

EU-AU DIALOGUE ON STRATEGIC APPROACHES TO MEDIATION:

Building the African Union's mediation capacity

Guy Banim

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**CRISIS
MANAGEMENT
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ABOUT CMI

The Crisis Management Initiative (CMI) is a nonprofit organization founded by Nobel Peace Prize Laureate and former president of Finland, Martti Ahtisaari. CMI works to build sustainable peace and to resolve violent conflicts. As CMI, we contribute to conflict resolution through mediation, facilitating confidence building dialogue and strengthening local capacities to implement peace. CMI also has the capacity to support international peace missions as requested. To learn more, visit <http://www.cmi.fi>.

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CONTENTS

Introduction	6
Synchronising EU Support for AU Mediation Approaches	7
Joint Africa-EU Strategy	7
AU Mediation Capacity Building Work Programme	8
Plan of Action to Build the AU's Mediation Capacity	8
EU Financing for AU Mediation Initiatives	9
Update of the AU Mediation Capacity Work Programme	10
Recommendations to Civil Society Seeking to Engage in Building the AU's Mediation Capacity	10
Annex: African Peace & Security Architecture	11
Bibliography	12

INTRODUCTION

The establishment of the African Union (AU) in 2002 marked a new resolve in Africa to promote peace, security and stability on the Continent. Whilst there have been *ad hoc* peace mediation efforts by the AU and its predecessor, the Organisation of African Unity, the AU has recently embarked upon a programme to develop a strategic approach and dedicated capacity to manage and support its mediation efforts. The AU is not unique in this regard as most international and regional organisations, including the European Union (EU), are only now starting to professionalise their respective mediation capacities. This creates the opportunity for the AU and the EU to coordinate and cooperate as they develop their mediation support capabilities in parallel with similar initiatives underway in the UN and, in the African context, with the RECs and African non-governmental organisations (NGOs). A dialogue between the AU and EU on mediation is also important given that they frequently find themselves actively engaged side by side in efforts to resolve disputes in Africa.

This briefing note describes some of the structures and processes by which the EU and the AU dialogue on mediation related issues and also highlights some of the EU initiatives to build the AU's mediation capacity. It is informed by a number of existing publications and the outcome of key conferences and meetings¹ and builds upon other reports on the EU and AU approaches to international peace mediation.²

1 This briefing draws extensively on the report *Towards Enhancing the Capacity of the African Union in Mediation* following the seminar organised by the African Union (AU) Commission, Ethiopia 15-16th October 2009.

2 See in particular A. Herrberg (2008). *Perceptions of International Peace Mediation in the EU: A Needs Analysis*. Brussels: Initiative for Peacebuilding; A. Åberg, S. Laederach, D. Lanz, J. Litscher, S. Mason and D. Sguaitamatti (2008). *Unpacking the Mystery of Mediation in African Peace Processes*. Zurich/Berne: Mediation Support Project (MSP), Centre for Security Studies and swisspeace; S. Lehmann-Larsen (2009). *Building the African Union's Mediation Capacity: Lessons Learned from the AU's Peacemaking Efforts in Burundi and Comoros*. Geneva: Centre for Humanitarian Dialogue; L. Nathan (2007). *Mediation in African Conflicts: The Gap Between Mandate and Capacity*. Paper presented at the Africa Mediators Retreat, Zanzibar.

SYNCHRONISING EU SUPPORT FOR AU MEDIATION APPROACHES

JOINT AFRICA-EU STRATEGY

The EU-AU dialogue on strategic approaches to mediation, as well as EU initiatives to help build AU mediation capacity, is situated within the broader Africa-EU relationship. This is structured by the Joint Africa-EU Strategy (JAES) which was launched at the Lisbon Summit of 8-9th December 2007 with the adoption by Heads of State and Government of a first Action Plan (2008-2010) with eight thematic partnerships. Priority actions under the Partnership on Peace and Security are: 1) Enhance Dialogue on Challenges to Peace and Security, 2) Full Operationalisation of the APSA and 3) Predictable Funding for Africa-led Peace Support Operations. Mediation was specifically identified as an area for cooperation within the first priority with both sides agreeing to “facilitate the exchange of experiences and lessons learned between EU and African mediators”. In this context, the Joint Progress Report on the Implementation of the Africa-EU Joint Strategy and its First Action Plan from November 2008 suggested the organisation of “a joint African-EU workshop in Africa” in the first half of 2009.

In the meantime, Finland started a €2.9 million three-year programme on mediation capacity building (further details below) and organised a high-ranking seminar on 4th March 2009 entitled *Mediating Peace in Africa: Securing Conflict Prevention*. The seminar discussed ways to strengthen the mediation and conflict prevention aspects of the African Peace and Security Architecture (APSA), brought together mediation and mediation support experts from across the African continent to review the role of mediation within the peace and security architecture of the African Union and explored mediation support challenges and opportunities in Africa. Former President of Finland, 2008 Nobel Peace Laureate and Chair of Crisis Management Initiative, Martti Ahtisaari, attended together with African elders, mediators and experts in peacemaking in Africa.

Following the March conference, Finland was invited to take the lead within the EU on building the AU's mediation capacity and to ensure complementarity of EU efforts within the framework of the Peace and Security Partnership Implementation Team. Subsequently, the Joint Expert Group of the Peace and Security Partnership agreed upon a more detailed road map of activities in October 2009. This recognised the importance of enhancing cooperation between both organisations in the field of mediation by developing common understandings and broad guidelines. Both parties agreed upon the following measures:

- to conduct regular joint AU-EU-UN lessons learned exercises,
- to organise joint AU-EU-UN training workshops in mediation. The first to be convened would be in early to mid 2010 and
- to propose to further cooperate through the exchange of staff.

The inclusion of mediation in the EU-AU strategic frameworks for cooperation indicates the willingness to learn from each other's experience and reflects the engagement of the EU (including specific EU Member States and civil society organisations) in working directly in support of the AU Commission. EU-AU initiatives in this area, however, have to be placed in the wider context of the AU mediation capacity building efforts and relationships with other partners including the African regional organisations and the United Nations (UN).

AU MEDIATION CAPACITY BUILDING WORK PROGRAMME

In the framework of the UN's Ten-Year Capacity Building Programme for the African Union,³ the AU and the UN undertook to prioritise conflict prevention, mediation and good offices, peacekeeping and peacebuilding. As a direct result, the Conflict Management Division of the Peace and Security Department of the AU Commission, in cooperation with the UN Department of Political Affairs (DPA) Mediation Support Unit, drew up a work programme for mediation capacity building. Covering an initial period of 2008-2010, the overall objective is to build a permanent capacity able to manage and support AU mediation initiatives.

Expected outcomes of the work programme are:

- AU structures which can support mediation interventions including strategies, procedures, funding mechanisms, recruitment and deployment systems,
- Roster of African mediators, experts and support staff available for AU mediation interventions,
- AU mediation capacity to plan, deploy, manage and monitor mediation interventions,
- AU mediation training curricula, including a AU mediation handbook, and conduct training courses and
- Identification of lessons learned and best practises in African mediation experience.

The work programme aims to ensure coherence between the support being provided by a number of different actors including the UN Mediation Support Unit, Folke Bernadotte Academy, Centre for Humanitarian Dialogue, International Peace Institute, the African Centre for the Constructive Resolution of Disputes (ACCORD) and Crisis Management Initiative (CMI). This group of partners forms an Advisory Panel to the AU Commission and undertakes specific activities as part of the work programme.

Effort has been made to ensure that the EU-supported mediation capacity building initiatives agreed in the framework of the JAES are included in the overall AU mediation capacity building work programme. This has been the case with the Finnish-funded joint project between the AU Conflict Management Division, ACCORD and CMI which has been supporting the development of a AU mediation policy, produced video clips and created mediation expert communities in order to generate knowledge on African and relevant international mediation practise as well as preparing training material. Similarly, the Folke Bernadotte Academy has, in close collaboration with the African Union and the UN DPA, designed and run the capacity building programme Capacity Building in Dialogue and Mediation through Experience Sharing as part of the overall AU work programme.

PLAN OF ACTION TO BUILD THE AU'S MEDIATION CAPACITY

The definition and adoption of a strategic approach to mediation by the AU is central to the overall work programme. In order to elaborate upon this theme, the AU organised a seminar entitled Towards Enhancing the Capacity of the African Union in Mediation on 15-16th October 2009 with the attendance of high level mediators including most AU Special Envoys. *Plan of Action to Build the AU's Mediation Capacity*, a working paper authored by Dr Laurie Nathan and commissioned by the UN DPA, was presented and discussed at this occasion. The paper proposed that the AU should adopt a strategic approach to mediation based upon the following imperatives:

- The parties must own the agreement and the implementation of the agreement.
- Mediation and negotiations should be inclusive of all significant political actors and should include an equitable representation of women.
- Civil society must be involved in the mediation and negotiations.
- The mediator must help the parties develop a relationship of trust and cooperation.
- Mediation must be a non-threatening venture for the parties.
- Mediators must be impartial and fair.
- There is no quick fix solution in deep-rooted conflict.
- The mediator must help the parties address the root causes of the conflict.

3 Declaration Enhancing UN-AU Cooperation: Framework for the Ten-Year Capacity Building Programme for the African Union, 16th November 2006.

- Mediators must be flexible, creative, responsive and adaptive.
- The drafting and the implementation of peace agreements should be properly linked.
- Mediators must address the regional dimensions of national conflict.
- The AU must develop a systematic and rigorous approach to planning, conducting, supporting and evaluating mediation.

Proposals were made concerning: mediation relationships between the AU, the UN and sub-regional organisations; mediation plans, establishing mediation posts in the AU, establishing rosters of AU envoys and technical mediation experts, supporting envoys and mediators in the field, review and evaluation, research and analysis, training, NGO Support for mediation and capacity building and funding of mediation activities.

Commenting upon these issues during the seminar, the EU Special Representative to the African Union, Ambassador Koen Vervaeke, noted that the EU was in the same process of working to strengthen its mediation capability and expressed a desire for the EU to learn from the AU experience. The identified risk of a proliferation of mediators from different organisations could be minimised by the use of International Contact Groups and a strong African lead based upon shared values and principles. The availability of EU financing for AU mediation initiatives was also highlighted.

The working paper suggested two mediation plans for the AU: 1) A strategic plan outlining goals, objectives and strategies which also identifies key partners and allies and 2) An operational plan which translates the strategic plan into activities and tasks, assigns responsibility for action and identifies what is required in terms of posts, expertise, logistics and funds. These themes were debated by participants at the Addis Ababa seminar. Different views were expressed but in general participants affirmed the recommendations. Work has subsequently been undertaken, commissioned by the Centre for Humanitarian Dialogue for the AU Conflict Management Division, to codify key elements in Procedural Guidelines for Mediation Support.

EU FINANCING FOR AU MEDIATION INITIATIVES

Whilst EU engagement with the AU on mediation issues extends beyond financial support, it is important to recognise the extent of EU assistance available. The two most relevant EU financial instruments to support mediation activities are the Instrument for Stability and the African Peace Facility (APF). Through the latter, the EU has channelled more than €700 million into the continental African Peace and Security Architecture since 2007 including the strengthening the capacities of AU and African sub-regional organisations.⁴ Specifically within the current APF, an Early Response Mechanism of €15 million has been established with a view to ensuring flexible and rapidly accessible funding for first stages of mediation actions decided by the AU or a sub-regional organisation. This can be activated within the framework of preventive diplomacy to avoid a potential crisis (for example, dispute of election results), at the beginning of a sudden emerging crisis or during the resolution of a crisis using a window of opportunity. During 2010 this mechanism has proved relevant for AU mediation related activities in Madagascar, Guinea, Guinea Bissau, Sudan and Niger.

Meanwhile, the EU Instrument for Stability also contains a specific facility – the Policy Advice and Mediation Facility – which enables the funding, at relatively short notice, of activities in the context of a particular crisis. Other mediation processes and activities either of a larger financial scale or as part of a wider process are funded under separate IFS financing decisions such as the funding the UN/AU joint mediation support team in Darfur.

Furthermore, several Member States of the EU have made financing available for elements of the AU structures engaged in mediation activities. For example, in addition to the Finnish mediation capacity building project, Italy has supported the Panel of the Wise with a core grant of €1.1 million whilst the contributions of a number of EU Member States have supported the functioning of the AU Liaison Offices. As noted, the structures of the JAES aim to ensure that such bilateral initiatives are coherent with an overall EU approach towards Africa.

4 http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm

UPDATE OF THE AU MEDIATION CAPACITY WORK PROGRAMME

The AU Commission regularly updates the Mediation Capacity Building work programme in the light of emerging needs. The intention for the 2009-2011 period is to shift from strategy development, planning and training to concrete delivery of mediation support to the AU envoys and representatives in conflict situations. This is in recognition of the progress being made in institutionalising knowledge sharing and management and the likely adoption of the Procedural Guidelines for Mediation support as well as the intensification of dialogue between the AU and relevant partners.

As an example of the latter, at the initiative of the AU, and within the framework of the Year of Peace and Security programme of activities, a High Level Retreat on the Promotion of Peace, Security and Stability in Africa took place in Cairo, Egypt from 26-28th August 2010. The Retreat, organised in collaboration with the Egyptian Ministry of Foreign Affairs, the Cairo Centre for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA) and the Centre for Humanitarian Dialogue (HD Centre), brought AU representatives as well as senior officials from the UN, the EU, the Regional Economic Communities, the League of Arab States and others interested in promoting peace across the African continent. This forum was broadly welcomed and is likely to become an annual event.

In terms of EU-AU dialogue on mediation related issues, the 3rd Summit of African and EU Heads of State and Government to be held in Libya, 29-30th November 2010, provides an opportunity to assess progress of the JAES since the last Summit in 2007. On this occasion a Second Action Plan on Peace and Security covering the period 2011-2013 will be adopted which is likely to recommend the drawing up and implementation of a plan of action on thematic issues including mediation negotiation capacity. Any such plan of action should set out how the EU and the AU dialogue on strategic approaches to mediation supplements, or are subsumed therein, and ongoing AU mediation initiatives, including the High Level Retreats. It can also clarify how EU willingness to build AU capacity and finance specific mediation initiatives contributes to the AU mediation capacity building work programme and support the adoption of the AU mediation plan proposed at the October 2009 workshop.

RECOMMENDATIONS TO CIVIL SOCIETY SEEKING TO ENGAGE IN BUILDING THE AU'S MEDIATION CAPACITY

- Reinforce African ownership of the strategy by ensuring any initiatives support the AU mediation capacity building work programme.
- Assess availability of financial means for supporting mediation activities in the short and long run. Given the extent of existing EU financial support, the value added of new activities is likely to be found in focusing upon the institutional, human resources and other challenges to meeting AU mediation needs.
- Further analysis could be undertaken upon the role which the RECs see for themselves in mediation and how they perceive the current efforts by the AU, building on the APSA needs assessment.
- Lobby to ensure relevant skills are made available to high level mediation efforts, including through the AU roster, and that mediators are selected upon the basis of their mediation competence as well as their political status.
- Continue to supplement one-off conferences of high-level people with multi-layer knowledge generation from a diverse range of experiences (for example, knowledge management, expert communities, networking track two actors).
- Support the AU Panel of the Wise thematic and country specific reflections in order to ensure it can effectively undertake its conflict prevention function in a manner relevant to ongoing mediation initiatives.

ANNEX: AFRICAN PEACE & SECURITY ARCHITECTURE

CONSTITUTIVE ACT OF THE AFRICAN UNION, 10TH JULY 2000

The Constitutive Act sets out a new vision with the active promotion of peace, security and stability as a prerequisite for sustainable development at its core.

PROTOCOL RELATING TO THE ESTABLISHMENT OF THE PEACE & SECURITY COUNCIL, RATIFIED DECEMBER 2003

The Protocol stipulates that, in conjunction with the Chairperson of the Commission, the Peace & Security Council (PSC) shall, amongst others, take all necessary steps to anticipate and prevent disputes and conflict and undertake peacemaking and peacebuilding functions. Furthermore, the Chairperson of the Commission shall bring to the attention of the PSC any matter which in his/her opinion may threaten peace, security and stability in the Continent and may, at his/her own initiative or when so requested by the PSC, use his/her good offices to prevent potential conflicts, resolve actual conflicts and promote peacebuilding and post-conflict reconstruction initiatives and efforts.

The Constitutive Act and PSC Protocol together give the AU the power to create the structures and processes necessary for the establishment of a comprehensive African Peace & Security Architecture (APSA).

The PSC was launched in Addis Ababa on 25th May 2005. In its tasks the PSC is supported by the AU Commission, the Panel of the Wise, the Continental Early Warning System, the African Standby Force and modalities have been developed for relations with Regional Economic Communities.

PANEL OF THE WISE

In January 2007 the members of the Panel of the Wise were appointed by the Assembly of the AU whilst the Modalities for the Functioning of this pillar of the APSA were adopted by the PSC in November 2007.

The panel has a broad mandate to act either at the request of the Council or the Chairperson of the Commission or at its own initiative “on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa”. It is tasked, *inter alia*, to: establish channels of communication with parties engaged in a dispute, carry out fact-finding missions, conduct shuttle diplomacy between parties to a conflict, encourage parties to engage in political dialogue, adopt confidence building measures and carry out reconciliation processes, assist and advise mediation teams engaged in formal negotiations, assist and advise parties on how to resolve disputes related to the implementation of peace agreements and develop and recommend ideas and proposals which can contribute to promoting peace, security and stability in the Continent.

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