
12. ‘The higher cause of peace’: what could and should the Nordic countries contribute to the development of conflict mediation in the EU context?

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I. Introduction

The locus of violence in the international system has shifted from interstate to inter-community relations. Most, if not all, of the wars today are now internal, and this change is of great significance when discussing the European Security and Defence Policy. International violence and warfare have moved away from the Clausewitzian trinity of the state, the army and the people towards violence in less definable contexts and forms. Wars between nations are replaced by intra-state warfare and by the ‘war against terrorism’, where national boundaries are no longer of central importance. Both in inter-community warfare and in high-tech ‘war against terrorism’, territoriality has new meanings. Community boundaries have replaced state boundaries, and technology and its projection have de-territorialized a part of warfare.

Civilian crisis management still remains an obscure and neglected element of the ESDP, although the management of post-Clausewitzian conflicts requires both civil and military means. New dimensions of human insecurity often spring up from assertive nationalism and from ethnic, religious, social, cultural and linguistic strife, and these can seldom be tackled solely by military means. The Nordic countries, particularly Finland and Sweden, have been active in developing a holistic approach to conflict management and have thus insisted on strengthening the civilian side of the EU’s crisis management.

International policy thinking on civilian crisis management is, however, limited: civilian crisis management is seen in terms of the provision of public order, and the priorities for developing civilian capacities are focused on the post-conflict environment rather than forming a set of policies and instruments that can be brought to bear at all stages of conflict.¹ It is argued in this chapter that, in order fully to actualize the interlinkage between conflict prevention and crisis management that is suggested in the European Security Strat-

¹ For a critical view see Dwan, R., ‘Civilian tasks and capabilities in EU operations’, Paper commissioned by the Study Group on Europe’s Security Capabilities, London School of Economics and Political Science, Centre for the Study of Global Governance, London, 2004, URL <<http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityReport/DwanPaperCivilianCapabilities.pdf>>.

egy,² civilian crisis management should be more broadly defined than it is by the EU's current priority areas for building civilian rapid reaction capacities.

Mediation is one of the tools that can be used to bridge the gap between preventive action and crisis management, because it can be used at different points in the conflict cycle. Mediation is a flexible tool which has a variety of forms, including alternative methods of dispute resolution. This chapter demonstrates that the EU's mediation capacity is, so far, limited. It is further argued that mediation, and particularly the mixture of small state mediation and unofficial facilitation used for example by Norway, could be practised by Finland and Sweden without a need for them to sacrifice their EU policies.

II. The international system and new wars

Mary Kaldor's notions of 'new wars' and 'post-Clausewitzian wars'—or post-Westphalian wars as some authors prefer to call them—offer a conceptual distinction which identifies new trends in warfare in the international system.³ In the new wars the distinction between war and peace does not hold, because new wars tend to be longer, more pervasive and less decisive. Post-Clausewitzian conflicts rarely have decisive endings. Even where the ceasefire has been declared, periods of low-level violence tend to follow; neither war nor peace prevails. In many post-Clausewitzian wars, states have lost their monopoly of violence and non-state actors play an important role. In the cases of 'collapsed' or 'failed' states, it is often difficult to distinguish between state and non-state actors. New wars have consequences at the level of populations: population displacement, which is associated with large numbers of refugees, and its counterpart, forcible repatriation, are typical results.

In other words, the international system has moved from the era of Clausewitzian war towards disintegrative, decentralized and fragmentative violence. Clausewitzian wars were wars between states for clearly defined political aims where victory or defeat was absolute. They were wars between modern states which were characterized by centralized and secularized power within a given territory, and which were pursued in keeping with absolutist notions of sovereignty. The modern state was organized essentially through violence and its containment. The containment of war in time and space produced a clear-cut distinction between war and peace, between inside and outside, and between military and civil. War was an instrumentally rational activity, not confined by pre-modern prohibitions.⁴ Although the Clausewitzian model of war was a very limited one—few conflicts since 1945 have fully corresponded to it and it existed for a brief period mainly in Europe—many of the post-cold war con-

² Council of the European Union, 'A secure Europe in a better world: European Security Strategy', Brussels, 12 Dec. 2003, URL <http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/European_Security_Strategy.pdf>.

³ Kaldor, M., 'Introduction', eds M. Kaldor and B. Vashee, *Restructuring the Global Military Sector*, vol. 1, *New Wars* (Pinter: London, 1997), pp. 17–19.

⁴ Kaldor (note 3), pp. 3–7.

flicts have certain shared features that are quite contemporary and post- rather than pre-Clausewitzian.⁵

Post-Clausewitzian wars cannot be tackled purely by military means. 'Collapsed states', human rights violations and population displacements are phenomena which often follow wars. In these types of situation, the use of traditional forms of military power can even be counterproductive. Classic peace-keeping and classic military interventions are, as the examples of the Balkans, Afghanistan and Iraq demonstrate, sometimes ill-equipped for the kind of tasks required to restore public security, to prevent continued human rights violations and to stabilize the political and economic situation in collapsed states. Rather, what is needed is 'state-building', 'nation-building' or 'post-conflict reconstruction'.⁶

The international system of 'new wars' and the insufficiency of military means to tackle these wars contribute to the complex and interdependent environment where the European Union's security and defence policy has to function. As Javier Solana has described the situation, the Union's strategic environment is characterized by crises and international instability both in its neighbourhood—the Balkans, the Mediterranean and the Middle East—and in more distant parts of the world like Afghanistan or the Democratic Republic of the Congo (DRC).⁷ Globalization has increased the interdependence of the parts of the international system, and the Europeans of the Union must, therefore—according to Solana—'accept a growing share of responsibility in stabilizing crises, either on their own as in 2003 in DRC, or with America and other partners when they feel it is necessary'. The Union's security and defence policy is 'no longer a choice but a necessity'.

III. Civilian crisis management and the European Security and Defence Policy

In order to deal with the challenges set by state-building, nation-building and post-conflict reconstruction, the EU has institutionalized civilian crisis management as an element of its external policy. The EU's non-military crisis management activities are not only carried out through the ESDP instruments but also encompass trade, aid, assistance, transport and communication, financial, and political measures. Most of the political measures are pursued under long-term

⁵ On new wars see, e.g., Joenniemi, P., 'Wild zones, black holes and the struggle void of purpose: has war lost its name?', Paper presented at the 17th International Political Science Association World Congress, Seoul, South Korea, 17–21 Aug. 1997; Kaldor (note 3); Burk, J. (ed.), *The Military in New Times: Adapting Armed Forces to a Turbulent World* (Westview Press: Boulder, Colo., 1994); and van Creveld, M., *The Transformation of War* (Free Press: New York, 1991).

⁶ Study Group on Europe's Security Capabilities, 'A human security doctrine for Europe', Barcelona Report of the Study Group on Europe's Security Capabilities, London School of Economics and Political Science, Centre for the Study of Global Governance, London, 15 Sep. 2004, URL <<http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf>>.

⁷ Solana, J., 'Preface', ed. N. Gnesotto, *EU Security and Defence Policy: The First Five Years (1999–2004)* (EU Institute of Security Studies: Paris, 2004), URL <<http://www.iss-eu.org/>>, pp. 5–6.

programmes and are administered by the European Commission. Although civilian crisis management still remains a neglected element of the ESDP, the ESDP is not meant to militarize the Union.⁸ As recognized in the Action Plan for Civilian Aspects of ESDP, adopted by the European Council in June 2004, the development of a European security culture under the ESDP, encompassing both civilian and military dimensions, is a priority.⁹ In a similar vein, the Civilian Capabilities Commitment Conference in November 2004 recognized that ‘the demand for civilian instruments in the framework of the European Security and Defence Policy (ESDP) is increasing’.¹⁰

The post-Clausewitzian conflict in Kosovo played a major role in prompting the EU to develop the instruments and capabilities of civilian crisis management. In Kosovo the difficulty lay not in the war-fighting but in enforcing and building peace. According to Renata Dwan, the challenges of public order, the inability of the military presence to mitigate civil violence and the international lack of readily available police personnel for deployment were the lessons learned from the Kosovo experience.¹¹ Earlier, events in Bosnia and Herzegovina had demonstrated the limitations of military personnel in terms of equipment, training, policing and mediation skills in transitional phases of conflict. These experiences contributed to the development of the EU’s ‘civilian rapid reaction force’ which was declared operational in 2002.¹²

In spite of the actual developments in the EU’s non-military crisis management, none of the big states of the EU has so far put any emphasis on civilian crisis management and a lot of the work in this field has been done by smaller countries, particularly the Nordic states. The establishment of the civilian rapid reaction capacity to complement the military force has been a priority for the Nordic EU members and for the Netherlands. These countries have been instrumental in putting civilian capacity on the ESDP agenda and have played a major role in its development.¹³

Finland and Sweden have argued all along that military means cannot be the only means of conflict resolution and, hence, that there is a need for civil–military cooperation. They advocated the inclusion of the Petersberg Tasks—humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peace-making¹⁴—in the 1997 Treaty of Amsterdam and favoured a strengthened independent European ability to act on

⁸ Solana (note 7), p. 6.

⁹ Council of the European Union, Action Plan for Civilian Aspects of ESDP, Brussels, 17–18 June 2004, URL <[http://ue.eu.int/uedocs/cmsUpload/Action Plan for Civilian Aspects of ESDP.pdf](http://ue.eu.int/uedocs/cmsUpload/Action%20Plan%20for%20Civilian%20Aspects%20of%20ESDP.pdf)>.

¹⁰ Civilian Capabilities Commitment Conference, ‘Ministerial Declaration’, Brussels, 22 Nov. 2004, URL <http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/misc/82760.pdf>, p. 1.

¹¹ Dwan (note 1), p. 2.

¹² On the Balkans see Haine, J.-Y., ‘An historical perspective’, ed. Gnesotto (note 7), pp. 35–53.

¹³ Jakobsen, P. V., ‘The emerging EU civilian crisis management capacity: a “real added value” for the UN?’, Background paper for the Copenhagen Seminar on Civilian Crisis Management, Danish Ministry of Foreign Affairs, Copenhagen, 8–9 June 2004, URL <<http://www.cic.nyu.edu/pdf/TheEmergingEUCivilianCrisisManagementCapacityArealaddedvaluefortheUN.pdf>>.

¹⁴ The Petersberg Tasks were agreed in 1992 to strengthen the operational role of the Western European Union and were later incorporated in the 1997 Treaty of Amsterdam. See chapter 6 in this volume.

these areas. They saw the EU’s strength as lying in its ability to offer a range of diplomatic means for conflict resolution and peace support. Finland and Sweden have made their mark on European security and defence policy in the shape of the development of civilian crisis management and remain the leaders in this area, while the development of the military rapid reaction force has been the main priority for most of the EU member states and more resources and attention have been devoted to its establishment.¹⁵

At the Feira European Council in June 2000, four priority areas were identified for building civilian rapid reaction capacities: police, rule of law, civilian administration and civil protection.¹⁶ Police operations are the area which has received the most attention and in which capacity development has progressed fastest. Civilian protection, on the other hand, has been the most contested area for development of civilian crisis management capacity. Little real progress has been made in this area, and it is still open to debate whether it is a subdivision of civilian administration or of humanitarian assistance. Furthermore, there is little integration across the four priority areas and between the military and civilian reaction forces.¹⁷

Although civilian crisis management may remain an under-valued element of the ESDP, it is an area where the EU has made fast operational progress. Three of the EU’s five crisis management operations have been civilian: the EU Police Mission in Bosnia and Herzegovina, the EUPOL Proxima operation in the Former Yugoslav Republic of Macedonia (FYROM) and the EU Rule of Law Mission to Georgia. The EU takeover of responsibility from the North Atlantic Treaty Organization-led Stabilisation Force (SFOR) in Bosnia and Herzegovina, in December 2004 saw EU civilian and military crisis management capabilities deployed side by side for the first time. On the other hand, all the EU’s civilian operations have been small and their mandates limited, and it is thus too early to evaluate the success of EU civilian crisis management action.¹⁸

One critique of the EU’s civilian crisis management emerges from the observation that it lays stress on post-conflict, instead of preventive, engagement. It is noted in the European Security Strategy that conflict prevention is one of the core areas on which the Union’s policy should focus.¹⁹ Underlying the recog-

¹⁵ See, e.g., Tuomioja, E. and Lindh, A., ‘EU:n siiviilikriisinhallintaa on kiireesti vahvistettava’ [The EU’s civil crisis management must urgently be strengthened], *Helsingin Sanomat*, 30 Apr. 2004; Bergman, A., ‘Post-cold war shifts in Swedish and Finnish security policies: the compatibility of non-alignment and participation in EU led conflict prevention’, Paper presented at the European Consortium for Political Research Workshop, University of Uppsala, 13–18 Apr. 2004, URL <<http://www.essex.ac.uk/ecpr/onlineservices/paperarchive/>>; Björkdahl, A., *From Idea to Norm: Promoting Conflict Prevention*, Lund Political Studies 125 (Lund University, Department of Political Science: Lund, 2002); and Jakobsen (note 13), p. 2.

¹⁶ Council of the European Union, Santa Maria da Feira European Council, 19–20 June 2000, Conclusions of the Presidency, URL <http://www.europarl.eu.int/summits/fei1_en.htm>.

¹⁷ Dwan (note 1), pp. 5–6.

¹⁸ Dwan (note 1), pp. 1–2; Study Group on Europe’s Security Capabilities (note 6); and Jakobsen (note 13), pp. 9–10.

¹⁹ Council of the European Union (note 2), p. 7.

inition of the importance of conflict prevention there is an assumption that violence is easier to prevent and resolve at an early phase, when the issues at stake are still specific and, therefore, more amenable to management, and the number of parties to the conflict is limited. In other words, it is easier and more cost-effective to reduce the complexity of the conflict at an early stage. There is also an assumption that the real costs of conflicts are much higher than the obvious material damage and human casualties. According to this view, 'cost-effective' conflict prevention is needed in order to avoid also the political costs (the demolition of democratic systems and failure of states), ecological costs (degradation of the environment), social costs (separation of families and communities), psychological costs and spiritual costs of conflict (degradation of value systems).²⁰

The Action Plan for Civilian Aspects of ESDP adopted by the European Council in June 2004 states that 'Inter-linkages between crisis management and conflict prevention must also be further enhanced'.²¹ From the perspective of conflict prevention, civilian crisis management capabilities are well placed to contribute also to sensitive pre-conflict situations. They are not as intrusive as military tools, and can act as carrots for conflict resolution.²² However, in order to make the most of the interlinkages between crisis management and conflict prevention, civilian crisis management capabilities should be more broadly defined than is suggested by the EU's four current priority areas of civilian rapid reaction capacities: police, rule of law, civilian administration and civil protection.

IV. Mediation: a neglected element of civilian crisis management?

The Action Plan for Civilian Aspects of ESDP states that 'the EU should become more ambitious in the goals which it sets for itself in civilian crisis management and more capable of delivering upon them'. It calls for a broadening of the range of expertise upon which the Union can draw for its crisis missions, in order better to reflect the multifaceted tasks that it will face. According to the Action Plan, the EU 'would in particular benefit from expertise in the field of human rights, political affairs, security sector reform (SSR), mediation, border control, disarmament, demobilization and reintegration (DDR) and media policy'.²³

²⁰ On conflict prevention see Väyrynen, R., 'Challenges to preventive action: the case of Macedonia', ed. A. Mellbourn, *Developing a Culture of Conflict Prevention* (Gidlunds: Södertälje, 2004), pp. 91–100; and van Tongeren, P., 'The role of NGOs in conflict prevention', ed. Dutch Centre for Conflict Prevention with ACCESS and PIOOM, *Prevention and Management of Conflict: An International Directory* (NCDO: Amsterdam, 1996), pp. 18–24.

²¹ Council of the European Union (note 9), p. 5.

²² Dwan (note 1), p. 13.

²³ Council of the European Union (note 9), p. 3.

Mediation is one of the tools that can be used to bridge the gap between crisis management and conflict prevention, because it can be used at the different phases of the conflict cycle. The four stages of conflict escalation—discussion, polarization, segregation and destruction—require different means of conflict resolution, but what unites them is the usefulness of mediation.

At the first, pre-conflict, stage the key dimension of concern is the quality of communication between the parties. The parties may believe that mutual satisfaction is possible, but communication difficulties occur. Mediation has proven to be a successful strategy at this stage. At the second stage, on the other hand, the fundamental concern is misperception between the parties and simplified images in the form of negative stereotypes. Research demonstrates that track-two diplomacy—that is, unofficial and non-governmental dialogue—in parallel with traditional mediation can be appropriate ways to deal with this stage. At the third stage of conflict escalation, defensive competition and hostility become main concerns. The conflict is now seen to threaten group identities. In these situations arbitration may be used, involving a legitimate and authoritative third party that provides a binding judgment. Power mediation, in which the third party has the power to influence the parties towards agreement through imposing costs or providing gains, can also produce results at this phase. At the fourth stage, where the parties attempt to destroy each other through the use of violence, a variety of crisis management measures can be complemented with mediation.²⁴

In 2003 the European Commission's Conflict Prevention and Crisis Management Unit produced a list of civilian instruments for EU crisis management. These instruments include declarations, political dialogue and preventive diplomacy (e.g., mediation, arbitration and confidence building), and humanitarian aid.²⁵ The Council, on the other hand, has developed a Rapid Reaction Mechanism (RRM) designed explicitly for urgent interventions in crisis situations. The RRM can be used to start and conduct projects and actions that require speed and flexibility. The RRM can work through non-governmental organizations (NGOs), international organizations and experts identified by the Commission, and funds from it can be used, for example, for measures to restore the rule of law; for promoting democracy and human rights; for peace-building and for mediation initiatives; and for the reconstruction of infrastructure. In other words, mediation is a recognized instrument among other crisis management instruments, but it has not been included among the priority areas of civilian crisis management. Although research demonstrates that mediation can be used at different phases of conflict as well as to bridge the gap

²⁴ Keashly, L. and Fisher, R., 'A contingency perspective on conflict interventions: theoretical and practical considerations', ed. J. Bercovitch, *Resolving International Conflicts: The Theory and Practice of Mediation* (Lynne Rienner: Boulder, Colo., 1996), pp. 235–61.

²⁵ European Commission, Conflict Prevention and Civilian Crisis Management Unit, 'Civilian instruments for EU crisis management', Apr. 2003, URL <http://europa.eu.int/comm/external_relations/cpcm/cm.htm>.

between conflict prevention and crisis management, the ESDP does not seem designed at present to fully utilize its capacity.

Mediation is a malleable instrument that can be used in different situations by different types of actor. Furthermore, in addition to traditional mediation, track-two diplomacy can be employed in situations where there is a need for an informal and secret communication channel between the parties.

V. Mediation and track-two diplomacy

Negotiations which engage parties in face-to-face bargaining over a negotiating table are often difficult to arrange in conflict situations, and mediation can be employed to meet this difficulty. In mediation, one or more outsiders (third parties) assist the parties in their discussion. In other words, mediation is a 'process by which the participants, together or with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs'.²⁶ The practice of settling disputes through intermediaries is not a new one: different cultures at different times have used intermediaries, and there is a great heterogeneity in mediation activities.

The third party can utilize different roles, functions, qualities and resources. Seen from a wide perspective, there are five possible intermediary roles for the third party: as an activist, an advocate, a mediator, a researcher or an enforcer. These roles are grounded predominantly in the background and credibility of the intervener. Thus, such questions as for whom does the intervener work, who pays him or her, and consequently what are the structured expectations for behaviour of the intervener in that role have different answers in these different types of mediation. The role of an activist is characterized by an organizational base and a relationship with at least one of the parties. The activist works extremely closely with the parties and almost becomes one of them. The role of an advocate, on the other hand, is based on the advocacy of certain values and parties within the organization. The role of a mediator derives from the advocacy of processes and interactions, rather than any of the parties per se, or of any particular outcomes. The category of researcher includes such professionals as journalists and social science researchers, whereas the enforcer has formal power to sanction one or all of the parties.²⁷

The functions of mediators are closely related to the role that is adopted. The mediator's functions include the facilitation of communication between the parties and influencing parties towards changing their positions in order to make agreement possible. By clarifying the issues in conflict, by helping the parties to withdraw from their fixed positions, by reducing the cost of con-

²⁶ Bercovitch, J. and Houston, A., 'The study of international mediation: theoretical issues and empirical evidence', ed. Bercovitch (note 24), p. 13.

²⁷ Laue, J., 'The emergence and institutionalisation of third party roles in conflict', eds D. Sandole and I. Sandole-Staroste, *Conflict Management and Problem Solving: Interpersonal to International Applications* (Frances Pinter: London, 1987), pp. 26–28.

cessions and by offering compromise formulae and substantive proposals, the intermediary provides a framework within which concessions become possible.²⁸ The good mediator has two basic qualities: impartiality and independence. A mediator is independent when he or she is perceived to be free from attachment to or dependence on a political entity that has a stake in the outcome of the crisis at hand.²⁹

The mediator's attributes and characteristics include such features as patience; sincerity; friendliness; sensitivity; capability to accept others, to be non-judgmental and to control oneself; compassion; and tactfulness. In a similar vein, salient third party qualities include a high degree of professionalism and personal expertise, a high level of independence from the case of conflict being considered, and a lack of any formal and recognized political position.³⁰ The use of resources, on the other hand, affects mediation strategy and behaviour as well as the course and likely outcomes of mediation. Resources may include money, status, expertise and prestige.³¹

Negotiation processes and outcomes often reflect the relative power of the parties and in such cases, while a settlement may be reached, it is likely to be short-lived as it rests on power relationships which remain static. Since post-Clausewitzian conflicts often consist of such fundamental issues as the identity of the parties and the survival of these identities, alternative means for resolution which can also tackle 'existential' and values-based concerns have been developed. It is argued that processes parallel to official diplomacy are needed and can support official diplomacy by offering a framework for the innovative search for solutions.³²

Track-two diplomacy—or consultation, alternative dispute resolution or problem-solving conflict resolution, as it is also called—encourages the parties in conflict to examine a wide range of issues including needs, values and identities. Even historical animosities and enemy and threat perceptions can be brought into the conflict resolution agenda if the parties themselves wish it. Although track-two diplomacy recognizes the psychological elements included in conflicts, it does not assume that conflicts are simply products of misunderstanding and misperceptions. Rather, the latter are seen to characterize conflicts and to form substantial barriers to their resolution. Unlike traditional

²⁸ Jabri, V., *Mediating Conflict: Decision-making and Western Intervention in Namibia* (Manchester University Press: Manchester, 1990), p. 8.

²⁹ Young, O., *The Intermediaries: Third Parties in International Crises* (Princeton University Press: Princeton, NJ, 1967), pp. 81–83.

³⁰ Bercovitch, J., *Social Conflicts and Third Parties: Strategies of Conflict Resolution* (Westview Press: Boulder, Colo., 1984), p. 53; and Mitchell, C., *Peacemaking and the Consultant's Role* (Gower: Westmead, 1981), p. 120.

³¹ Bercovitch, J., 'The structure and diversity of mediation in international relations', eds J. Bercovitch and J. Rubin, *Mediation in International Relations* (Macmillan: Basingstoke, 1992), pp. 19–21.

³² On track-two diplomacy see Bendahmane, D. and McDonald, Jr, J. (eds), *Perspectives on Negotiations: Four Case Studies and Interpretations* (US Department of State, Foreign Service Institute, Center for the Study of Foreign Affairs: Washington, DC, 1986); and McDonald, Jr, J. and Bendahmane, D. (eds), *Conflict Resolution: Track Two Diplomacy* (US Department of State, Foreign Service Institute, Center for the Study of Foreign Affairs: Washington, DC, 1987).

formal negotiations and mediation, track-two diplomacy also allows the full range of parties to participate in conflict resolution. It does not aim at dealing solely with state actors, as conventional negotiations and mediation often do.

The third party in the resolution process is not an interested activist, advocate mediator or enforcer who imports his or her own views into the resolution process: the facilitator remains outside of power-political considerations. The role of the third party in track-two diplomacy differs from that of the traditional mediator. Unlike many mediators, facilitators do not propose or impose solutions. Rather, the function of the third party is to create an atmosphere where innovative solutions can emerge out of the interaction between the parties themselves. The impartial, neutral, facilitative, non-judgmental and diagnostic third party creates an atmosphere where the discussion can be raised to a higher system level, from which it can flow back into channels that are constructive for the dispute in question. The objective of this type of conflict resolution is both to create analytical communication and to generate inputs into political processes.³³

VI. The EU as a mediator

The decision to establish the ESDP rapid-reaction forces led to the creation of a number of new institutions within the European Council. The most visible innovation was the post of High Representative for the CFSP, who is also the Secretary-General of the Council of Ministers (HR/SG). He or she is responsible for formulating, preparing and implementing policy decisions and for engaging in political dialogue with third countries on behalf of the Council. The HR/SG is *de facto* crisis manager of the EU. In addition to the role of the HR/SG in crisis management and in mediation activities, he or she can appoint special representatives to assist in this work.³⁴ Examples of recent mediation activities include the attempt of the current HR/SG, Javier Solana, to mediate in Ukraine's political crisis in late 2004. He and other foreign envoys met outgoing President Leonid Kuchma in an attempt to smooth the way for a re-run of disputed elections. Similarly, Solana tried to resolve a row over Israel's controversial barrier in the West Bank in July 2004.

The EU currently has seven special representatives in different locations. For example, Michael Sahlin was appointed EU Special Representative in the FYROM on 12 July 2004. His mandate is to establish and maintain close contact with the government of the FYROM and with the parties involved in the political process, and to offer the EU's advice and facilitation in that process. Marc Otte was appointed EU Special Representative for the Middle East peace process on 14 July 2003. His mandate is based on the EU's policy objectives regarding the Middle East peace process, which include a two-state solution

³³ On facilitation see Väyrynen, T., *Culture and International Conflict Resolution* (Manchester University Press: Manchester, 2001), pp. 15–27.

³⁴ Jakobsen (note 13), pp. 5–6.

with Israel and a sovereign Palestinian state. Heikki Talvitie was appointed EU Special Representative for the South Caucasus on 7 July 2003. He contributes to the implementation of the EU's policy objectives in the region, which include assisting countries in carrying out political and economic reforms, preventing and assisting in the resolution of conflicts, promoting the return of refugees and internally displaced persons, engaging constructively with key national actors neighbouring the region, supporting intra-regional cooperation, and ensuring coordination, consistency and effectiveness of the EU's action in the South Caucasus.

The EU is a typical regional organization mediator whose resource base includes money, status, expertise and prestige. Its qualities as mediator include a high degree of professionalism and personal expertise in the form of the HR/SG and the EU special representatives. However, it is more difficult to argue that it has a high level of independence from the conflicts considered. It often has a formal and recognized political position on the conflict in question, and by this token does not fulfil all the criteria of an 'ideal mediator' suggested in the mediation literature.

Research demonstrates that one of the most effective resources that any international mediator can possess is legitimacy and that mediators with the best success rate are the leaders and representatives of regional organizations. The second-best success rate can be found in mediation efforts where the mediator is a leader or representative of a small country's government. Representatives of international organizations do not do well in this comparison. In short, regional organizations with common ideals, perspectives and interests appear to offer the best chances of successful outcomes in international mediation, whereas international organizations such as the United Nations have a poor record in this field.³⁵

The EU's mediation activities can be categorized under three ideal types or models, based on how the EU uses its doctrine, incentives and conditionality. These three models are characterized by the EU's stance towards the parties in conflict and the desired outcome of the mediation process, depending on whether the EU favours: (a) a common state solution; (b) a sequential route to a common state; or (c) a two-state solution. In the first model, the EU mediates in favour of a one-state solution despite the danger of creating a dysfunctional state. The EU can also favour one of the conflicting parties and isolate the other in order to force it to return to the negotiation table. In this model, a sequential route to the common state is pursued. In the third model, the EU reluctantly concludes that it must recognize secession and aims to put pressure on both parties equally.³⁶

The examples of the EU's mediation activities between the communities in Cyprus, between Serbia and Montenegro, and between the authorities of

³⁵ Bercovitch and Houston (note 26), pp. 26–28.

³⁶ Emerson, M., 'Europeanisation and conflict resolution: testing an analytical framework', ed. A. Mellbourn (note 20), pp. 84–85, also available as Centre for European Policy Studies (CEPS) Policy Brief no. 59, CEPS, Dec. 2004, at URL <http://shop.ceps.be/BookDetail.php?item_id=1180>.

Moldova and Trans-Dniester demonstrate how the EU has had to switch between the three models. In other words, in these cases it has not been successful in creating the original outcome for which it aimed. When Cyprus applied for membership of the EU, the Union's mediation behaviour followed the track of the first model: conflict settlement and reunification were required before accession. At the Helsinki summit in December 1999, the EU switched from the first model to the second. The outcome of the process, however, suggests that the EU came close to the third model with Turkish Cyprus, creating a sub-state entity that is virtually EU territory. In the case of Serbia and Montenegro, the EU again strongly advocated the single, common state solution; Solana used forceful mediation tactics, and a settlement was achieved. However, a real transformation of the conflict has not taken place and the state is dysfunctional in many areas. In Trans-Dniester the EU geared the discussions towards a one-state solution. It offered very few incentives for the parties, however, until 2003 when Moldova was included as a first candidate for the new European Neighbourhood Policy. The Trans-Dniester authorities, on the other hand, have been isolated from these discussions. The EU has thus switched its policy to the second model.³⁷

The case of the Middle East and of the EU's first special representative there is particularly interesting, because it shows clearly some of the difficulties that the EU's mediation attempts have faced. Miguel Ángel Moratinos was appointed the EU's Special Envoy (as the EU special representative was then called) for the Middle East peace process on 25 November 1996. His mandate was to establish close contact with all the parties concerned, first and foremost with the Israelis and Palestinians but also with others in the region, and to contribute towards peace. Moratinos's appointment was thought to add a political dimension to the Union's economic weight in the Middle East.

Although the formulation of Moratinos's mandate did not mention the EU's quest for a role as a mediator in the bilateral negotiations, that option was not ruled out. Despite the intention of the EU special representative system to provide joint representation and a means of action for the EU in different regions, the EU as a foreign policy actor is composed of member states that have different interests and, to a certain extent, different values. In handling serious political crises, especially those involving armed conflict, the Union has faced difficulties in acting as one. The EU and its member states have had different views on the Middle East conflict and it has been difficult to harmonize the member states' stances. Moratinos's mandate was a compromise between the French ambition to offer an alternative to US mediation and the German position that the USA is the leading third party with whom the EU should work in close collaboration. There was also strong criticism aimed at Moratinos's way of working: some of the member countries saw him as a headstrong and forceful actor who did not supply all member states with the required information concerning the Middle East conflict. There were also tensions in relations

³⁷ Emerson (note 36), pp. 85–90.

between Moratinos's team and Solana's bureau, particularly when it came to sharing information. The lack of coherence persisted, and as a result people in the Middle East, especially in Israel, became more sceptical about what the EU could achieve outside its economic functions.³⁸

Furthermore, the EU has not been an impartial mediator. EU declarations concerning the Middle East conflict have reflected the general European attitude that the Palestinians are the underdog, if not completely innocent. In this view, the Palestinians have been relatively powerless in the face of prolonged occupation, economic deprivation and Israel's excessive use of force. Furthermore, the EU has emphasized the importance of good relations with the Arab world. Israel has repeatedly expressed its doubts about Europeans' impartiality, especially in the context of French interventions. It has argued that the EU is biased and therefore not an acceptable partner for political dialogue.³⁹ Theoretical views on the importance of impartiality for mediation success are divided. According to some scholars, mediator impartiality is necessary for disputants to have confidence in the mediator, and hence for his or her acceptability, which in turn is essential for success in mediation.⁴⁰ For others, partial mediators can succeed regardless of their bias. They can persuade protagonists by using carrots and sticks to achieve a settlement.⁴¹ The EU has not had many carrots and sticks to offer and use in the Middle East: this lack of means has perhaps been the major obstacle to its credibility, and possibly also its efficiency.⁴²

The experience of scholars and practitioners working with alternative dispute resolution suggests that official third-party mediation is seldom successful in the context of post-Clausewitzian conflicts. The number of actors, including a variety of non-state actors, and the complex nature of issues involved make it difficult for traditional state- or organization-based mediators to be successful in resolving these conflicts. Furthermore, this type of mediator is confined by the agendas of official diplomacy, which do not include such issues as values and identities. As argued above, mediation outcomes often reflect the relative power of the parties and this is likely to make any settlement short-lived. Therefore, in this view, track-two diplomacy and a facilitator outside the power-political arena are needed for conflict mediation to be successful. Clearly, the EU in its official mediation efforts does not provide this type of alternative conflict resolution.

³⁸ Kurikkala, F., *Representation of a Changing Self: An EU Performance in the Middle East* (University of Tampere: Tampere, 2003), pp. 160–78.

³⁹ Kurikkala (note 38), pp. 105–14.

⁴⁰ Kleiboer, M., 'Understanding success and failure of international mediation', *Journal of Conflict Resolution*, vol. 40, no. 2 (1999), p. 369.

⁴¹ Touval, S., 'Biased intermediaries: theoretical and historical considerations', *Jerusalem Journal of International Relations*, vol. 1, no. 1 (1975), pp. 51–69.

⁴² Kurikkala (note 38), pp. 214–19.

VII. Nordic conflict mediation: Finland, Norway and Sweden

A good success rate can be found in mediation efforts where the mediator is a leader or representative of a small government. The cases of Finland, Norway and Sweden demonstrate the characteristics and types of small state mediation. In order to examine the role of these countries in international conflict mediation, an overview of their foreign policy traditions is needed. What unites these three Nordic countries is their remote geographical position, which has historically permitted them to remain aloof from international engagement. The decision to enter military alliances was taken only after World War II, when Norway joined NATO in 1949. Similarly, Finland and Sweden were latecomers in joining the EU and Norway is not a member. Neutrality and non-alignment have remained popular foreign policy doctrines in Finland and Sweden. The prominence of social democratic institutions and consensus in policy making are also shared features among the Nordic countries. In other words, ideologically the Nordic identity has not been of the East or West, but has represented a third way based on humanitarian principles, peace, cooperation and disarmament, and on a distinctive model of the welfare state. Solidarity, internationalism and multilateralism have been strong ideological forces guiding the Nordic foreign policies. The Nordic countries have a long-standing tradition of participation in UN-led peacekeeping activities, conflict prevention through political dialogue, mediation and high levels of overseas development assistance.⁴³

Swedish mediation

The basic principles of Swedish neutrality were established in the early 19th century during the reign of King Karl XIV Johan (1818–44; regent 1810–18). As a result of its neutrality policy Sweden managed to stay out of world wars I and II and was not forced to take sides with either of the superpowers during the cold war. The Swedish policy of neutrality did not prevent the country from pursuing international activism during the cold war period. During this time, Sweden was particularly active as a mediator, with Olof Palme, Prime Minister 1969–76 and 1982–86, openly criticizing repressive regimes. Sweden as a small neutral state acted as a critic, a mediator between the blocs and a peacekeeper.⁴⁴

Swedish non-alignment was seen as a precondition for active involvement in international affairs and pursuit of international solidarity. However, with the end of the cold war, Sweden gradually began to reconstruct its foreign policy identity. The old identity—as a neutral state, minor mediator and critic in a

⁴³ Bergman (note 15), p. 1; Ingebritsen, C., 'Norm entrepreneurs: Scandinavia's role in world politics', *Cooperation and Conflict*, vol. 37, no. 1 (2002), p. 13; and Browning, C. S., 'Coming home or moving home?: "Westernizing" narratives in Finnish foreign policy and the reinterpretation of past identities', *Cooperation and Conflict*, vol. 37, no. 1 (2002), p. 50.

⁴⁴ Bergman (note 15), pp. 1–14.

bipolar world—was perceived to be obsolete. Swedish security doctrine was moved away from a strict formula of neutrality, and the current formulation states rather that 'Sweden is militarily non-aligned'. Yet the involvement of NGOs and individuals in conflict resolution, conflict prevention, democratic governance, respect for human rights, gender equality and protection for the rights of individuals still form the very core of Swedish security policy. They form the central norms that Sweden actively promotes, to such an extent that it has been called an 'international norm entrepreneur'.⁴⁵

Swedish citizens have played a major role in conflict mediation: for example, Folke Bernadotte pioneered UN mediation during the Palestine conflict; Dag Hammarskjöld was UN Secretary-General from 1953 to 1961; Alva Myrdal worked as a Swedish ambassador to the Geneva disarmament negotiations; and Gunnar Jarring mediated in the Middle East and Jammu and Kashmir as a Swedish diplomat to the UN in 1956–58. In November 1980 Olof Palme was appointed as the UN Secretary-General's Special Representative to Iran and Iraq. He made progress over the freeing of merchant shipping caught by the hostilities in the Shatt al-Arab waterway and, in 1981 and 1982, over the exchange of limited numbers of prisoners of war. Carl Bildt held, among other high positions, the post of Special Envoy of the UN Secretary-General to the Balkans in 1999–2001. He served as European Co-Chair of the 1995 Dayton peace conference and as the international community's first High Representative for Bosnia and Herzegovina in 1995–97. Jan Eliasson was Sweden's ambassador to the UN in New York in 1988–92. From 1980 to 1986 he was part of the UN mission, headed by Olof Palme, mediating in the Iraq–Iran War. He served as the UN Secretary-General's Personal Representative to Iran and Iraq in 1988–92. He was also a mediator in the Nagorno-Karabakh conflict for the Organization for Security and Co-operation in Europe. Recently, a number of Swedes have been involved in the peace process in the DRC. Ambassador Lena Sundh was the Deputy Special Representative of the UN Secretary-General for the Democratic Republic of the Congo in 2002–2004, and Ambassador Bo Heinebäck has made contributions as a mediator between the parties to the national political dialogue.

These mediation cases illustrate the type and characteristics of small state mediation. The individuals typically work as representatives of regional or international organizations, but bring with them also their identities as citizens of a small and non-aligned country. Their attributes include sensitivity, ability to accept others, to be non-judgmental and self-controlled, and tactfulness. There is also a high degree of professionalism and personal expertise involved. Furthermore, a high level of independence from the conflict being considered and a lack of any formal and recognized political position have been common features in these cases.

⁴⁵ Bergman (note 15), pp. 1–14; and Björkdahl (note 15), pp. 75–76.

Finnish mediation

Finnish mediation follows a pattern similar to Swedish mediation, although the foreign policy traditions of these countries differ. Unlike Sweden, Finland did not engage in criticism of, for example, oppressive regimes during the cold war. Urho Kekkonen, president 1956–81, characterized Finns as ‘physicians rather than judges’, whose task was not to pass judgment but to diagnose and cure. Finnish neutrality was justified by arguing that it offered a way to stay out of the conflicts between the great powers. Finland was seen to be somewhere between East and West and therefore was assumed to have a capacity for bridge building to ease international tensions. In the Finnish foreign policy narrative, Finland’s cautious policy towards the Soviet Union was rationalized by arguing that it is was an expression of sheer pragmatism given Finland’s geopolitical position.⁴⁶

Since the collapse of the Soviet Union, Finland has emphasized that it belongs to the ‘West European family’. This has allowed Finland to depict itself as a moral actor in world politics. The Finnish Government’s most recent security and defence policy report to the parliament states that: ‘Finland’s line of action is based on credible national defence, the functioning of society and a consistent foreign policy as well as a strong international position and an active participation as a member of European Union.’⁴⁷ Finland is described as ‘a militarily non-allied country’ that engages in crisis management outside military alliances. A strong focus in the report is on conflict prevention, and the use of both civilian and military action in crisis management is recommended.

Several Finns have been used by international organizations to monitor, mediate and report on international crises and post-conflict transition periods. Martti Ahtisaari, president in 1994–2000, headed the UN’s monitoring of Namibia’s transition to independence in 1989–90. Ahtisaari was a chief architect of the Kosovo peace plan in June 1999. He undertook this mission at the request of the US and Russian governments, which had come to the conclusion that only a third party not hitherto involved in the conflict could get Slobodan Milosevic, president of the Federal Republic of Yugoslavia, to surrender to the will of the international community. In May 2000 Ahtisaari was appointed along with Cyril Ramaphosa of South Africa to head the inspections of the arms dumps of the Irish Republican Army in Northern Ireland. Ahtisaari is currently a head of the Crisis Management Initiative, an organization which offers, *inter alia*, mediation services internationally, and in early 2005 he presided over peace talks in Helsinki between the Indonesian Government and rebels from the province of Aceh. From 1995 to 1998 Finland’s former Prime Minister Harri Holkeri was a member of the International Body, set up by the governments of

⁴⁶ See, e.g., Browning (note 43), pp. 47–72.

⁴⁷ Finnish Prime Minister’s Office, *Finnish Security and Defence Policy 2004*, Government Report no. 6/2004 (Prime Minister’s Office: Helsinki, 2004), URL <<http://www.vnk.fi/vn/liston/vnk.lsp?r=88862&k=en>>, p. 78.

the United Kingdom and Ireland to provide an independent assessment of the issue of decommissioning illegal weapons in Northern Ireland. He was also one of three independent chairmen of the multiparty peace negotiations in Northern Ireland. In June 2004 the UN Secretary-General appointed Holkeri as his Special Representative for Kosovo. Former Finnish Defence Minister Elisabeth Rehn was UN Special Rapporteur for the Situation of Human Rights in Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia in 1995–98 and UN Under-Secretary-General and Special Representative of the Secretary-General in Bosnia and Herzegovina in 1998–99. She was a chairperson of the Democracy and Human Rights Table of the Stability Pact for South Eastern Europe in 2003.

Norwegian mediation

If Finland's and Sweden's mediation profiles are rather similar to each other—experienced diplomats working for international organizations—the case of Norway is different. In Norway's foreign policy tradition there has been a long coexistence of two different orientations: a view that emphasizes Norway's geopolitical position and a view that lays stress on Norway's global responsibility in matters concerning conflict prevention, conflict resolution and post-conflict restructuring. According to Olav Riste, there were three formative periods in the evolution of Norwegian foreign policy: '1905–1910, when the "classic" Norwegian neutralism took shape; the inter-war period, when Norway wrapped herself in the mantle of a missionary for international law and disarmament; and the 1940s during which the country allied itself with great powers and became an active participant in international power politics'.⁴⁸ Norway's NATO membership shaped the discourse on security and defence issues, and 'Atlanticism' was widely accepted as the main way of framing Norway's position.⁴⁹

The Norwegian foreign policy narrative was re-shaped after the breakdown of the cold war international system. Norway now wanted to also anchor its security policy to the European security arrangements. The tendency to emphasize Norway's 'ethical foreign policy' strengthened. Norway perceives itself today as a 'humanitarian great power' and a 'player in international efforts for peace and security'. Norway's Foreign Minister, Knut Vollebæk, stated in 1998 that Norway's participation in peacekeeping operations and international crisis management is an integral part of the country's foreign and security policy. In

⁴⁸ Riste, O., 'Facing the 21st century: new and old dilemmas in Norwegian foreign policy', Security Policy Library no. 13-2001, Norwegian Atlantic Committee, Oslo, 2001, URL <<http://www.atlanterhavs.komiteen.no/english/>>, p. 5.

⁴⁹ Koivula, T. *Sodan kaikuja: Norjan ja Suomen henkilömiinaretoriikka kansainvälisten media-prosessien ilmentäjänä* [Voices of war: the Norwegian and Finnish landmine rhetorics and the international media processes], *Studia politica Tamperensis* no. 12 (University of Tampere: Tampere, 2004), URL <<http://acta.uta.fi/pdf/951-44-5985-7.pdf>>, pp. 19–21; and Riste (note 48).

security policy terms, Norway wants to contribute to peace and stability in the world and sees itself as having a fundamental moral obligation to promote human rights and peace globally. Thus, humanitarian considerations also guide the country's foreign policy. Mediation, support for peace processes and the focused use of development assistance are also tools for international crisis management in Norway's foreign policy discourse.⁵⁰

In addition to Norwegian diplomats working as mediators in regional and international organizations, the cases of the Middle East and Sri Lanka demonstrate another—alternative—type of small state mediation. In the 'Oslo Back Channel', Norwegian researcher Terje Rød-Larsen was able to get the Israelis and Palestinians involved in a Norwegian-mediated peace process in the early 1990s. A set of secret meetings took place in Norway, partly outside the official diplomatic structures. Rød-Larsen's methods—and those of his team including Mona Juul, Jan Egeland and Johan Jørgen Holst—for facilitating dialogue were based on small group psychology: he believed that a sociological approach to conflict resolution—where the parties could discuss openly and share their feelings and emotions—would allow trust to be built at a personal level. Another important role played by the Norwegians was the role of messenger, delivering information and bringing reassurance during uncertain phases of mediation. Although the Norwegians wanted to emphasize their facilitative role, the role changed into more active mediation during the process. As mediators, they suggested compromise formulae and mediated between diverging positions.⁵¹

In Sri Lanka, on the other hand, Erik Solheim, the special envoy of the Norwegian Government, engaged in exploratory visits comparable to pre-negotiations. In December 2001 the new Sri Lankan Prime Minister, Ranil Wickremasinghe, wrote to the Norwegian Prime Minister, Kjell Magne Bondevik, asking Norway to continue its facilitation of the peace process. That was followed by a similar request from the leader of the Liberation Tigers of Tamil Eelam (LTTE). Vidar Helgesen, Norway's Deputy Foreign Minister, chaired six rounds of talks between the Sri Lankan Government and the LTTE. The two sides signed a ceasefire agreement in February 2002, and the Norwegian Government is currently working in Sri Lanka to maintain the contact between the parties. The role of the Norwegian third party in Sri Lanka is closer to that of facilitator than mediator. A significant part of Norway's efforts are focused on facilitating understanding and communication between the parties in order to minimize misunderstandings. Norway's intervention in Sri Lanka is based on its long-term involvement in the region, the provision of facilitation without

⁵⁰ Koivula (note 49), pp. 21–23; Riste (note 48); and Vollebæk, K., Norwegian Minister of Foreign affairs, 'The transformation of European security: new challenges for Norway', Speech, Oslo Military Society, 9 Nov. 1998, URL <<http://odin.dep.no/odinarkiv/norsk/dep/ud/1998/taler/032005-090227/>>.

⁵¹ For a critical, detailed account see Waage, H. H., 'Peacemaking is a Risky Business': *Norway's Role in the Peace Process in the Middle East, 1993–96*, International Peace Research Institute, Oslo (PRIO) Report 1/2004 (PRIO: Oslo, 2004).

being a party to negotiations, humanitarian assistance for confidence building and reconciliation, and secrecy and discretion.⁵²

What makes Norwegian facilitation/mediation interesting is that it consists of elements from both official mediation and track-two diplomacy. Furthermore, Norway has made this role something of a trademark in its foreign policy. In Norway, academics, NGOs and the foreign policy establishment have found ways to work together in conflict mediation. This seems to be happening less in Finland and Sweden.

VIII. Conclusions

It is argued in this chapter that adding mediation to the ESDP and adding it to the European Union's four priority areas of civilian crisis management—police, rule of law, civilian administration and civil protection—would help to bridge the gap between conflict prevention and crisis management that is one of the core features of the European Security Strategy. Mediation is a tool that can be used to bridge the gap because it can be employed at different phases of the conflict cycle. It is a flexible instrument for conflict resolution and can be used by a variety of actors.

The EU is often perceived to be a biased mediator and, therefore, is not always accepted as a partner for political dialogue. It is internally divided and has had difficulties in formulating shared positions on actual violent conflicts. Nor has it always had carrots to offer and sticks to use, as in cases where it mediates with a specific outcome in view. The lack of means leads easily to a deficit in its credibility, and possibly in its efficiency too. Therefore, alternative and complementary mediation frameworks are needed to add a new element to the ESDP.

Post-Clausewitzian conflicts are often driven by such fundamental issues as the identity of the parties and the survival of those identities, and alternative means for conflict resolution which are capable of tackling these 'existential' concerns are needed. In other words, processes parallel to official diplomacy are needed because they can support official diplomacy by offering a framework for the search for innovative solutions. Norway has managed to combine the methods of alternative dispute resolution with its official diplomacy, and has thereby brought a new and special element into small state mediation. It has maintained its standing as an impartial, neutral, facilitative, non-judgmental and diagnostic third party, and its facilitation services are in demand in many different parts of the world. It could, therefore, provide a model for Swedish and Finnish mediation within the EU context too. That would mean, however, that these countries should insist on adding mediation to the Union's four priority areas of civilian crisis management, and should be ready to work more closely with the relevant academics and NGOs.

⁵² Moolakkattu, J., 'Norway's peace facilitation in Sri Lanka', *Cooperation and Conflict*, vol. 40, no. 4 (forthcoming, 2005).