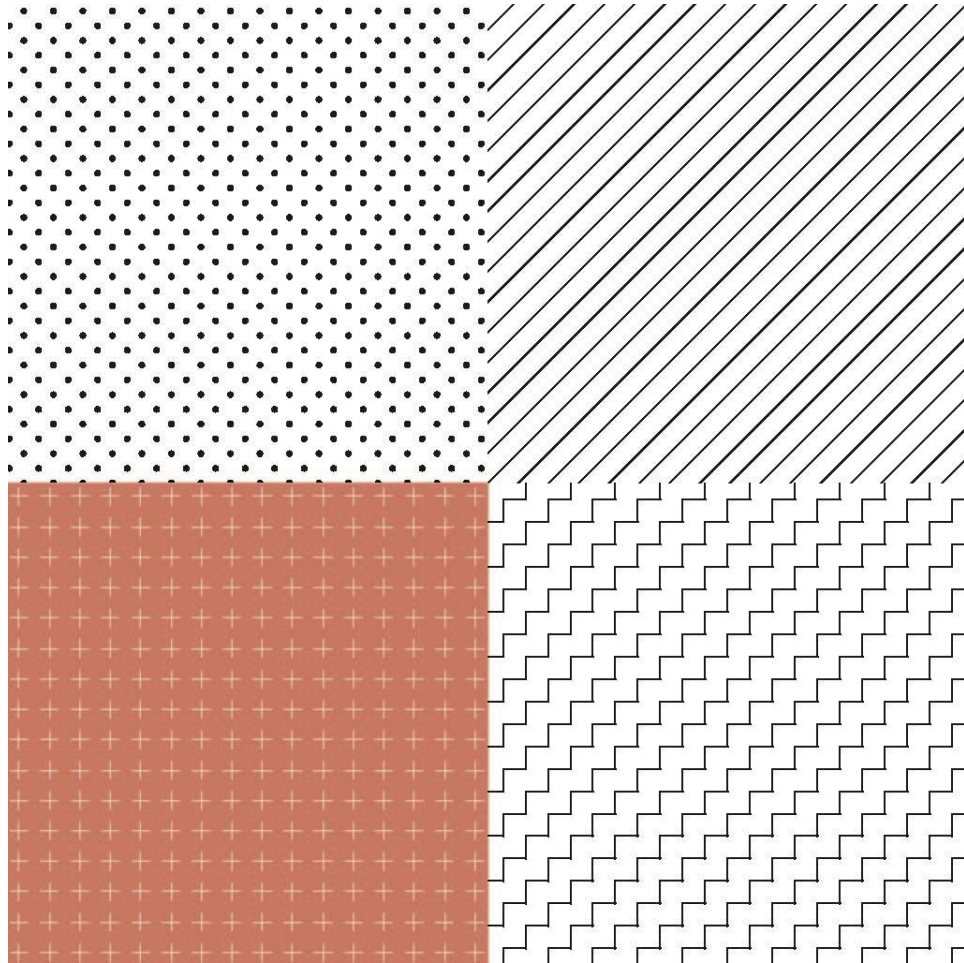


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The Role and Capacities of International Third-Parties in Multi-Track Mediation

Berghof Foundation

Colophon

SUMMARY REPORT OF THE POLICY DIALOGUE: THE ROLE AND CAPACITIES OF INTERNATIONAL THIRD-PARTIES IN MULTI-TRACK MEDIATION

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Deliverable 5.9: Policy Dialogue Berlin

Berghof Foundation



Whole of Society Conflict Prevention and Peacebuilding

This summary report was produced as part of the project “Whole-of-Society Conflict Prevention and Peacebuilding” (WOSCAP). It summarizes the discussion and results of the Policy Dialogue roundtable that was organised by the Berghof Foundation on 8 September 2017 in Berlin, in Germany. This meeting is one of the nine policy dialogues the project holds in 2017 in several EU Member States as well as case study countries to discuss findings and recommendations. The aim of this policy dialogue was to discuss the results of a study — produced as deliverable within the WOSCAP project — which investigated the challenges and opportunities related to EU capacities for proactive, coordinated and inclusive mediation and dialogue support, with explicit focus on the case studies of Ukraine and Mali.

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Disclaimer

This report aims to reflect the debates of the roundtable as accurately as possible. It is based on notes taken, and slides presented at the event. The Q&A and panel discussion sessions were held under Chatham House Rules and refrain from attributing opinions voiced during these sessions to individual participants present at the event.

Aim and format of the Berlin Policy Dialogue

The aim of the EU-funded research project on “EU capacities for whole-of-society conflict prevention and peacebuilding” (WOSCAP) is to enhance the capabilities of the EU for implementing conflict prevention and peacebuilding interventions through sustainable, comprehensive and innovative civilian means. This event was carried out as joint endeavour between the WOSCAP project’s policy dialogues which aim to discuss actionable policy recommendations based on research findings and case study reports of the project in five EU Member State capitals, and the Berghof Foundation’s Mediation Roundtable series. The Mediation Roundtable series offers German decision-makers and experts an informal platform to discuss topical challenges and innovations in the field of mediation and mediation support and develop policy recommendations. Specifically, this roundtable event discussed the results of a study — produced as deliverable within the WOSCAP project — which investigated the challenges and opportunities related to EU capacities for proactive, coordinated and inclusive mediation and dialogue support, with explicit focus on the case studies of Ukraine and Mali. It brought together WOSCAP project participants from Germany, the Netherlands and Ukraine, German researchers and practitioners in the field of peace mediation, civil society experts on Ukraine, and representatives from the German Foreign Office and the European External Action Service.

Review of inputs and discussion

Introductions and welcome remarks

Welcome remarks were extended by Patrick Lobis, policy officer at the European Commission representation in Berlin, where the event was hosted. Hans Joachim Giessmann, Executive Director of the Berghof Foundation, introduced the aims, guiding questions and the agenda of the event (see Annex).

Introduction to the WOSCAP project and overall project findings

Gabriella Vogelaar, WOSCAP's project coordinator, briefly introduced the project aims, methods and results. She noted that the Whole of Society approach (the WOS in WOSCAP) highlighted by the project is based on ideas and principles close to human security, inclusivity, and local ownership. Next to Multi-Track-Diplomacy (MTD) the project also undertook thematic research on the topics of civil military synergies, local ownership, ICTs and SSR.

The overall project findings point to the high ambitions underscored by the EU's mission statements and expectations in different policy domains, which are not always matched by the capacity of the EU to work on various fronts and to use a wide range of policy instruments in a complementary fashion. Hence, the recognition that interventions across many policy fields are related and can strengthen one another (e.g. security sector reform and anti-corruption measures) does not imply that the EU should or needs to be involved in all of these activities at the same time, in the same place. Furthermore, working in, on and after conflict requires a degree of adaptability to changing contexts, conflict dynamics and actor constellations. The project found that the EU does not often have the capacity to respond to new crises in a timely manner. On the other hand, it found that the EU has a strong capacity to coordinate, but the effectiveness of such coordination varies significantly across many dimensions. Building on project results we argue, from a whole-of-society perspective, that the efforts to understand and work with not only a broader range of actors, but to also link EU intervention to a broader set of local policies and processes, have been limited. Hence, against this background there is still room for improvement, which a WOS approach can help identify. In short, a WOS approach implies a thicker engagement between the EU and conflict-affected societies, whereby the EU would make fuller use of the diversity of actors and local interactions on the ground.

The project will organize a final conference on 8 November in Brussels, and we invite [everyone](#) to register for the event. The programme will also include a panel on Multi-Track-Diplomacy.

Presentation of project findings on Multi-Track-Diplomacy

Véronique Dudouet, Director of the Conflict Transformation Research Programme at Berghof Foundation, a member of the WOSCAP consortium, presented the findings and policy recommendation from the study "From power mediation to dialogue support?":

EU Capabilities for multi-track diplomacy”. The study was one of the key research deliverables of the WOSCAP project, which will be published shortly as a Berghof Research Report. The aim of the paper was to compare the objectives and expectations of the European Union in the field of Multi-Track-Diplomacy against its actual track record across five country cases (Georgia, Ukraine, Yemen, Mali, and Kosovo). It defined Multi-Track-Diplomacy in the context of EU peacebuilding as referring to: negotiation, mediation and dialogue support by EU bodies or instruments, in various stages of conflict (preventive + reactive diplomacy), through coordinated efforts (both internally and externally) and across various levels or ‘Tracks’ of conflict-affected societies.

In order to stimulate a focused discussion, the presentation paid particular attention to examples from Ukraine and Mali. The inquiry was structured along three dimensions, which feature prominently in the EU policy and guidance documents related to mediation and dialogue support: (1) the EU’s capability to act proactively as well as to react timely in situation of (re)emerging armed conflict; (2) the EU’s capability to coordinate its diplomatic efforts along three horizontal levels (within the EU, with its Member-States, with other international actors); (3) the EU’s capability to support inclusive peace(building) processes vertically (by engaging broader segments of society beyond governmental actors). All three levels of ‘whole-of-society’ engagement (which build on, and deepen the ‘whole-of-government’ principle) feature prominently in the 2016 EU Global Strategy.

The report’s comparative assessment along the three dimensions reveals a mixed track record for the different countries under scrutiny, as the following table shows.

	Ukraine	Georgia	Kosovo	Mali	Yemen
Temporal pro-activeness and reactivity	(+)	(-)	(+)	(-)	(+)
Horizontal coordination					
- internally	(+)	(+)	(+)	(+)	(+)
- between MS	(-)	(-)	(-)	(+)	(+/-)
- internationally	(+)	(+)	(+)	(+)	(+)
Vertical inclusivity	(--)	(-)	(--)	(+)	(++)

With regards to the first axis (proactive engagement), the study shows that for the case of Ukraine, there was a willingness to engage proactively, but the engagement was often one step behind the actual political events. Another constraining factor was that during the time of political crisis in Ukraine in 2014, leadership changes within the EU limited the organization’s capability to address the unfolding crises in a timely and efficient manner. In Mali on the other hand, the EU was slow in reacting to the crisis in 2013 due to a lack of an accurate analysis of the political settlement within the country. Hence, the EU’s analysis categorized Mali as a stable democracy, and the organization was slow to adapt its assessment when the armed conflict emerged. Due to the nature of the conflict (involving foreign Islamist jihadi groups), military/security approaches by international actors (including EU Member States aligned behind France) have overshadowed diplomacy.

On the horizontal axis of coordination, in Ukraine, the EU is foremost represented through Germany and France as ‘muscle mediators’ as part of the Normandy format, which brings together Ukraine and Russia for a diplomatic solution to the conflict. However, due to the interest of these EU Member States (and the EU itself) in Ukraine’s territorial integrity as well as the EU’s geopolitical role in relation to Russia, the two Member States can hardly be described as impartial mediators. Arguably, they could rather be defined as negotiators, or at least interest-based mediators. In Mali, the Algiers peace process was characterized by a high level of coordination between the various mediating bodies (including the EU). There was also a well-coordinated approach to intra-EU involvement, through weekly briefings and meetings with the EU Delegation, EUSR and EUMS embassies. The EEAS Mediation Support team offered regular support to EU actors on the ground, even if the deployed experts and commissioned briefs were not always in tune with the context-specific needs of in-country teams.

Concerning the vertical axis of coordination, the study noted that the EU (through its MS’s participation in the Normandy format) supports a strongly elite-driven process, which is justified by the need for efficiency, but might have contributed to a lack of public support for the process. Hence, the study found that the efforts by EU and MS to include civil society or to make the process more transparent were limited. In Mali, on the other hand, there were concerted efforts to include women and CSOs into the process. Nevertheless, the empirical research conducted as part of the WOSCAP project suggest that the actual physical participation of civil society at the negotiation table in Algiers (whose representativeness was challenged by many actors), was perhaps less effective than feeding in their inputs and interests via consultation channels in Bamako.

Based on the case study findings, including a succinct analysis of the range of technical and political constraints impeding a full implementation of the EU’s high ambitions for timely, coordinated and inclusive mediation and dialogue support, a list of targeted policy recommendations for EU staff were presented.

Recommendation	Description
Staff training and knowledge management	Targeted training for relevant staff in HQ and in-country would increase their awareness of MTD capabilities and their knowledge of how to use/mobilise them, and would improve the planning and conduct of EU engagement in conflict-affected contexts. Close coordination between the geographic desks and the mediation support team (MST) within the EEAS would ensure that the IcSP and other funding instruments will benefit projects that have a high potential for improving the proactiveness, coherence and multi-track inclusivity of peace process support. The MST should commit to travelling to fragile and conflict-affected states on a regular basis, both to build the EUD staff’s expertise in inclusive MTD and to enhance the awareness of EEAS staff in Brussels about ongoing local dynamics.
Longer term personnel	Certain positions within EU Delegations that have strong outreach functions and necessitate extensive local contacts could gain from longer-term postings, as a thorough understanding of the

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Recommendation	Description
	intricacies of the political settlements and dynamics at play in-country is a necessary condition for identifying and accessing all relevant stakeholders across the multiple tracks of society that need to be involved in a peacebuilding strategy.
Incentivise inclusive mediation and dialogue initiatives	Clear mission statements (e.g. in Country Strategy papers) justifying why inclusive MTD is an important goal in itself would provide a stronger mandate and incentive for EU staff to increase their own expertise and to invest more time and resources in supporting inclusive channels for civil society participation in peace mediation and peacebuilding dialogue platforms.
Clearer definition and communication of EU objectives and mandates	EU Country Strategies and mission mandates for CSDP missions or EUSRs would help streamline the multiplicity of external actors engaged in MTD in a given context by setting out clearer objectives and explicitly spelling out the respective roles of each EU actor. More transparent public communication about the roles and activities of various EU actors in-country would also help increase the visibility of EU MTD efforts. Statements of objectives on the self-defined role of the EU in a given peace process (e.g. as leading mediator, a support role, as technical advisor, or as a donor, etc.) would also increase coherence with other international actors.
Work purposefully on multiple levels	EU Delegations should coordinate the various tracks of engagement and policy domains/instruments of intervention, through regular information-sharing, both internally and with local and international partners. Such coordination should not be limited to the highest strategic level (heads of mission and EUMS ambassadors) but also applied at the operational level. An increased level of multi-track coordination would enhance opportunities for local development or reconciliation projects to leverage Track 1 mediation processes, and vice versa.
Engage more in bottom-up, Track II & III efforts	If political options for Track I mediation (support) are limited, the EU should invest in early and sustainable initiatives to foster bottom-up dialogue approaches through (inter-)community dialogue, which can set the foundation for political agreements and societal reconciliation processes. More generally, local civil society actors should be involved at all stages of an EU intervention, from the design and implementation to the evaluation phase.

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Discussion of the research results

Kateryna Zarembo, Co-Director of the World Policy Institute in Kyiv, the WOSCAP project partner organization that carried out the field research in Ukraine, was invited to offer some comments on

the report from her perspective as a WOSCAP consortium partner and researcher of an independent institute in Ukraine.

She started out by describing the advantages found by their research team regarding the role played by France and Germany as part of Normandy format on behalf of the EU. The benefits of this constellation were for example the fact that decision-making by EU MS was perceived as quicker and more efficient than what would have been possible for the EU. Furthermore, she highlighted the good personal contacts which were established by the longstanding diplomatic presence of the MS in Ukraine. On the other hand she pointed out the important role the EU played in terms of facilitating unity among the member states on sanctions towards Russia, which played a positive role in leveraging France and Germany's influence in the negotiations. Furthermore, she challenged the study's analysis on limited vertical coordination of the Track 1-based Normandy format. Thus, she pointed out that whereas the format itself is elite-driven, lower levels of the administration (and the Parliament) were also able to feed their opinion into the process. Furthermore, media reporting on the proceedings of the Normandy process is extensive, which ensures public debate. However, she contrasted this assessment with recent opinion polls, which show that only 12% of Ukrainian people are satisfied with the Minsk agreement, but that 38% of the population favour external pressure as an important factor in the negotiation process with Russia. In conclusion, Kateryna Zarembo noted that wider sectors of government and society are quite engaged in the Normandy format, especially on the technical level. She also cautioned against the way the term reconciliation is used in the study. Hence, in her opinion the role of the separatists should not be overemphasized, as Russia is the main conflict party. National plans to engage with people in the Eastern territories (also on reconciliation) are in place. Lastly, Kateryna Zarembo shared her optimism that Ukraine's experience of EU engagement in mediation efforts through its member states might represent a useful model for other contexts.

Q&A

The Q&A session mainly focused on the case of Ukraine. Based on their own research and project work in the country, various participants challenged the assertion that there is sufficient civil society involvement in Track 1 mediation efforts in Ukraine, and were interested in discussing the particular challenges of Track 3 dialogue support in Ukraine. Furthermore, the question was raised if the EU's overall interest in stimulating civil society involvement in mediation (according to its policy objectives) is spilling over to Ukrainian elites. Other participants felt that it would be useful to raise these questions with Ukrainian and EU decision makers. It was also argued that Ukrainian policymakers do take a lot of feedback and input by independent consultation bodies (e.g. think tanks) into account, although these channels are highly dependent on previously-established networks and connections. Furthermore, the question was raised what value civil society inclusion has for the current Normandy format. Due to the heated and sensitive nature of the conflict-related debates, a strong civil society involvement might also lead to more protest and it might even threaten constitutional order. It became clear during the debate that participants had different understandings of the concept of inclusivity.

Véronique Dudouet linked the debate on the exclusive or inclusive nature of the Normandy format to another key finding of the WOSCAP research. Hence, the study shows that on an aggregate level, in cases where the EU is closer to being the main influential actor in a mediation process, there

tends to be less appetite for inclusive negotiation formats. These cases often coincide with countries closer to the EU's neighbourhood (Ukraine, Georgia, Kosovo). In contrast, in cases which are further away geographically and in which the EU is rather one among several actors involved in mediation support, or where EU officials act as a facilitators rather than muscled mediators, the EU tends to be more actively lobbying for an inclusive process (Yemen, Mali). One participant added that this shows that the EU is particularly good as a soft power actor.

Another participant stressed that the EU is an intrinsically political actor, which complicates its role as an "honest broker". Furthermore, it was noted that the discussion so far (particularly on Ukraine) had not clearly reflected which civil society is meant to be included or coordinated with in MTD: civil society in Ukraine? Civil society in the occupied areas? Civil society in Russia? Also, the same participant remarked that there seemed to be some major differences among WOSCAP partners on how the conflict context is seen in Ukraine. Participants of the research team responded that the project partners indeed had different perspectives on defining the conflict (along intra-state or inter-state dimensions). In Ukraine, the view on the conflict is much clearer: there are two parties to the conflict (Ukraine and Russia). Regarding the comment on civil society, it was noted that those citizens who have a Ukrainian passport should be addressed as civil society, which excludes those who came to Ukraine in order to fight in the currently occupied areas.

Panel Discussion on the role and institutional capacities for a 'whole of society' approach to international mediation, followed by open discussion with the audience

The follow-up thematic panel was comprised of one representative from the EEAS (Olai Voionmaa, Mediation Support Team, European External Action Service), and three representatives from the Initiative Mediation Support Germany: Julia von Dobeneck, senior project manager and researcher at the Center for Peace Mediation (CPM) at European University Viadrina; Sebastian Dworack, Head of the International Capacity Development Team at the Center for International Peace Operations (ZIF); and Luxshi Vimalarajah, Programme Director for Dialogue Mediation, Peace Support Structures at the Berghof Foundation. The panel discussion was facilitated by Hans-Joachim Giessmann, Executive Director at the Berghof Foundation.

The guiding questions for the panel discussion were:

- Coordination and coherence: What are the pros and cons of Germany as EU member state acting as autonomous mediator in external conflicts as opposed to (or in addition to) acting through EU diplomatic channels?
- Coercive vs. non-coercive approaches to mediation: What are the pros and cons of international third-party facilitation as opposed to muscled and interest-based mediation backed by diplomatic sanctions, in particular when dealing with 'hard to reach' actors or dialogue sceptics?
- Societal inclusivity: What are the pros and cons of increasing inclusivity at the negotiation table, beyond the direct conflict parties, and what should be the role of international mediators in this regard?
- Institutional capacity-building: What instruments are used or developed to enhance the institutional capacity of international agencies (such as EEAS and the German MFA) for whole-of-society (i.e. coordinated and inclusive) mediation support?

On the first question related to coordination and coherence, the first panellist pointed out Ukraine as a case where the EU's delegation of mediation responsibilities to Member States worked quite well. Several examples of Germany-based allies in EU mediation endeavours were cited, such as the German Foreign Ministry, the Center for International Peace Operations (ZIF) (in its capacity as training institution, also for EU staff), and Berghof Foundation. It was also noted that Member States acting alone can be beneficial and more efficient, particularly if the EU is limited in its options to take on the task as a mediator. Furthermore, in cases where there is effective cooperation between the EU and its various Member States (such as in Yemen or Syria), decisions on the repartition of roles between them are taken jointly.

Next, the panellists addressed the respective advantages and disadvantages of soft- vs. hard-power approaches to mediation. A range of factors were mentioned as influencing which kind of approach might be advantageous in which context. Thus, the choice of tools depends on the level of (perceived) impartiality and stake/interest a mediator has in a certain conflict. The parties' trust (in the mediator) also plays a role in the decision which tool is chosen. It was noted that third parties without a particular interest in a conflict might focus more on the process (rather than having a predetermined preference on outcomes), which might be beneficial to designing a sound mediation process. Furthermore, mediators without high stakes in the conflict might be more flexible in terms of approaching "hard to reach" actors. A positive argument for having strong interest-based mediators is that they come with more (power-based and committed) leverage, which might help to enforce a settlement. One classical example for choosing leverage-based mediation is the Kosovo/Serbia dialogue, where both parties to the conflict had something to gain from the EU as a mediator (visa liberalization and membership process). Other factors influencing the choice of a mediation approach were also mentioned by participants, such as credibility, economic power or (colonial) history. It was also noted that both tools are often used simultaneously in reality, as in Sri Lanka, where the Norwegian facilitation was backed by power-based actors such as the EU and US.

On the third topic related to inclusion in peace process, a panellist remarked that despite the popularity of this topic among international policy-makers, everyone is still grappling with questions such as whom to involve, and how to design a process which is inclusive. In fact, it was argued, the main focus should be placed on the participating actors' representativeness, their ability to make decisions and to follow through on such decisions, and their negotiating skills. Thus, whereas the debate around inclusion is normatively charged (e.g. on gender participation), it should rather be addressed more strategically, by focusing on the inclusion of actors and issues that matter most to produce a good outcome. Moreover, the thematic inclusion of specific topics should matter as much as the numeric inclusion of certain actors. Finally, inclusivity should not be solely or primarily linked to the participation of "civil society" as such, but also on ethnic minorities, "hard to reach" actors, and inside mediators. A participant raised the point that the need for inclusive peacebuilding support has become widely accepted among EU staff, and that mediation support teams are now rather grappling with the question of "how" inclusivity can be brought about, rather than whether it should be part of the peace process equation.

With regards to the final topic (capacity building on the institutional level within diplomatic and mediation bodies), the role of targeted training, advocacy and publications was noted as key instruments to increase the awareness and skills of relevant staff within civilian crisis management teams and peace operation missions on mediation and dialogue support. One participant asked

about the role of mediation support units within international organisations (e.g. EU, UN, AU) and their success to date, one decade after their first establishment. Panellists agreed that there is still a need and demand for such units, due to the persisting gaps in applying mediation instruments adequately and consistently. Furthermore, these units play an important role in improving coordination and coherence among mediating bodies, even though they do not always get the credit they deserve. Further training is important, since geographic desks are the first point of contact for issues pertaining to mediation in crisis regions, so they need to be sufficiently informed about the work of the mediation support unit, and how to reach it. Furthermore, it was noted that there is still an insufficient level of information exchange between different projects supported by the same donor (e.g. German government).

An additional topic came up during the discussion, when someone asked why/when (parties to a conflict) actually accept the EU as coordinating body or mediator. A WOSCAP consortium representative provided evidence from Yemen where the EU is seen as acting through soft power, without any colonial baggage or obvious political interest, which helped EU staff to gain access to 'hard to reach' actors. On the other hand it was remarked that whatever the EU does in other domains related to peace and security might impact how local actors perceive its role as a mediator. A case in point is the EU support to SSR in Mali, including by providing training to the armed forces, while simultaneously having been involved as a co-mediator in the Algiers-led peace process. This debate brought about the concluding comments that an increase in the military capacities of the EU might actually lead to a weakening of its standing as mediator, although it was noted that this would depend on the kind of mediation which is needed in a given setting (i.e. hard vs. soft power mediation). Furthermore, mediation represents one (rather new) tool to tackle political challenges among various other instruments and approaches at the EU's disposal, such as development cooperation.

Annex: Agenda

Friday 8 September 2017, 15.00-17.30

- 15:00 **Welcome remarks**
*Patrick Lobis, Foreign and Economic Affairs, European Commission
Representation in Germany*
- Introduction and welcome**
Hans-Joachim Giessmann, Executive Director, Berghof Foundation
- 15:10 **Introduction of the WOSCAP project**
*Gabriëlla Vogelaar, WOSCAP coordinator, Global Partnership for the Prevention
of Armed Conflict (GPPAC)*
- Presentation of key findings and recommendations from the WOSCAP project
on EU capacities for multi-track mediation support (with specific emphasis on
the cases of Mali and Ukraine)**
*Véronique Dudouet, Programme Director Conflict Transformation Research,
Berghof Foundation*
- 15:30 **Discussion of the WOSCAP project findings, followed by Q&A with authors**
Kateryna Zarembo, Co-Director, World Policy Institute, Kyiv, Ukraine
*Facilitation: Nico Schernbeck, Project Manager Dialogue, Mediation & Peace
Support Structures Programme, Berghof Foundation*
- 16:10 **Panel Discussion on the role and institutional capacities for a ‘whole of society’
approach to international mediation, followed by discussion with audience**
*Julia von Dobeneck, senior project manager and researcher at the Center for
Peace Mediation (CPM) at European University Viadrina*
*Sebastian Dworack, Head of the International Capacity Development Team,
Center for International Peace Operations (ZIF)*
*Luxshi Vimalarajah, Programme Director Dialogue Mediation, Peace Support
Structures, Berghof Foundation*
Olai Voionmaa, Mediation Support Team, European External Action Service
Facilitation: Hans-Joachim Giessmann, Executive Director, Berghof Foundation
- 17:30 **Closing reception** at the Restaurant Hopfingerbräu am Brandenburger Tor