Civil Society Dialogue Network Policy Meeting

Revision of the EEAS Peace Mediation Guidelines:
Gathering Input from Experts

4-5 May 2023, Online

Meeting Report

The overall objective of this Civil Society Dialogue Network (CSDN) Policy Meeting was to gather views and recommendations from civil society experts on mediation to contribute to the review process of the EEAS Peace Mediation Guidelines. Participants discussed the content of the new thematic chapters and shared general considerations on the Guidelines.

The meeting brought together 45 participants, including 27 civil society experts and 10 officials from the European External Action Service (EEAS) and the European Commission (EC).

The discussions were held under the Chatham House Rule. There was no attempt to reach a consensus during the meeting or through this report. The key points and recommendations which are included in this report may not be attributed to any participating individual or organisation, nor do they necessarily represent the views of all the meeting participants, the European Peacebuilding Liaison Office (EPLO), or the EU institutions.

Youth

- Overall, the chapter on youth is comprehensive, uses strong language, and no major elements are missing.
- Different youth groups can have different agendas, interests, and political positions, therefore it is important to stress that youth is not one homogeneous group. For example, aspects related to the intersectional identity of young people could be included.
- There is a large variety of push and pull factors to consider when reflecting about dynamics relating to youth and violent extremism. The framing of disaffected youth being drawn into violent extremism risks oversimplifying a complex issue.
- The point on legitimising youth conflict actors through their inclusion in mediation processes should be nuanced. It contradicts other paragraphs of the chapter on engaging violent and extremist actors.
- The section on inclusion is quite strong, but it could be further strengthened by referencing or expanding on:
  - Existing obstacles and resistance to inclusion, especially with regards to youth participation in track 2 processes;
  - Intergenerational power dynamics and geographic obstacles (e.g., capital cities vs regions; urban vs rural) preventing the inclusion of some youth groups;
  - The issue of engaging with young people who are not organised in groups;
  - The role of the EU in facilitating inclusion, for example through community-focused training courses in local languages.
- The meaning of capacity building could be better articulated:
  - Capacity building can be addressed both to youth groups (e.g., technical training about mediation processes) and non-youth (e.g., training on how to engage with youth groups);
  - Intergenerational capacity building is often very effective;
  - Locally-owned capacity building can improve inclusion (e.g., translation of guidelines and conferences, training reaching beyond community leaders, training tailored to the local context, etc.);
  - Capacity building as a prerequisite for engagement in mediation processes can be problematic, as it can sometimes be detrimental to the experience of the people involved and not contribute to creating a safe space for those engaging in the process.
- The importance of strengthening digital tools and innovation as instruments to facilitate youth inclusion could be stressed.
- The chapter could further underline psychosocial security needs.
- The chapter could also highlight the risk of youth groups being instrumentalised by governments, and propose measures to ensure youth groups that engage in mediation processes avoid repercussions.

Elections

- The chapter does a good job at framing the different stages of the electoral process and the need for a multilevel and long-term approach to electoral contexts.
- It is important to highlight the role of the institutions in charge of the elections, as they play a significant role in promoting dialogue and social cohesion, and therefore preventing conflicts. Electoral commissions often do mediation because in practice they provide a platform for dialogue among political parties, formally or informally.
- While the need to create a stronger nexus between democracy support and peacebuilding is welcome, the chapter is not clear enough in explaining how the EU can mobilise its tools and initiatives towards this goal. Also, ways for the EU to engage with other actors active in preventing electoral violence could be further explored.
- In addition to human rights, gender issues, conflict sensitivity, etc., mediation could be included in training given to staff deployed in electoral observation missions and institutional assistance personnel.
- Talking explicitly of 'unfit electoral systems' is very risky, because it assumes that it is up to the EU to judge electoral fitness. Assuming that high-level mediation between parties in the case of contested results is the first best option also might not be true in several contexts where prioritising existing national law structures could be preferable.
- The text does not mention EU engagement with political parties, which is actually a crucial component for mediation in electoral contexts, and can also be used as a tool for the EU to improve relations with local stakeholders.
- It is important to recognise informal talks, as very often they do not undermine formal dialogue, but rather strengthen it.
- The chapter could also recognise crossovers between mediation practices and technical assistance in the context of elections.
- While not strictly related to mediation, the need for continuous monitoring of media, disinformation, and hate speech is crucial in conflict prevention in the context of elections, and could therefore be mentioned in the chapter.
- The chapter could include more examples of both good and bad practices.
- Keeping a non-exhaustive list of 'common triggers of electoral violence' risks playing down the role of other potential factors of electoral violence that are not mentioned in the chapter.

Engaging with radical and extremist actors

- Overall, this chapter is very much needed and it takes a bold approach to engagement while being aware of the risks.
- The terminology 'radical and extremist groups' is problematic because it is a subjective definition and fails to recognise the diversity of non-state actors. These actors might or might not have different political agendas, backgrounds and aspirations, and should therefore not be lumped all together in one single group. This language emerged during the period of the so-called "war on terror", which does not reflect the complexity of current affairs. Suggestions for better nuances might include the use of the more comprehensive term of "non-state armed actors" and/or reflections on wider dynamics such as "periphery vs metropolitan areas", or the meaning of "political violence".
- There needs to be deeper analysis on how these groups evolve and change in nature over time, and what their reasons to resort to violence are. This includes looking at root causes of violence, grievances, opportunities, etc.
- Reflections on the importance of engagement should also include discussions around legitimation, as well as the risk of non-state actors resorting to violence because of the lack of a process to engage in. Local vs international legitimacy and perceptions are very important to take into account when deciding about engaging with a given group, and the role of local grievances is often overlooked.
- 'Preconditions' and 'red lines' are very sensitive issues, therefore some examples could help clarify their meaning. It is important to consider that red lines imposed by the EU or the international community might actually close off opportunities to engage with non-state groups.
- The part on the different degrees of engagement is good. However, the chapter could expand on 'discreet informal outreach' to provide a better understanding of the interlocutors and intermediaries. Mediation and negotiation support and capacity building could also potentially be seen as a type of engagement.
- While the importance of engaging with non-state groups is clearly stated, there is little focus on practice. This could be improved by expanding on:
    - Which specific EU actors are involved or in charge of the various phases of engagement;
    - Who to engage with within the non-state groups;
    - The division of tasks and coordination between the EU and its partners, as well as ways to engage with non-state actors.
- The chapter should also focus on the role of the EU in involving state authorities with non-state actors and how to ensure that legitimate grievances of non-state actors are acted upon. This would help mitigate the idea that only governments' interests are legitimate.
- The relation between peace and justice is approached only marginally. 'Move beyond the peace versus justice debate' is a strong statement to make, which needs to be unpacked.
- The part on 'de-listing' could be more detailed.
- The chapter could also include considerations on how to ensure that a joint EU approach is respected by Member States.

Insider Mediation

- The text should be strengthened in the part on insider mediators' (IMs) role in preventing conflict, as well as their actual mediation practice during conflict.
- Instead of focusing on 'perceived neutrality', legitimacy and credibility should be highlighted as the most important attributes and added values for IMs' engagement. Neutrality is particularly sensitive when discussing the role of IMs because in several cases it can be compromised by IMs being co-opted by governments or conflicting parties to legitimise their role in the process.
- Recognition is not necessarily a priority for IMs, because they usually enjoy strong connections with conflict parties independently from the existence of a process. Their work is often more effective when carried out discreetly, and recognition can hinder their agility. Support for IMs should instead mostly focus on logistical aspects (e.g., travel costs, fuel, satellite phones, etc.).
- Support for IMs is becoming increasingly popular among international donors. This risks creating an artificial market of "fake" IMs attracted by the availability of funds. Funding has been a successful incentive for engagement of IMs, however it is important that their action does not become overly dependent on it, otherwise the risk is that IMs stop engaging if or when international funding suddenly stops.
- A strong association of individual IMs with international actors such as the EU can taint their credibility and legitimacy. It is not uncommon for international actors to "co-opt" IMs to obtain access, rather than to support their engagement, which has a negative impact on the agency and ownership of the process. IMs should instead be given a stronger role in the strategic planning of processes and not only in the implementation phase.
- The sustainability of IMs' engagement in mediation processes can be strengthened by institutionalising their role in formal structures, so that they are more strongly connected with authorities, especially at local level.
- While it is not wrong to support capacity building initiatives addressed to IMs, it is also important to highlight that their skills are largely context-specific. It is therefore particularly complicated to write guidelines that avoid compromising the specific capacities of IMs that are not part of the usual international curriculum.
- This chapter does not consider inclusivity as well as the other chapters. Access for young and women IMs, as well as IMs from marginalised groups, is especially difficult, and currently most IMs are elders. Young and women IMs can play a very effective role specifically on smaller and peripheral conflicts on the margin of a larger process.
- Better connection between larger and smaller processes could create more spaces for IMs to engage across the three tracks. The text could focus on the need for connecting IMs more systemically, as well as connecting them with outsider mediators (especially at regional level rather than in the Global North), which can have a very positive effect on mutual learning.
- In addition to the personal safety of IMs, the chapter should also add a part on psychological and reputational risks.
- The text should also mention that in some cases IMs are actually carrying out their work as a group and not exclusively as individuals.
- Finally, the text could warn of potential bias occurring in the phase of vetting IMs before their engagement in the process.

Ceasefires

- The structure of the chapter appears to be confusing. It should provide a better definition of what defines a ceasefire, and distinction between the different phases of ceasefire negotiations (including a focus on the build-up to a ceasefire).
- The roles and potential roles played by the EU in ceasefire negotiations could be more clearly explored, including the EU's potential role as observer or guarantor of ceasefires.
- Parts of the chapter on inclusivity could be strengthened. Ceasefires should be seen as part of a wider political process and therefore involve a wider group of stakeholders – not only the conflict parties. The engagement or consultation of actors other than armed parties could be suggested, for instance, in relation to the need of protecting civilians, in addition to the parts of the text already covering this issue (e.g., days of tranquillity, humanitarian corridors, etc.).
- The chapter could also highlight more what the EU could do to support other stakeholders (mostly civilian) that are already contributing to the initiative for a ceasefire, including on an informal level. This should take into account the fact that sometimes civilian actors benefit from being under the radar for safety reasons.
- The chapter could include a part on civilian monitoring, exploring verification mechanisms, support in negotiating safe zones, use of data collected from analysis, and ways for monitors to build trust with conflict parties.
- There is a need to carefully differentiate the focus of the text when discussing ceasefires for inter-state conflicts as opposed to intra-state conflicts.
- The text could also further focus on the importance of geographical elements in ceasefire negotiations, for instance in setting up humanitarian corridors and safe zones.
- The chapter should also stress the need to be realistic and that the EU should act in relation to what possibilities exist. For example, technicalities should preferably be negotiated at local level and framed around credible targets and achievements.

Humanitarian negotiations and mediation

- The chapter could better clarify the difference between humanitarian negotiations and mediation, as well as the role played by the EU and its partners.
- The text illustrates well the challenges related to identifying the areas for the delivery of humanitarian assistance. However, there could be more elaboration on the need to consider the nature of those who deliver it, in order to avoid risks of politicising humanitarian aid. Humanitarian organisations are among the actors that concentrate more resources in conflict-affected areas, therefore they become very influential stakeholders, and can become easily politicised, especially when they host ambassadors and politicians at their premises.
- The language on politicisation could also be more nuanced to better reflect the differences in diplomatic efforts carried out to open humanitarian corridors compared to negotiations on a peace process.
- The issue of politicisation is particularly sensitive in relation to sanctions, because they usually have a major impact on the delivery of humanitarian activities. A humanitarian blockage caused by sanctions can become a subject of political discussion and entry point for negotiation towards a peace process.
- The chapter should dedicate a part to the phase of the talks before humanitarian access is granted, emphasising the need for the EU to have a clear understanding of the context, and building trust with organisations that requested access.
- The chapter should also focus on aspects connected to encouraging organisations to use their resources and capacity, enhance their knowledge, and avoid imposing a more top-down approach. In some contexts, most of the humanitarian actors are international personnel, while local civil society play a relatively smaller role.
- The chapter could also highlight gender aspects connected to humanitarian negotiations and mediation.

National Dialogues

- The text could include more details on describing the differences between formal and informal National Dialogues (NDs). For example, there could be a better illustration of how some are more exclusive or inclusive, or how some evolve from a bottom-up approach to the national level or vice versa. More details could also be welcome on the scope, focus and length of negotiations.
- The role of the EU could be further developed, especially because depending on the context, it can play very different roles. For example, the EU could be a mere external funder, but also provide technical support, be involved with observers or as an actual mediator. Specific actors within the EU (e.g., EU Special Representatives, Delegations, mediation teams, etc.) could be mentioned to improve the clarity around the EU's role.
- Some lexical choices could be more careful. For example, the text seems to use the terms 'facilitation' and 'negotiation' interchangeably, which creates confusion. This is particularly sensitive because it affects the EU's engagement, which should not hinder national ownership of NDs.
- It is important for the text to include reflections on legitimacy in the eyes of local populations. The norms, values, and assumptions that underpin NDs often feel Eurocentric and imposed from outside, which contributes to local discontent and hinders the legitimacy of NDs. On the other hand, better consideration for local practices and norms, and more involvement of people influential in their communities in the planning stage, could contribute positively to the legitimacy of NDs.
- The document lacks flexibility in the parts on transparency and consensus in decisions. Some effective NDs might be more transparent on certain aspects compared to others, and have different decision-making methods depending on the circumstances.
- The text could include references to the relations with donors. Donors tend to focus on the creation of NDs and then lose interest and reduce investment in the following phases, which makes implementation more complicated.
- The chapter should include language on localisation, given the very important role of local expertise and knowledge in creating context-specific NDs. Connection with organisations that enjoy strong local legitimacy or conveying power could be very beneficial for the legitimacy and credibility of NDs.
- The document does not include a lot of content related to spoilers, which are often important actors to involve in NDs.
- The sentence 'political process somewhat equalising power relations' should be nuanced, because it is not always necessarily the case.
- The part on the need to take into account the interests of various stakeholders should be nuanced to encourage further reflection on legitimacy claims.
- The part on training should mention the need to ensure marginalised sectors are empowered to take part in NDs.
- The chapter could also mention the need for careful management of expectations, especially in relation to the influential role of the media.

General feedback on the EEAS Peace Mediation Guidelines

In addition to specific input on the new chapters, some participants provided more general feedback and suggestions on the EEAS Peace Mediation Guidelines. These include:

- Having an additional chapter dedicated to transitional justice.
- Clarifying the definition of mediation and the difference with facilitation.
- Including a part to contextualise the new chapters in the changing geopolitical environment, global power dynamics, and mediation environment.
- Improving the streamlining of gender and inclusion throughout the chapters.
- Increasing the references to conflict analysis throughout the chapters.
- Referring to policy processes happening at the EU level at the same time (e.g., Civilian CSDP Compact, Gender Action Plan III, Concept for an Integrated Approach on Climate Change and Security, etc.) for better contextualisation of the Guidelines.
- Drafting an annex to specify the key principles used in the Guidelines and/or a glossary for specific language.