | EUTM  | SSR                       |
|                        | EUCAP   | SSR                       |
|                        | Governance (PARADDER, state building contract, civil society support) | GOV                       |
|                        | Diplomatic efforts  | MTD                       |
| Kosovo (d)             | EULEX   | GOV                       |
|                        | EU facilitated Dialogue   | MTD                       |
| Afghanistan (d)        | EUPOL   | SSR                       |
|                        | EUSR  | GOV, MTD                  |
| Guatemala/Honduras (d) | CICIG / PASS  | GOV, SSR                  |
| Sri Lanka (d)          | EU diplomacy  | GOV, MTD                  |
|                        | Governance and development  | GOV                       |

#### Table 1 – Overview of interventions per country and policy field

 $<sup>^{\</sup>rm 5}$  Some interventions belong to more than one policy field.

# 2. Main findings – country and desk studies<sup>6</sup>

#### 2.1. Ukraine<sup>7</sup>

Relations between the European Union (EU) and Ukraine have traditionally lacked a security dimension. This was due to several reasons. On the one hand, the EU as a security actor has relied on its soft power, promoting democratic transformations in the neighbourhood through positive conditionality. Ukraine, in turn, has, for the most part, regarded the North Atlantic Treaty Organization (NATO) as its primary security partner and model. Both the European Neighbourhood Policy and the Eastern Partnership which were offered to Ukraine did not provide any significant cooperation in the security sphere, and the defence component was excluded altogether. Some aspects of civilian security were touched upon (e.g. border management, judiciary reform) but never constituted a core dimension of the bilateral relations.

However, during the Revolution of Dignity and after the Russian meddling in Ukraine, the EU could not help but become a security actor, albeit reluctantly. In the first place, the EU was the player who recognized the legitimacy of the presidential elections held after the Revolution of Dignity on 25 May 2014 and hence made the entire world, including Russia, recognize them too. The EU has been active in setting up the Geneva format (April 2014) for negotiating a peaceful settlement of the conflict and the stabilisation of Ukraine. Although the Geneva format was replaced by the Normandy format, which no longer included the EU but a representation by Germany and France, Brussels remained active in helping Berlin and Paris put together a settlement plan. Moreover, several waves of sanctions imposed by the EU against Ukrainian and Russian persons and companies (also special sanctions on Crimea), including top Russian companies and officials close to Putin, seem to have thus far been effective in deterring Russia from seizing more territory.

The EU also made an attempt at contributing to the conflict settlement by dispatching an EU Advisory Mission (EUAM) to Ukraine. Although the mandate of the mission did not match the request of Ukraine, EUAM remains a significant tool in Ukraine's institution building at the time when viable and functional institutions are paramount for the state's survival and sovereignty.

This paper looks into three cases of EU involvement in conflict prevention and peace building in Ukraine: the Normandy Format (Multi-Track Diplomacy cluster), the EUAM and the European Union Border Assistance Mission (EUBAM) missions (Security Sector Reform cluster), and decentralisation (Governance Reform cluster).

The initial mandate of the EUAM was to provide strategic consultation and to coordinate donor support to civilian security sector reform in Ukraine. The mission defined its key beneficiaries to be the Ministry of Internal Affairs, the Ministry of Justice, the Prosecutor

<sup>&</sup>lt;sup>6</sup> As mentioned in the introduction of this report, this chapter is based on the comprehensive analysis in the different reports (country reports and desk studies) that contain a full overview of the references on which each of the sections is based. If readers want to refer to information about the selected countries, we kindly request them to turn to and refer to these original reports, which provide a full overview of the references on which the findings are based.

<sup>&</sup>lt;sup>7</sup> This section is based on L. Litra et al (2016)

General's Office, the State Penitentiary Service, the State Border Guard Service, the State Fiscal Service and the Security Service of Ukraine.<sup>8</sup> After the strategic review of the mandate, EUAM works according to three pillars of activity: (a) strategic advice on civilian Security Sector Reform, in particular the need to develop civilian security strategies; (b) support for the implementation of reforms, through the delivery of hands-on advice, training and other projects; (c) cooperation and coordination, to ensure that reform efforts are coordinated with Ukrainian and international actors.<sup>9</sup>

The EU Border Assistance Mission (EUBAM) to Moldova and Ukraine has been operating since 2005. Its headquarters are in Odessa (Ukraine). It also has a EUBAM Office in Moldova and five field offices - two on the Moldovan side of the joint border and three on the Ukrainian side. EUBAM's primary counterparts in Ukraine and Moldova are the local Border and Customs Services. Technically EUBAM is not a proper CSDP mission but a hybrid one, since it is administered by the European Commission rather than by the European Council. It started out following a traditional CSDP mechanism, when President of Ukraine Viktor Yuschenko and President of the Republic of Moldova Vladimir Voronin sent a joint letter, asking the EU to establish a mission which would assist in providing customs control on the Transnistrian segment of the Moldovan-Ukrainian state border (Council of the European Union 2005). The Russia-instigated conflict in Transnistria remains frozen since 1992, and both Moldovans and Ukrainians were distrustful towards each other over the alleged smuggling over the Transnistrian segment of the Moldovan-Ukrainian state border, which the Moldovans did not control. The goals of the mission were to: (a) assist Ukraine and Moldova in harmonizing their border management practices with those prevalent in the EU countries; (b) enhance the exchange of information on customs data and border traffic between Moldova and Ukraine; (c) improve the risk analysis capacities in the Moldovan and Ukrainian border management services; (d) contribute to the resolution of the Transnistrian conflict (European Commission 2005).

Importantly, the role played by the EU and the form that the EU interventions have taken is subject to debate in Ukraine. As mentioned, this was not only the case with the EUAM mandate, but also with the EU's choice to consider decentralisation as an additional element for conflict settlement. The latter is particularly sensitive and hotly contested in the Ukrainian context. The report pays particular attention to a programme funded by the Instrument contributing to Stability and Peace (IcSP). The programme called 'Restoration of Governance and Reconciliation in Crisis - Affected Communities of Ukraine' was jointly designed by the EU delegation in Ukraine and the UN Development Programme in Ukraine. While the IcSP provides funds for the initiatives to strengthen the capacity of local communities for decentralisation reform, the EU officers also participated in designing these projects. At the same time, the programme was devised within the framework of the overall programmes and agreements between the principal donors of the decentralisation in Ukraine – the EU and US. By and large, the activities envisioned by the instrument are demand-driven, as they reflect the needs of the local state administrations and local communities outlined in regional development and recovery plans. This "demand-driven" assumption postulates that these plans were developed in collaboration with local communities and governments, as well as coordinated by

<sup>&</sup>lt;sup>8</sup> Zarembo (2015)

<sup>&</sup>lt;sup>9</sup> EUAM (2016)

the UNDP. As of June 2016, the IcSP programme, aimed at assisting decentralisation reform in Donetsk and Luhansk oblasts, has moved from the policy design to implementation stage.

#### 2.2. Georgia<sup>10</sup>

Since Georgia regained independence from the Soviet Union, protracted conflicts have seriously affected the country's development and its transformation into a democratic state. The conflicts over the two breakaway republics of Abkhazia and South Ossetia caused several hundred thousands of refugees and internally displaced persons (IDPs) and inflicted serious economic damage to the country. The international community and different peace and security organisations (UN, OSCE, Red Cross, EU, etc.) have been involved in conflict management activities between 1992 and 2008. Following the war in August 2008, the existing mandates of the UN Observer Mission to Georgia (UNOMIG) and the OSCE were blocked by Russia. Consequently, the EU's Monitoring Mission (EUMM) became the only international mandated organisation. Thus, the EU became a crucial factor for peacebuilding and conflict prevention in the country.

Relations between Georgia and the EU can be classified into three phases. The first phase starts at the beginning of the 1990s. The second phase starts with the 2003 Rose Revolution and is characterized by the intensification of EU-Georgian relations. The 2008 war propelled EU-Georgian relations into a third phase, in which peacebuilding aspects acquired a prominent role. Together with significant support for governance reforms in the framework of Pre-Accession (IPA), Association Agreements, European Neighbourhood Policy (ENP), European Neighbourhood Instrument (ENI), and Eastern Partnership (EaP), the EU is especially relevant to the post-2008 conflict prevention, management and resolution. Especially after the departure of United Nations Observer Mission (UNOMIG) and the Organisation for Security and Cooperation in Europe (OSCE) in 2009, the EU's strategic importance in Georgia increased significantly, with the EU Monitoring Mission (EUMM) becoming the sole officially mandated international peace mission operating in Georgia. Furthermore, EU assistance provided to the conflict-affected people in Georgia has also been crucial in mitigating some of the negative impacts of the conflict while helping to restore trust among different parties. EU support remains a very significant contribution today.

The report specifically addresses three EU interventions in Georgia, namely the EU Monitoring Mission (EUMM), the Geneva International Discussions, and the joint EU-UNDP programme Confidence Building Early Response Mechanism (COBERM). The EUMM is currently the most concrete instrument used for conflict prevention and peacebuilding in Georgia. With its role in this mission, the EU is identified as a deterrent force, one that ensures the non-resumption of hostilities, and the prevention of kidnapping and assault on individuals leaving the areas adjacent to the administrative boundary lines with Abkhazia and South Ossetia. The EUMM becomes active only in ad-hoc situations when there is a crisis and immediate involvement becomes necessary. Even if the EUMM has limited power to operate on the other side of the boundary line, its impact is still very significant.

<sup>&</sup>lt;sup>10</sup> This section is based on N. Macharashvili et al (2016)

The Geneva International Discussions (GID) is the only substantial diplomatic platform functioning around the conflict in Georgia. Even though the conflict has evolved into a kind of stalemate, the platform offers a venue for diplomats, politicians and decision-makers to exchange information and resolve certain ad hoc issues. Nonetheless, GID has not been able to find diplomatic solutions to the conflict. The EU capacity within the GID format is seen by most research participants as restricted. The elite character of the platform and its lack of transparency constitute important restrictions, particularly from the perspective of local civil society organisations.

The EU-UNDP joint programme Confidence Building Early Response Mechanism (COBERM) invests in grassroots dialogue and trust building. Different stakeholders inside Georgia generally evaluate this programme as useful and positive, since it is able to stimulate people-to-people contact across conflict divides, and to generate increased capacities within communities, as well as CSOs to mediate political differences in constructive ways. However, measures are needed to make the programme more permeable to new actors and to allow it to increase its impact beyond the small groups that have been participating thus far.

At any rate, while assessing the EU conflict prevention and peacebuilding interventions in Georgia, the importance of Russia cannot be neglected. Most stakeholders view the EU as neither an influential, nor a unitary international player in power politics in Georgia, particularly when confronting Russia. Yet, the EU's firm support for Georgia's territorial integrity and nonrecognition of Abkhazia and South Ossetia is vital for the country's diplomatic efforts to resolve these conflicts and its fragile relationship with Russia. For example, the EU continues to remind Russia that it has to comply with the six-point agreement. Concerns regarding the security of the administrative boundary lines have grown, and reiterated EU support to Georgia is one of the few diplomatic instruments with which the country may confront an aggression from Russia. It is in Georgia's interest that the EU remains fully engaged in conflict resolution efforts, using the variety of tools at its disposal, and engaging with different levels of society.

#### 2.3 Mali<sup>11</sup>

Mali's current crisis can be seen as twofold: a security crisis in the North and an institutional crisis, most clearly expressed in the coup d'état of 22 March 2012. Together, they revealed the weakness of the Malian state and led to the occupation of two/thirds of Mali's territory by various armed groups in 2012 and early 2013. International intervention, including the French military operations Serval and Barkhane, helped to re-establish control over key areas in the north of the country.

Mali's current plight makes it easy to forget that, for quite some time, Mali was actually seen as an example for the region. Together with international partners, including significant support from the EU and EU Member States, from the early 1990s onwards Mali had garnered a position at the forefront of good governance and decentralisation efforts in Africa. Though it would be too simplistic to suggest that the current crisis reflects the ultimate failure of those efforts, it is important to acknowledge that previous efforts were unable to create a strong Malian state in all of the country's territory, and that decentralisation efforts were also not

<sup>&</sup>lt;sup>11</sup> This section is based on M. Djiré et al (2016)

completely successful, neither in consolidating socio-economic development, nor in overcoming separatism and minority group grievances. In hindsight, it is also clear that the institutional weaknesses of the Malian Armed Forces and other security forces were insufficiently addressed, which resulted in a state that proved ill-equipped to deal with growing security challenges and with the changing geopolitical circumstances of the Sahel region.

Since the crisis escalated in January 2012, numerous international support initiatives for Mali have emerged. In 2013, the Ouagadougou Agreements, a new Presidential election, and the approval of the United Nations Integrated Multidimensional Stabilisation Mission in Mali (MINUSMA) all contributed to the Malian peace process, though they did not completely halt the hostilities. Following negotiations held in Algiers, a National Peace and Reconciliation agreement was signed in Bamako between May and June of 2015. This agreement, facilitated by a team of mediators which included the EU, contains important provisions for institutional reform. Implementation has thus far been lacking though. Furthermore, the attacks of the Jihadist groups on a hotel in Bamako (November 2015) and in several towns in the North and South (in 2016) demonstrated that peace had not yet been attained.

Like most of Mali's development partners, the EU was initially taken aback by the eruption of the 2012 crisis, and expressed its deep concern. The suddenness of the fall of democracy, the violence of the attacks and the multi-level consequences of the crisis led the members of the international community in general, and the EU in particular, to invest heavily in a return to peace. The EU has used different means for this purpose. First, EU multi-track diplomacy has proven its capacity to contribute to the promotion of peace dialogue amongst stakeholders with diverging interests. The EU engaged in this process with respect and support for the role that different international institutions or governments were already playing, allowing crucial support for key efforts undertaken by the Economic Community of West African States (ECOWAS), the African Union, and the Algerian government, among others.

Another important EU contribution to the peace process in Mali consists of support for Mali's weakened and beleaguered security sector. In 2013, the EU set up a Malian Security Forces Training Mission (EUTM-Mali) tasked to strengthen the Malian army, focusing on operational deployment and on strengthening of the chain of command. EUTM also provides advisory support in elaborating military doctrine and planning. The EU furthermore supports the European Capacity Building Programme for the Malian Security Forces (EUCAP-Sahel-Mali), set up in 2014. This programme focuses on capacity building, training, equipment, and organisation development for the Police, Gendarmerie, and the National Guard. EUCAP also supports the improvement of the Justice system, including training of justice officials and policy development. Though both programmes are extremely relevant and necessary, concerns exist as to whether these efforts will suffice for the task at hand. The development of a security sector up to Mali's current challenges will take more resources and time than provided by current support programmes. The streamlining of international support and capacity building will be a key aspect of this process.

In the aftermath of the 2012 crisis, as the transition towards legitimate government began, the Malian state found itself in dire financial and institutional circumstances. In this context, the EU used governance support interventions mainly as a tool to keep the state afloat. These measures, most crucially exemplified in the State Building Contract (SBC) mechanism, were indeed essential to keep the Malian institutional framework in place. It made the democratic transition and the peace agreement possible. Other EU governance support programmes had already been in place before the crisis, and were resumed after the worst had passed. The EU extended its Administrative Reform, Decentralisation and Regional Economic Development Support Programme (PARADDER), initiated in 2010 with a focus on decentralisation, to 2017. Civil society support activities also continued, through the Support Programme for Civil Society Organisations II (PAOSC II).

In the EU's support for governance reform in Mali, it has to be taken into account that Mali's heavy dependency on foreign assistance has thus far had a paradoxical impact on the institutional development of the country. Though Mali's ownership is considered key to the success of support, the political and bureaucratic requirements of the international actors, as well as the complexities of the support architecture, actually make it very challenging for the Malian state to exert effective leadership and control. One of the practical implications of the interaction between state institutions and donor requirements is that the Malian institutional framework has become overly complex. This dynamic has not benefitted regionalisation and decentralisation, as the bureaucratic complexities and requirements in practice translate into a distancing of policies from the realities of the regions.

#### 2.4 Yemen<sup>12</sup>

Several years prior to Yemen's Arab Spring in February 2011, articles and reports started to appear warning that Yemen was 'on the brink of disaster' and dangerously close to becoming a 'failed state'.<sup>13</sup> In view of the turn events have taken since then, it appears safe to say that Yemen has passed that liminal stage. The legitimacy of its nominal president, Abd Rabbo Mansour Hadi – who lives in exile in Riyadh, Saudi Arabia, since March 2015 – is today mostly a fiction sustained by the international community to uphold some semblance of a personified state authority, while efforts to negotiate an end to the devastating Saudi-led military intervention, that started in March 2015, have so far all failed. Yemen's 'transition process', that was the result of intensive multi-track diplomacy involving the GCC, the EU, and the UN Security Council, eventually derailed into a military intervention led by Yemen's oil-rich neighbour Saudi Arabia. More specifically, the report offers a grass-roots perspective on how the EU's contribution to Yemen's transition process was viewed by Yemenis, and what lessons this offers for ongoing and future EU interventions.

During this tumultuous period in Yemen's history the EU played a substantial role, helped in part by the general perception in Yemen that it is more neutral than other international actors. The EU's technical advice and capacity building was much appreciated, and many felt that the EU had contributed to making Yemen's transition process more inclusive. The basic problem however, was that the EU committed itself to the fundamentally flawed GCC Agreement, willing to overlook problems for the sake of Yemen's 'transition'. At the time, it appeared to be the only available solution. Despite its flaws, the GCC Agreement had appeared to be the lesser evil than total chaos. The EU tried hard to fix the deleterious provisions of the GCC Agreement, but sometimes something that is broke cannot be fixed.

 $<sup>^{\</sup>rm 12}$  This section is based on A. Eshaq et al. (2016)

<sup>&</sup>lt;sup>13</sup> For example: Boucek & Ottaway eds. (2010); Hill (2010; Dingli (2013); Philips (2011),.

When in February 2011 youthful protesters and civil society activists chanted for 'the downfall of the regime' in Yemen, they had in mind the patronage-based regime built by Ali Abdallah Saleh over 30 years in power. That regime included the General People's Congress (GPC), the military and security apparatus, the Hashid tribal alliance led by the al-Ahmar clan, and the 'oppositional' Islah party.<sup>14</sup> The protesters were soon joined by the Southern Movement and the Houthis, while the Joint Meeting Parties (JMP) seized upon the protests in a new gambit to twist the arm of its rival, the GPC. In the context of momentous changes in the region, the international community turned to crisis management in order to bolster Yemen's stability. Motivated in part by concerns over counter-terrorism operations against what had been identified as the most dangerous branch of the global al-Qaeda franchise, and in part by Saudi Arabia's ongoing counter-revolutionary efforts to roll back popular uprisings throughout the region.<sup>15</sup>

The Gulf Cooperation Council (GCC) Agreement built upon the earlier intra-elite rivalry between the GPC and the JMP, in which the EU had unsuccessfully tried to mediate, and put the rivalling factions of the old northern-based regime in charge of leading Yemen's transition in a 'coalition government', offering Saleh immunity and a continued role in politics in exchange for a transfer of power to his long-time deputy Abd Rabbu Mansour Hadi. The GCC Agreement was rejected by the youth, the Southern Movement, and the Houthis, but was not stopped due to the unconditional support of the international community that acted as stewards of Yemen's transition in the form of the G10 (now G18). The centrepiece of the GCC Agreement was the National Dialogue Conference (NDC) that was scheduled to solve all of Yemen's long-standing crises – including the Southern Issue and the Sa'ada Issue – within a mere six months. The failure of the GCC Agreement to include anyone but the GPC and JMP, was to be rectified in the NDC. In addition to including the Houthis and the Southern Movement, it was decided that women, youth, and civil society organisations should also be represented as separate groups in the NDC to promote inclusiveness. Despite efforts by the EU to reach out to these groups, and offer capacity building to the newly identified interest groups, the results of the research presented in this report suggest that the inclusiveness that the NDC sought to produce was deeply flawed when the delegates were eventually selected.

In March 2013 the NDC finally got underway, creating – despite all its flaws – considerable hopes for a future civil Yemen. The EU offered much appreciated technical expertise and mediated whenever the dialogue got stuck, while the G10 pushed the increasingly conflictual NDC to a final conclusion in January 2014, just before Hadi's two-year transition mandate ran out. The NDC produced many results, but few clear pointers how to implement the vision for a "new Yemen". More importantly, the most important issues were not solved. While the separatist Southern Movement had set its mind on independence of former South-Yemen, neither the old elitist regime nor the international community was willing to consider such as scenario. A special presidential commission offered a six-region solution that cut up the territories of the South.

In early 2014 the security situation frayed while the dysfunctional 'coalition government' busied itself with fighting each other and neglected the economy. Finally, in September 2014 the Houthis rode a wave of popular discontent over price hikes to enter the

<sup>&</sup>lt;sup>14</sup> Yadav (2014). For an analysis of Saleh's regime, see Philips (2011).

<sup>&</sup>lt;sup>15</sup> Steinberg (2014).

capital and demand the government's dismissal. The Houthi advance was framed as part of the Shia sectarian conspiracy narrative that Saudi Arabia had been peddling since 2003, and after six months, the precarious Peace and National Partnership Agreement, that had kept the increasingly fictitious transition process alive since the Houthi takeover of the capital, eventually collapsed. In March 2015 Hadi fled to neighbouring Saudi Arabia that mounted a military coalition to battle the Houthis, destroying much of the country's infrastructure without any obvious result.

#### 2.5 Kosovo<sup>16</sup>

The interventions of the EU in Kosovo as of 2008 can be seen as a new phase of international intervention in the post-independence state of Kosovo. While tensions in Kosovo already started to rise by the end of the 1980s, the international community became actively involved in the Kosovo crisis when the conflict turned violent by the end of the 1990s. After several failed efforts to manage the conflict, in 1999, a NATO led bombing campaign led to a UN interim administration mission (UNMIK), supported by a large contingent of NATO peacekeepers (KFOR). However, the UNMIK mandate (UNSCR 1244) was status neutral and efforts to negotiate the final status of Kosovo failed. This eventually led to Kosovo's 'unilateral' declaration of independence in February 2008, which counted on the support of the United States (US) as well as a majority of the European countries, while it was fiercely opposed by Serbia.

Over the past twenty years, the EU transformed from an actor with limited leverage to a major player in Kosovo. The EU made large financial commitments to Kosovo, and despite the disagreement between EU members about the status of Kosovo, the Stabilisation and Association Agreement (SAA) entered into force in April 2016. In the post-independence period the EU stepped up its presence in Kosovo by deploying EULEX, the largest CSDP mission. Furthermore, the EU took the lead in a new dialogue process between Kosovo and Serbia. Arguably, there is no other country where, in terms of post-war conflict management and peacebuilding, the EU plays a more important role than Kosovo. However, the disagreement about the status of Kosovo has seriously hampered the EU role in the Balkans, and the ambiguity of UNSCR 1244, adopted in June 1999 after the international bombing campaign, about Kosovo's status still affects the room to manoeuvre for the EU.

The EU rule of law mission (EULEX) that was deployed in 2008 was the largest CSDP mission to date, and the only one with an executive mandate. It was designed to help Kosovo make the transition towards an independent state that respected the rule of law. The mandate and objectives of the mission included judicial reform, police reform, border management, as well as the fight against corruption and the arrest of former war criminals. However, the mission could not live up to the high expectations of the EU and the mission has been extensively criticized in academic and policy literatures, formal evaluations, and by political leaders in Kosovo and Serbia (albeit for different reasons).

A number of reasons can be given for the limitations that EULEX experienced. Firstly, there were problems to build the mission's infrastructure, to contract qualified staff and to

<sup>&</sup>lt;sup>16</sup> This section is based on: C. van der Borgh et al (2016).

develop effective policies. Secondly, the lack of consensus about Kosovo's status deeply affected the deployment of EULEX. In the international arena, Russia and China were not willing to accept the Ahtisaari plan for Kosovo and to change UNSCR 1244, which was ambiguous about the status of Kosovo. Moreover, five European states did not recognize Kosovo. Therefore EULEX deployed 'status-neutrally', under the authority of the UN. Thirdly, support in Kosovo for the EULEX mission was limited. Already before it was deployed, Kosovar political leaders were disappointed about EULEX not being the guardian of the newly claimed independence, but operating as status neutral. The Serbian minority in the North of Kosovo, which still received support from Serbia, resisted Kosovo's independence and the EULEX mission. Moreover, the local Kosovar political and judicial system suffered from high levels of corruption. While this was indeed one of the very reasons for the EU to deploy EULEX, it proved much more difficult to 'fight' corruption, and break the linkages between criminals and politicians.

The EU-led dialogue between Serbia and Kosovo was another important initiative of the EU in the post-independence period. This dialogue was the result of the leverage of the EU, which made normalisation of relations between Kosovo and Serbia a condition in the stabilisation and association process in both countries. While both Serbian and Kosovar leaders were not keen to start a new round of dialogue and kept on emphasising that they were not willing to change their positions about the status of Kosovo, it is fair to say that the EU pushed, if not forced, the two countries to join the dialogue.

The Dialogue started in 2011 and consisted of a large number of sessions that were mostly held behind closed doors. The most important achievement was the Brussels agreement of April 2013, which stipulated a solution for the governance of the Serb-majority in northern Kosovo, including Zvecan, Mitrovica North, Leposoviq, and Zubin Potok, where the Kosovo Serbs had continuously refused to accept Pristina's authority. A detailed review of the dialogue process shows the sensitivity of the topics under discussion, and the difficulties to reach agreement between the countries. The dialogue seemed to run aground on various occasions when the differences appeared to be insurmountable. The EU played a very active role in bringing the parties back to the table, suggesting new ways forward, while seemingly never losing its patience.

While for both sides the agreements signed were not easy to defend 'at home', it is fair to say that it was the carrot of EU accession that kept the dialogue going and eventually led to acceptance of both sides. Moreover, the European External Action Service (EEAS) managed to mobilize international political support for the process. On a more critical note, the dialogue was an elite process 'par excellence'. It counted on the support of the relevant national governments, but there was no involvement of other relevant stakeholders from Serbian and Kosovar society. The communication from the side of the EU was minimal and the political leaders in Kosovo and Serbia were expected to communicate progress and results with their constituencies.

#### 2.6 Afghanistan<sup>17</sup>

Since 2001, the EU has put forward ambitious policy goals and became a prime donor in the post-2001 build-up of the new Afghan State. Afghanistan receives more development aid from the EU and Member States than any other country. The EU's engagement with Afghanistan has been shaped in a complex field of Afghan and international actors with different logics, justifications, and approaches that often competed with – or even directly contradicted – each other.

In Afghanistan's history in the twentieth century, modernist and traditionalist forces have competed for power and invoked increasingly violent reactions to each other's attempts to rule the country. This dynamic has persisted in the post-2001 era where, in the wake of US-led military involvement, the EU and other international actors became increasingly involved in the reconstruction of Afghanistan. After a period of international disengagement with Afghanistan in the 1990s, following the attacks of 9/11, powerful foreign actors once again sought to influence the country's domestic affairs. This time, the external involvement was rooted in the idea that fighting terrorism in Afghanistan and simultaneously building up a new Afghan State would not only make Afghanistan a safer place, but would also safeguard Western states from 'breeding grounds' and 'safe havens' for transnational terrorism.

While the Bonn Agreement of December 2001 put forward the ambition to create a 'broad-based, gender-sensitive, multi-ethnic and fully representative government', in practice this was never realised. International donors – including the EU – who had state-building ambitions were confronted with the central dilemma of working with or against the warlords, and as the international involvement in Afghanistan evolved from a light footprint approach to a much more intrusive form of external state-building, a complex field of Afghan and international actors emerged in which some focused on building peace, while others sought to wage war. Moreover, within that complex field of stakeholders, national political interests of international actors and (transatlantic) diplomatic relations often trumped the concerns and needs of ordinary Afghans. This increasingly revealed the ambiguities of 'local ownership' in Afghanistan.

The EU has been confronted with many external challenges that have affected its overall capabilities in the fields of conflict prevention and peacebuilding. In the shadow of a US-led war, the EU has sought its role in the civilian domain, but has nevertheless been highly dependent on what happened on the battlefield. Even though the EU's assistance to Afghanistan since 2001 has been of tremendous proportions, it has been overshadowed, and repeatedly undermined, by an ongoing war between insurgents, and the United States, NATO, and the Afghan National Security Forces (ANSF). This dynamic thus draws attention to the contentious nature of a civilian mandate in a context that continuously hinders its implementation.

The EU has consistently advocated the need to strengthen Afghanistan's state institutions. While this support certainly contributed to capacity building of the Afghan State in various sectors, it has also been questioned for strengthening structures that were highly corrupt. In recent years, the EU has therefore been more vocal about combatting corruption in Afghanistan, but it omits that it has (inadvertently) contributed to the problem by pouring in

<sup>&</sup>lt;sup>17</sup> This section is based on T. Dirkx (2016)

billions of euros in aid to institutions with a limited capacity to absorb such large amounts of money. So while the EU has undeniably helped to support the Afghan State with a fairly large capability to provide funds, it has also contributed to the culture of corruption it seeks to abolish. The EU's support for a state with such limited oversight and accountability mechanisms reveals an important dilemma the EU has faced in Afghanistan.

EU efforts have also been challenged by EU Member States, in great part because instead of supporting EU initiatives, they were generally more focused on their own bilateral assistance to Afghanistan and their military contributions to NATO and Operation Enduring Freedom. Moreover, since EU Member States had considerable disagreements about the appropriate strategy to deal with Afghanistan, it was extremely difficult to coordinate the efforts of Member States and, moreover, to represent the Union in Afghanistan with one voice. This troublesome effort is illustrated by describing how the EU's Special Representative's (EUSR) instrument developed in Afghanistan. EUSRs in Afghanistan have had the strenuous task of giving a political presence to a Union with Member States that have had fundamental disagreements on the course of action to be followed. These coordination problems are thus not merely technical but also highly political. Coordination issues were further compounded by internal strife between the Commission delegation and the Office of the EUSR, and poor cooperation between Brussels and the EU delegation in Afghanistan.

All above-mentioned external and internal challenges came together in the European Union Police Mission in Afghanistan (EUPOL). By analysing the drivers behind the Mission, the desk study shows that the establishment of the Mission was highly political at various levels. The Mission was the outcome of a complex interplay between national political arenas, bargains between ministries, compromises between Member States, and US pressure on Europe to take up a greater responsibility in Afghanistan. Once EUPOL finally started, its implementation was marred with difficulties. In an increasingly insecure environment, American militarised police training programmes overshadowed the EU's civilian efforts, and, without a much needed agreement with NATO, effective police training became extremely challenging. At the same time, however, EUPOL faced many problems that were home-grown. The wide range of internal challenges have primarily been rooted in a lack of political will among Member States to support the Mission. Hence, EUPOL never lived up to its expectations and is widely seen as a disappointing EU-SSR effort.

Overall, there has been a considerable gap between the EU's stated policy goals and ambitions in Afghanistan and its capabilities in the fields of conflict prevention and peacebuilding. While the EU may have contributed to considerable improvements in, for example, the education and health sectors, reforming the country's governance and rule of law has proven to be far more complicated. Perhaps this gap between policy goals and capabilities is not necessarily a problem, since one may argue that these goals merely guide EU actions and that, in practice, their implementation is only partially feasible. Nevertheless, it draws attention to questions of where the Union can realistically make a difference in Afghanistan, what it is technically capable of doing, and for what type of activities it can count on the political support of Member States. Confronting the deeply political questions inherent to peacebuilding in an adverse context is vital for the EU, if it is truly interested in supporting an 'Afghan-led' and 'Afghan-owned' peace process in a war that has taken so many lives and has provided so little benefit.

#### 2.7 Sri Lanka<sup>18</sup>

The conflict between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) (from 1983 till 2009) saw a number of international interventions of which the Indian Peacekeeping Forces from 1987-1990, the Norwegian-brokered Cease Fire Agreement (CFA) of 2002 and the subsequent Tokyo Peace process were the most salient. However, the peace process between the GoSL and the LTTE unravelled in the course of 2006 and in 2009 the LTTE was militarily defeated. In the post-war situation a victorious Rajapakse government refused to make any political compromise with the defeated Tamils or discuss their underlying grievances leading to Tamil discontentment. After a surprising defeat of Rajapakse in the presidential election of January 2015, the new President Sirisena and Prime Minister Wickramesinghe seemed somewhat more inclined towards listening to the Tamils' plight and made some concessions that helped improve relations.

The donors' involvement, including the EU's, occurred in four major domains. First, there were diplomatic and political efforts. Though some donors, including European countries, were affected by flows of Tamil refugees from the mid-1980s onwards, this did not lead to a concerted donor effort vis-à-vis the Sri Lankan government. In this stage the EU was politically largely invisible, except for its usual trade and development cooperation. Foreign involvement became more consequential when the Norwegian government brokered the CFA in 2002. The EU together with Japan, the US and Norway became co-chairs of the peace process, actively attempting to keep the process afloat and make progress in the direction of a political solution. At this stage and continuing up to present, the EU coordinated the positions of the European countries in the peace process and regarding the human rights agenda. As most European missions in Sri Lanka, they are small and lack sufficient manpower while they realized that together they possibly could exert more leverage.

The European countries on their own or under the banner of the EU, together with Japan, the Asian Development Bank and the World Bank were prominent donors with considerable traction on the government of that period. Donors also pragmatically related to the LTTE to promote the peace process and implement their reconstruction programmes in the North and East, where the LTTE exercised de facto territorial control. High EU delegations visited the rebels' 'capital' Kilinochchi, while several European countries received delegations from the movement in an attempt to contribute to a peaceful settlement. Following the murder of Sri Lankan foreign minister Kadirgamar in 2005, the EU declared that it considered proscribing the LTTE and refrained from hosting their delegations pending this decision. On 31 May 2006 the EU effectively listed the LTTE as a terrorist organisation.

Second, development relations have existed during most of Sri Lanka's independence. However, with Sri Lanka becoming a lower medium income country, development aid was winded down. From the mid-1990s onwards donors increasingly started to focus their aid on conflict and peace issues. Especially after the signing of the CFA, aid was consciously used to influence the peace process and to support peacebuilding and reconstruction efforts in conflict-affected areas ('conflict-sensitive aid'). At a conference in Tokyo in 2003 the donor community pledged US\$ 4.5 billion dollar of financial assistance. With particular relevance to the LTTE, they stated they would allocate a 'significant part of their assistance to the North and

<sup>&</sup>lt;sup>18</sup> This section is based on G. Frerks and T. Dirkx (2016)

East'. However, the provision of this aid was closely linked to substantial and parallel progress in the peace process which never materialized.

Nonetheless, after the defeat of the LTTE, the relations between Rajapakse's government and the EU deteriorated to the extent that the implementation of the Cooperation Agreement actually came to a standstill, as the Joint Commission which under the agreement was supposed to meet once per year to take stock and discuss cooperation in the areas of politics, economy, trade, development cooperation and global goods, have not met since 2008, only to be resumed again in 2013.

Third, donors including the EU provided generous *relief aid* to the war-affected zones and areas devastated by the tsunami in 2004. Though the tsunami had a brief fraternalising effect on the conflict parties, the distribution of aid soon became an additional bone of contention between them and further complicated the peace process that had already started to unravel. Donors did not attempt to use relief aid for leveraging the peace process. The EU has contributed to peacebuilding and reconciliation activities through a number of smaller projects carried out by NGOs under the EU instrument for Democracy and Human Rights where five NGOs worked together on a 'Platform for Freedom'. Though the amounts involved have been relatively small, the funding was experienced as very useful, nearly indispensable for the type of work done and also the contacts and support given by the Delegation was highly valued. The EU has also carried out a consistent and relevant post-conflict reconstruction and development programme focused largely on the needs of the conflict-affected areas.

Fourth, the EU is a highly significant trade partner for Sri Lanka. Trade relations between the EU and Sri Lanka are governed by a Cooperation and Partnership Agreement since 1995, while Sri Lanka has been benefiting from the EU Generalized System of Preferences (GSP+) since 2005. However, the GSP+ facility was withdrawn by the European Union in 2010 on grounds of the government's failure to implement International Labour Organisation (ILO) and human rights conventions. In 2016, the government formally applied to be admitted to the GSP+ again. A process is now underway in which the conditions put down by the EU to Sri Lanka's admission are discussed. In the meantime, fish exports to the EU, which were banned earlier, were resumed from June 2016 onwards.

All in all it can be concluded that over the years the EU has become a more articulated donor vis-à-vis Sri Lanka as a country in conflict or – as of more recent – a post-conflict country. It has adapted its programmes, made them increasingly conditional and conflict-sensitive, withheld trade preferences and has argued for human rights, peace, reconciliation and good governance. However, its room to maneuver was determined by other actors which proved to be an unpredictable and volatile experience leading to setbacks and outright failures, like the broadly supported peace process. It appeared impossible to maintain traction with subsequent governments or the LTTE.

#### 2.8 Honduras and Guatemala<sup>19</sup>

The involvement of the EU in Central America dates back to the 1980s when wars raged in the isthmus. The (then) European Economic Community (EEC) supported the regional efforts to bring an end to the civil wars. This role as 'peace actor' evolved in the post-settlement period of the 1990s when the EU increased its development assistance to the region, while at a later stage an association agreement was signed with the Central American countries. In the framework of these agreements the EU has also increasingly paid attention to Central America's public security crisis, and to security and rule of law reforms in the region.

By the second half the 1990s, civil wars had ended in the region, leading to a period of pacification, democratic reforms and reform of the security sectors in Honduras and Guatemala. The outcome of that transition has been mixed at best, with Guatemala scoring 'partly free' and Honduras 'not free' on the ranking of Freedom House. Moreover, the governments in these countries seem to have lost effective control over substantial parts of their territory, and there is increasing concern about the presence of street gangs, the growing presence of drug trafficking, corruption, infiltration of non-state actors in the state and the narrowing space of civil society organisations.

In the EU's Regional Strategy Paper for the period 2007 – 2013, the EU set itself the task to support the process of political, economic, and social integration in the context of preparation of the future Association Agreement between the EU and Central America. In that framework it also aims to contribute to regional security, by strengthening the rule of law and containing the high levels of violence.

The report discusses two EU programmes that aim to support justice and Security Sector Reform in Honduras and Guatemala: the programme in support of the security sector (PASS) in Honduras and the International Commission against Impunity in Guatemala (CICIG). While the CICIG is an international organisation that is co-funded by the EU, PASS was an EU programme that sought to make a serious contribution to justice and security sector reform taking a comprehensive approach to public security.

PASS was an ambitious programme that aimed to strengthen security and justice in Honduras, whose overall objective it was to contribute to human development in Honduras through the protection of society in the face of delinquency and crime. The programme started on 3 July 2008, but faced with a large number of problems and challenges it closed in 2014, and a planned second phase never took off. A major challenge of the programme was the acute political crisis - a coup d'état – in June 2009. The government of Michelleti (June 2009 – November 2009) that was installed after the coup was not recognized by the international community, and all donors suspended aid to Honduras. It is fair to say that the PASS programme never overcame this crisis.

The International Commission against Impunity in Guatemala (*La Comisión Internacional contra la Impunidad en Guatemala*), or CICIG is a hybrid institution; an international organisation established to investigate and support the prosecution and dismantling of criminal networks, but it works under Guatemalan legislation and within the justice system of Guatemala. The tasks of CICIG included investigations into illegal security groups and clandestine security organisations, collaboration with the Guatemalan state to dismantle these groups, and to make

<sup>&</sup>lt;sup>19</sup> This section is based on C. van der Borgh (2016).

recommendations to the Guatemalan state on the adoption of policies to eradicate these groups and to prevent their re-emergence. The EU was one of the funders of the programme and contributed over  $\in$  10 million to CICIG in the period December 2009 onwards and claims that since its offset the EU, along with EU Member States (mainly Sweden, Spain and The Netherlands) and other major donors like the United States and Canada, has played a crucial role in supporting CICIG, both politically and financially.

The implementation of CICIG's mandate has varied over time, and largely depended on the different priorities held by the different commissioners of CICIG and the key developments in the national context that deeply affected the work and even the continuation of CICIG. CICIG is a unique structure which played an important role with regard to high-level arrests, but also in terms of addressing corruption. A major challenge to CICIG was a lack of domestic political will. In this regard, CICIG was able to play an important role at key political junctures, leading in one case to the arrest of the President Pérez Molina. However, questions are posed about the sustainability of the reforms.

The main challenge of both initiatives was the very national political context in which they deployed. Both initiative programmes relied on local actors in the implementation phases and aimed to strengthen local government actors in the security and justice sectors. The success of both largely depended on the capacity of PASS and CICIG to cooperate with the right actors, and to counter the ones that were not cooperative to the type of reforms and measures that were proposed.

# 3. EU Capabilities – overview and assessment per policy domain<sup>20</sup>

This chapter summarizes the main findings from the country studies and desk studies per policy area: Multi-Track Diplomacy, Governance Reform and Security Sector Reform. In the subsections dedicated to each of the policy areas, the main findings from the relevant interventions per country are briefly presented, which is followed by a brief comparison and discussion.

#### 3.1 MTD capabilities

#### 3.1.1. Ukraine – Normandy format<sup>21</sup>

The EU model aimed to aid conflict settlement in Ukraine broadly corresponds to the one that was suggested by German Chancellor Angela Merkel. It entails a joint response based on three pillars: 1) attempt to diplomatically resolve the conflict with Russia, 2) sanctions in order to change Russian behaviour, 3) support for Ukraine to help resist the assault (Speck 2016). The EU has been active in setting up the Geneva format (April 2014) for negotiating a peaceful settlement of the conflict and the stabilisation of Ukraine. Although the Geneva format was replaced by the Normandy format, which no longer included the EU but a representation by Germany and France, Brussels remained active in helping Berlin and Paris put together a settlement plan. Under the first pillar, the Normandy format for the conflict in Ukraine was created on 6 June 2014, when the leaders of Ukraine, Germany, France and Russia met close to the 70<sup>th</sup> anniversary of the D-Day allied landings in Normandy. A cease-fire agreement was much needed in order to stop the violence and the rising number of causalities, but also for Ukraine's stabilisation.

The first meetings at the level of presidents did not bring many results. In contrast, the February 2015 meeting in Minsk was fruitful. After a fourteen hour negotiation, a package of measures for conflict settlement was agreed upon on 12 February 2015. The package of measures agreed by the Normandy Four in Minsk was not a process that started from scratch. It was a continuation of the Minsk Agreement (known as Minsk I) concluded on 5 September 2014 by Ukraine, Russia and the two separatist "republics" under the auspices of OSCE. In fact, the four leaders of these countries and separatist republics did not sign the Minsk Agreement and the package of measures (Federal Foreign Office 2014). They prepared a joint declaration, which was a political umbrella for a signature of the Trilateral Contact Group (OSCE, representative of Ukraine, representative of Russia) and the two leaders of the separatist

<sup>&</sup>lt;sup>20</sup> As mentioned in the introduction of this report, this chapter is based on the comprehensive analysis in the different reports (country reports and desk studies) that contain a full overview of the references on which each of the sections is based. If readers want to refer to information about the selected interventions, we kindly request them to turn to and refer to these original reports, which provide a full overview of the references on which the findings are based.

<sup>&</sup>lt;sup>21</sup> Based on L. Litra et al. (2016, chapter 3).

territories. The Trilateral Contact Group, created after the May 2014 presidential elections, holds bi-weekly meetings and has four working groups on political, security, economic and humanitarian issues.<sup>22</sup> To summarize, the Normandy Four upgraded and reinforced the Minsk protocol to create the conditions for the signing of Minsk II package of measures.

The signing of Minsk II occurred as a result of the Normandy format. It was clear that if Russia wants to stop the war, then it stops<sup>23</sup>, because after the Kremlin accepted the Minsk package, de-escalation and a sharp decrease in cease-fire violations took place. This significantly reduced the number of casualties, but most importantly, the Minsk II agreement largely moved the conflict from the military playing field to the diplomatic playing field, which means that, as of February 2015, the main struggle focused on the interpretation of the agreement.<sup>24</sup>

The EU has been slow in responding to the crisis in Ukraine and the following conflict between the Kremlin and Kyiv. The EU's policy towards the conflict was rather reactive and therefore the decisions of the EU were subordinated to the situation on the ground in Ukraine, which weakened EU intervention in the conflict settlement. The EU difficulties in having a clear role in conflict settlement in Ukraine were also generated by the institutional void and change of EU leadership when the conflict emerged.

The inability of the EU to respond to the crisis in Ukraine revealed insufficient experience in conflict intervention and slow reaction mechanisms, but also different visions inside the EU on how to deal with Ukraine and how to build a dialogue with Russia. However, the EU and its member states, with a leading role for Germany and France, have managed to move a considerable part of the conflict to the diplomatic arena by creating the Normandy format. Apart from the diplomatic attempts to resolve the conflict, the EU strengthened its positions by imposing a series of sanctions against Russia and mobilized a wide support for Ukraine to resist the pressure.

#### 3.1.2 Georgia – Geneva discussion and COBERM<sup>25</sup>

The Geneva International Discussions (GID) is the most important EU initiative directed at resolution of the conflict in Georgia. In fact, it is the only international mechanism accepted by all relevant stakeholders, local as well as international, that deals with regulating consequences of the 2008 war. The Geneva International Discussions were launched in Geneva, Switzerland, in October 2008, to address the consequences of the 2008 Georgia-Russia war and Russia's subsequent recognition of independence of Abkhazia and South Ossetia. Co-chaired by the EU, the OSCE, and the UN, the Geneva process brings together representatives of the parties to the conflict, Georgia and Russia, and includes the United States as an interested party. For the last 8 years the GID has been the only platform where the conflict resolution issues are discussed, including security, the return of displaced persons, and the humanitarian needs of the conflict-affected population. The discussions are held four times per year at the UN Palais

<sup>&</sup>lt;sup>22</sup> Sajdik (2016)

<sup>&</sup>lt;sup>23</sup> Bildt (2015)

<sup>&</sup>lt;sup>24</sup> Speck (2016)

<sup>&</sup>lt;sup>25</sup> Based on N. Macharashvili et al. (2016, chapter 4.2 and 4.3)

Des Nations building. They take place in one official and two unofficial formations, and last for two days. On the first day, the co-chairs meet with the delegations from Georgia, Russia and the US at the official plenary session. On the second day, the meetings continue in two parallel unofficial working groups, one dealing with security and stability, and the other with humanitarian issues, including IDPs and refugees. The Abkhazian and South Ossetian de facto authorities, as well as the exiled governments of Abkhazia and South Ossetia, take part in the working group sessions. In order to avoid status and legitimacy issues regarding participation of these representatives, these participants function in their personal capacities and not as members of official delegations.

In the Balkan region, the EU can use the prospect of EU membership and 'either directly coerces the parties in conflict into agreeing on an acceptable solution or indirectly shifts the domestic balance of power by encouraging moderate groups and discouraging hardliners'.<sup>26</sup> However, this is not working well in the Georgian conflicts, or in the rest of the Caucasus.<sup>27</sup> This is mainly due to the fact that Russia acts as a heavy counterweight to the EU. It functions as a patron of the Abkhazian and South Ossetian de facto states, it opposes initiatives directed at de-isolation of the breakaway regions, and it counteracts the access of the EUMM to these territories. The "statehood" of the breakaway regions is heavily dependent on Russia in military, financial and political terms. Therefore, the de facto authorities do not have room for independent action. Representatives of the de facto authorities furthermore do not trust the EU as an impartial broker, because the EU adheres to the principle of territorial integrity of Georgia. Therefore, the de facto authorities follow the script provided by Moscow and are unwilling to compromise on the change of the status-quo. The EU, in turn, lacks substantial 'sticks and carrots' that would make either Russia or the de facto authorities cede to its mediation efforts. Thus far, the EU fails to influence the deep-rooted preferences of Russia and the separatists through its instruments. Hence, EU's capabilities in this process are guite weak.

The Geneva talks and the EU mediation in these should thus be understood mainly as a prevention tool of a new conflict between Georgia and Russia. One of the challenges for the implementation of the EU goals in the GID is to broaden people's understanding of the security dimension. It is not just about tanks and weapons, but it needs to be understood as what the EU calls 'human security'. The GID helps to solve some non-political issues based on mutually profitable cooperation, as it did recently in relation to bug problems in Abkhazia. In such cases, the EU could also consider facilitating funding for such initiatives as a way to enhance the leverage of the GID. Therefore, despite the fact that the Geneva talks ultimately did not produce any success in the conflict resolution process, the mere fact that it exists as a venue where the conflicting sides can meet and discuss conflict-related issues regularly, still proves that it is an important mechanism that needs to be sustained.

The Confidence Building Early Response Mechanism (COBERM) is a programme funded by the EU and implemented by the United Nations Development Programme (UNDP). It connects to Multi-Track Diplomacy efforts in Track 1.5-II and Track III. The COBERM programme is oriented to stimulate people-to-people contacts across conflict divides, and to generate increased capacities within communities as well as CSOs to mediate political

<sup>&</sup>lt;sup>26</sup> Emerson et al. (2004, 24)

<sup>&</sup>lt;sup>27</sup> Makhashvili (2013)

differences in constructive ways. COBERM also takes into account the crosscutting themes of gender, ownership and stakeholder synergies. COBERM was designed for the early post-conflict environment, but it remains relevant today. It has been the only mechanism to engage successfully with civil society across de facto Georgian divisions, both at the intra-community level, as well as at the inter-community level.<sup>28</sup>

The COBERM programme unfolds in the context of serious human security concerns generated through the two cycles of the conflicts, one in the 1990s and one in 2008. COBERM seeks to provide opportunities for dialogue with communities, political forces and civil society actors across conflict divides. It presents opportunities for confidence building through direct people-to-people contacts. It also helps to build an enabling environment in the divided communities to strengthen respect for the democratic processes as a basis for confidence building.

COBERM is designed to provide rapid early support to confidence building opportunities emerging from the grassroots level in an effort to either transform conflicts or prevent them. Its area of operation includes communities in Abkhazia, South Ossetia, on the cross administrative boundary lines (ABL) and in other parts of Georgia. COBERM seeks to complement the ongoing projects/programmes of the UN, EU and other international and national actors. Its overall objective is to enhance peace dividends and foster a peaceful transformation of conflicts in Georgia.

By comparing a range of assessments of different stakeholders regarding the operational level intervention of EU, the case study draws out the dilemmas of local engagement in a context in which ownership by one party in the conflict is detrimental to the possibilities of trust and ownership of the other party. The political intricacies of the EU's attempted identification as a neutral and impartial actor in the framework of COBERM reflect the dilemmas of EU engagement in a conflict so close to its own borders and sphere of influence. This is reflected particularly in the strong divergence of perceptions of local and international stakeholders regarding COBERM's performance and impact.

#### 3.1.3 EU diplomacy in Mali<sup>29</sup>

The sudden crisis in Mali provoked an intense wave of international diplomatic efforts, as the international community shared a strong common concern to find swift and peaceful solutions. International engagement was particularly strong in the region itself, with ECOWAS and subsequently the African Union at the forefront. The EU also stepped up its diplomatic efforts. The most important consequence of this was the creation of an EU Special Representative for the Sahel. On the one hand, this move confirmed that the EU was committed to contributing to the resolution of the crisis through diplomatic means. On the other hand, it clarified that the EU viewed the crisis as part of broader regional dynamics affecting not only Mali, but also other countries in the region.

Michel Reveyrand-de Menthon was installed as the EU Special Representative (EUSR) for the Sahel on 18 March 2013, who possessed a strong knowledge of the country, the region

<sup>&</sup>lt;sup>28</sup> UN (2012)

<sup>&</sup>lt;sup>29</sup> Based on Djiré et al. (2016, chapter 4.2)

and the different actors involved in the crisis. Reveyrand-de Menthon operated at the head of a pool of mediators in the peace process in Algiers. He also played an important role in the attempts to find a common ground with the rebel groups. EU multi-track diplomacy efforts were not restricted to the EUSR. The EU delegation and diplomats of EU Member States played complementary roles, particularly also in relation to fomenting a broad dialogue with numerous state and non-state actors.

Though the implementation of the peace agreement is still on its way, and the outcomes of the process uncertain, the peace agreement should be interpreted as a strong success for Mali and the diplomatic efforts of the international community. The strong role played by African diplomacy, particularly ECOWAS, the African Union and Algeria, needs to be underscored. It is also important however to acknowledge the weight of the EU in the process. Relevant stakeholders identify different aspects of the EU's diplomatic weight in terms of political, moral and financial support. In the case of Mali, the EU showed its capacity to cooperate rather than to dictate, while also contributing to facilitate significant engagement with non-state actors around the peace process.

France has played a special role in the resolution of the Malian crisis. This is also underscored by the fact that the first EUSR for the Sahel was a French diplomat. France's strong role in EU affairs in the region holds advantages and disadvantages. On the positive side, France, more than other EU Member States, is able to draw on local knowledge, contacts and networks to help shape diplomatic efforts. It is also willing and able to take steps, such as the launching of the military operations in Mali that the EU would not be able to take. On the other hand, France's historical interests and relationships also play a role in how interventions take shape, which has led some observers to point out that role of the EU and of France in countries with former colonial ties to France do not always synchronize well. Nonetheless, the stakeholders involved review the role played by Reveyrand-de Menthon quite positively.

Civil society organisations do express some concern on what they see as a lack of outreach on the EU's role, including the role of specific instruments such as the EUSR. In a broader sense, the study underscored that the Malian public is largely unaware of the role played by the EU. If Euro-Malian relations are to emerge from the more narrow confines of diplomatic relations to which they were previously largely restricted, this would require attention. An outreach oriented approach, currently still rather timid, could give EU interventions greater presence and legitimacy. By increasing its visibility among the people and the local authorities, it would help foreground the EU and it might increase the EU's positive political and public leverage in the country.

#### 3.1.4 EU-led Dialogue between Serbia and Kosovo<sup>30</sup>

The EU portrayed the dialogue as an example of the 'European method' of seeking peace through practical cooperation. The dialogue shows that the EU is able to facilitate negotiations, leading to increased cooperation between Kosovo and Serbia, but it is fair to say that the practical cooperation was primarily a result of the effectiveness of political pressure of the EU. In this regard the EU showed its ability to play a 'political role' in bringing parties to the

<sup>&</sup>lt;sup>30</sup> Based on Van der Borgh et al. (2016, chapter 4)

negotiation table that were not really willing to start a dialogue about the normalization of their relations and the EU strategically used its leverage by linking the dialogue to its other instruments (most notably the SAA). In the case of the dialogue the EU showed a strong capability to act as well as a capability to adapt (see discussion EULEX mission), the role played by the EU also points at the capacity of the EU to use its political clout. While the Dialogue was initially portrayed as a 'technical' process, the process was 'political to the core'. Thus, capabilities are not always, and possibly never, politically neutral.

The EEAS also showed a capability to coordinate with international actors at key strategic moments, but the process took place at the elite level and largely 'behind closed doors'. While a more inclusive dialogue process was certainly not an easy task, it seems that the EEAS did not try to develop more inclusive processes of multi-track diplomacy, and seemed to believe that an elite pact was the only viable option. This points at a low capability to coordinate with other stakeholders in the field of MTD and one of the main risks of the deals reached in the Dialogue is the limited popular support for it and thus the risk that the agreements reached are not sustainable.

The dialogue between Kosovo and Serbia has further been criticized for a de facto change of strategy of international actors that placed less emphasis on rule of law reform (as promoted by EULEX) and more on hammering out a political deal. Bodo Weber noted that while there was indeed a need 'to put the Dialogue first' in order to secure Kosovo's territorial integrity and sovereignty, the EU and the US 'have underperformed in furthering democratization and the rule of law [and] have been consistently trading democracy and the rule of law to concentrate their efforts on solving the status dispute conflict'.<sup>31</sup> There clearly exist tensions between different EU interventions and 'the capability to work in and across different policy domains',<sup>32</sup> which was put to the test in the case of Kosovo. This implies that the capability to act by combining a range of policy instruments can be easier said than done and that the view of *how* to work across different policy domains, how to sequence interventions, and what a priority is and why, will often be contested.

#### 3.1.5 Afghanistan – EUSR in Afghanistan<sup>33</sup>

The EU Special Representative (EUSR) in Afghanistan has been, since 2001, the political presence of the EU in Afghanistan. EUSRs are appointed by the Council with the aim of representing the EU in 'troubled regions and countries' and 'to play an active part in promoting the interests and the policies of the EU'.<sup>34</sup> From the appointment of Klaiber, as the first EUSR in Afghanistan in 2001, to the current appointment of Mellbin, both the mandate and the actual role of the EUSR have expanded significantly. The EUSR instrument in Afghanistan has given the EU a political presence in a crowded field of international actors.<sup>35</sup> However, giving substance to that role in the complex context of Afghanistan has proven to be an extremely

<sup>&</sup>lt;sup>31</sup> Weber (2015, i)

 $<sup>^{\</sup>rm 32}$  Whitman & Wolf, in Martin et al (2016, 17)

<sup>&</sup>lt;sup>33</sup> Based on Dirkx (2016, chapter 4.1)

<sup>&</sup>lt;sup>34</sup> European Scrutiny Committee (2010: 318)

<sup>&</sup>lt;sup>35</sup> Gross (2008)

difficult task, especially because of the fundamental disagreements between Member States on the course of action to be followed.

A distinction can be made between the EUSR's internal and external functions. The internal functions consist of being the EU's 'eyes' and 'ears', while the external functions consist of being the EU's 'face' and 'voice'. Personal skills and experience appear to be particularly important. Vendrell was especially complimented for his exceptional skills in acquiring information and providing insightful analysis. His experience in Afghanistan and prominent role in the UN prior to his appointment as EUSR gave him valuable access to a variety of domestic, regional, and international actors.<sup>36</sup> Sequi and Mellbin could also draw on previous experience in Afghanistan, and hence they were also able to use their already existing networks.

With regard to the internal function of coordinating within the EU, all EUSRs seem to have faced considerable challenges, emphasising that 'the EU's confusing institutional structure has not helped' in this regard.<sup>37</sup> The plethora of EU institutions and Member States that have been involved in Afghanistan, with often diverging political agendas, have made it difficult for the EUSR to coordinate the EU's policies and strategy.<sup>38</sup> The 'double-hatting' of the posts of the EUSR and the Head of the Commission delegation since 2010 seems to have mitigated this problem somewhat, but the literature and additional interview data collected for this report suggest that coordinating with and between Brussels, Member States, the Office of the EUSR, and the Commission delegation is still difficult.<sup>39</sup>

Externally, the 'double-hatting' does seem to have improved the EUSR's function of 'face' and 'voice' in the field. It was often unclear who was speaking on behalf of Europe. While, since the appointment of Klaiber, the EUSR in Afghanistan has been mandated to coordinate and cooperate with EU Member States and other international actors, in practice this has been extremely difficult for all EUSRs in Afghanistan<sup>40</sup>, in part due to the highly political nature of these coordination efforts.

While many questions remain as to how exactly EUSRs have used the political weight of the EU in Afghanistan vis-à-vis other international actors and vis-à-vis the Afghan government, anecdotal evidence has provided some valuable insights. For example Vendrell's reflections on his time as EUSR in Afghanistan suggest that he was unable to change the United States' policy of supporting warlords. The literature also provides examples of EUSRs who used EU aid as leverage over the Afghan government.

A final important issue that kept recurring for the EUSRs was the EU's limited visibility in Afghanistan. Klaiber signalled it in 2002, and so did Mellbin thirteen years later. Paradoxically, the EU and its Member States have committed to exceptionally high levels of assistance to Afghanistan since 2001, but this happened in a context that was led predominantly by US-military interests.<sup>41</sup> In that military arena, the EUSRs in Afghanistan have fought an uphill battle to draw attention to the EU's civilian profile, which has been further

<sup>&</sup>lt;sup>36</sup> Quigley (2007, 203)

<sup>&</sup>lt;sup>37</sup> Buckley (2010, 3)

<sup>&</sup>lt;sup>38</sup> Buckley (2010)

<sup>&</sup>lt;sup>39</sup> Buckley (2010); Gross (2012).

<sup>40</sup> Gross (2012)

<sup>&</sup>lt;sup>41</sup> Peral (2011)

complicated by the limited support from Member States. On the other hand, EUSRs in Afghanistan also seem to have had a clear interest in keeping part of their work outside the public eye, for example with regard to EUSR efforts aimed at facilitating peace talks.

#### 3.1.6 Sri Lanka – EU diplomacy

In the early stages of the Sri Lankan conflict the EU was not a very visible actor, like other western nations or international organisations. Sri Lanka was deemed to belong to the Indian sphere and it were indeed the Indians who took several initiatives in the 1980s. In the 1990s the EU became slowly more outspoken on the situation in Sri Lanka, largely expressing its view on Sri Lanka's human rights record and the state of emergency by the Sri Lankan government, as well as the LTTE's violence. The EU asked attention for the (humanitarian) situation on the ground in the conflict-affected areas and urged the conflict parties to engage in a process of peaceful conflict settlement. In those years the donors had fairly little traction with the then government that opposed the 'internationalization' of the conflict or any attempts to help mediate the conflict. One important aspect of the EU's presence was and continues to be that it coordinated and substantiated the positions of the EU Member States.

After a new government came into power and the Ceasefire Agreement (CFA) was signed in 2002. The international (mainly western) donor community wholeheartedly and perhaps uncritically started to support the peace process diplomatically, politically and with development funding. The EU gained a prominent role as one of the four co-chairs of the peace process together with Japan, Norway and the US. The EU allegedly helped keep the balance between the facilitator Norway, the more traditionally inclined Japan and the anti-terrorist US. The EU was seen to keep the lines open to especially the LTTE who was very sensitive to issues of 'parity'. The EU also communicated to the LTTE at the highest levels during the peace process. When the EU finally proscribed the LTTE in 2006 some observers felt that this move endangered the whole peace process and the CFA, though these were arguably already in a state of collapse anyhow by that point in time.

It can be concluded that, though the EU increasingly became a more prominent and active diplomatic and political actor, its room to manoeuvre was in fact determined by the warring parties and the stances of the subsequent Sri Lankan governments towards outside interference that varied considerably over time. Neither the EU nor any other external party involved had much influence over those dynamics and could do preciously little to change the state of affairs.

#### 3.1.7 Yemen – National dialogue<sup>42</sup>

Throughout Yemen's now-stalled transition process, and in particular in its support for the NDC, the EU has played an active role. The focus of the EU's support throughout this process has been to promote inclusion of groups that had not been included in the negotiations over the GCC Agreement, such as the youth, civil society and women, while they also mediated with the Southern Movement and the Houthis whenever the process became deadlocked. In line

<sup>&</sup>lt;sup>42</sup> Based on Eshaq et al (2106)

with the GCC Agreement of 2011, President Hadi established a liaison committee in May 2012 to build bridges with all political and societal forces, including the Southern Movement, the Houthis, the youth, civil society, and women In December 2012 the comprehensive plan for the National Dialogue Conference (NDC) was finalised. Once the NDC was established, it was sub-divided into nine working groups, each discussing a particular topic: 1) Southern Issue, 2) Sa'ada Issue, 3) Transitional Justice, 4) State Building, 5) Good Governance, 6) Military/Security, 7) Special entities, 8) Rights/Freedoms, and 9) Development.

The size, structure and representation of the NDC emerged as the critical factor in Yemen's transition process. On the positive side, the composition of the NDC served as a corrective to political decision making in Yemen prior to the NDC, as that had been in the hands of the northern, male-dominated GPC and JMP patronage system. The quotas assigned, however, did not represent real demographic strengths nor the real political power. Women were assigned a quota of 30%, while they in all likelihood comprise half of the population. The southerners had a 50% quota, while its demographic weight is probably around 35%, or less, of the total population. The groups chosen, the delegates assigned, and the quotas for women, youth and southerners all together form a symbolic representation of how Yemen's main political conflicts were framed by the GCC Agreement, offering a modicum of the ideals of liberal democracy and human rights promoted by the US, UN and EU, by incorporating women and youth. It was inclusive in the sense that it, by and large, reflected the diverse make-up of Yemeni society and its different constituents, social groups and powers. The NDC thus broadened the participation in decision making to include groups that had hitherto been excluded.

On the negative side, a major weakness of the NDC was the selection of delegates for various political and social groups. Foremost, this applied to the separatist Southern Movement, as most of its factions boycotted the process, and only one faction allied to president Hadi participated on and off (see Chapter 3.2). The NDC thus failed to engage the decision makers and key stakeholders that really represented the Southern Movement. Another weakness appears to have been the representation of the youth, at least as far as the general public was concerned. It appears that the established political parties managed to register some of their members as delegates for the "independent" youth. To a lesser extent, this also appears to apply to the "independent" women. Hereby, these parties, who already comprised 44% of the total amount of delegates, undermined the "independent" vote, affecting the consensus-based decision making mechanism that had been put into place to prevent the established political parties from dominating the outcomes. As a result, quite a few respondents felt that the NDC had been an elite process, while 'the free youth from the squares and streets', who had started Yemen's Arab Spring, had not been represented, and therefore 'the NDC did not live up to all the aspirations of the 2011 uprising.' Furthermore, many felt that some of the groups participating in the NDC had never been genuinely interested in a better future for all Yemenis, but rather were using the NDC to gain influence for themselves, allowing them to act as spoilers.

What transpires from these results is that, in the Yemeni context, the NDC represented a big step forward in terms of promoting local ownership by including groups other than the established political parties (GPC and JMP). Many respondents, however, pointed out problems, either regarding the quotas that had been assigned to the different groups, or regarding the competence and level of participation of the people that been selected. As one respondent summarised: 'Representation quotas were almost fair and the goal behind them was to come up with a clear collaborative vision. The real issue was with the selection of individual representatives'.

#### 3.2 Governance capabilities

#### 3.2.1. Ukraine - decentralisation<sup>43</sup>

The EU Instrument contributing to Stability and Peace (IcSP) in Ukraine that was launched in spring of 2016 will aim at assisting the conflict-affected communities in Donetsk and Luhansk. In order to effectively address not only the lack of capacity in the Donbas region for decentralisation, but also to coordinate the actions with other international and local stakeholders, the IcSP was designed to complement the existing development and recovery framework.

In Ukraine, the EU governance interventions through the IcSP rely on partnerships with international agencies such as UNDP and UN Women, as well as local NGOs for the implementation of the project. Even though the EU appears to play largely the role of the funder, it had a significant impact at the design stage of initiatives that fall under the IcSP. Strengths of the IcSP are that it addresses the most crucial aspects of recovery processes in Donbas, takes into account the involvements of local communities, and the implementing organisations (UNDP and UN Women) have regional headquarters in the conflict-affected areas. Weaknesses of the programme are its short duration, while some stakeholders question the very idea of support for decentralisation as tool for conflict resolution.

#### 3.2.2 Mali - PARADDER, State Building Contract and PAOSC I and II<sup>44</sup>

The governance sector occupies a special place in the pallet of EU interventions in Mali. Over many years the EU and other international partners have invested significantly in supporting institutional reform, decentralisation and good governance in Mali. Though progress in this area has been made, the Malian crisis of 2012 also laid bare a range of serious governance deficits in the country. In the first stages of the crisis, the withdrawal of EU support, which functions as one of the key financial pillars of the Malian state, contributed significantly to stepping up pressure on the military Junta regime. This helped facilitate relatively rapid steps towards democratic transition. As the transition unfolded, the Malian state urgently needed external financial support. The International Donor Conference on Mali in Brussels (May 2013) led to over € 3 billion in pledges, providing the financial backing needed for the peace and transition process. Thus, international support, EU support prominent among it, functioned not only to avoid bankruptcy and to keep the Malian institutional framework in place, but also to stimulate democratisation.

 $<sup>^{\</sup>rm 43}$  This section is based on L. Litra (2016, chapter 5)

<sup>&</sup>lt;sup>44</sup> Based on Djiré (2016, chapter 4.4)

EU support to governance reform in Mali is bundled under the European Development Fund (EDF) envelopes for Mali. This currently falls under the National Indicative Programme 2014-2020 of the 11<sup>th</sup> EDF. Through this programme, EU governance support materialises in different mechanisms. Prominent among them stands the State Building Contract (SBC) mechanism. The EU furthermore resumed its support of decentralisation and regionalisation efforts through the Administrative Reform, Decentralisation and Regional Economic Development Support Programme (PARADDER), and its backing of civil society actors through the Support Programme for Civil Society Organisations II (PAOSC II), as well as other measures.

The SBC initiatives have been an extremely important tool for Mali's emergence from the crisis, for the support of the Peace Agreement's implementation and for reconciliation in Mali. General budget support is provided in addition to EU sectoral support. To lessen the risks of poor management, provisions were made for strict terms and conditions for the unblocking of funds in the various programme documents. In addition, the EU believes that, given the lessons learned from the support Mali has received in the past, it is important to ensure the dissemination of regular technical and policy information on the reforms to avoid extra budgetary expenditure without due regard for public tender processes. The programme also aims to ensure proper coordination and common action by the funders through the implementation of strict rules and the fostering of the discipline and rigour necessary for transparent and credible management of the Mali State budget.

EU support to decentralisation efforts in the framework of PARADDER suffered some delays because of the crisis, but has been resumed. PARADDER was foreseen to function until 2014, but, given the circumstances, the EU adjusted this to 2017. PARADDER aims to continue to provide support for the effective implementation of State reform policies, decentralisation, service sectors (health, education, water), with the addition of economic development in the North and in the Niger Delta. The use of PARADDER funds is conditioned by the absorption capacity of local structures such as the Regional Assemblies as well as by the security situation in the North of Mali. PARADDER has allowed local structures to acquire basic technical skills and to complete projects relevant to the local population. However, several elaborate bureaucratic procedures, including some accountability measures, prove difficult to implement in the local context.

EU interventions vis-à-vis civil society under the PAOSC II programme, seem to have enabled a number of positive outcomes for Malian civil society, which has gradually become a more prominent actor in Mali. Difficulties regarding civil society support also exist. Civil society stakeholders often deplore the emphasis placed by the EU on the role of civil society 'as support to the State.' Instead, civil society organisations would prefer not to be treated as 'a project' but as a full partner, 'a sector in its own right.' In addition, several relevant stakeholders emphasise the cumbersome nature of procedures.

#### 3.2.3 EULEX – governance reform Kosovo<sup>45</sup>

In terms of its capability to act it proved difficult to build an effective and efficient organisation, and EULEX experienced serious problems in terms of its contracting of staff, administration and its communication strategy. In this regard it is questionable whether the broad objective of EULEX to address the rule of law in almost all its dimensions was realistic. Even when EULEX would have performed better, the question emerges what realistic ambitions are, what the opportunities for reform are, and which sectors are resistant to change.

The fact that the EULEX mission deployed in a complex and changing national and international environment, partly explains the problems that EULEX faced. The continuing ambiguity and controversy about the status of Kosovo, both at the international level and within the EU, led to renegotiations about the deployment of EULEX and eventually to a 'handicapped' EULEX mission. These early years of the EULEX mission point at a strong connection between the capacity to coordinate and the capacity to act: a lack of international consensus seriously hampers the capacity to act. However, it is fair to say that the EU demonstrated a capacity to adapt to changing circumstances, new insights, and backlashes.

However, while the EU showed a capacity to adapt these adjustments, it also negatively affected the legitimacy of EULEX in Kosovo. EULEX became a 'status neutral' mission – something that was not appreciated by most of Kosovo's political leadership and population. This shows that not only the expectations of the EU are relevant to assessing its capabilities, but the expectations and perceptions of local leaders and people also have an impact. National political leaders generally had to accept the EULEX mission, but it is fair to say that they were more interested in support for Kosovo's independence and prospects of EU accession. Many Kosovar citizens were sceptical about EULEX's capacity to fight corruption and to 'catch the big fish', and generally not happy with EULEX punishing its 'war heroes'.

This ties in with the problems of local ownership. EULEX both aimed at strengthening the Kosovar judicial sector, while at the same time taking the necessary measures (among others through its executive mandate) to stop corruption. It was not always easy to reconcile these objectives. While EULEX did cooperate with the police, custom agencies and judicial sector, there were doubts about the capacity and willingness of national counterparts to implement reforms. This points at a major problem of ownership in cases of Governance Reform in weak states. While the counterparts of governance programmes may not have a genuine interest in the proposed reforms, external actors may have to match their 'governance agenda' with other policy agendas and interests (e.g. stability) for which they may need to cooperate with these same political elites. The capability to act and coordinate with local actors can thus be seriously hampered by political objectives other than the ones expressed in policy documents.

Finally, the case of EULEX Kosovo provides reason to review the three capabilities mentioned by Whitman and Wolff.<sup>46</sup> While the three capabilities discussed by Whitman and Wolff are relevant, they are in many cases interrelated.<sup>47</sup> In particular the capability to coordinate and cooperate and the capability to act seem to be strongly interrelated.

<sup>&</sup>lt;sup>45</sup> Based on C. van der Borgh et al. (2016, chapter 3)

<sup>&</sup>lt;sup>46</sup> Whitman and Wolff (2012)

<sup>&</sup>lt;sup>47</sup> Ibid

Furthermore, the fact that changes in context at different levels had a profound influence on the strategy of the EU in Kosovo points at the importance of the capability to adapt to a changing context, and to reposition a mission *in* a changing political field. It can be argued that this is capability 'to reposition and adapt' is a capability in its own right.

# 3.2.4 Guatemala / Honduras – CICIG and PASS<sup>48</sup>

Both PASS and CICIG took into account many of the characteristics of the 'Comprehensive Approach to security' that the EU adheres to. CICIG as a hybrid institution had a broad mandate, while the objectives of the PASS programme were 'comprehensive'. However, in both cases it has been argued that the goals were too ambitious and an important critique has been that there are limits to the agenda that international actors can implement, and that this is still insufficiently recognized. Thus, while the EU showed a capacity to act and demonstrated the ability to back intentions with concrete actions, it seems more difficult to match the ambitions and actions, and to make a sound assessment of realistic objectives in a given programme. It is fair to say that, in the case of Honduras, the EU was aware of the need to adapt to the versatile and complex environment and acted on it. Instead of continuing the PASS programme, it started a different, more focussed programme, EuroJusticia. The EU was also aware of the risks of the programme in the national context and the EU was willing and able to conclude that the programme simply did not live up to the EU's expectations.

The main challenge of both initiatives was the very national political context in which they deployed. Both initiative programmes relied on local actors in the implementation phases and aimed to strengthen local government actors in the security and justice sectors. The success of both largely depended on the capability to cooperate with the right actors, and to counter the ones that were not cooperative to the type of reforms and measures that were proposed. In this regard, the PASS programme faced a very complex situation which further deteriorated when the programme had just started. Within the Honduran government a sense of 'ownership' was virtually absent and there was 'no one to align with'. The national 'owners' in charge of national security and justice policies had different ideas, interests and 'routines' that were not or only partly in line with the type of reform that the EU promoted. The EU has been criticized for not putting enough pressure on the Honduran government (conditioning the disbursement of development funds on compliance with certain norms) to forge a more proreform coalition.

CICIG – a hybrid institution – partly funded by the EU, was quite different from PASS, but faced similar problems in terms of the ownership of the initiative. The support of the Guatemalan government and state apparatus was mixed at best. However, in this case CICIG has been able to cooperate with reform-oriented actors, although this cooperation was and remained a 'tricky balance', since CICIG had to cooperate with the very elites that it was investigating. This also explains why, despite successes of CICIG, the prospects for longer term capacity building and longer term reform continue to be problematic.

While the PASS programme was led and funded by the EU, CICIG received political and financial support from a broad range of actors. It can be argued that in comparison to PASS this

<sup>&</sup>lt;sup>48</sup> Based on C. van der Borgh (2016, chapter 4)

'teaming up' of international actors has been crucial for CICIG's resilience. It is clear that, at key moments, actors used their political and financial leverage to put pressure on the Guatemalan government, for instance when the mandate of CICIG had to be extended. It remains, however, difficult to draw conclusions about the role played by the EU in this initiative, but the choice of the EU to support CICIG from its very start points at the EU's capability to cooperate and coordinate with other influential actors, both at the national and international level.

# 3.2.5 Sri Lanka – governance and development<sup>49</sup>

The EU has carried out a relevant post-conflict reconstruction and development programme focused largely on the needs of the conflict-affected areas. The EU implements its bilateral programmes with Sri Lanka under the so called Multi-Indicative Programmes (MIP). During the MIP I (2007-2013) the EU implemented three developmental programmes with a clear focus on post-conflict rehabilitation. The first of these programmes was the European Union -Assistance to Conflict Affected People (EUACAP) that was launched in 2009 with a total budget of € 53.2 million. Its goal was to support the early recovery and rehabilitation needs of people in the North and East, leading to long term development in those regions. The second programme was the European Union – Support to Socio-Economic Measures (EU-SEM). After it was launched in 2010, the programme allocated a sum of  $\in$  15.7 million in grants for the development and promotion of socio-economic measures in the Eastern and Northern Province. The third programme was the European Union Support to District Developmental Programme (EU-SDDP). The programme allocated a sum of  $\in$  60 million to support integrated socio-economic development in Sri Lanka in the medium and longer term. The programme commenced in June 2012, and was implemented by IFC and 5 UN agencies (FAO, UNDP, UNICEF, UNOPS, and ILO) (based on a note on EU bilateral programmes provided by the EU Delegation in Colombo).

In addition to the MIP I, the EU also supported Sri Lanka through regional programmes. The regional programmes complement the bilateral interventions, mainly in the areas of aid to uprooted people, environment and trade. Between 2005 and 2015 the EU has contributed to the owner-driven reconstruction of over 20,000 houses for war-affected returnees. This has been funded by the EU's regional facility called Aid to Uprooted People (AUP) with € 50 million. A call for an additional 3,000 owner driven 'developmental' houses has been recently launched. The first AUP programme supported the World Bank who built 86,000 houses under the North and East Housing Reconstruction Programme (NEHRP) between 2006 and 2009. Then, the EU-funded NGOs Arbeiter Samariter Bund (ASB), Practical Action and ZOA promoted the importance of livelihood support measures to housing and mainstreamed the use of local resources and appropriate materials. More recently, the EU has partnered with the Government of Australia and Swiss Development Cooperation (SDC) to fund UN-Habitat and SDC to implement another 9,000 units. UN-Habitat has further developed community processes and promoted the leadership of women in Village Reconstruction Committees, etc.

The second regional programme is SWITCH ASIA, promoting sustainable consumption and production. This programme aims to contribute to economic growth and poverty reduction

<sup>&</sup>lt;sup>49</sup> Based on Frerks and Dirkx (2016, chapter 4 and 5)

in Asia, and mitigate climate change through the promotion of sustainable consumption and production. In Sri Lanka, four grant projects have been implemented in the area of waste management, bio-gas and greening hotels. Most recently, the SWITCH- Asia Policy Support has been signed in December 2014 and aims to provide technical assistance to the Ministry of Environment to support policy development, implementation, monitoring and dialogue in the area of sustainable development.

The Asian Investment Facility (AIF) is a regional programme that, in Sri Lanka, includes the Sanitation and Hygiene Initiative for Towns (SHIFT). This programme is implemented by Agence Francaise de Development (AFD) and supports the restructuring of the National Water Supply and Drainage Board (NWSDB). The EU contributes  $\in$  5.9 million to some  $\in$  200 million loan facilitated by AFD.

The final regional programme entails Trade-Related Assistance by the EU. The EU Delegation is preparing a project with the Department of Commerce of the Ministry of Industries to support trade capacity building and trade development in Sri Lanka (based on a note on EU regional programmes provided by the EU Delegation in Colombo).

The EU has also funded a number of smaller projects carried out by NGOs under the EU instrument for Democracy and Human Rights, where some five NGO's worked together on a 'Platform for Freedom'. Though the amounts involved have been relatively small, the funding was experienced as very useful, and also the contacts and support given by the Delegation to the implementing agencies was highly valued. As human rights were a sensitive issue in Sri Lanka, these projects were implemented without much publicity and under neutral names to avoid controversies with the regime in power.

Though these programmes are largely developmental in their scope, they have to be seen in the overall governance efforts to rebuild the war-affected areas, to provide social services and kick-start local development, among others through the provision of institutional support and capacity building.

# 3.3 SSR capabilities

# 3.3.1 Ukraine – EUAM & EUAM<sup>50</sup>

A CSDP mission to Ukraine was requested by Ukraine in the wake of a Russian organised referendum in Crimea. Ukraine's idea was to request a monitoring CSDP mission to be dispatched to the administrative line of occupation between Ukraine and the Crimea. However, while the request was reviewed in the EU, the Russian intervention in the East started. Since some EU Member States were strongly against sending an EU mission to the East, Sweden, Poland and Great Britain suggested a compromise in the form of an SSR CSDP mission, with headquarters in Kyiv. This idea was taken as a blueprint when the field group of experts was dispatched to Ukraine to prepare the Crisis Management Concept (CMC).<sup>51</sup> As mentioned

<sup>&</sup>lt;sup>50</sup> This section is based on L. Litra (2016, chapter 4)

<sup>&</sup>lt;sup>51</sup> Council of the European Union (2014a)

above, the CMC stressed the role of weak security institutions in the Ukraine during the unfolding and development of the conflict.

As a result, a CSDP mission was dispatched to Ukraine, but its "security and defence" component was watered down as much as possible. It is important to stress that, while the key interlocutor with Brussels was the Minister of Foreign Affairs of Ukraine, apparently none of the mission's beneficiaries were consulted when EUAM's mandate was elaborated. The potential beneficiaries did not even know that they would be the mission's partners and target institutions until the mission set up in Kyiv.

While the EUAM mission was generally evaluated rather positively by stakeholders in Ukraine it was not seen as a 'unique' mission. It is fair to say that the mandate review of EUAM led to positive evaluations of beneficiaries, who were of the opinion that the mission was much more focused and responsive to the needs of the partner institutions. However, a number of different but interconnected factors challenged EUAM's activities. Firstly, the EUAM has a rather low profile and operates among a wide variety of donors and partners, and the beneficiaries seem to perceive the mission as one of the Western projects present in Ukraine, rather than a politically significant security and defense mission. Secondly, the lack of domestic consensus on the vision and broader purpose of civilian Security Sector Reform in Ukraine and resistance to reform among certain sectors hampered the impact of the mission.

A key achievement of the EUBAM mission, which has been operating since 2005, is considered to be the introduction of a new customs regime between Moldova and Ukraine. This allowed Transnistrian businesses to register with Moldova's official agencies and to receive the official customs documents, which, de facto, contributed to the reintegration of Transnistria in economic terms.<sup>52</sup> It also was able to confirm that 'no trucks full of weapons drive through the border here, neither do people carry around bags full of drugs'.<sup>53</sup> EUBAM did detect the large smuggling route of chicken meat which was smuggled through Transnistria to avoid custom duties. Overall, EUBAM presence on the border rendered smuggling much more difficult.<sup>54</sup> It also fulfilled its objective of establishing cross-border and inter-agency cooperation between Moldova and Ukraine, thus contributing to establishing trust between the border and customs institutions of the two countries.<sup>55</sup>

It is worth noting that EUBAM is known among its stakeholders as an ever selfdeveloping mission, responding to the needs of local stakeholders and the evolving geopolitical situation. At the time of writing EUBAM's website lists areas of the mission activity which go way beyond the initial mandate: AA/DCFTA, good governance, integrated border management, intellectual property rights, conflict resolution through confidence-building measures, VLAP and trade facilitation, in addition to combating various types of smuggling and fraud.<sup>56</sup> All these objectives were mentioned in the Addendum to the Memorandum of Understanding between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine, signed in 2015.

<sup>&</sup>lt;sup>52</sup> Dura (2009)

<sup>&</sup>lt;sup>53</sup> Isachenko (2010, 12)

<sup>&</sup>lt;sup>54</sup> Isachenko (2010)

<sup>&</sup>lt;sup>55</sup> Kurowska & Tallis (2009).

<sup>&</sup>lt;sup>56</sup> EUBAM (2016)

The conclusion about EUBAM's role in peace building in the East is unequivocal: the mission is distancing itself from the Ukrainian conflict and is placing a distinct emphasis on its Transnistria portfolio. In addition, the administrative and financial supervision of EUBAM, which used to be carried out by the EU Delegation to Ukraine (Kyiv), was moved to the EU Delegation to Moldova (Chisinau). The Ukrainian interlocutors see this as a sign that EUBAM is getting more focused on Transnistria and Moldova, rather than Ukraine.

### 3.3.2 Georgia – EUMM<sup>57</sup>

The European Union Monitoring Mission in Georgia (EUMM) is an unarmed civilian monitoring mission established by the EU on 15 September 2008. It is the only mission operating under the Common Security and Defence Policy (CSDP) of the EU in Georgia.<sup>58</sup> Over 200 civilian monitors were sent by EU Member States to contribute to the stabilisation of the situation on the ground following the August 2008 conflict. They monitor compliance by all sides of the EU-brokered six-point agreement of 12 August 2008 and of the Agreement on Implementing Measures of 8 September 2008.

The Mission started its monitoring activities on 1 October 2008, beginning with the oversight of the withdrawal of Russian armed forces from the areas adjacent to South Ossetia and Abkhazia. EU Member States have contributed personnel from a variety of civilian, police and military backgrounds. EUMM has its headquarters in Tbilisi. It has three regional field offices, located in Gori, Mtskheta and Zugdidi. Since 2008, the mission has been patrolling day and night, particularly in the areas adjacent to the South Ossetian and Abkhazian Administrative Boundary Lines. The EUMM's efforts have been primarily directed at observing the situation on the ground, reporting on incidents and contributing to an improved security situation through its presence in relevant areas.<sup>59</sup>

Overall, different relevant stakeholders assess EU civilian capabilities in the framework of the EUMM in a relatively positive way. Some contradictions and shortcomings are nonetheless highlighted. The EUMM's focus on stabilisation, normalization and confidencebuilding mandates is concretised mostly through activities that can be classified under Multi-Track Diplomacy. The EUMM activities and strategies support unofficial dialogue and problemsolving activities aimed at building relationships between authorities and civil society leaders, while also contributing to people-to-people interactions at the grassroots level to help build confidence between communities. The link of EUMM with Security Sector Reform or Governance Reform issues is, as of yet, very limited.

The Incident Prevention and Response Mechanism (IPRM) is assessed as the most successful mechanism by all stakeholders within and outside the country. These meetings offer an opportunity for all participants to discuss events and incidents, and to raise concerns on the security situation and the conditions for the civilian population. The EUMM's participation in this mechanism also effectively turns the mission into an important political player in the conflict with the function to mediate and resolve various small and, at the same time, significant

<sup>&</sup>lt;sup>57</sup> Based on N. Macharashvili et al (2016, chapter 4.1)

<sup>&</sup>lt;sup>58</sup> EUMM (2016)

<sup>59</sup> Ibid.

topics (including kidnappings and personal assaults).<sup>60</sup> The information sharing meetings organised by the EUMM with representatives of NGOs are considered a key forum for EUMM monitoring updates in Western Georgia, and constitute a clear indication that local ownership is being exercised.

## 3.3.3 Mali: EUTM and EUCAP<sup>61</sup>

The European Union Training Mission in Mali (EUTM) started on 18 February 2013. Given the urgent training and capacity building needs of the Malian military, EUTM is the EU's most important effort in the field of security and Security Sector Reform in Mali. Twenty-three European nations participate in EUTM with the mission to 'support Mali in the restructuring of its army and in responding to its operational needs' and to enhance the military's logistical, organisational and planning capacities.

In addition to EUTM, on 15 April 2014 the European Council approved a civilian support mission for the internal security forces in Mali, under the name 'European Union Capacity Building Mission Sahel Mali (EUCAP Sahel Mali). EUCAP Sahel Mali is an EU civilian mission based in Bamako, tasked with providing strategic advice and training to three internal security forces in Mali, i.e. the Police, the Gendarmerie and the National Guard, as well as the relevant ministries, in order to support reform in the security sector. EUCAP Sahel Mali supports the Malian state to modernise its security forces and enable them to respond more effectively to the need for protection of the entire Malian population throughout the country. It also constitutes an important element of the regional approach in the EU's security and development strategy for the Sahel, including the management of borders and border security.

EUTM and EUCAP training programmes were both designed in part on the basis of local inputs, which strongly enhanced the quality and relevance of the training. The drawbacks or weak points identified in the study were the occasional discontinuity between training modules, insufficient coordination and coherence in the training offered, language barriers between trainers and trainees, and the significant differences in quality between the trainers in charge. This finding points at the need to step up participants' training evaluations measures, as well as possibilities for participatory curriculum development.

Besides training, the enhanced use of ICT tools also plays an important role in EUTM and EUCAP. Though all relevant stakeholders underscore the relevance of this focus, they also point out that the progress on the use of relevant ICT tools in the security sector is very slow, and that additional efforts are required. Furthermore, stakeholders perceived that the multiplicity of international stakeholders aiming to engage with Malian institutions (i.e. in the case of SSR, MINUSMA is an important actor as well) sometimes leads to a sense of rivalry between international actors, which may be vying for the attention or favour of Malian stakeholders. The streamlining of coordination and the clarification of the multiple roles should be able to tackle such problems.

<sup>&</sup>lt;sup>60</sup> Former representative of the Ministry of Foreign Affairs of Georgia. Personal interview by authors. Nana Macharashvili, Kristine Margvelashvili, Tbilisi, May-August, 2016.

<sup>&</sup>lt;sup>61</sup> Based on Djiré (2016, chapter 4.3)

### 3.3.4 EUPOL Mission Afghanistan<sup>62</sup>

The EUPOL Afghanistan Mission is a civilian Common Security and Defence Policy (CSDP) mission that, since its establishment in 2007, has sought to support reform efforts of the Afghan Government in building a civilian police service. The mission aims to contribute to the EU's overall political and strategic objectives in Afghanistan, especially with regard to reforming the security sector. EUPOL has arguably been the most important EU effort in that regard. EUPOL Afghanistan's support is currently delivered mainly through advising at the strategic level to the Afghan Ministry of Interior,<sup>63</sup> but prior to 2014, the mission was also focused on training Afghan National Police (ANP) officers.

The eventual mandate for the mission was the result of a complex interplay between Member States and their national electorates, negotiations within governments, compromises between Member States, and pressure from across the Atlantic to do more in Afghanistan. Germany was a crucial Member State in that process.<sup>64</sup> The debates between different Member States about the form of the mission, and Germany's wish to push through the start of the mission during their Council Presidency gave EUPOL a difficult start in a challenging context and crowded field of stakeholders involved in police training. It has been argued that a considerable portion of the blame for the lack of success goes to Brussels and the European capitals.<sup>65</sup> Nevertheless, despite the many flaws, some authors point to EUPOL's positive contributions to police reform in Afghanistan.<sup>66</sup> These authors point to the mission's flexibility in adapting to the complicated field of stakeholders on the ground<sup>67</sup> the EU's increased operational role in Afghanistan<sup>68</sup>, and the mission's civilian focus compared to the military focus of the United States.<sup>69</sup>

Yet, overall, EUPOL is widely assessed as a failure, or at least a mission marred with difficulties that did not live up to its expectations. The external challenges that the mission faced were enormous. The rising insurgency and general instability created an insecure working environment for EUPOL staff, and over time the American militarized police training programmes overshadowed the EU's civilian efforts. Furthermore, the dire state of the ANP made effective police training extremely difficult. However, 'many deficits have also been home-grown'.<sup>70</sup> These internal challenges are primarily rooted in a lack of political will among Member States to support the mission, which manifested itself in a limited budget, a lack of qualified staff, and Member States who set up bilateral policing programmes and supported US police reform efforts. These problems were further compounded by the strict security measures, short staff postings, diverging visions on policing, and a lack of coordination with

<sup>&</sup>lt;sup>62</sup> Based on Dirkx (2016, chapter 4.2)

<sup>&</sup>lt;sup>63</sup> See EUPOL Afghanistan. (n.d.). About EUPOL. Retrieved March 31, 2016, from EUPOL Afghanistan: http://www.eupol-afg.eu/node/2

<sup>64</sup> Pohl (2012)

<sup>&</sup>lt;sup>65</sup> Larivé (2012, 198)

<sup>66</sup> Peral (2009); Gross (2009, 2012)

<sup>67</sup> Peral (2009, 336)

<sup>&</sup>lt;sup>68</sup> (Gross 2009, 43)

<sup>&</sup>lt;sup>69</sup> Ibid, 117

<sup>&</sup>lt;sup>70</sup> Upadhyay and Pawelec (2015, 181)

NATO and other international actors. EUPOL Afghanistan illustrates the 'difficulties between EU member states to agree on one strategy and contribute to the shaping and the maintenance of a powerful, effective, and credible mission'.<sup>71</sup>

<sup>&</sup>lt;sup>71</sup> Larivé (2012)

# 4. Comparisons and discussion

In this chapter we draw some preliminary conclusions about EU capabilities with regard to conflict prevention and peacebuilding on the basis of the main findings presented in the previous chapters. These conclusions are only a first effort to systematize these findings and in the next phases of the WOSCAP project this will be followed by more substantive reflections regarding the capabilities of the EU in and across the different policy clusters as well as the relevant themes (coherence, ownership, gender, ICT, civil-military synergies).

The chapter starts with a brief overview of the main findings per policy area. It moves on with a discussion about coordination and cooperation of other international actors outside of the EU, as well as the management of relations within the EU (including Member States). The next sections deal with the experiences with the inclusion of local stakeholders (ownership), the importance of context, and comprehensiveness. Thus, this final section provides a general overview, which is the result of a first screening of the reports and focuses on two of the cross-cutting themes: multi-stakeholder coherence, and ownership. More robust conclusions about these and the other cross-cutting themes require a further analysis in the next phases of the WOSCAP programme.

#### Main findings per policy area: MTD, Governance Reform, SSR

In most countries that were included in this study the EU has played a role in efforts to bring together actors in dialogue or peace processes. The EU played different roles in the countries discussed. It seems fair to say that the more likely the prospects for accession to the EU are, the more inclined and better placed the EU is to play a key role in peace or dialogue initiatives, Kosovo being a case in point. It is telling that the only case where the EU took the lead in the dialogue between two governments (and where the EU was able to do so), was in its immediate neighbourhood. In the cases of Ukraine and Georgia, the EU has played a role in the efforts to bring different parties together joining international consortia, i.e. the Geneva International Discussion, and the Normandy Framework. Lastly, in countries that lie outside the EU (Yemen, Afghanistan, Mali, Sri Lanka), the EU always teamed up with other international and regional actors, while not taking the lead in any of these initiatives.

Since in most countries the EU operated in consortia, it is difficult to assess the outcome of the intervention of the EU *per se*. Overall, the emphasis was on conflict management; efforts to bring parties together leading to frozen conflicts or preventing further escalation in a complex geopolitical environment (Georgia, Ukraine), an unstable or contested peace (Mali, Kosovo), or a resumption of war (Yemen, Sri Lanka). The cases discussed in the different countries show that the role of the EU is assessed differently by different stakeholders, this quite clearly being the case in what arguably was one of the more inclusive processes (Yemen) and of the most exclusive efforts (Kosovo). Whereas one of the facilitators of the dialogue between Serbia and Kosovo argued it was an example of the 'European method' of seeking peace through practical cooperation, others criticized the EU for being too pragmatic. In Mali and Yemen, stakeholders lauded the EU for its financial, political and moral support, while the research in Yemen shows that there were doubts about the commitment of the EU. These different assessments are often the result of different expectations vis-à-vis the EU, e.g. stakeholders expected a more or less proactive role, or a different kind of involvement.

In the EU's efforts to improve governance in the countries studied we see a number of relevant programmes and activities. First of all, there has been a series of efforts to steer countries to better governance by expressing concern and asking attention for topics as the rule of law, respect for human rights, abolishing states of emergency, fights against corruption etc., which all could be subsumed under governance as well as contain aspects of Multi-Track Diplomacy. In many cases these initiatives remained, in first instance, declaratory and understandably showed a mixed record in terms of success and impact, but in other instances they were followed up by concrete activities and programmes in these areas. These concrete initiatives covered a wide variety of relevant themes, generally based on needs in situ, but also sometimes driven by an international agenda or a combination of both, which was one determinant affecting levels of local ownership and effectiveness. Areas covered in the cases studied concerned support to state-building (Mali), decentralisation (Mali, Ukraine), institutional reform (Mali), support to the justice sector and strengthening the rule of law (Kosovo, Guatemala, Honduras), human rights (Sri Lanka), democratic transitions (Mali, Sri Lanka), conflict transformation (Georgia), civil society support (Mali, Georgia, Sri Lanka), the functioning of (local) social services, and also initiatives to foster post-conflict economic development (Mali, Sri Lanka) and reconciliation (Mali). This extensive, but not exhaustive list already indicates that the EU has a large variety of programmes and instruments at its disposal that, in principle, form a suitable repository to craft and tailor activities according to local needs and requirements.

Nonetheless, these programmes have shown a mixed record in practice. Some faced setbacks and problems (Mali), and even sometimes created local resistance or indifference (Honduras and Kosovo), but others were more successful and adept at playing a flexible role in charged contexts with a multitude of actors and diverging local and international interests. The decision or threat to withhold support to a country can also be an effective instrument to pressurize a government. This happened in Mali where the withdrawal of EU support arguably helped facilitate the democratic transition which was further concretised during the International Donor Conference on Mali in Brussels. In Sri Lanka the donor community tried to influence the conflict parties by promising US\$ 4.5 billion to stimulate them to engage in the peace process, but this failed to produce tangible results.

In the case countries studied, the EU has carried out a significant number of SSR-related programmes and projects. Most of these missions are complex and involve several member states and a variety of local governmental and non-governmental agencies. The cases analysed included the EUAM mission to the Ukraine focusing on strategic consultation and coordinating donor support to civilian security sector reform benefiting a whole range security-related, non-military ministries and services. The EUBAM mission helped the Ukraine and Moldova to improve their border management which was beset by mutual distrust due to the frozen conflict over Transnistria. In Georgia the EU launched the unarmed EUMM to reach stabilisation on the ground by monitoring compliance to the 2008 post-war agreements, among others through the Incident Prevention and Response Mechanism. In Mali the EUTM contributes to the Malian army's restructuring and capacity building. The EUCAP mission provides advice and training to Mali's internal security forces: police, gendarmerie and National Guard. EUPOL, finally, has focused on the training of the Afghan police and is currently providing strategic advice to the Afghan Ministry of Interior.

It can be said the EU's efforts in SSR related activities were nearly all depending on a wide variety of Member States and local partners. This created mandate, coordination, funding

and coherence issues. Moreover, these activities had to be done in difficult security conditions and weak institutional contexts. In view of this it is not surprising that results show a mixed record. Even so, most missions have achieved at least part of their mandates and some were commended on achieving good results and having a positive local impact. This was due, among others, to the EUs capability to evolve mandates or activities in tune with local dynamics and changing contexts. Another contributing factor was the proper mobilization of local inputs and buy-in.

#### Coordination and cooperation

The ability of the EU and its Member States to reach a unified position has been mixed in the three policy fields. In the case of Kosovo, the lacking consensus regarding Kosovo's status led to a status neutral position of the EU that hampered its efforts in many ways. In that regard, it is quite an achievement that the EU was successful in hammering out a deal between Serbia and Kosovo. In a similar vein, the role that the EU should play in Ukraine has been subject to internal debate, e.g. with regard to the question whether the sanctions against Russia should be continued. In a number of cases national leadership has proven important to get things moving. Germany took a leading role in the EU facilitated dialogue between Kosovo and Serbia, and in the Normandy Format for Ukraine. President Sarkozy took the lead in the management of the Georgian crisis in 2008, and France intervened militarily in Mali in January 2013. In both cases the EU provided for follow-up action. These lead roles are often contested among Member States, since they influence the ways in which missions play out.

Several EU missions were the result of deals between EU Member States. EUAM in Ukraine and EUPOL in Afghanistan are cases in point. In certain cases EU Member States or other international actors were seen to be in competition with each other or would put national interests first. EUPOL's start was hurried through as Germany wanted to start the mission during their Council Presidency. EUPOL also suffered from the simultaneous implementation of the US militarized training programmes, i.a. of the Afghan Local Police that not only competed with EUPOL's efforts, but were also moving in a contradictory direction. The start of EUAM in Ukraine was also complicated due to opposing views on what course to follow among the Member States; some Member States wanted a more assertive mandate in view of the Russian intervention, while others were against sending a mission at all.

While the EU has faced problems building the infrastructure of a number of missions and programmes (e.g. PASS in Honduras and EULEX in Kosovo), the involvement of several Member States can also lead to operational problems of the mission. EUTM and EUCAP in Mali faced some discontinuities between the training modules with insufficient coordination and coherence in the trainings offered. EUPOL in Afghanistan also suffered from lack of resources and sustained support from Member States who also did not completely agree on one strategy and had diverging visions on policing. This affected the political will among some states to fulfil their pledges. There were also rapid staff rotations and, more generally, a lack of coordination between the multitude of actors.

With regard to the capacity of the EU Special Representative to overcome these kinds of internal challenges of coordination, the cases of Kosovo, Mali and Afghanistan point at some capacity to do so. However, they cannot compensate for the EU's complicated structure. Furthermore, the cases of Kosovo, Afghanistan and Mali show that, while the role played by the EUSR has to be understood in the national and international context, the personal skills, knowledge and networks of the respective representatives can make a difference.

Apart from the challenges of coordination and cooperation within the EU, there are also many examples where the EU cooperated with international organisations and in international networks. In the field of MTD, cooperation is often a sine qua non and the EU managed to cooperate with a range of relevant international actors, showing an ability to adapt to the relevant national, regional and international playing fields. In some cases the voice of the EU was clearer than in others. Indeed, in the case of Kosovo and Serbia, where the EU facilitated the dialogue, the EU led the facilitation and cooperated at strategic moments with other international players, most notably the US when they put pressure on national governments to continue the dialogue. In Sri Lanka the EU was one of the co-chairs of the peace process (2002-2009) and allegedly helped keep a balance between the approaches of the other three chairs (Norway, US and Japan). It is interesting to note that the EU played a similar role in the Central American crisis in the 1980s when the EU supported regional peace efforts in Central America, being a counterweight to the US who had, thus far, supported a military solution to the conflicts. In other cases it is more difficult to tell what exactly the position of the EU was vis-à-vis other international players and how the EU actors influenced the process. In Ukraine and Georgia, the EU took a cautious approach vis-à-vis Russia and the prevention of national and international escalation partly informed this approach. In the other countries the EU showed an ability to position itself in the emerging international frameworks and architectures in support of a peace process or peace settlement. In Yemen the Delegation of the EU joined the G10, and in Mali it supported regional efforts to manage the conflict.

In many cases, the efforts in EU governance programmes were combined with those of other international organisations, donors and NGOs (Guatemala, Sri Lanka, Ukraine). This enabled not only a positive multiplier effect in terms of funding and impact, but also heightened the leverage of the international community on the local partners. In the case of Ukraine the EU governance interventions, through the Instrument contributing to Stability and Peace (IcSP), relied on partnerships with the UNDP and UN Women. In the case of the Guatemalan CICIG programme, the teaming up of a broad range of international actors contributed to the programme's resilience by their combined political and financial leverage over the government. While this may work out in a beneficial manner when relations are well, it can also cause local suspicion and resistance, when such partnerships are perceived as donors 'ganging up'. In the Sri Lankan case, for example, President Rajapakse's government turned its back to the western donors when they became too critical in his eyes, and they nearly completely lost traction with the government for several years.

#### Ownership

The experiences with the involvement of local stakeholders and their influence on or ownership over EU interventions is mixed. Ownership takes many forms, depending on context and policy area. In the field of MTD the fact that the EU in virtually all cases had to cooperate with other international actors severely limited the leverage over the decisions about the format of the actual negotiations or dialogue taking place and about the question who should be included in it. In this regard, it is rather surprising that the dialogue between Kosovo and Serbia, on which the EU had a high level of leverage, was an elite process that took place behind closed doors. This may have been the result of the complex nature of the talks, but it had clear downsides: many relevant stakeholders were excluded and felt excluded. Interestingly, in the case of Yemen, one of the more inclusive peace processes took place, giving youth and women a voice in the National Dialogue Commission (NDC). The EU actively supported the inclusion of these groups and also funded efforts to include a broader range of stakeholders in the process.<sup>72</sup>

In a number of cases the EU established relationships with (non-state) rebel groups with a view to include them in the peace process or making sure that they would not leave the process. In the Sri Lankan peace process, the EU communicated with the LTTE at the highest levels during the peace process (but eventually proscribed the LTTE in 2006). In the case of Yemen, the EU ambassador maintained contact with high level Houthi leaders, and in Mali the EU Special Representative played an important role in the attempts to find common ground with the rebel groups. Not all national stakeholders sympathized with these initiatives and some of them perceived the EU as a biased actor.

Also, in the field of governance interventions, the EU has struggled with the issue of local initiative and local ownership. This is a broader donor issue and not unique to the EU, but arguably even more of the essence in a conflict context. In Mali the EU was blamed that it perceived civil society simply as a handmaiden to help implement government projects, while civil society organisations would prefer to be dealt with as a 'sector in its own right'. But also at the government level, Mali's nearly total dependence on foreign aid has led to such complicated aid architecture that the Malian state can hardly exert effective control and leadership. EULEX found it difficult to get broadly accepted in Kosovo. The national leaders had rather one-sided expectations and their own motives. They resisted parts of the EULEX programme, while the local population remained sceptical about what EULEX could effectively deliver. In Honduras the national 'owners' of the PASS programme had very different ideas, interests and practices from the EU programme and there was hardly any local ownership and no real counterpart to align with. CICIG in Guatemala also had to keep a difficult balance between reform and cooperation with the elites that were under scrutiny of the programme themselves.

The EU's own procedural complexity does add to the difficulties in programmes where the EU cooperated with local partners. Several local partners hinted at the obstacles this created for them during the application and implementation phases. They argued that this privileged international implementing partners to the disadvantage of smaller local partners who hardly could understand and manage the complex rules of EU programmes. In other cases such as Mali, the EU has enforced strict terms and conditions for releasing funds to foster the required discipline and rigor in programme and financial management. However, in the PARRADDER programme in Mali even such rules proved difficult to apply in the local context. On a more positive note, it was observed that the presence of local offices (from implementing

<sup>&</sup>lt;sup>72</sup> These efforts were not discussed in the country study of Yemen. The EU funded among others the Local Dialogues project, which aimed (a) to strengthen and protect the National Dialogue Conference (NDC) and to genuinely contribute to the political transition process in Yemen; and (b) to support the political participation of Yemeni Citizens and the main stakeholders (Political Parties, Women, Youth, Civil Society, Business, etc.) at governorate level (information provided by Yemen country team).

partners) in the regions at subnational level could effectively promote ownership of the local population.

#### Context

The security situation highly determines what can be achieved and how. In a number of cases violence was ongoing or erupted again (Northern Mali, Ukraine, Sri Lanka), in others there was a frozen conflict (Georgia) or an uneasy ceasefire agreement, often with numerous violations (Sri Lanka), and in others again a peace accord or (contested) independent status with a fairly stable, but often still vulnerable post-conflict trajectory (Kosovo, Honduras, Guatemala). It is obvious that local situations impact on the possibilities and achievements of EU programmes. EUPOL had to deal with a police in dire state with whom the carrying out of any programme would be a challenge. The same applies to the Malian army and the wider governmental institutions in most of the countries concerned. Apart from that, eruptions of violence and the difficult security situation on the ground in general compounded the operations.

In the field of governance these variations do not only affect the selection, design and viability of programmes, but also involve difficult decisions on partnerships, questions of political even-handedness, and obviously imply a range of implementation issues on the ground. The Instrument contributing to Stability and Peace (IcSP) in the Ukraine, for example, did not cover the 'opposition' in the Eastern region. In Sri Lanka, however, the EU managed, for a long time, to keep channels with the rebel movement LTTE open and discuss issues such as human rights, child soldiers etc., next to implementing a series of programmes. In Mali ongoing violence hampered the smooth implementation of programmes. It is argued that the contested status of Kosovo also caused serious problems for EULEX that had to be deployed 'status-neutrally'. Despite its attempts to remain neutral and impartial, local perceptions of its performance varied widely.

Related to the security situation is the issue of the local political context. Politics in conflict-affected and post-conflict states is often highly volatile, variable, opportunistic and complex, as a consequence of the conflict history, with deeply embedded divisions and traumatic experiences. Some countries faced *coups d'état* leading to withdrawal of support (Mali, Honduras) or drastic policy changes due to new governments in power (Sri Lanka), which derailed ongoing EU programmes or upset levels of mutual understanding and engagement. The intervening actors and implementing agencies may easily get trapped in local divisions and contradictions or unwittingly be used or manipulated for partial purposes of specific factions or parties to the conflict, hampering a balanced approach and leading to adverse perceptions of their role by again other factions. The capacity to relate to and deal with local leaders and populations is of the essence for programmes' successful implementation. Both Kosovo and Sri Lanka exemplify this clearly, but also the programmes in Central America bear witness to this fact.

There is an obvious need for flexibility given the conflict and post-conflict dynamics, the ever-changing (political) contexts and their impact on programming. This requires a capability to adapt goals and objectives, programming, implementation modalities and timing in an overall administrative structure which is often bureaucratic and rule-based, focused as it is on accountability. This is a difficult path to tread. The EU is sometimes perceived as rather rigid, but the cases show that it, nevertheless, has a certain capacity to adapt to changing contexts.

#### Comprehensiveness

Comprehensiveness is a core issue for the EU at policy level. In practice, it may have different dimensions and angles. De Cooning and Friis indicate several levels of coherence: intra-agency, whole-of-government, inter-agency and international-local (host nation and external actors: alignment) coherence.<sup>73</sup> In addition, they identify different types of relationships: unified action, integration, cooperation, coordination, co-existence and competition. They also stress the importance to go beyond technicality and look at underlying values and political interests. Comprehensiveness is generally seen as positive, but it can also lead to unwieldy, complex programmes that are hard to manage and find it difficult to live up to their own expectations. This happened to the Honduran PASS and Kosovar EULEX initiatives. Aid-dependent Mali could not manage the complicated aid architecture on its own. On a more positive note, one can observe that the EU has the instruments available to effectively craft a multi-dimensional and complementary aid programme tailored to the diverse needs of a conflict-affected or post-conflict country. It also has shown the intention and the capacity to collaborate with a variety of other relevant actors.

In most countries the EU tried to link (EU funded) reforms or programmes to the diplomatic, security, governance, and development sectors. There are many ways in which EU policies complemented each other and there are many examples of how the EU used certain instruments to create synergy or to compensate for flaws. In Georgia, the EU funded the COBERM project that aimed to support local processes of reconciliation in a context of 'frozen conflict'. In the case of Kosovo, the EU not only used the SAA strategically, but also stepped up its development initiatives in the North of Kosovo after the April Agreement (2013) was reached between Belgrade and Pristina. There are, however, also cases where the comprehensive approach led to tensions. In Mali, there were tensions between the support for peacekeepers (assuming the territorial control of the government of Mali) and the effort to negotiate a new political settlement (discussing the political architecture of the North). In the case of Kosovo the dialogue was criticized because it allegedly led to a *de facto* change of strategy that placed less emphasis on rule of law reform and more on a political deal between Serbia and Kosovo.

#### Conclusion

The above mentioned points are a first effort to systematize the findings from the country studies and desk studies of the WOSCAP project. Indeed, this preliminary overview points at the complexity of processes of intervention and the multiple factors that are relevant to and may also affect the EU's interventions. Some of them are in the EU's own hands and can easily be remedied, if needed, while others are outside the EU's span of control and are more difficult to tackle. In this regard, the above shows that dilemmas are part and parcel of the EU's reality of international intervention in the field of peace building and state building and that these dilemmas need to be understood and analysed.<sup>74</sup> The case studies show a mixed record. In several instances the EU has managed the dilemmas and local complexities well. In other cases there is still room for improvement. It is up to the next steps of the WOSCAP project to further

<sup>&</sup>lt;sup>73</sup> De Cooning and Friis (2011)

<sup>&</sup>lt;sup>74</sup> Paris and Sisk (2009)

identify both the restraints and the possibilities to improve EU capabilities with regard to conflict prevention and peace building.

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