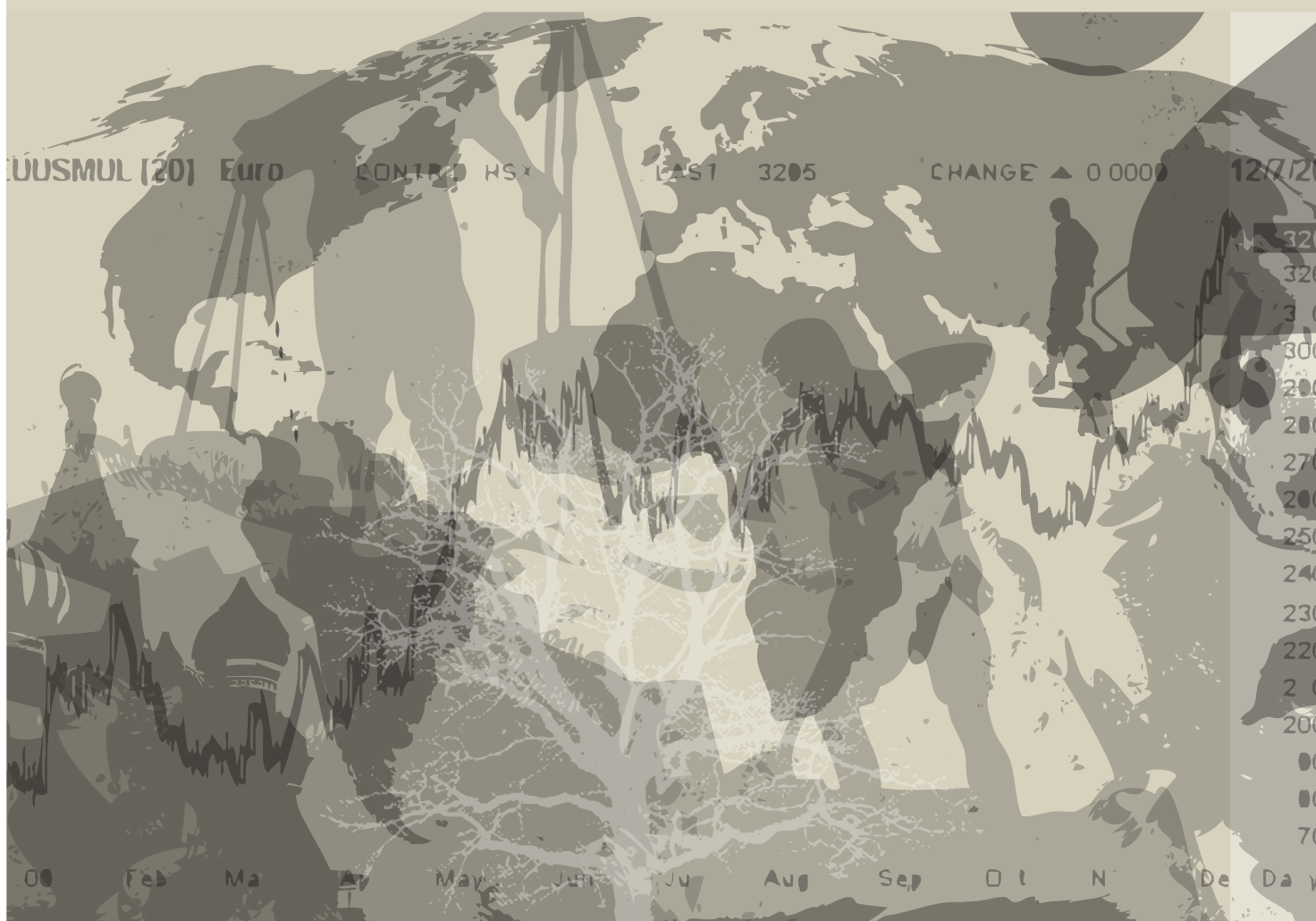




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Peacemaking: can the EU meet expectations?

Steven Blockmans



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Peacemaking: can the EU meet expectations?

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1. Introduction

One century since the outbreak of the First World War, it is fitting not only to commemorate the start of the Great War but also to remember how peace was made. As Margaret MacMillan, a leading historian on the uneasy 20th century, has observed:

In 1919 Paris was the capital of the world. The Peace Conference was the world's most important business, the peacemakers the world's most powerful men. They met day after day. They argued, debated, quarrelled and made it up again. They made deals. They wrote treaties. They created new countries and new international organizations. They dined together and went to the theatre together. For six months, between January and June, Paris was at once the world's government, its court of appeal and parliament, the focus of its hopes and fears.¹

The world has never seen anything quite like the Paris peace jamboree – and, in our modern times of electronic communication and shuttle diplomacy, it is unlikely to see it again.

Still, we may note at least three parallels between our world and the one of 1919. First, the Kingdom of Serbs, Croats, and Slovenes was a signatory to the Treaty of Versailles and was thus recognized for the first time as a unified state. Nationalist tendencies in the early 1990s tore Yugoslavia – the name given to the Kingdom of Serbs, Croats, and Slovenes in 1929 – apart. The Dayton Agreement sanctioned the changes to the international borders in the Balkans. On 14 December 1995 this peace agreement was formally signed at a ceremony in Paris, the city where the Kingdom of Serbs, Croats and Slovenes had been baptized.

Second, today's situation in the Middle East heralds the end of the Sykes-Picot Agreement of 1916, which was endorsed by the Versailles Peace Conference. In this secret agreement Britain and France dealt with what was then euphemistically called the 'Syria Question' – although in reality it was about dividing the entire Arab Middle East. The Sykes-Picot Agreement carved up the remains of the Ottoman Empire in an old-style imperialist land-grab, without heeding the ethno-religious and geographical realities. The borders were contested from the start, and were tinkered with during and after the Second World War – most spectacularly to create a homeland for the Jews. Due

¹ M. MacMillan, *The Peacemakers: Six Months That Changed the World* (London, John Murray 2001), at 1.

to state failure in Syria, Iraq and Lebanon, ethnic and religious groups (Alawites, Shias, Sunnis, Kurds) have now been establishing their new autonomous enclaves by force while ISIL and Al-Qaeda affiliates move freely across the region, preying on the weakest to establish their caliphates. The heart of the Middle East consists of a porous bloc of fragmented countries stretching from the Mediterranean to Iran. The borders established by Sykes-Picot are vanishing, like lines drawn in the sand.² This gives rise to the question of whether almost a century after Versailles, the Middle East is perhaps in need of a new regional security order, and organization.

The third parallel is highlighted by the 2012 Nobel Peace Prize awarded to the European Union for its contribution to the successful transformation of Europe ‘from a continent of war to a continent of peace’.³ In fact, the EU’s origins can be traced back to the end of the First World War, when the French minister of commerce and industry, Etienne Clémentel, drew up a plan for a new economic order in Europe, where cooperation would replace competition, where resources would be pooled and shared, and where the integration process would be directed by technocrats. Over time, Germany too could become part of that new order, safely embedded in a strong organization.⁴ That plan foundered, because of indifference from the UK and the unwillingness of the USA to subsidize it. Yet, the effort bore fruit after the Second World War, when Jean Monnet, who had been Clémentel’s assistant in 1919, sowed the seeds of today’s European Union.⁵ In its award announcement in 2012, the Nobel Committee praised the six decades of work towards ‘the advancement of peace and reconciliation, democracy and human rights in Europe’.⁶ To a large degree, the EU’s success story has been built on a strategy of wielding its power of attraction to impose durable peace on candidates for membership. Northern Ireland and Cyprus stand out as notable exceptions. However, the EU enlargement policy continues to be heralded as an effective tool for peace-building across the continent, even if the ‘Stabilization and Association Process’ for the Western Balkans has produced rather uneven results so far.⁷

² See S. Blockmans, ‘War Crimes and Shifting Borders in the Middle East’, CEPS Essay No. 14, 11 September 2014.

³ See <http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html>, Oslo, 12 October 2012.

⁴ See M. Trachtenberg, *Reparation in World Politics: France and European Economic Diplomacy, 1916–1923* (New York, Columbia University Press 1980), pp. 1–10.

⁵ See F. Duchêne, *Jean Monnet: The First Statesman of Independence* (New York, Norton 1994), p. 40.

⁶ See <http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html>, Oslo, 12 October 2012.

⁷ See S. Blockmans, ‘The EU’s Neighbourhood Policies in 2014: In Need of a Re-boot’, *CEPS European Neighbourhood Watch*, 6 January 2014.

Without implying any criticism of the Nobel Committee's decision, one may wonder why the growing role of the European Union to act as a peacemaker beyond its geographical borders was not mentioned. There is, of course, an explanation: the EU has played only a minor role as a successful peace-broker in the wider world, and its record has been mixed.

This policy brief advances three arguments: (i) the EU is under a moral duty and a legal obligation to work towards the peaceful settlement of disputes with, in and between third countries; (ii) a review of the European Union's track record in 'peacemaking' since the early 1990s shows that while the EU is equipped with a rich toolbox, it has so far used its diplomatic instruments in a fairly *ad hoc* fashion; and (iii) the creation of the European External Action Service (EEAS) has reinforced the EU's capacities and expertise in the field of conflict resolution, but there is still ample room for improvement. Before exploring these arguments, it is useful to offer some semantic clarifications.

2. Semantic clarifications

Through the Lisbon Treaty, the member states of the EU have committed themselves to developing capabilities to conduct a wide series of tasks under the Union's Common Security and Defence Policy (CSDP): 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including *peace-making* and post-conflict stabilisation.'⁸ All these tasks may contribute to the maintenance and restoration of peace and security, but the EU has refrained from specifying its understanding of these concepts. Confusion arises when international organizations give different explanations to the same terms. An attempt should be made here at clarifying the term 'peacemaking'.⁹

In the context of the United Nations, 'peacemaking' (written without a hyphen) is understood as the peaceful settlement of disputes through

⁸ Article 43(1) TEU. Emphasis added.

⁹ See, e.g., Summit Meeting of the Security Council on 31 January 1992, UN Doc. S/PV.3046, 'peacemaking: to restore peace through diplomatic means'; An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping, UN Doc. A/47/277-S/24111, 17 June 1992, paras. 20–59; Supplement to An Agenda for Peace, UN Doc. A/50/60-S/1995/1, 3 January 1995, paras. 23–80; Report of the Panel on United Nations Peace Operations, UN Doc. A/55/305-S/2000/809, 21 August 2000; and UN General Assembly Resolution on 'Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution', A/RES/66/291, 15 October 2012. The Security Council has focused on the topic of mediation and dispute settlement in several resolutions and presidential statements. See, inter alia, the UNSC Resolutions on women and peace and security, S/RES/1325 of 31 October 2000, S/RES/1889 of 5 October 2009 and S/RES/1960 of 16 December 2010; and the Presidential Statements on the Agenda item 'Maintenance of international peace and security: mediation and settlement of disputes', S/PRST/2008/36 of 23 September 2008, S/PRST/2009/8 of 21 April 2009, and S/PRST/2011/18 of 22 September 2011. See further <http://peacemaker.un.org/peacemaking-mandate/security-council>. See also NATO Handbook (Brussels, NATO Office of Information and Press 2001); A Secure Europe in a Better World – European Security Strategy, Brussels, 12 December 2003; OSCE Handbook (Vienna, OSCE Secretariat 2007); A. Schmid, Thesaurus and Glossary of Early Warning and Conflict Prevention Terms (Rotterdam, Erasmus University 1998); H. Neuhold, 'The United Nations System for the Peaceful Settlement of International Disputes', in F. Cede and L. Sucharipa-Behrmann (eds), The United Nations: Law and Practice (The Hague, Kluwer Law International 2001), p. 59; P. van Tongeren, H. van de Veen and J. Verhoeven, Searching for Peace in Europe and Eurasia: An Overview of Conflict Prevention and Peace-building Activities (Boulder, CO, Lynne Rienner 2002); and V. Chetail, 'Introduction: Post-conflict Peacebuilding – Ambiguity and Identity', in V. Chetail (ed.), Post-conflict Peacebuilding: A Lexicon (Oxford, Oxford University Press 2009), 1–33, at 1.

diplomatic means. The term was used most prominently used in *An Agenda for Peace*, a report of the Secretary-General pursuant to a statement by the Security Council from early 1992. There peacemaking is defined as ‘action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations’. Subsequent binding UN Security Council resolutions, Security Council Presidential Statements, General Assembly resolutions, and a raft of reports by the UN Secretary General refer more specifically to the diplomatic means listed in Article 33 of the UN Charter: ‘negotiation, enquiry, mediation, conciliation, (...) or other peaceful means’.

In the EU context, the European Parliament and the EEAS have employed the concept of peacemaking as it has been developed in the last two decades as a principle of the UN Charter.¹⁰ However, the list of tasks enumerated in Article 43 of the EU Treaty (TEU) leaves little doubt that what is legally meant by EU-style ‘peace-making’ (written with a hyphen) is the use of military troops to enforce a solution on one or more parties to a conflict. And that means methods of dispute settlement well beyond the scope of Article 33 of the UN Charter, falling instead within the remit of Chapter VII of the Charter, Article 42 in particular. In other words: ‘peace enforcement’.

As members of the United Nations bound by the provisions of the Charter, the EU member states have imposed a similar duty on *their* European Union by way of several provisions in and attached to the Treaty of Lisbon.¹¹ In order for the EU to comply with its constitutional obligation ‘to contribute to the strict observance and the development of international law, including respect for the principles of the United Nations Charter’, as stated in Article 3(5) TEU, it would behove the member states to seize the first opportunity for treaty revision and replace the term ‘peace-making’ in Article 43 TEU with ‘peace enforcement’.¹² In order to establish terminological boundaries and

¹⁰ See, e.g., ‘The EU as a Peacemaker: enhancing the EU’s mediation capacity’, International Conference co-organized and hosted by the European Parliament, Brussels, 28 May 2013; information available on the EEAS website <http://eeas.europa.eu/top_stories/2013/300513_eu_peacemaker_en.htm>.

¹¹ Articles 3(5) and 21(1) and (2) sub c TEU, 208 TFEU, Protocol No. 10 and Declaration No. 13 attached to the Treaty of Lisbon. The latter is especially clear: It stresses that the European Union and its Member States will remain bound by the provisions of the Charter of the United Nations and, in particular, by the primary responsibility of the Security Council and of its Members for the maintenance of international peace and security.

¹² On the basis of the general principle of EU law on loyal cooperation with the EU (Article 4(3) TEU) and the duty to ‘comply with the commitments and take account of the objectives they have approved in the context of the United Nations’ (Article 298(2) TFEU), it could even be argued that the member states are under legal obligation to change the treaty so as to allow the Union to carry out its tasks which flow from Article 3(5) TEU.

create legal certainty, they should then also lift the term ‘peacemaking’ from among the provisions on CSDP, where it is now, and relocate it to Section 1 of the chapter on specific provisions on the Common Foreign and Security Policy (CFSP). In the process, the hyphen should be dropped, in order to harmonize the terminology with that of the UN. Furthermore, the *finalité* in the EU’s treaty clarification of ‘peacemaking’ should reflect the non-exhaustive list of diplomatic means of peaceful dispute settlement in Article 33 of the UN Charter. Article 27(2) TEU could host such an addition to the Treaty text. This provision currently merely states: ‘The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political *dialogue* with third parties on the Union’s behalf and shall express the Union’s position in international organisations and at international conferences.’¹³ Arguably, ‘dialogue’ is too narrow a term to describe the various diplomatic methods already employed by the EU in its peacemaking efforts. Dialogue is a specific method which does not meet the threshold of negotiation and debate but which can be best defined as an open-ended process aimed at reaching a higher understanding among participants.¹⁴ Seen through this prism too, Article 27(2) TEU could benefit from further semantic clarifications and elaboration.

¹³ Emphasis added.

¹⁴ See CIDA/OAS/IDEA/UNDP, *Democratic Dialogue – A Handbook for Practitioners* (Stockholm, IDEA 2007), pp. 19–34.

3. Moral duty and legal obligation

3.1. Moral duty

One of the principles underpinning the EU's legal obligations to be a force for good in the world is the fact that European integration itself is seen as inherently being a peace process. In his famous declaration of 9 May 1950, French Foreign Minister Robert Schuman stated that his aim was to 'make war not merely unthinkable but materially impossible'.¹⁵ This was to be achieved by regional integration, with the European Coal and Steel Community as the first step. The Treaty would create a common market for two of the biggest war industries, and would serve to neutralize competition between historic rivals France and Germany and other European nations over natural resources, particularly in the Ruhr region. In a similar vein, a European Atomic Energy Community was created twelve years after Hiroshima. The European peace project took flight in the decades thereafter, as hailed by the Nobel Committee.

The values on which today's European Union is based include 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail' (Article 2 TEU). The overall aim is to promote those values, as well as peace in general (Article 3(1) TEU). Arguably, this aspiration does not apply solely to regional integration among the member states. Adhering to the universally applicable principles of solidarity and equality, the EU owes it to itself to conduct an ethical foreign policy as well. Such sentiments have been consistently repeated in statements before the UN Human Rights Council, the EU's own Annual Report on Human Rights, and official declarations such as the one at Laeken in 2001.¹⁶ As has been observed, '[these] texts illustrate the rationale upon which the Union wishes to legitimize its practices and identify some of the ethical values it considers itself founded upon and those which it wishes to promote'.¹⁷ Robert Kagan has argued that, just as the USA believed it had discovered the secret to human happiness, so the Europeans consider that they must export their miracle of regional

¹⁵ The Schuman Declaration of 9 May 1950, available at <http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm>.

¹⁶ See U. Khaliq, *Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal* (Cambridge, Cambridge University Press 2008), p. 7.

¹⁷ *Ibid.*, p. 8.

reconciliation.¹⁸ In its relations with third countries, the EU has indeed actively promoted rule-based regional integration as a model for transnational peace and reconciliation. This is particularly apparent in the push for multilateral treaty frameworks like the Central European Free Trade Area among candidate states, the Energy Community Treaty with Western Balkan and some Eastern Partnership countries, and inter-regional trade agreements like those with Central America, Mercosur and ASEAN.

Just as the moral duty is encoded in the European Union's DNA, so too is the practice of dialogue and mediation a constant in the EU's internal decision-making process. This inherent quality was stressed by Herman Van Rompuy, President of the European Council, and José Manuel Durão Barroso, President of the European Commission, in their 2012 Nobel Lecture:

(...) symbolic gestures alone cannot cement peace. This is where the European Union's 'secret weapon' comes into play: an unrivalled way of binding our interests so tightly that war becomes materially impossible. Through constant negotiations, on ever more topics, between ever more countries. It's the golden rule of Jean Monnet: 'Mieux vaut se disputer autour d'une table que sur un champ de bataille.' If I had to explain it to Alfred Nobel, I would say: not just a peace congress, a perpetual peace congress!¹⁹

In the EU's external relations, the 2009 Concept on Strengthening EU Mediation and Dialogue Capacities serves as a clear point of conceptual reference. Endowed with a rich toolbox, some positive experiences and the institutional capacity to support its top diplomats,²⁰ the European Union should work towards the goal of peacemaking with, in and between third countries.

Others have responded positively to the EU's 'sanguine world view'.²¹ This is reflected in the invitations by parties to a dispute to act as peacemaker, the expectations of world powers like the USA and China that the EU will pacify its neighbourhood, and endorsements from the UN Security Council and other international bodies of the EU's

¹⁸ R. Kagan, *Paradise and Power: America and Europe in the New World Order* (New York, Vintage Books 2004), p. 61.

¹⁹ See 'From War to Peace: A European Tale', the Nobel Lecture by the European Union, Herman Van Rompuy, President of the European Council and José Manuel Durão Barroso, President of the European Commission, Oslo, 10 December 2012.

²⁰ See in this respect the tagline which accompanied the High Representative's draft organizational chart of 23 July 2010, on file with the author: 'The EEAS: a service for conflict prevention, security + stability'.

²¹ See J. Larik, 'Entrenching Global Governance: The EU's Constitutional Objectives Caught Between a Sanguine World View and a Daunting Reality', in B. Van Vooren, S. Blockmans and J. Wouters (eds), *The EU's Role in Global Governance: The Legal Dimension* (Oxford, Oxford University Press 2013), 7–22.

role as a vector for peace. However, with a history of colonial domination, the EU's diplomatic slate is less clean than that of the Norwegians and the Swiss, even if the latter also have some spots on their shining armour. Conversely, some member states' familiarity with previously held overseas territories may play to the EU's advantage in bringing a political *savoir faire* to the negotiations table. The perceptions that others may have of the EU's neutrality and deep knowledge of local affairs may well be the key to success for a future EU role in global peacemaking.

On the basis of the foregoing it should not come as a surprise that the Lisbon Treaty has codified the self-imposed moral duty that others also expect the EU to adhere to.

3.2. Legal obligation: EU law

The EU is bound by its own rulebook to contribute to peace and security in its relations with the wider world in at least three ways.²² First, Article 3(5) TEU states this aim in so many words and formulates it as a legally binding obligation: the European Union 'shall contribute to peace, security [etc.]'. Second, Article 21(1) TEU further elaborates the objective and develops the methodology by starting from the premise that EU actions on the international scene 'shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.' In doing so, the EU 'shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to [above]'. This is particularly pertinent in the EU's relations with its geographical neighbours. According to Article 8(1) TEU, '[t]he Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation'.

A third way by which the EU is legally held to promote peace concerns the references in the EU Treaty to the search for multilateral solutions to common problems, within the framework of the UN in particular. This obligation is especially apparent in Article 21(2)c TEU, which resonates with the member states' preambular resolve 'to promote peace, security and progress in Europe and in the world' by stating that '[t]he Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of

²² |Article 3(1) TEU states the aim even more broadly: 'The Union's aim is to promote peace (...)'.

international relations, in order to (...) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter (...)' . Protocol No. 10 attached to the Lisbon Treaty explicitly recognizes that 'the United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under [Chapter] VI (...) of the United Nations Charter'.

In other words, at the level of primary EU law, there is no shortage of provisions obliging the Union to act as a global peacemaker, *proprio motu* and when requested by the UN.

3.3. Legal obligation: international law

Article 33 of the UN Charter and subsequent UN General Assembly Resolutions²³ direct the obligation to seek a solution *to the parties* of disputes which, if unresolved, are likely to endanger the maintenance of international peace and security. Whereas this formulation is sufficiently wide to also cover the EU in its potential disputes with other parties, the EU is more likely to be addressed as a conduit available to other conflicting parties resorting to 'regional agencies or arrangements'. The reference here is to Chapter VIII of the UN Charter, in particular Article 52(1) according to which regional arrangements or agencies may deal with matters relating to the maintenance of international peace and security 'as appropriate for regional action'. The many references to the UN in the EU Treaties make it clear that the EU's institutional framework may be used to fulfil a role as a 'regional agency' to attain its objectives of contributing to peace and security in the world (Article 21(2)c TEU), especially when invited by the UN. Protocol No. 10 is a direct response to the last phrase of Article 52(3) of the UN Charter, which states that the Security Council may refer the peaceful settlement of disputes to regional arrangements or agencies. The only difference between these communicating legal vessels is the geographical restriction enshrined in the UN Charter, with a focus on local (i.e. regional) dispute resolution by regional agencies or arrangements. However, in his *Agenda for Peace*, UN Secretary-General Boutros Boutros-Ghali had stressed the need for flexibility in the post-Cold War era and the fact that the purpose of establishing closer links with regional organizations was not to set forth 'any formal pattern of relationship between regional organisations and the United Nations, or to call for any specific division of labour'. The endorsement by the UN Security Council of the EU's role in handling international negotiations with Iran on the nuclear non-proliferation would attest to an existing

²³ E.g., the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States, adopted as Resolution 2625 of the General Assembly.

opinio juris that supports the peacemaking actions of regional organizations beyond their geographical boundaries.²⁴

That said, the implications of the acceptance of a role for the EU as a 'Chapter VIII organization' are not to be taken too lightly. In line with Article 52 of the UN Charter, the peacemaking activities of the EU must be 'consistent with the Purposes and Principles of the United Nations'. And while the EU may have autonomy in peacemaking, it is subject to a reporting requirement towards the Security Council (Article 54 UN Charter).

²⁴ See, e.g., UNSC Resolution 1696 (2006).

4. EU peacemaking avant la lettre: effort and impact

As noted, the European Union's role as a global peacemaker did not merit a reference in the Nobel Committee's award announcement in 2012, for its track record has been rather short and mixed.

4.1. Early failure in the Balkans²⁵

The highest-profile failure was perhaps when the EU, freshly endowed by the pre-Maastricht intergovernmental conference with a Common Foreign and Security Policy and confidently boasting that 'the hour of Europe has dawned',²⁶ proved unable to stop the violent implosion of former Yugoslavia in the early 1990s. A series of negotiated ceasefires facilitated by European Community (EC) mediation were first hailed as triumphs of European diplomacy and subsequently broken, mostly by the Serb-dominated 'federal' army. In January 1992, after heavy pressure from Germany, the EC and its member states chose to recognize Croatia and Slovenia as sovereign and independent states, thereby partly ignoring the opinion solicited from the EC's own Arbitration Commission that Macedonia and Slovenia were the only ones among the four applicants that met all the criteria for recognition as new states. The political impact of these measures on the dissolution of and the war in Yugoslavia was significant, because it isolated and punished the Serb/Montenegrin-dominated federal authorities. It also ended the European stewardship of the international efforts to negotiate a peaceful settlement to the conflict, due to Serbia's distrust of the EC as a mediator. It took four years of war and many atrocities for a peace initiative, undertaken by the USA and with the support of the UN Security Council and the Contact Group, to bring about a ceasefire agreement. This culminated in the peace negotiations held at Dayton, Ohio, in November 1995.

This episode shamed the political leaders of the EU member states into action. They sharpened up the treaty mechanisms to engage the Union in global peace diplomacy. The innovations of the Treaty of Amsterdam concerned both the scope and objectives of the Common Foreign and Security Policy, the instruments and the decision-making procedures. It was, however, the upgrading of the position of the

²⁵ See, generally, S. Blockmans, *Tough Love: the EU's Relations with the Western Balkans* (The Hague, T.M.C. Asser Press 2007).

²⁶ Declaration of Jacques Poos, Luxembourg's Foreign Minister holding the Presidency of the Council, to the international press, 29 June 1991.

Secretary General of the Council, since then also designated ‘High Representative for the CFSP’, which propelled what had then become the European Union into a diplomatic role on the international scene.

All the same, the EU failed to end a new eruption of armed conflict in the Balkans, this time in Kosovo, at the end of the 1990s. It was a combination of military pressure by NATO and diplomatic initiatives by the Contact Group²⁷ that secured the Serb withdrawal from Kosovo under the Military Technical Agreement and provided the stepping stone for final status talks between 2005 and 2007. Whereas the latter were led by Europeans, the EU – above and beyond its member states – played second fiddle. The unstoppable drift in the direction of a unilateral declaration of independence created enormous problems for the EU due to the differences among its member states on the recognition of statehood. As Stefan Lehne, former EU Representative to the final status talks, has explained:

As long as the Contact Group remained operational, the Council of the EU found it relatively easy to bridge the internal divisions by simply mirroring the Contact Group’s positions in its own statements. After [UN Chief Negotiator Martti] Ahtisaari submitted his proposal the EU still managed to agree to support the proposal (which did not explicitly mention independence), while emphasizing the need for a UN Security Council decision’.²⁸

That decision never came. The member states split soon afterwards.²⁹

These high-profile failures of EU peace diplomacy were due to a number of factors, ranging from a lack of preparedness and institutional capacity on the part of the EU institutions, differences in member-

²⁷ The Contact Group was composed of France, Germany, Italy, Russia, the UK and the USA. It was first created in response to the war and the crisis in Bosnia in the early 1990s. The Contact Group included four of the five Permanent Members of the UN Security Council and the countries that contributed the most in troops and assistance to peacebuilding efforts in the Balkans. Representatives of the Council of the European Union, the rotating EU Presidency, the European Commission and NATO generally attended Contact Group meetings.

²⁸ Stefan Lehne, appointed by the Council of the EU in November 2005, acted as EU representative to support the UN Status Envoy in the implementation of his mandate, and deputised chief negotiator Martti Ahtisaari on many occasions. See S. Lehne, ‘Resolving Kosovo’s Status’, *OIIIP Policy Paper*, June 2009, p. 11.

²⁹ However, the EU would be united in its operational engagement, in particular in the deployment of its most ambitious civilian CSDP mission so far, EULEX Kosovo, designed to strengthen the rule of law in Kosovo. The legal decisions concerning the mission were rushed through in early 2008, as the support of all the 27 (Cyprus constructively abstained) would have been more difficult to achieve following the declaration of independence on 17 February. While Kosovo’s international integration will still require great efforts, its statehood is nonetheless an irreversible fact, especially since the International Court of Justice ruled that Kosovo’s unilateral declaration of independence did not violate international law.

state positions, wrong sequencing and timing of accountability, and ultimately the lack of consent of the parties to be mediated by the EU. These episodes provided considerable fruit for thought and learning lessons.

4.2. The EU vindicated for its continued peace efforts

Partly as a result of lessons learnt and partly because it was simply lucky, the EU, sometimes in cooperation with other organizations like the OSCE and NATO, did manage to score a handful of high-profile political successes in the peaceful resolution of status disputes after the Amsterdam Treaty entered into force in 1999. Here we may note: (i) the 2001 Ohrid Framework Agreement, which prevented low-intensity warfare between the Macedonian government and Albanian militias from spiralling completely out of control; (ii) the 2002 Belgrade Agreement, which introduced a three-year cooling-off period before Serbia and Montenegro could peacefully separate after one of the republics had obtained a popular mandate by referendum; (iii) the implementation of the 2005 Aceh Peace Agreement, which authorized the secession of the northern tip of Sumatra from the rest of Indonesia; and (iv) the Russo-Georgian ceasefire agreement brokered by the EU Presidency in August 2008.

The single most resounding success for EU diplomacy so far is no doubt the ‘First Agreement on Principles Governing the Normalisation of Relations’ between Serbia and Kosovo, concluded on 19 April 2013 at EEAS headquarters in Brussels. Significantly, the deal offers the possibility of closing yet another chapter in the recent violent history of the Balkans. Bringing arch-rivals Ivica Dačić, a former spokesman of the late Serbian President Slobodan Milošević, and Hashim Thaçi, a former commander of the Kosovo Liberation Army – both prime ministers of their respective countries – to the table for direct talks and towards an accord in barely seven months is no small diplomatic feat. This sent strong signals not only to the countries in the region, but also to the UN, the USA, Russia, China and other global players that the EU is serious about stabilizing its immediate neighbourhood – and is a worthy laureate of the 2012 Nobel Peace Prize.

Much credit for the positive outcome of the EU-facilitated dialogue has gone to Catherine Ashton, whose leadership and dedication were indeed critical in bringing about this important agreement. However, this was no solo effort but a multi-level exercise. The first nine meetings of the dialogue foreseen in UN General Assembly Resolution 298 (2010) were held between March 2011 and March 2012 at the level of heads of delegation, with the facilitation of a small team led by Robert Cooper, then counsellor of Ashton. Since the conclusion of the ‘First Agreement’, further gatherings have been held in various working groups to hammer out technical agreements on such issues as the recognition of car registration plates in Kosovo and cadastres in Serbia.

The track record on implementation of the 'First Agreement' has somewhat taken the shine off what is often oversold as Lady Ashton's signature success in EU mediation.

The main incentive the EU used to nudge Kosovo towards an accord was the possible opening of negotiations on a Stabilization and Association Agreement. Serbia was offered the prospect of starting membership talks with the EU. Both the Commission and the member states, most vocally Germany, backed Lady Ashton by warning the parties that they would not hesitate to push back the April 2013 date for a Council decision if either side failed to commit fully to the negotiations. The characteristics of the diplomatic process were therefore as significant as its outcome: the process was high-level, high on symbolism (e.g. the Ashton–Clinton trip to the Balkans at the outset of the second round of talks in October 2012), high-paced (the EEAS ran a tight schedule with high-level meetings every month), and high on drama (here we may note Lady Ashton's disappointment that Dačić and Taçi failed to conclude an agreement as a 'birthday present' for her in March 2013).

The facilitated dialogue also shows that, even though its image has been marred by deep economic and financial crises, the EU still musters enough power of attraction to convince (potential) candidate countries to settle their disputes peacefully in return for the prospect of closer relations with the Union. Perhaps a similar form of intense mediation could help achieve what the 'High-Level Dialogue on Accession Process' for Bosnia and Herzegovina has not: breaking the political deadlock between the different ethnic factions and establishing workable governance structures. Then again, an inclusive national dialogue process – inspired by the 'plenums' organized in early 2014 and outside of the dysfunctional state institutions – might well be the better way forward in the search for a new social contract in Bosnia and Herzegovina.³⁰ The facilitated dialogue is not a good model to replace the UN-led Nimitz process, which – 19 years after its launch – has become part of the problem instead of the solution to the name dispute between Greece and Macedonia. After all, the High Representative bears political allegiance to the member states, including Greece, and is therefore not in a position to act as a neutral mediator. Arguably, this is an area where the European Commission and its Directorate General for Neighbourhood Policy and Enlargement Negotiations should initiate some fresh proposals to replace the Nimitz process.

4.3. Challenges in the wider neighbourhood

In operational terms, the biggest challenge for the EU is dealing with its neighbouring countries. To paraphrase what former High Representa-

³⁰ See E. Fouéré and S. Blockmans, 'Towards a New Constitutional Blueprint for Bosnia and Herzegovina', *CEPS Commentary*, 20 June 2014.

tive Ashton has said on more than one occasion: how the EU operates in its neighbourhood and the effectiveness of what it does will define the European Union and its role on the international stage in the future.³¹ When we consider the outer periphery, there is little reason to be optimistic: the EU's neighbourhood is littered with potential and actual flash-points.

Towards the east, no real progress is being made to resolve the inaptly named 'frozen conflicts'. For the breakaway republics of Abkhazia and South Ossetia in Georgia, the EU co-chairs the 'Geneva International Discussions' together with the OSCE and the UN. More than 25 rounds of talks have taken place without any real progress in sight. Similarly, the EU has had precious little impact on the '5+2 talks' devised for dealing with the dispute over Transnistria. This '5+2' format refers to the two parties to the dispute, Moldova and Transnistria, plus the OSCE, Russia and Ukraine as mediators, which in 2005 decided to invite the EU and the USA as participants in official meetings as 'observers', i.e. without the right to sign documents adopted in the course of the negotiations or to take part in the decision-making process. The eruption of armed conflict between Russia and Ukraine in 2014 will not help these talks forward. In the dispute settlement mechanism between Azerbaijan and Armenia over Nagorno-Karabakh, Russia, the USA and France serve as co-chairs of the 'Minsk Group' under the auspices of the OSCE.³² The European Union is not formally involved in the Minsk Group but supports its work, even if the process seems to be going nowhere. A cynic would say that, to the extent that any of the frozen conflicts have been resolved, this has not been the result of peaceful negotiations, courtesy of the OSCE, the UN, with or without the EU, but rather due to Russian military force and ongoing occupation by its so-called 'peace-keepers'. The path towards conflict resolution in all four status disputes will have to pass through Moscow. Arguably, resolution of the conflict in the Donbass region in eastern Ukraine must go the same way. However, as long as the separatist entities give Russia geopolitical assets for driving wedges between the EU and Eastern Partnership countries and among the latter themselves, the Kremlin is unlikely to give up.

To the south, the European Union is also painfully ineffective. The EU's practice towards the oft-forgotten dispute over Western Sahara is even counter-productive and illegal. Here the EU has played the role of a Pontius Pilate, tacitly renewing its fisheries agreement with Morocco which allows European vessels (mainly Spanish and French) to fish off the shores of the Western Sahara. For the purely commercial gain of

³¹ See 'Remarks by High Representative Catherine Ashton at the AFET Committee in European Parliament in Strasbourg, 12 December 2011', Press release A 511/11, Brussels, 13 December 2011, at 2.

³² EU member states Finland, Germany, Italy, the Netherlands, Portugal and Sweden are also participating in the process.

some member states, the EU is washing its hands of responsibility for respect of international law (as expressed in binding UN Security Council Resolutions and an Advisory Opinion of the International Court of Justice), as well as the EU's own norms and values – whereas it could choose to support the UN-led mediation process by using the substantial leverage it has over Morocco as an important provider of grants and loans. This is a damning example of the double standards for which the EU is sometimes condemned when implementing its external actions.

The EU's slow and timid responses to the momentous changes brought about in Tunisia and the other 'Arab Spring' countries have put the spotlight on the birth-pains of the EEAS, which – in all fairness – had only just become operational on 1 January 2011. Problems were compounded by frustration at the lack of leadership at the highest institutional levels. After some initial hesitations and setbacks,³³ and faced with the 2011 military intervention by member states in Libya, outside the EU framework, the EEAS reacted to events and played its role as a policy coordinator, but not as a peacemaker, between the warring factions. It is really only in Egypt that the EU briefly donned the cloak of peacemaker. Despite the rapid sequence of dramatic events between 2011 and 2014, former High Representative Ashton managed to burn no bridges. While she was the only Western leader allowed to visit President Morsi after General al-Sisi's military intervention – which was not be called a '*coup d'état*' by the EU – Ashton's role as an honest broker quickly fizzled out thereafter.

In the wider Muslim world, several other minor successes have been achieved by the High Representative and the EEAS, demonstrating the added value of the Lisbon structures. In 2011, in the absence of initiatives by others during the US presidential elections, the EU took on a more central role in the efforts of the Quartet (UN, USA, Russia and the EU) to get the Middle East peace process unstuck. Of course, being a 'player' as well as a 'payer'³⁴ also meant a heightened risk of media-tized failure. Luckily for the EU, it was spared such a fate: US Secretary of State John Kerry took everyone by surprise with his initiative for direct talks between Israel and the Palestinians. The EU High Representative, supported by the EEAS, continued to occupy a policy space otherwise left to individual member states in contact groups like the Quartet,³⁵ but simply following Kerry's lead failed to yield results after

³³ See D. O'Sullivan, 'Setting up the European External Action Service: part II', Speech at the IIEA, Dublin, 6 October 2011, available at <<http://www.iiea.com>>, referring to the ups and downs of the EU–Tunisia Task Force and the failure of the recipients to show up at an international donor conference organised by the EEAS.

³⁴ See 'Remarks by High Representative Catherine Ashton at the AFET Committee in European Parliament in Strasbourg, 12 December 2011', Press release A 511/11, Brussels, 13 December 2011, at 4.

³⁵ It should also be noted that the EEAS managed to prevent a complete falling-out of member states over Palestine's application for UN membership in September 2012. However, the EU's diplomatic service cannot take credit for having forged a more

Israel and the Palestinian Authority fell out with each other and derailed Kerry's peace process.

On a more positive note, the EU, by way of (now-former) High Representative Ashton and a support team at the EEAS, has continued to lead, on behalf of the international community, the 'P5+1' negotiations which are intended to prevent Iran from obtaining nuclear weapons. The acronym P5+1 refers to the five permanent members of the UN Security Council plus Germany.³⁶ Ashton has been widely credited for keeping the P5+1 together and enabling an interim agreement to be concluded with Iran in Geneva on 24 November 2013, the first in almost a decade – but it remains to be seen whether she will be able to add an operational success to her legacy when talks are set to end on 1 July 2015.³⁷

Further afield and away from the glare of the political limelight, the EU has been supporting peace mediation activities and dialogue processes with civil society organizations at grassroots levels under the two most relevant financial instruments: the Instrument contributing to Stability and Peace, and the African Peace Facility. Examples include support for NGO mediation activities in Mindanao, the breakaway province in the Philippines;³⁸ and peace and reconciliation efforts by civil society and ethnic groups in Myanmar/Burma.³⁹ On 14 and 15 November 2013, the EU–Myanmar Task Force was established along the lines of what the EU has rather pompously called a 'new form of European diplomacy (...) where economics meets politics', as previously practised in Tunisia, Jordan and Egypt.⁴⁰

constructive common approach to the issue of Palestinian statehood: the agreement to disagree collapsed at the end of October 2011 when member states voted differently over admitting Palestine to UNESCO. The EU's internal fragmentation was exposed again in November 2012 when member states voted on a UN General Assembly resolution granting Palestine non-member observer state status.

³⁶ The EU has been desperately trying to promote its own acronyms, first 'E3+3' and then 'E3/EU+3', putting the emphasis on the EU and its three biggest member states which cooperate with China, Russia and the USA.

³⁷ See S. Blockmans, *Diplomatic Spin: EU3+3 talks on Iran's nuclear file*, *CEPS Commentary*, 21 November 2014.

³⁸ See A. MacDonald and G. Munuera Viñals, 'The EU and Mindanao: Innovative Avenues for Seeking Peace', *EUISS Occasional Paper No. 97*, 27 June 2012.

³⁹ Through the Instrument contributing to Stability and Peace, the EU financially supports the peace and upcoming national dialogue process. Since 2012, the EU has been supporting the government, international organizations and non-state actors with a total of €16 million. A major programme here involves funding the Myanmar Peace Centre (approximately €7 million).

⁴⁰ See

http://eeas.europa.eu/top_stories/2013/081113_myanmar_task_force_en.htm.

All these initiatives make the EU the largest grant donor to peace-related projects in Myanmar/Burma. They are part of a Comprehensive Framework adopted by the Foreign Affairs Council on 22 July 2013, defining the EU's policy and support in the

4.4. Concentric circles

The picture that emerges from the EU's peacemaking efforts is roughly one of concentric circles emanating from a bureaucratic centre: as the ripple effect expands, its impact weakens. The EU's soft power works best for states that could theoretically meet its membership criteria. Thus, the EU is likely to get more traction when it throws its weight behind peace talks in the Balkans, than when it does so in order to resolve disputes in or between its non-European brethren on the southern shores of the Mediterranean. Arguably, the EU's impact wanes outside the European periphery, except when the EU presence comes upon the express invitation of parties to a dispute (e.g. Aceh) or when backed up by world powers (e.g. the P5+1 talks with Iran). Otherwise, the EU's global role in peacemaking is very much defined in terms of development assistance and trade relations, and/or the perception among parties to a dispute that the EU is a neutral and credible go-between.

If the EU's track record in peace diplomacy is rather modest, that clearly is not for lack of trying. Former High Representatives Solana and Ashton have carved out a political niche for EU external action in this field; the Council has mandated EU Special Representatives to work towards the peaceful settlement of disputes;⁴¹ and EEAS staff at EU delegations have been engaged in day-to-day dispute settlement activities in third countries. Financial and technical assistance has been given; restrictive measures have been adopted to get parties to cooperate in the search for a peaceful solution;⁴² EU 'blue helmet' missions of various kinds have been deployed to keep or build the peace⁴³ – and much more. Yet, for all the initiatives, good offices, 'carrots and sticks', none of these instruments would seem to have had particularly strong leverage for securing sustainable dispute settlement beyond the EU's zone of enlargement. Sadly, this observation applies also to the European Neighbourhood Policy, which is 'not in itself a

next three years to the ongoing reforms in the transition from authoritarian rule to liberal democracy. Peace, democracy, development and trade and Myanmar/Burma's engagement with the international community are identified as main areas for engagement.

⁴¹ The mandates of EUSRs are included in the Council decisions underpinning them. The latter are available at: http://eeas.europa.eu/policies/eu-special-representatives/index_en.htm. See in this context E. Fouéré, 'The EU Special Representatives: A Dying Breed?', *CEPS Commentary*, 13 December 2013.

⁴² E.g., Council Common Position 2008/160 of 25 February 2008 restricting the admission of persons responsible for preventing progress in arriving at political settlement of the Transnistrian conflict, *Official Journal of the EU*, 2008 L 51/23.

⁴³ CSDP missions of various kinds have been deployed – a police operation to the Palestinian territories (EUPOL COPPS), EU border assistance missions (EUBAM) to Rafah (Palestinian territories) and to Ukraine/Moldova (over Transnistria), and an EU Monitoring Mission to Georgia (EUMM), to mention just a few.

conflict prevention or settlement mechanism'.⁴⁴ Arguably, the EU will need to employ a mix of tools if it is to live up to its TEU Article 8 obligation to work towards the transformation of the neighbourhood into a zone of peace and prosperity. Strong political backing by the member states will be the most crucial ingredient in this mix.

What is also clear from the overview is that the EU has been and continues to be engaged across the entire spectrum of Article 33 UN Charter peacemaking activities: negotiations with Iran; enquiry and dialogue in Egypt; mediation between Serbia and Kosovo; conciliation in the early stages of the war in ex-Yugoslavia – and, within the category of 'other peaceful means': observation of the 5+2 over Transnistria, support to the Minsk Group, and good offices and financial aid in Myanmar/Burma, to name just a few. But while fact-finding, conciliation, mediation, negotiation and other peacemaking instruments already form integral parts of the external action toolbox, the EU has, by its own admission,⁴⁵ so far used these diplomatic tools in a rather *ad hoc* and reactive fashion. This gives rise to questions of organizational capacities, preparedness, communication and coordination.

⁴⁴ See B. Ferrero-Waldner, 'Political reform and sustainable development in the South Caucasus: the EU's approach', Speech at the Bled Strategic Forum 'Caspian Outlook 2008', SPEECH/06/477, 28 August 2006; and, more generally, B. Ferrero-Waldner, 'The European Neighbourhood Policy: The EU's Newest Foreign Policy Instrument', 11 *European Foreign Affairs Review* (2006), 139–142.

⁴⁵ See Council General Secretariat, 'Concept on Strengthening EU Mediation and Dialogue Capacities', doc. 15779/09, 10 November 2009, at 4.

5. Organizational challenges

A question which has plagued the European Union since the launching of the CFSP in the early 1990s is whether it can also muster the diplomatic clout to contribute coherently, efficiently and effectively to peaceful dispute resolution beyond its geographical borders.

The Lisbon Treaty, which pivoted the EC into the EU and explicitly endowed the latter with international legal personality, has redesigned the institutional framework to render the organization's external action more coherent, visible and – above all – effective. The Lisbon Treaty did not fundamentally alter the decision-making procedures in the realm of CFSP, which is still based on consensus-building among the member states. Yet, the High Representative, for the first time supported by a formidable European External Action Service, can claim a policy space and develop peacemaking initiatives until and when s/he meets resistance by one or more member states.

According to their Joint Concept of 10 November 2009, the Council and Commission aim to develop a more systematic approach to strengthening some of the EU's peacemaking capacities, so that it may contribute more efficiently and effectively to the resolution of conflicts.⁴⁶ Based on the blueprint of the 2009 Concept, a specifically dedicated 'Conflict Prevention, Peace Building and Mediation Instruments Division' was created within the EEAS. This division – K.2 in the organogram – supports EEAS senior management, EU Special Representatives, the geographic directorates at headquarters and EU delegations around the globe in taking decisions on, *inter alia*, peacemaking. Moreover, within division K.2, the Mediation Support Team offers coaching and training (to EEAS staff, EU Special Representatives and Heads of Delegation) and knowledge management (e.g. in the form of drawing up lessons learnt on EU engagement).⁴⁷ Becoming a knowledge hub and training capability with a flexible and useable roster of geographic and thematic experts seems to be the best way forward to equip the EU for its future peacemaking role.

⁴⁶ Ibid.

⁴⁷ Systematically gathering best practices and lessons learned, developing guidelines, in cooperation with the UN and other partners. See Factsheet, 'EU Mediation Support Team', May 2013, available at http://eeas.europa.eu/cfsp/conflict_prevention/. See also the United Nations Guidance for Effective Mediation, issued in September 2012 as an annex to the report of the Secretary-General on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, A/66/811, 25 June 2012.

Since the start of activities in October 2011, the EU Mediation Support team has provided support to colleagues working on a wide range of countries and regions, including Afghanistan, Central Asia, Mali, the Middle East, Myanmar, North Africa, South Caucasus, Western Balkans, Yemen and Zimbabwe.⁴⁸ From the lessons drawn from a limited review of EU inputs in the EEAS Mediation Support Pilot Project of 2012,⁴⁹ ‘it is still unclear what the quality and impact of this engagement [is], not least by officials themselves, and secondly as to whether the EU is currently fully exploiting its potential added value’.

One important conclusion points to the fact that the EU will need to manage its own family members’ engagement more actively and pragmatically: coherence in policy-making ‘cannot be left to chance’. Another finding is that the EU needs to understand the local and regional context and adapt its political and policy responses accordingly, rather than offering a ‘one-size-fits-all approach’. The most important observation in the review is no doubt that the EU rarely goes solo in peacemaking. ‘Partnership is key and good partnership adds value’. With the right resources and clout, i.e. political prioritization, Division K.2 of the EEAS could contribute even more and better expertise.⁵⁰

Despite the progress made so far and the ongoing efforts to enhance the EEAS’s mediation and dialogue capacities, a new initiative was launched in 2010 by Sweden and Finland to create a European Institute of Peace (EIP), based on the template of the US Institute of Peace (USIP). Initially, the idea was cautiously embraced by the government of Norway, but was later abandoned as it was seen as too heavily dominated by Sweden.

The EIP was launched on 20 May 2014 as a small, Brussels-based foundation which benefits from a start-up capital provided in the form of membership contributions by eight EU member states and Switzerland.⁵¹ Its main objective is to ‘[c]ontribute to and complement the global peace agenda of the European Union, primarily through

⁴⁸ V. Hauck and A. Sherriff, *EEAS Mediation Support Pilot Project Evaluatory Review* (2013). The quotes in these two paragraphs are drawn from this study, which was submitted to EEAS by ECDPM through the AETS Consortium – Cardno. See more at: <http://www.ecdpm.org/>.

⁴⁹ Under the Instrument for Stability, €1 million was earmarked by the European Parliament in the 2011 budget, allowing the EEAS to spend €600,000 in 2012 to start a pilot project on building up the EU’s own mediation support capacity.

⁵⁰ See the assessments published by the European Peacebuilding Liaison Office, referred to in EPLO Statement on the EEAS mid-term review, July 2013, available at <http://www.eplo.org>.

⁵¹ The eight EU member states are Belgium, Finland, Hungary, Italy, Luxembourg, Poland, Spain and Sweden. The EIP annual budget is estimated at €3 million. The EIP accepts public and private funding and operates as a Belgian non-profit public-interest foundation. See <http://www.eip.org/documents/140514-EIP-Fact-Sheet.pdf>.

operational mediation and informal dialogue'.⁵² As an independent entity with close links to the EU, serving as an operational support and knowledge development hub, working in complementarity and in cooperation with national, European and international governmental and non-governmental organizations, it 'pursues multi-track diplomacy and promotes best practice in conflict resolution'.⁵³ The EIP's envisaged activities in mediation and mediation support, conflict analysis and operational application of lessons learned, training and coaching, and grant-giving to international and local actors are intended to be thematic, geographical, logistical, and technical. As such, the EIP acts as a proverbial 'body shop', with rapid mobilization of expertise in support of mediation and dialogue carried out by the EU, EU member states, the UN or other international actors, or at the request of parties to a conflict.

Arguably, most of the above-mentioned objectives and activities could be pursued within the existing arrangements of the EEAS and the European Commission's Foreign Policy Instruments Service and should therefore be dismissed from the realm of the EIP as unnecessary duplication that might undermine the organizational start-up of the EU peacemaking effort proper. However, in view of the limited resources accorded by the full body of EU member states to the EU institutions and the EEAS in particular, there may – for the time being – be an argument in support of the complementary activities of the EIP. The only structural argument in favour of the creation of a European Institute of Peace is that the entity could conduct direct peace talks in cases where the EU has an important interest but cannot perform due to essential limits. Such limits could be posed by counter-terrorism legislation, which prohibits the EU from engaging directly with non-recognized or proscribed armed groups like Hamas – groups that nonetheless need to be included if a peace agreement is to hold.⁵⁴ Then an EIP could act upon the request of the EU or parties to the conflict and liaise with the relevant actors in an appropriate manner. In such cases, it would have the required legitimacy to 'practice more flexible

⁵² Ibid.

⁵³ Ibid.

⁵⁴ See V. Dudouet, 'Mediating Peace with Proscribed Armed Groups', *USIP Special Report* No. 239, May 2010: 'Political engagement with proscribed armed groups is possible and desirable when, first, the conflict parties (state and non-state alike) are interested in exploring political solutions to a conflict; second, the parties are seen as legitimate representatives of social, political, or cultural interests by their community; third, parties have the capacity to deliver a ceasefire or peace agreement; fourth, engagement could generate significant behavioral change on the part of the actors involved; and fifth, strategic national interests favor engagement, or there is a strong demand by allies or the conflict victims to engage politically'.

diplomatic initiatives and engage as an independent facilitator or participant in peacemaking activities'.⁵⁵

⁵⁵ See J. Claes, 'Towards a European Institute of Peace; Innovative Peacebuilding or Excessive Bureaucracy?', *USIP Peacebrief* No. 239, 21 February 2013.

6. Concluding remarks

Georges Clemenceau, who led France in the First World War and who, as one of the principal architects of the Treaty of Versailles, took a very harsh position against defeated Germany, once complained to a colleague: 'It's much easier to make war than peace'. Whereas criticism can be and has been levelled against the EU's potential and actions in playing the role of a 21st-century peacemaker, the European Union can nevertheless add real value to international peacemaking efforts – certainly among (potential) candidate countries but also in other parts of the world as a neutral, ethical and credible actor. The EU itself is a 'perpetual peace congress'; dialogue and mediation are encrypted in its 'DNA'.⁵⁶ Moreover, it is morally and legally obligated to work towards the peaceful settlement of disputes with, in and between third countries. It is also equipped with a rich toolbox, even if it has used it so far in a rather *ad hoc* fashion. The EU – above and beyond its member states – has developed its capacities and experience in peacemaking over the past 20 years along several lines: as a peacemaker in its own right, and in promoting, leveraging, supporting and funding peacemaking activities.⁵⁷ The recent creation of the European External Action Service is expected to reinforce the EU's capacities and expertise in the field of conflict resolution and bring greater coherence, visibility and effectiveness to the EU family's efforts in this respect.

After a difficult start in a theatre overcrowded with jealous protagonists, and in the wake of multiple crises which fuelled its baptism by fire, the EEAS has undergone a review exercise intended to lead to further changes to its organization and running of the Service⁵⁸ – and possibly even amendments of the Council Decision, flanking the regulations and inter-service agreements on which it is based.⁵⁹

⁵⁶ See 'From War to Peace: A European Tale', the Nobel Lecture by the European Union, Herman Van Rompuy, President of the European Council and José Manuel Durão Barroso, President of the European Commission, Oslo, 10 December 2012.

⁵⁷ Hauck and Sherriff, EEAS Mediation Support Pilot Project Evaluatory Review (2013).

⁵⁸ See GAC Conclusions of 17 December 2013, points 1.9–11. Also, it has been observed that whereas there already exists close cooperation between the Division K.2 and the Commission's Foreign Policy Instruments DG (for assistance in the short term) and DG DEVCO's security policy unit (for longer-term aid), the precise boundaries of portfolios, competences and responsibilities remain to be settled. The EU needs to ensure policy coherence and coordination between political/diplomatic efforts and financial and other support to mediation and dialogue processes, connecting the its high-level engagement with grassroots initiatives. See EPLO Statement on the EEAS mid-term review, July 2013.

⁵⁹ See S. Blockmans and C. Hillion (eds), Recommendations for the amendment of Council Decision 2010/427/EU establishing the organisation and functioning of

Establishing a firm and effective EU diplomatic service which can conjoin the corporate cultures of 28 national diplomatic services, the European Commission and the Council General Secretariat, and link together the different strands of EU external action from across the entire EU family is a long-term project. Indeed, 'clear opportunities exist in the post-Lisbon institutional setup to scale-up EU peacemaking within a comprehensive approach to conflict prevention, peacebuilding and stability'.⁶⁰ It is therefore better to reinforce the existing arrangements – in terms of law and governance – instead of adding new ones. It is to be hoped that, despite tight budgets, the awarding of the Nobel Peace Prize to the EU will motivate the Laureate to make these changes and redouble efforts to develop its role in peacemaking in the neighbourhood and on the global scene.

the European External Action Service (Stockholm/Florence/Brussels, SIEPS/EUI/CEPS 2013).

⁶⁰ Hauck and Sherriff, EEAS Mediation Support Pilot Project Evaluatory Review (2013).



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