




CORE ANALYSIS

Exporting peace? The EU mediator's normative backpack

Sarah M.H. Nouwen 

Professor of Public International Law, European University Institute, Florence, Italy and Professor of International Law, University of Cambridge and fellow of Pembroke College, Cambridge, UK
Corresponding author. E-mails: smhn3@cam.ac.uk; sarah.nouwen@eui.eu

(Received 6 February 2022; accepted 7 February 2022)

Abstract

On the occasion of the launch of the *European Law Open*, this article analyses two policy documents of the European Union (EU) on its ambitions in peace mediation, to think about what it could mean for European law to be open to the world. Reading these documents – ‘the Concepts’ – through the lens of the theme that I have been assigned for this opening issue – ‘Europe in the world’ – one discerns an outward-looking EU searching for a greater role in the international field of peace mediation. One also sees instances of eurocentrism: a set of assumptions about the superiority of European (or ‘western’) ways of knowing and doing. In these Concepts, the EU envisages sending EU mediators into the world – either to mediate themselves or to support mediation efforts by others. The Concepts also contain increasingly long lists of EU values to be carried along and distributed during peace mediation. But the Concepts do not consider that in the countries where the EU mediator arrives, this backpack filled with normative baggage may bring other associations. Without more explicit recognition of the EU’s obstinate baggage, the EU is unlikely to be an effective peace mediator or, indeed, a credible global actor. More generally, critical reflexivity could help the EU to address the lingering Eurocentric tendencies that these Concepts reveal. Such critical questioning by the EU of its own assumptions, as well as learning from perspectives from outside the EU or the past, can be a process of focusing on Europe in order to decentre it. That, then, could also be a mission for this bold new European journal.

Keywords: external relations law; European Union; eurocentrism; mediation; peace; norms; Common Foreign and Security Policy

1. A new journal, an opportunity to rethink

The launch of *European Law Open* (*ELO*) provides an opportunity to rethink what it means to be European, to do law and to be open, as well as the meaning of the various combinations of these words: what would it mean for European law to be open or for one to be open to European law, for law to be open to Europe or Europe to be open to law? These questions are open enough for generations of scholars to fill the virtual pages of this bold new journal. However, the founding editors have given an important clue about their own vision for responses to these questions by assigning me ‘Europe in the world’ as the general theme for an article in the opening issue: the *ELO* is not just open access, but also open to seeing Europe as a piece of something bigger.

Prevalent ways of seeing Europe as part of something bigger are to consider Europe, or more specifically the European Union (EU), as a role model of regional integration,¹ as an exporter of norms ('The Brussels Effect'),² or as a global power that should try to keep up in a world of changing geopolitics.³ Continuing in this tradition risks painting Europe as a special place, compared to a rather grey and unspecified rest of the world, thus reinforcing widespread, deep-seated and sometimes subconscious eurocentrism.

This article, however, is inspired by the idea that a journal that is unabashedly focused on Europe (and in that sense 'centred on Europe') need not be Eurocentric. Of course, to some extent this is a conceptual matter: 'Eurocentrism' is still subject to hegemonic contestation.⁴ The purported ways to address or avoid eurocentrism therefore also point in different directions. For some, eurocentrism can be remedied by including perspectives from outside Europe to arrive at universal ideas. For others, such an exercise is still Eurocentric if the epistemology and concepts derive from Europe – universality in and of itself being one such notion. For some, countering eurocentrism is about making the centre (for instance, of knowledge production) more pluralistic; for others, it is about getting rid of any hegemonic centre.⁵ For some, a key problem of eurocentrism is presenting the European experience as universal; for others, a key problem is that it is insufficiently recognised how much the European experience was shaped by encounters with the world that it considered non-European. As a result of these diverging, and sometimes antithetical, conceptualisations, opponents can accuse each other of eurocentrism, even when taking opposite standpoints.⁶ The various understandings of eurocentrism also explain, for instance, how Catherine Walsh and Walter Mignolo can speak of a 'eurocentric critique of eurocentrism':⁷ the concept of eurocentrism that characterises the critique – eurocentrism as referring to situatedness – is not the same as that which is the subject of the critique – eurocentrism referring to an assumption of superiority.

While recognising this ongoing contestation regarding the essence of eurocentrism, this article adopts the understanding of eurocentrism as a set of assumptions about the superiority of European (or 'western') ways of knowing and doing.⁸ On the basis of this understanding – unpacked further in the next section – the ELO's focus on Europe need not in and of itself mean that it is Eurocentric. On the contrary, it could become an important vehicle to destabilise eurocentrism.

This article aims to launch a modest opening salvo by challenging the eurocentrism that shines through two EU policy documents on its ambitions in peace mediation. The choice of instruments – two policy documents, welcomed by Conclusions of the European Council, which are in and of themselves not legally binding – is based on a conviction that an open approach to

¹See, for instance, Fraser Cameron, 'The European Union as a Role Model for Regional Integration', *Council for Foreign Relations Working Paper*, September 2010, <https://cdn.cfr.org/sites/default/files/pdf/2010/09/IIGG_Eurozone_WorkingPaper_Cameron.pdf> accessed 2 February 2022.

²Anu Bradford, *The Brussels Effect: How the European Union Rules the World* (Oxford University Press 2020).

³Stefan Lehne, 'How the EU can Survive in a Geopolitical Age', *Carnegie Europe*, 25 February 2020, <https://carnegieendowment.org/files/2-24_Lehne-EU_Geopolitics.pdf> accessed 2 February 2022.

⁴Ntina Tzouvala, 'The Specter of eurocentrism in International Legal History' 31 (2) (2021) *Yale Journal of Law & The Humanities* 413, 414: 'The meaning of the term, its implications, and the means for overcoming it have not acquired yet a stable and discrete content.' See also the conversation between Liliana Obregón and Martti Koskenniemi in Liliana Obregón, 'Martti Koskenniemi's Critique of Eurocentrism in International Law', in Wouter G. Werner, Marieke de Hoon and Alexis Galán (eds), *The Law of International Lawyers: Reading Martti Koskenniemi* (Cambridge University Press 2017) 360, 377.

⁵On different ways of countering eurocentrism in the field of mediation, based on different understanding of the problem eurocentrism, see Pinar Bilgin, 'Worlding Conflict Resolution and Mediation Expertise in the "Global South"', in Anna Leander and Ole Wæver (eds), *Assembling Exclusive Expertise: Knowledge, Ignorance and Conflict Resolution in the Global South* (Routledge 2018) 77.

⁶See also Tzouvala, 'The Specter of Eurocentrism in International Legal History'.

⁷Catherine E Walsh and Walter Mignolo, 'Introduction', in Walter Mignolo and Catherine E Walsh, *On Decoloniality: Concepts, Analytics, and Praxis* (Duke University Press 2018) 1, 3.

⁸See 'Decentering Eurocentrism', Research cluster at the European University Institute, <<https://www.eui.eu/research-hub?id=decentering-eurocentrism-1>> accessed 14 December 2021. Thanks to Giancarlo Casale and Tina Magazzini for the co-production of this definition.

Europe in the world also requires an open approach to the concept of law, including European law.⁹ European normativity has spread across the world in forms other than those recognised as law by, say, the Court of Justice of the European Union. For instance, the quintessentially European ‘standard of civilisation’ did not require incorporation into a lot of hard law for it to have an enormous impact in the world. Norms originating in Europe have also been given effect, challenged and resisted in ways other than through treaties, statutes, secondary legislation and case law.¹⁰ An open approach to recognising normativity is crucial to understand the spread of, and resistance to, European norms - including legal norms - in the world.¹¹

The two policy documents are the *Concept on Strengthening EU Mediation and Dialogue Capacities* of 2009 and the *Concept on EU Peace Mediation* of 2020.¹² They are the first documents in which the EU explicitly sets forth its ambitions in the global field of peace mediation. The documents are normative in a few ways. First, they are normative in a non-legal but epistemological sense: they produce general definitions, for instance, of mediation and, implicitly, of the concept of peace, thus aiming to guide what should and what should not be considered as such. Second, they contain ‘guiding principles’ and ‘guidelines’ in accordance with which EU peace mediation should be conducted. These principles and guidelines are norms in the social science understanding of the word: ‘collective expectations for the proper behavior of actors with a given identity’.¹³ One of those guiding principles, however, refers to legal norms, namely to act ‘fully in line with and supportive of the principles of international human rights and humanitarian law’.¹⁴ Another such principle is that the ‘EU should consistently engage on the basis of its foundational values’, among which are listed democracy, the rule of law and human rights.¹⁵ While EU treaty law refers to these as ‘values’¹⁶ or ‘principles’,¹⁷ the literature has also referred to them as ‘norms’.¹⁸ The documents are thus also normative – thirdly – in that they suggest that because the EU is based on these ‘norms’, it is also in a good position to promote them outside the EU.

This article argues that if one reads these documents through the lens of the theme ‘Europe in the world’, one discerns an outward-looking EU, searching for a greater role in the world of peace mediation (Section 3). The Concepts also reflect the EU’s self-image as a normative actor, which sends EU mediators into the world with an increasingly heavy backpack filled with norms to be carried along and distributed (Section 4). But the Concepts do not consider that in many of the

⁹See Council Conclusions on ESDP, 2974th External Relations Council Meeting, Brussels, 17 November 2009, <https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/111265.pdf> (accessed 6 February 2022) and Council Conclusions on EU Peace Mediation, 7 December 2020, <<https://data.consilium.europa.eu/doc/document/ST-13573-2020-INIT/en/pdf>> (accessed 3 February 2022).

¹⁰See, for instance, Raffaella A Del Sarto and Simone Tholens (eds), *Resisting Europe: Practices of Contestation in the Mediterranean Middle East* (University of Michigan Press 2020).

¹¹On the various meanings of norms, see later in this section.

¹²Council of the European Union, Concept on Strengthening EU Mediation and Dialogue Capacities, 10 November 2009, <https://eeas.europa.eu/archives/docs/cfsp/conflict_prevention/docs/concept_strengthening_eu_med_en.pdf> accessed 2 February 2022 (the ‘2009 Concept’) and Council of the European Union, Concept on EU Peace Mediation, 11 December 2020, <<https://eeas.europa.eu/sites/default/files/st13951.en20.pdf>> accessed 2 February 2022 (the ‘2020 Concept’).

¹³Peter J Katzenstein, ‘Introduction: Alternative Perspectives on National Security’, in Peter J. Katzenstein (ed), *The Culture of National Security: Norms and Identity in World Politics* (Columbia University Press 1996) 1, 5.

¹⁴2009 Concept, 8.

¹⁵2020 Concept, 4.

¹⁶See, for instance, article 2 of the Treaty on European Union (TEU).

¹⁷See, for instance, article 21 (1) TEU.

¹⁸See, for instance the literature on Normative Power Europe, where peace, equality and sustainable development are referred to as ‘norms’. The coiner of that concept, Ian Manners, who for his part built on François Duchêne’s prevalent idea of the European Communities as a ‘civilian power’, argued that because the EU was created around ‘norms’ – peace, liberty, democracy, rule of law and human rights – it is predisposed to diffuse those norms, whether through contagion, information, procedures, conditionality or its presence. See Ian Manners, ‘Normative Power Europe: A Contradiction in Terms?’ 40 (2) (2002) *Journal of Common Market Studies* 235; and Ian Manners, ‘Normative Power Europe Reconsidered: Beyond the Crossroads’ 13 (2) (2006) *Journal of European Public Policy* 182.

countries where the EU mediator arrives, this backpack filled with normative baggage comes with other associations: that of a backpack that may feel as light as the invisible knapsack of white privilege,¹⁹ but is so light in part because a lot of baggage has already been dumped, the weight of which is still being carried in those places (Section 5). The article uses this analysis to argue for a greater reflexivity and more self-questioning by the EU on what it is and how it presents itself to the world and on how it might be seen outside the EU (Section 6). It concludes on a note of optimism (Section 7).

Like a Europe-focused journal risks being Eurocentric, reflexivity risks turning into navel gazing, thus potentially exacerbating the problem of eurocentrism. That is the opposite of what this article argues for. Indeed, I will show that the Concepts are so focused on the EU that they leave barely any room for ‘others’ and that, as a result, they miss an opportunity to think about mediation as a relational exercise by definition. Without others, there is little to mediate. Similarly, the Concepts make references to how the EU is seen, but the perspectives are entirely self-referential. The critical self-reflexivity that this article argues for involves bringing those perspectives of ‘others’ in, fostering a dialogue on the basis of equality that allows critical questions and for the EU to internalise any ensuing answers and to transform accordingly. In other words, reflexivity must not be a show, but lead to internal transformation. In making this argument, I build upon the important work done by EU scholars, particularly Kalypso Nicolaïdis and co-authors, who have also called for more critical reflection in the EU on its eurocentrism with a view to ‘decentering Europe’.²⁰

The reasons to make this argument in the context of peace mediation and in this new journal are threefold. First, while other features of the EU’s external relations – the criteria for membership of the Union or access to the single market – have also been considered Eurocentric,²¹ the EU’s ambitions in peace mediation are quite extreme in one sense: the activity (mediation) is intended to take place entirely outside the EU. The norms for accession to the Union or the single market are supposed to be external extensions of internal norms (supposed because it has been observed that with respect to the criteria for EU membership they are stricter for outsiders than they have ever been for insiders).²² But, in the case of peace mediation, there is no suggestion that an internal practice (peace mediation) practice will now be extended beyond the EU. Rather, the only suggestion of such an extension concerns the objective and the actor: peace as a characteristically European norm and the EU as a peacebuilder, first in Europe, and now outside. Moreover, the EU’s ambitions in peace mediation are not linked primarily to economic or strategic interests,²³ even if the most recent Concept suggests that promoting the EU’s values in peace mediation

¹⁹See Peggy McIntosh, ‘White Privilege: Unpacking the Invisible Knapsack’ (1989), <https://psychology.umbc.edu/files/2016/10/White-Privilege_McIntosh-1989.pdf> accessed 2 February 2022.

²⁰See, among others, Kalypso Nicolaïdis and Robert Howse, ‘“This Is My EUtopia . . .”: Narrative as Power’ 40 (4) (2002) *Journal of Common Market Studies* 767; Nora Fisher-Onar and Kalypso Nicolaïdis, ‘The Decentering Agenda: Europe as a Post-Colonial Power’ 48 (2) (2013) *Cooperation and Conflict* 283; Kalypso Nicolaïdis, ‘Southern Barbarians? A Post-Colonial Critique of EUniversalism’, in Kalypso Nicolaïdis, Berny Sèbe and Gabrielle Maas (eds), *Echoes of Empire: Memory, Identity and Colonial Legacies* (IB Tauris, 2015) 283; Kalypso Nicolaïdis and Nora Fisher Onar, ‘Europe’s Post-Imperial Condition’, in Hartmut Behr and Yannis A Stivachtis (eds), *Revisiting the European Union as an Empire* (Routledge 2015) 7; Nora Fisher-Onar and Kalypso Nicolaïdis, ‘The Decentering Agenda: A Post-Colonial Approach to EU External Action’, in Sieglinde Gstöhl and Simon Schunz (eds), *The European Union’s External Action: Concepts, Approaches, Theories* (Red Globe Press 2021). Follow-up work includes Stephan Keukeleire and Sharon Lecocq, ‘Operationalising the Decentering Agenda: Analysing European Foreign Policy in a Non-European and Post-Western World’ 53 (2) (2018) *Cooperation and Conflict* 277.

²¹For parallels between the Copenhagen/Ankara criteria’ or conditionality for access to the single market and the notorious standard of civilisation, see Kalypso Nicolaïdis et al, ‘From Metropolis to Microcosmos: The EU’s New Standards of Civilisation’ 42 (3) *Millennium* 718.

²²Nicolaïdis et al, ‘From Metropolis to Microcosmos’.

²³See also Laura Davis, *EU Foreign Policy, Transitional Justice and Mediation: Principle, Policy and Practice* (Routledge 2014) 69.

go ‘hand in hand’ with promoting its interests.²⁴ Rather, the Concepts argue that because the EU is good at peace mediation, it should be doing it; it is implied that EU peace mediation is a good thing for the world. Taking the objective of doing a good thing for the world requires being seriously attentive to eurocentrism: what is the EU’s epistemic basis for knowing what the world needs? Still taking the EU’s ambitions on the EU’s own terms – contributing to international peace mediation – we also see that the EU is unlikely to achieve its stated aim of boosting its role in peace mediation if it is not more aware of its continued eurocentrism and obstinate baggage. A key principle of mediation is that the parties must accept, and continue to accept, the mediator: they can walk away. Critical self-reflexivity will allow the EU better to see its own position from the parties’ perspectives and assess how it can or cannot make a difference. For instance, critical self-reflexivity may lead to the assessment that in a given situation it is better to act as a funder behind the scenes than as the prominent actor at the mediation table. Secondly, the call for reflexivity is timely in EU foreign policy more generally: the EU’s first foreign policy strategy, in 2003, showed a few signs of critical self-reflexivity;²⁵ the second, in 2016, more;²⁶ but the foreword to the forthcoming ‘Strategic Compass to make Europe a Security Provider’, very little again.²⁷ Finally, in the opening issue of a new journal centred on Europe, I hope to encourage research that approaches Europe reflexively, in a broader global context, and that will show that a journal focused on Europe can critically reverse the gaze.²⁸ Given my own positionality, more on which later, this article still presents a (critical) view on Europe from within Europe, but I hope that other articles to be published in this journal will voice what the world has to say about Europe, thus further destabilising Eurocentric self-understanding.

Compared to the great ambitions that I set out for this journal, the goal of this specific article is modest: illustrating the need for reflexivity in the EU on how it approaches and engages with the world. I will not propose a specific alternative EU Concept of mediation. Rather, the point is to show that Eurocentric features of the two Concepts that I analyse stand in the way of even recognising such alternatives.²⁹

Let me tackle one possible counterargument up front: these Concepts are just text – words, words, words – and of two relatively short and seldom noticed EU policy documents at that; we are not speaking of EU treaties or regulations here. Moreover, compared to other instruments of EU norm export, for instance, rules on access to the EU single market or the criteria for states to become EU members, the norms in these documents are very soft: they are not backed up by strong carrots or sticks. What is more, it is not given that the most senior EU officials who actually conduct mediation on behalf of the EU are aware of their existence, have read them or feel bound by them.³⁰ However, even if the most senior mediators ignore the Concepts, their existence tells us something: resources have been put into them; they were considered worthwhile; they fulfil a function and through that function they have an impact on the world. The explicit purpose of

²⁴See note 205.

²⁵European Security Strategy: A Secure Europe in a Better World, 8 December 2003 <<https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>> accessed 2 February 2022.

²⁶Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union’s Foreign and Security Policy, June 2016 <https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf> accessed 2 February 2022.

²⁷A Strategic Compass to make Europe a Security Provider, Foreword <https://eeas.europa.eu/sites/default/files/foreword_-_a_strategic_compass_to_make_europe_a_security_provider.pdf> accessed 2 February 2022.

²⁸For a call on the EU to reverse the gaze in democracy promotion, see Kalypto Nicolaidis and Richard Youngs, ‘Reversing the Democratic Gaze’, *Carnegie Europe* (24 November 2021) <<https://carnegieeurope.eu/2021/11/24/reversing-democratic-gaze-pub-85840>> accessed 5 February 2022.

²⁹See, for examples of such alternatives, Paul Salem, ‘In Theory: A Critique of Western Conflict Resolution from a Non-Western Perspective’ 9 (4) (1993) *Negotiation Journal* 361; Morgan J Brigg and Roland Bleiker, *Mediating across Difference: Oceanic and Asian Approaches to Conflict Resolution* (University of Hawaii Press 2011) and a few aspects of Dekha Ibrahim Abdi and Simon Mason, *Mediation and Governance in Fragile Contexts: Small Steps to Peace* (Kumarian Press 2019) 31.

³⁰See Section 7.

the 2009 Concept is to provide ‘a policy basis for EU engagement in the area of mediation’.³¹ The EU had already been involved in some peace mediation activities,³² but in a culture that privileges text,³³ EU peace mediation becomes more real, both practically and epistemologically, through these Concepts. As a form of worlding, they stake a claim in the international field of mediation, assert relevance and expertise, and make a bid for both epistemic and normative authority in the field of mediation.³⁴ Moreover, even if not legally binding, the Concepts influence modes of action: mediation trainers, technical advisers and budget holders refer to them, shaping how the EU acts in the world. Finally, the discourse that they set forth, in and of itself, is doing work: the Concepts fulfil the role of telling the EU a story about who it wants to be.³⁵ That narrative is then repeated and internalised by the actors producing and adopting these texts, which in turn inspires other policies, funding decisions and actions. Narratives shape the way that we see ourselves and ‘the way we see ourselves shapes the way we act’.³⁶ Critical self-reflexivity can thus lead to a different narrative, a different perspective and different actions.

Finally, as I will argue for reflexivity, I should dedicate one paragraph to my own position in this article. As a researcher and as an adviser – paid by the EU – in a large peace process, I noted how peace mediation may seem like an impossible mission, but is simultaneously considered the only potential route out of continued armed violence. So, I support peace mediation as an activity aimed at assisting halting violence during a specific conflict. I am critical, however, of an approach to peace mediation that treats it like a product that must be exported for the sake of it. During that same work I also observed how, due to the fragmentation of international law, peace mediation needs a stronger legal framework to protect it. Some of my other, more doctrinal and normative, work is inspired by this observation.³⁷ As a scholar born and based in Europe (and currently again in the EU, hurray!), I am a strong supporter of the project that is the EU. But I support the EU as an organisation that transcends states and nationalism, not as an organisation promoting nationalism at the level of the EU (‘Euronationalism’) or the much older and more deeply ingrained phenomenon of eurocentrism. Eurocentrism, in some of its understandings, is also in me: when eurocentrism refers to situatedness, I, too, am Eurocentric. When eurocentrism refers merely to western ways of knowing and doing, I, both a product of and working in western academia, am Eurocentric. Indeed, my call for critical self-reflexivity may at first sight seem ironic, given that the call to think critically corresponds with Immanuel Kant’s definition of the enlightenment – *sapere aude*; dare to know – the very enlightenment that went hand in hand with the Eurocentric idea of

³¹2009 Concept, 2.

³²See Section 3A.

³³On the privileging of text over other ways of knowing, see, for example, a northern Ugandan religious leader on the need to document justice practices in the region to make them understandable to western visitors and assessors so that they can be considered as alternatives to the International Criminal Court: ‘Our problem is that these things have not been documented. We, Africans, see through the eyes of imagination, through telling stories. Western people see through the eyes of reading. We are now trying to document the *mato oput* justice system so that the world can see it.’ Interview cited in Sarah MH Nouwen, *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan* (Cambridge University Press 2013) 151. See also Jill Stauffer, ‘“You People Talk from Paper”: Indigenous Law, Western Legalism, and the Cultural Variability of Law’s Materials’ 23 (2019) *Law Text Culture* 40, drawing on Julie Cruikshank, *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory* (University of Nebraska Press/Bison Books 1998). See also Boaventura de Sousa Santos, *The End of the Cognitive Empire: The Coming of Age of Epistemologies of the South* (Duke University Press 2018) chapter 9.

³⁴See Bilgin, ‘Worlding Conflict Resolution and Mediation Expertise in the “Global South”’.

³⁵See Nicolaïdis and Howse, ‘This Is My EUtopia ...’.

³⁶Sebastian von Massow, *Unearthing Colonial Narratives in the European Court of Justice’s Front Polisario Judgments* (European University Institute 2022), draft LLM thesis, on file with author.

³⁷Sarah MH Nouwen, ‘Is There Something Missing in the Proposed Convention on Crimes against Humanity? A Political Question for States and a Doctrinal One for the International Law Commission’ 16 (4) (2018) *Journal of International Criminal Justice* 877; and a forthcoming book that is provisionally titled *Peacemaking: What’s Law Got to Do With It?* For initiatives to provide mediation with a stronger legal basis, see <<https://ifit-transitions.org/peace-treaty-initiative/>> accessed 2 February 2022.

Europe being a role model for the world.³⁸ However, the fact that modernity was instrumentalised by and for colonial power does not mean that all that it has produced should be abandoned in its entirety.³⁹ Moreover, the critical self-reflexivity that I call for also goes beyond characteristics of modernity, for instance, modernity's idea that the subject and object of research or knowledge are separable.⁴⁰ Recognising intersubjectivity, the critical reflexivity that I argue for necessarily brings in 'others' in the assessment of the self: *Umuntu ngumuntu ngabantu* – 'a person is a person only in relation to other persons' – rather than *cogito ergo sum*.⁴¹ Having set out this background, I hope it is evident that critique in this article aims to foster a reflexivity that will make the EU a qualitatively better (namely less Eurocentric) actor and also benefits the mediation practices in which it aims to be involved.

2. Unpacking eurocentrism

In this article, eurocentrism refers to 'a set of assumptions about the superiority of European (or "western") ways of knowing and doing'.⁴² In order to assist in the identification of instances of eurocentrism in the Concepts, let me briefly unpack (1) superiority; (2) ways of knowing and doing; and (3) European (or 'western').

The superiority that characterises eurocentrism goes beyond ethnocentrism: the practice of assessing other cultures by one's own standards. If eurocentrism was merely ethnocentrism, we could similarly speak of Sinocentrism, Islamocentrism, etc. What sets eurocentrism apart is that it is a sense of superiority combined with a drive to spread itself across, what it perceives to be, an inferior rest of the world.⁴³ This sense of European superiority manifests itself in several ways. For instance, the assumption of European superiority can lead to denial of the existence or relevance of non-European history, ideas, norms or sources of knowledge. A classic example is Europe 'discovering' the non-European world and declaring it 'terra nullius', despite encountering the inhabitants of the lands.⁴⁴ Thus, either the ones who are encountered are not recognised as subjects, or, more commonly, the assumption of European superiority leads to their history, values and sources of knowledge being seen as 'behind', inferior or of little value, while the people encountered are presented as having little or no agency. From this Eurocentric idea then stems the equally Eurocentric notion that Europeans or their descendants have the solution not only to Europe's problems, but also to those of the world at large: they can get us to utopia, the collective

³⁸Immanuel Kant, 'What Is Enlightenment?' (1784), <<https://resources.saylor.org/wwwresources/archived/site/wp-content/uploads/2011/02/What-is-Enlightenment.pdf>> accessed 2 February 2022.

³⁹See Anibal Quijano, 'Coloniality and Modernity/Rationality' 21 (2–3) (2007) *Cultural Studies* 168, 177: 'It is the instrumentalisation of the reasons for power, of colonial power in the first place, which produced distorted paradigms of knowledge and spoiled the liberating promises of modernity.'

⁴⁰See also SMH Nouwen, "'As You Set out for Ithaka": Practical, Epistemological, Ethical, and Existential Questions About Socio-Legal Empirical Research in Conflict' 27 (1) (2014) *Leiden Journal of International Law* 227.

⁴¹James Ogude, 'Introduction', in James Ogude (ed), *Ubuntu and the Reconstitution of Community* (Indiana University Press 2019) 1, 4.

⁴²See 'Decentering Eurocentrism'.

⁴³This understanding of eurocentrism corresponds largely with the classic work on the topic by Samir Amin. For him, the consciousness of the power to conquer was a key component of eurocentrism. In his view, considering oneself to be the centre of the world or as having the superior religious faith are merely cases of 'banal provincialism'. 'Eurocentrism is much more than a banal manifestation of this type: It implies a theory of world history and, departing from it, a global political project.' See Samir Amin, *Eurocentrism: Modernity, Religion and Democracy: A Critique of Eurocentrism and Culturalism* (2nd edn, Monthly Review Press 2009) 153–4. However, this article deviates from Amin's focus on capitalism. He argues that the power to conquer, and thus eurocentrism, emanate from capitalism. This article does not aim to show the causal link with capitalism, even though the Concepts also reveal associated capitalist reasoning, such as several references to efficiency (eg, 2009 Concept, 3: 'Mediation is an effective and cost-efficient instrument for conflict prevention, transformation and resolution.')

⁴⁴See, for instance, Siba N'Zatioula Grovogui, *Sovereigns, Quasi Sovereigns, and Africans Race and Self-Determination in International Law* (University of Minnesota Press 1996); and Rose Parfitt, *The Process of International Legal Reproduction: Inequality, Historiography, Resistance* (Cambridge University Press 2019).

good as defined by them.⁴⁵ This assumption in turn fosters the Eurocentric idea that a(n idealised) European history of progress, Europe's values and its knowledge are ultimately universally applicable, while Europeans have the truths, experience and knowledge to make that (perceived) European progress story a universal reality. A typical Eurocentric supposition then is, as Siba Grovogui's has argued, 'that the West is the legitimate legislator and adjudicator of values, norms, and institutions for the "international community" and, second, that those (presumed) incapable of producing good government, good laws, and good morals should obey the moral order bequeathed to them by the West, as a matter of deference'.⁴⁶ The assumption of superiority not only creates an inferior other, but also shores up a 'European identity'. This aspect of eurocentrism can be understood in terms of what Edward Said captured in his concept of Orientalism: '[T]he Orient has helped to define Europe (or the West) and its contrasting image, idea, personality experience.'⁴⁷ In this understanding, Orientalism is not merely 'a Western style for dominating, restructuring, and having authority over the Orient',⁴⁸ but also about the construction of the Occident itself.⁴⁹ Common to these aspects of eurocentrism – the other does not exist and the other exists as a radical other – is the denial of the connections between the European and the non-European, and especially, of the influence of the non-European on the European:⁵⁰ in Eurocentric approaches, Europe appears as a self-starter, as if everything it is proud of was 'made (only) in Europe'.

These diverse manifestations of eurocentrism also reveal the second aspect of the definition adopted here; namely, ways of *knowing* and *doing*: eurocentrism has epistemic and practical aspects. The two need not be separated: one of the critiques of eurocentrism is exactly that it fails to recognise the knowledge contained in doing.⁵¹ Even if one recognises Eurocentric knowing and Eurocentric doing as distinct, the two tend to reinforce each other. Colonialism and imperialism have illustrated how European action allowed European ways of knowing to dominate, while assumptions about the superiority of European ways of thinking inspired and internally legitimised European action.

The assumptions of superiority are often not limited to 'European' ways of knowing and doing but extended to 'western' ways more broadly, as the quotes from Said and Grovogui illustrate. One can identify eurocentrism in, for instance, some North-American and Australian ways of knowing and doing to the extent that the approaches consider themselves inheritors of 'the European tradition'. For the same reason, eurocentrism can be found in the EU – even if the EU itself was never a colonial power – and in EU Member States that did not have colonies.⁵² The key feature is an assumption of superiority by virtue of seeing oneself as continuing in a (assumedly superior) European tradition of doing and thinking. By way of final clarification, the set of assumptions about the superiority of European/western ways of knowing and doing that constitute eurocentrism can also be found in parts of the world that do not consider themselves continuators of the

⁴⁵Siba N'Zatioula Grovogui, *Beyond Eurocentrism and Anarchy: Memories of International Order and Institutions* (Palgrave Macmillan 2006) 29: 'Eurocentrism persists as a result of the unreflective definition of the collective good and the means to its realization according to Western self-references and self-interests alone.'

⁴⁶Grovogui, *Beyond Eurocentrism and Anarchy*, 31.

⁴⁷Edward W Said, *Orientalism: Western Conceptions of the Orient* (reproduced with a new afterword, Penguin Books 1995) 1–2.

⁴⁸Said, *Orientalism*, 3.

⁴⁹See Joseph Massad, 'Orientalism as Occidentalism', 5 (1) (2015) *History of the Present* 83. See also Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Harvard University Press 1999) 203: 'The colonizer constructs himself as he constructs the colony. The relationship is intimate, an open secret that cannot be part of official knowledge.'

⁵⁰See also Grovogui, *Beyond Eurocentrism and Anarchy*, 35; and Tarak Barkawi and Mark Laffey, 'The Postcolonial Moment in Security Studies' 32 (2) (2006) *Review of International Studies* 329.

⁵¹Boaventura de Sousa Santos, *The End of the Cognitive Empire*.

⁵²See, more elaborately, Section 5. See also, Nicolaïdis, 'Southern Barbarians' and Nicolaïdis et al, 'From Metropolis to Microcosmos'.

European tradition.⁵³ For instance, curricula in schools in former colonies can reflect eurocentrism. Eurocentrism, too, is some of European imperialism's obstinate baggage.

3. Eurocentric ambition: exporting 'peace' or exporting oneself?

When in 2012 the Nobel Committee awarded the EU the Nobel Peace Prize, it did so on the ground that the EU and its forerunners had advanced the causes of peace, reconciliation, democracy and human rights *in Europe*. The Committee's explanation made reference only to the EU's role in Europe: the EU had helped 'to transform most of Europe from a continent of war to a continent of peace'.⁵⁴ But when receiving the prize, European Council President Herman von Rompuy and Commission President José Manuel Barroso projected the relevance of the prize beyond Europe. After setting out the values around which Europe had been reunified, the statement continued:

These are also the values that the European Union promotes in order to make *the world* a better place for all. The European Union will continue to promote peace and security in the countries close to us and *in the world at large* . . . This Nobel Peace Prize shows that in these difficult times the European Union remains an inspiration for leaders and citizens *all over the world*.⁵⁵

The Nobel Peace Prize boosted an ambition that had already been put on paper in the 1992 Maastricht Treaty and solidified in the 2007 Treaty of Lisbon: to bring peace outside Europe. As Kalypto Nicolaïdis and colleagues have argued, in its early years, the European Community had focused on 'setting international standards to civilise Europe itself upon the discovery that the "barbarian" lay within'.⁵⁶ But 50 years of increased internal stability fostered greater external ambition. Since the 1990s, the EU has wanted to export not only machinery, computers and pharmaceuticals – its primary export products – but also its values, including peace. It is here that economic imperialism, the ambition to become a greater economic power, becomes closely entangled with eurocentrism. The Maastricht Treaty envisaged a Common Foreign and Security Policy (CFSP) through which 'to promote peace, security and progress in Europe *and in the world*'.⁵⁷ Among the aims of the CFSP were 'to promote peace and strengthen international security' and 'to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms'.⁵⁸ Fifteen years later, the Treaty of Lisbon proclaimed that 'The Union's aim is to promote peace, its values and the well-being of its peoples', without geographic

⁵³See also Pinar Bilgin in her keynote 'How not to decenter European studies', VICES, 17 December 2021, <<https://youtu.be/CSU5jI5wBs>> accessed 2 February 2022.

⁵⁴The Norwegian Nobel Committee, Press Release: The Nobel Prize for 2012, <<https://www.nobelprize.org/prizes/peace/2012/press-release/>> accessed 2 February 2022. The award speech also mentioned the positive impact of promises of incorporation on the EU's neighbours. Announcement of the 2012 Nobel Peace Prize to the EU, presented by Thorbjørn Jagland, Chairman of the Norwegian Nobel Committee, on 12 October 2012, <<https://www.nobelprize.org/prizes/peace/2012/prize-announcement/>> accessed 2 February 2022.

⁵⁵Joint statement by Herman Van Rompuy, President of the European Council, and José Manuel Barroso, President of the European Commission, on the award of the 2012 Nobel Peace prize to the EU, 12 October 2012, https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/132807.pdf > accessed 2 February 2022 (emphasis added). On this shift from internal to external, see also Laura Davis, 'The Nobel Challenge' <<https://lauradavis.eu/2012/10/the-nobel-challenge/#more>> accessed 2 February 2022.

⁵⁶Nicolaïdis et al, 'From Metropolis to Microcosmos', 729.

⁵⁷The TEU, 7 February 1992, Official Journal of the European Communities, C 191/1, ninth recital and Title V, article J (emphasis added). Today, provisions on EU external action are found in Title V TEU with specific provisions on CFSP included in articles 23–41 TEU.

⁵⁸The TEU, 7 February 1992, article J.1 para 2. Today, see article 23 TEU in relation to CFSP, which refers back to the principles and objectives in article 21 that underpin EU external action more generally.

or other limitations.⁵⁹ The Lisbon Treaty operationalised this outward orientation in providing for the ‘external action’ of the Union, the first instruction for which was that:

The Union’s action 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.⁶⁰

Lisbon can thus be read as the moment that the swan that had been inspecting its own nest for 50 years and had begun to stretch its neck since the Maastricht Treaty, turns it head, looking out into the world, its wings lifted for an ambitious flight.⁶¹

The two Concepts on peace mediation illustrate this renewed and now publicly displayed external ambition. The Concepts appeared in a period in which mediation had risen to prominence as a means of promoting peace in the world. The dominant challenge to peace was considered to come from the types of conflict that had been most prevalent since the end of the Cold War: conflicts not between states, but about the state; conflicts between governments and rebellious armed movements or between armed movements themselves. But making peace in such situations had proven to be harder than purely ‘keeping’ the peace between states. By the 2000s, international peacekeeping and peacebuilding agendas and practices had been scathed as too ineffective, too risky and too ambitious. Mediation emerged a more attractive option: a delimited area of intervention that seemed less costly in terms of human life and finances.⁶²

But this increased attraction also meant that in addition to the United Nations (UN), many other organisations became involved in mediation, including regional organisations such as, in Africa, the Inter-Governmental Agency for Development (IGAD) and the African Union (AU), and in Europe, the Organization for Security and Co-operation in Europe (OSCE), as well as non-governmental organisations (NGOs) such as the Centre for Humanitarian Dialogue, Conflict Mediation Initiative, IKV Pax Christi and St Egidio. The mediation world has become crowded.⁶³ As one UN mediator put it, referring to competition from regional bodies and NGOs: ‘There is not enough conflict to go around. There used to be a few dozen mediating institutions. Now a couple of thousand.’⁶⁴ The proliferation of institutions offering mediation services has spurred fierce competition for the role of mediator, providing conflicting parties with opportunities for forum shopping.⁶⁵ In the same year that the EU issued its 2020 Concept on peace mediation, scholars observed ‘a mismatch between supply and demand in the international mediation “market”’.⁶⁶ They noted that the supply of mediators had increased, while more and more conflicts were beyond the reach of mediation; for instance, as a result of terror-listing, prohibiting

⁵⁹The Treaty of Lisbon, 13 December 2007, Official Journal of the European Communities, C 306/1, article (1) (4) providing for a new article 2 under the heading ‘General Provisions’. See now article 3 (1) TEU.

⁶⁰The Treaty of Lisbon, article 1 (24), inserting a new article 10 A (1) into what was the Treaty Establishing the European Community at the time (emphasis added). Today, see article 21 (1) TEU. See also articles 2 and 3 (5) TEU.

⁶¹See also, on the shift after the first 50 years, Timothy Garton Ash, as cited in Chris Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality* (Palgrave Macmillan 2011) 3–5.

⁶²I thank Devon Curtis for this observation.

⁶³David Lanz and Rachel Gasser, *A Crowded Field: Competition and Coordination in International Peace Mediation*, Mediation Arguments (2013). See also Stephen Chan, ‘Conclusion: Mediating the Mediation with Difference’, in Brigg and Bleiker, *Mediating across Difference*, 270, 270: ‘a veritable cottage industry of mediators burgeoned to its present status as a high-earning, high-profile, jet-setting, and seemingly indispensable part of a curious globalisation of idealistic and yet professionalised concern for relieving the misery of others.’

⁶⁴Interview, New York, September 2018.

⁶⁵Report of the Secretary-General on Enhancing Mediation and Its Support Activities, UN Doc S/2009/189, 8 April 2009, 6.

⁶⁶Magnus Lundgren and Isak Svensson, ‘The Surprising Decline of International Mediation in Armed Conflicts’ 7 (2) (2020) Research and Politics 1.

engagement with actors involved.⁶⁷ There could thus be stiff competition among mediators for those conflicts that were not beyond reach. One observer of a specific conflict cynically dubbed such a battle for the role of mediator: ‘The war for the Nobel Peace Prize’.⁶⁸

The 2009 and 2020 Concepts are about the EU respectively entering and enhancing its position in this competitive peace mediation ‘market’. Aiming at more influence, whether political or economic, is imperial, but not by definition Eurocentric: one can have such ambitions even if not assuming one’s superiority of ways of thinking and doing or not desiring to spread these; possibly, one just wants to sell products or services. The entire approach to peace mediation as that of a product or service on a competitive market is Eurocentric in that it subjects peace mediation to the rules of capitalism. But let us for a moment adopt this capitalist approach in order to see other, stronger, forms of eurocentrism. In the ideal version of the market, eurocentrism could not survive: if, on the level playing field where supply and demand meet freely, the ‘product’ is not actually superior, buyers will just refuse to pay for it.⁶⁹ So, in the context of peace mediation, if those involved in a conflict do not want EU-style mediation, there is little for the EU to do – end of story. However, like most other markets, the peace mediation market is not like the ideal; it, too, is distorted by political and economic power. In the analysis of the Concepts below, it will become clear that while they read in part like a marketing strategy – setting out why the EU is good at this – there is very little interest in the ‘competition’, let alone the ‘consumer’ of peace mediation. In fact, while sometimes seemingly oriented towards ‘selling’ the EU mediation product, these Concepts are in fact narratives by the EU, for the EU, about the EU. The eurocentrism that will become apparent is not constituted by this focus on the EU per se, but by the apparent assumption that it is natural for the EU to play a role as global actor, to help and ‘capacity build’ others and to serve as a role model⁷⁰ – assumptions that correspond with that of the civilising mission during colonialism and assumptions that get internally naturalised, over and over again, through texts such as these Concepts.⁷¹

A. The 2009 Concept: an unreflected bid for epistemic authority

Practice had preceded the EU’s first policy on mediation, adopted in 2009. The foreign ministers of the European Commission had been involved in mediation attempts in the early years of the war in the former Yugoslavia, but adopted a lower profile after the apparent failure in Bosnia in 1994.⁷² In the early 2000s, however, the EU had some successes: its first High Representative, Javier Solana, co-brokered the 2001 Ohrid Framework Agreement for Macedonia and initiated the mediation of the 2002 Belgrade Agreement on Principles of Relations between Serbia and Montenegro.⁷³ The EU also provided financial support to an NGO led by a former Finnish President that successfully brokered the 2005 Aceh Agreement. The purpose of the 2009 *Concept on Strengthening EU Mediation and Dialogue Capacities* was to provide a policy basis for such practice.⁷⁴

⁶⁷Lundgren and Svensson, ‘The Surprising Decline of International Mediation in Armed Conflicts’.

⁶⁸Conversation with a European diplomat, Sudan, 2010.

⁶⁹I thank Martijn Hesselink for this observation.

⁷⁰For a critique of the EU’s role-model assumption, see Kalypso Nicolaïdis and Tobias Lenz, ‘EU-Topia? A Critique of the European Union as a Model’ 4 (2) (2019) *Culture, Practice and Europeanization* 78, arguing for ‘a problematization of the label “model” without denying the value added by EU governance for the rest of the world.’

⁷¹See also Meera Sabaratnam, *Decolonising Intervention: International Statebuilding in Mozambique* (Rowman & Littlefield International 2017) 4.

⁷²See Julian Bergmann, *The European Union as International Mediator: Brokering Stability and Peace in the Neighbourhood* (Palgrave Macmillan 2019) 4.

⁷³See more elaborately, Bergmann, *The European Union as International Mediator*.

⁷⁴2009 Concept, 2. See also 2009 Concept, 4–5: ‘Various actors . . . have been involved in EU mediation activities . . . EUSRs often play a visible role in EU mediation activities.’

The aim was also to expand such practice.⁷⁵ By the time the EU issued its first policy document, the UN, AU, some key NGOs and states such as Norway and Switzerland had developed more experience in mediating, or supporting mediation, than the EU. The UN, aware of the increasing competition in the field and the adverse consequences of peace processes that go wrong, had already begun ‘professionalising’ its mediation practices from the mid-2000s. It did so by highlighting the relevance of expertise, skills and norms, setting up a specialised Mediation Support Unit and issuing reports such as the 2009 report of the UN Secretary-General on ‘Enhancing Mediation and Its Support Activities’.⁷⁶ In an epistemological culture in which practice and experience alone count for little unless accompanied by written, abstracted knowledge, the EU’s 2009 Concept, too, should be seen as a bid for epistemic authority: we count, because we have published on this.

The 13-page Concept consists of four main sections. In the Introduction, it sets out the rationale, overall aim and provides definitions. The rationale provided in the document’s opening sentence is that:

The EU, as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes.⁷⁷

After identifying policy bases for this document, it turns to defining mediation as ‘a way of assisting negotiations between conflict parties and transforming conflicts with the support of an acceptable third party’.⁷⁸ However, the Concept uses the term more broadly, also to encompass ‘facilitation’ and ‘dialogue’.⁷⁹ Similarly, the Concept has a broad understanding of the *actions* that amount to mediation: acting as a lead or co-mediator; promoting mediation; leveraging mediation; supporting mediation and funding mediation. In other words, funding somebody else’s mediation counts as mediation for the purposes of the Concept. This is important: the objective of enhancing mediation can thus be achieved by operating in the background, for instance, bank-rolling the initiatives of other actors. The Concept emphasises that the various aspects of mediation are ‘equally important’ as acting as a lead or co-mediator. Still, the Concept at times also gives the impression that ‘acting as a mediator itself, presented first, is the main ambition.’⁸⁰

The second section is about the ‘EU and mediation’, covering ‘mediation as an EU policy tool’, ‘EU as an actor in mediation’, ‘Types of EU mediation involvement’, ‘Guiding principles’, ‘EU cooperation and coordination with other international actors’, ‘EU financial instruments to

⁷⁵The opening paragraph does so through the classic argumentative move of claiming precedence, while suggesting that more is needed: ‘While mediation is not a new area to the EU, a more coordinated and focused approach will enhance the EU’s ability to play a more active international role in this area.’ 2009 Concept, 2. See also page 4: ‘The EU is engaged in the entire spectrum of mediation, facilitation and dialogue processes. While, in practice, mediation is thus already an integral part of EU external action, the EU has so far used this tool in a rather ad-hoc fashion. On the basis of this Concept the EU aims to develop a more systematic approach to mediation and to strengthen its mediation support capacity which will allow it to contribute in a more efficient and effective way to preventing and resolving conflicts.’

⁷⁶Report of the Secretary-General on Enhancing Mediation and Its Support Activities. On the professionalisation drive at the UN, see Elodie Convergne, ‘Learning to Mediate? The Mediation Support Unit and the Production of Expertise by the UN’ 10 (2) (2016) *Journal of Intervention and Statebuilding* 181. On the professionalisation drive in the field of peace mediation more generally, see Philipp Kastner, ‘Promoting Professionalism: A Normative Framework for Peace Mediation’, in Catherine Turner and Martin Wählisch (eds), *Rethinking Peace Mediation: Challenges of Contemporary Peacemaking Practice* (Bristol University Press 2021) 17.

⁷⁷2009 Concept, 2.

⁷⁸2009 Concept, 2.

⁷⁹2009 Concept, 3, defining ‘facilitation’ as similar to mediation, but less directive and less involved in shaping the substance and ‘dialogue’ – ‘an open-ended process which aims primarily at creating a culture of communication and search of common ground’.

⁸⁰Indeed, contrary to the inclusive definition adopted, in the section on risks (2009 Concept, 7) the Concept juxtaposes the EU being ‘involved’ in a mediation process and ‘supporting’ the activities of other mediation actors.

support mediation initiatives’ and ‘EU mediation support capacities’. The third section then focuses on ‘Measures to strengthen EU Mediation capacities’, while the final section states only that the Concept will be reviewed.

As is clear from these headings, the Concept is focused on the EU. It is unsurprising that an EU policy document focuses on the EU and, as explained earlier, that in and of itself does not make it Eurocentric. But aspects of the way in which it focuses on the EU are Eurocentric in the understanding set out earlier. I highlight four: (1) an unreflected sense that it is appropriate for the EU to play a bigger role in peace mediation simply because it can and wants to; (2) a hyperagentic self-presentation compared to barely described or supposedly inferior others; (3) an impression of the EU as an oasis of peace compared to a violent rest of the world; and (4) the presumption that there is universal agreement on the primacy of a technical approach to mediation and on the EU’s understanding of the concept of peace.

First, the rationale for the policy seems to come down to the EU’s wish to play a greater role in peace mediation and its conviction that it is in a good position to do so.⁸¹ Although some expressions implicitly recognise that one cannot be a mediator if the parties do not accept one as such,⁸² the Concept does not pay attention to the question of who would like the EU to play a bigger role apart from the EU itself. The Concept’s opening sentence perhaps makes an allusion to requests that the EU receives: ‘The EU . . . is generally seen as a credible and ethical actor in situations of instability and conflict.’⁸³ Yet, none of the Concept’s 13 pages reveal through whose eyes the EU is seen or what evidence the statement rests on. The rationale that seems to run through the text is: we can and therefore we must. There seems to be no doubt about the appropriateness. See, for instance, the text in which the Concept explains why, even though the UN is recognised internationally as the primary authority in peace mediation, it is appropriate for the EU to play a bigger role in this field:

Even though the UN plays a pre-eminent role in international peace mediation, other actors, like the EU, have important roles to play. The EU is a global actor and its political, developmental and security interests go well beyond its neighbourhood.⁸⁴

The assumption throughout is that, given who the EU is, it is natural for it to play a role in the international field of peace mediation. This lack of interest in who would like the EU to play a bigger role, other than the EU itself, is hard to explain through anything else than a sense of superiority.⁸⁵

A second and related aspect of eurocentrism is that the Concept vests all the agency in the EU. As recognised before, it is not by definition Eurocentric if an EU policy document focuses on the EU. What is Eurocentric, though, is that throughout it portrays the EU as a hyperagentic actor operating in an apparently passive rest of the world – the world in which the EU intervenes as a mediator. Conflicting parties or their societies do not feature. The already quoted opening sentence is one of the few sentences in the entire text that alludes to the relevance of perspectives of

⁸¹See, for instance, ‘The EU has a lot to offer as an actor in mediation. It brings value added and creates new entry points for peace initiatives through its political and financial weight . . . The EU is in an excellent position . . .’ 2009 Concept, 4.

⁸²For instance, a reference to the EU ‘accepting to become involved’ – 2009 Concept, 7 (emphasis added).

⁸³2009 Concept, 1.

⁸⁴2009 Concept, 9.

⁸⁵Cf Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (Oxford University Press 1983) 1–2: ‘It is becoming increasingly obvious that colonialism . . . cannot be identified with only economic gain and political power . . . [C]olonialism could be characterized by the search for economic and political advantage without concomitant *real* economic or political gains, and sometimes even with economic or political losses. [fn omitted] . . . [T]he first differentia of colonialism is a state of mind in the colonizers and the colonized, a colonial consciousness which includes the sometimes unrealizable wish to make economic and political profits from the colonies, but other elements too. The political economy of colonization is of course important, but the crudity and inanity of colonialism are principally expressed in the sphere of psychology.’

actors other than the EU. However, even though this is a sentence about how *others* see the EU, it still makes the EU the subject through the use of passive voice: ‘The EU . . . *is generally seen* as a credible and ethical actor in situations of instability and conflict.’⁸⁶ So even where the EU is not the agent but the acted-on noun – in this case the one who is being seen – the text shows only the EU. The invisibility of the supposed beneficiaries of the EU’s action combined with the hyperagency of the EU reflects what Meera Sabaratnam has referred to as *protagonismo*: ‘a political relation in which intervention is understood as a kind of space for actualising the identities of specific interveners and their world views, rather than working towards a common agenda set by the government or community’ where the intervention occurs.⁸⁷ This Concept is all about the EU actualising its identity and its world views.⁸⁸

The Concept acknowledges that there is a ‘multitude of potential actors in international peace mediation’,⁸⁹ but the only actors that the Concept explicitly recognises as other relevant actors are ‘other international actors’. Thus, of all the actors who are also involved in peace mediation – states, church organisations, international NGOs, social movements, community leaders – the Concept mentions only the UN and regional actors, including the OSCE and the AU, as relevant ‘other international actors’. With respect to these ‘other international actors’, the EU is deferential to the UN.⁹⁰ The Concept next mentions ‘[r]egional actors, including the OSCE and the AU’. The sequencing of the text suggests that the EU considers itself more like the UN, a fellow ‘global actor’, rather than in the same category as the ‘regional actors’.⁹¹ The final sentence confirms this presumed superiority by indicating that the EU will support the first actor in the training of the third: ‘The EU will continue to co-operate closely with the UN and its Mediation Support Unit, including in such areas as training and support to regional organisations in their efforts to strengthen their mediation capacities.’⁹² Thus, in a document titled and focused on ‘Strengthening EU Mediation and Dialogue Capacities’, including through training,⁹³ the EU still presents itself as supporting the training of (other) regional organisations. The option of such (other) regional organisations *training the EU* is not mentioned,⁹⁴ despite another section recognising that they have resources and expertise, which the EU will make best use of.⁹⁵

A third Eurocentric feature of the Concept is that it suggests that peace mediation intervention is necessary only outside the EU, while leaving that outside world otherwise undescribed. The objective of a ‘more active *international* role’ refers to a more active role outside the EU.⁹⁶ Perhaps the drafters of the Concept think that EU peace mediation necessarily takes place outside the EU because it could not be a neutral third party in conflicts that take place either between its Member States or between the government of a member state and an opposition movement in that state (pre-Brexit Northern Ireland, Catalonia, Cyprus). But the Concept does not mention that

⁸⁶2009 Concept, 1 (emphasis added).

⁸⁷Sabaratnam, *Decolonising Intervention*, 80.

⁸⁸The CEO of MediatEUR, ‘a service-based peace mediation NGO financed by the EU’, writes positively about ‘the gradual “self-actualization” of the EU as a peace mediation actor’. See Antje Herrberg, ‘Effective Mediative Diplomacy and Its Seven Virtues: The Case of the European Union’ 43 (3) (2018) *Peace & Change* 292, 302.

⁸⁹2009 Concept, 9.

⁹⁰‘The UN is the most important actor in the area of international peace mediation and has, over the years, developed a high level of expertise.’ 2009 Concept, 9.

⁹¹2009 Concept, 9.

⁹²2009 Concept, 9.

⁹³2009 Concept, 5: ‘EUSR teams need to be given appropriate training opportunities in the area of mediation . . . Training should be developed taking into account the broad set of skills needed, given that mediation efforts may involve a wide range of tasks . . . Mediation training should be offered to ESDP-missions and Commission Delegations.’

⁹⁴In a later section on how the EU will strengthen its mediation capacities, the resources and expertise of regional organisations are mentioned, but as ones that the ‘EU will make best use of’ – the EU uses and remains the actor; it is not being trained. 2009 Concept, 11.

⁹⁵2009 Concept, 11.

⁹⁶2009 Concept, 1.

rationale; it leaves its entirely outward focus unexplained. That is notable because the EU's outward orientation is the opposite of that of the other regional and international organisations that the Concept refers to: the OSCE, AU and – more obviously – the UN, have focused their mediation activities on conflicts among their Member States, and, most of all, within their Member States.⁹⁷ The Concept does, however, hint at a different rationale for its outward focus, namely that the conflicts that require mediation exist (only) outside the EU.⁹⁸ The construction of a need for mediation in an unspecified rest of the world re-inscribes the Enlightenment image of Europe, and here more specifically the EU, as an oasis of peace and reason in a wild and turbulent world.⁹⁹

A final Eurocentric feature that I highlight here is the Concept's focus on the technical, expertise-requiring side of mediation, a 'tool' in a 'toolbox',¹⁰⁰ without speaking of the big political questions inherent in peace mediation.¹⁰¹ The few explicit references that the Concept makes to the term 'political' are in negative contexts, namely that of 'political risks' for the EU and (presumably the parties') 'lack of political will'.¹⁰² Politics appear as an unwelcome interference with the technical project of mediation.

At first sight, the technical rather than political approach may seem to reduce the risk of displaying eurocentrism: the Concept is not explicitly about exporting European values, but about enhancing technical capacity to offer a neutral service. But it backfires. First, the primacy of the technocratic is in and of itself an expression of eurocentrism: the technocratic approach is an aspect of the European progress narrative. Second, the focus on the means (mediation) presupposes that the ends (probably 'peace') are evident. But taking the ends for granted risks implying that the EU's idea of peace – whatever that is precisely – is necessarily the objective to be pursued in the rest of the world. Research in the field of peace and conflict studies has shown how people across the world have been working towards 'peace', but all with radically different understandings, for instance, peace as law and order, peace as human rights, peace as democracy and the rule of law, peace as social justice.¹⁰³ These differences do not necessarily reflect cultural differences

⁹⁷See also, Johannes Schachinger, 'European External Action Service Engagement in Mediation and Mediation Support', in Tanja Tamminen (ed), *Strengthening the EU's Peace Mediation Capacities: Leveraging for Peace through New Ideas and Thinking* (The Finnish Institute of International Affairs Helsinki 2012) 19: the EU is 'the only regional organisation which acts as a mediator outside its own sphere'.

⁹⁸See, for instance, when it suggests that the OSCE and AU often have the 'advantage of being knowledgeable on local and regional dynamics and credible third parties in the regional context'. 2009 Concept, 9. At first sight, this statement appears as a helpful observation that goes against eurocentrism: a recognition that other actors may have more relevant knowledge. But that is not the work that the observation is doing in the Concept. Rather, it appears in a section on the competition: in suggesting that the AU and OSCE will often have more contextual knowledge, the text implies that that is where the conflicts take place. The Concept does not discuss the implications for the EU of not having such contextual knowledge.

⁹⁹See also Thomas Diez, 'Constructing the Self and Changing Others: Reconsidering "Normative Power Europe"' 33 (3) (2005) *Millennium* 613, 627.

¹⁰⁰2009 Concept, 6. 'Mediation is part of the EU's comprehensive *toolbox* in the area of conflict prevention and crisis management. There are strong linkages and synergies between mediation and other *tools* available to the EU' (emphasis added).

¹⁰¹See, for instance, '[m]ediation is . . . a team effort which requires substantial expertise, knowledge, technical capacity . . . For the EU this involves provision of operational support . . . assessment of lessons learned, identification of best practices and . . . the development of EU guidelines, developing training and capacitybuilding . . . as well as networking and co-ordination.' 2009 Concept, 10–11.

¹⁰²Political risks are presented as a reason for the EU sometimes not to 'accept . . . to become involved in a mediation process', '[i]n order to safeguard its credibility'. One such 'political risk' is 'lack of political will to become engaged'. 2009 Concept, 7. The question of whose will is lacking, is left open. In the context of the rest of the Concept, it is unlikely to be the EU's own. Possibly, EU Member States do not want the EU to become involved. More likely is that the lack of political will in this case refers to that of the parties to the conflict.

¹⁰³See, more elaborately, Oliver Richmond, *Peace in International Relations* (Routledge 2008); Devon Curtis, 'Introduction: The Contested Politics of Peacebuilding in Africa', in Devon Curtis and Gwinyayi A Dzinesa (eds), *Peacebuilding, Power and Politics in Africa* (Ohio University Press 2012) 1; Sharath Srinivasan and Sarah MH Nouwen, 'Introduction: Peace and Peacemaking in Sudan and South Sudan', in Sarah MH Nouwen, Laura M James and Sharath Srinivasan (eds), *Making and Breaking Peace in Sudan and South Sudan* (Oxford University Press 2020) 1. See also Sarah MH Nouwen and

and do not stem from the usage of different dictionaries. Rather, they reflect diverging political aspirations: a government may insist on peace as law and order; the opposing armed movement on peace as social justice. The World Trade Organization may aspire for a peace that facilitates free trade; its opponents for a peace that has overcome global inequalities.¹⁰⁴ States that have been involved in ‘peacebuilding’ abroad have often shifted in their understandings of the concept. For instance, Devon Curtis has shown how after 9/11 western states moved from promoting a liberal peace, based on democracy, human rights, the rule of law and liberalisation of the market, to one of stabilisation, based on law and order.¹⁰⁵ Others have observed how Europe, since its ‘migration crisis’, has turned from liberal peacebuilding to peace as border control.¹⁰⁶ The varying conceptions of peace come with varying avenues of pursuing them. For instance, the liberal peace often requires more checks and balances, whereas peace as law and order usually strengthens the executive. The promotion of liberal peace and peace as law and order usually legitimises existing international institutions, but requires stronger ones; a conception of peace as social justice is often seen to depend on a radical overhaul of existing institutions. By not explicitly engaging with the political question about what peace as an objective of mediation means, the EU risks suggesting that it knows what peace is supposed to mean across the globe, probably based on its own experience.¹⁰⁷ In practice, Europeans among themselves will disagree about how to characterise that peace or, indeed, whether it qualifies as such. But the ideal pursued is not the lived peace as it is embedded in particular societies, but an idealised and putatively agreed-upon peace, just like the civilising mission was not inspired by civilisation but an idealised version of the self.¹⁰⁸

The 2009 Concept had an impact: it led to the institutionalisation of mediation in the EU.¹⁰⁹ Two years later, the EU External Action Service (EEAS) had its own division dedicated to conflict prevention, peacebuilding and mediation and its own Mediation Support Team (MST). As per the model of the UN’s MST, which had been created in 2006, the aim of the Unit is not directly to mediate itself, but to provide operational support to EU actors, to provide coaching and training, to ‘manage’ knowledge, and to build partnerships with organisations with similar mandates.¹¹⁰

B. The 2020 Concept: more assertion, more norms

In December 2020, the EU published a new Concept on peace mediation, to replace the one of 2009. It is more extensive: 14 denser pages accompanied by Council Conclusions and followed by

Sharath Srinivasan, ‘Conflicts about Peace: As Revealed in Sudan and South Sudan’, 24 June 2021, EUIdeas, <<https://euideas.eu.eu/2021/06/24/conflicts-about-peace-as-revealed-in-sudan-and-south-sudan/>> accessed 2 February 2022.

¹⁰⁴Ana Luisa Bernardino, ‘Peace through Trade? A Study of the WTO’s Concept of Peace’, 2018, paper on file with author.

¹⁰⁵Curtis, *Peacebuilding, Power and Politics in Africa*, 103.

¹⁰⁶Signe Marie Cold-Ravnkilde and Christine Nissen, ‘Schizophrenic Agendas in the EU’s External Actions in Mali’ 96 (4) (2020) *International Affairs* 935, 936.

¹⁰⁷The concept of peace that emerges from the European Security Strategy of 2003, which the 2009 Concept follows up on, is that of an EU that does not face the ‘key threats’ of terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime: a conception of peace that mostly corresponds with that of ‘law and order’. The objective is to pursue that through stronger international institutions, in other words, stronger versions of the status quo, rather than a radically different world order.

¹⁰⁸Mahatma Gandhi’s famous response to a western journalist asking him what he thought of western civilisation comes to mind: ‘I think it would be a good idea’. See also Nicolaidis and Howse, ‘This Is My EUtopia . . .’. See further in Section 5.

¹⁰⁹See also Johannes Schachinger, ‘European External Action Service Engagement in Mediation and Mediation Support’, 18: ‘The Concept opened the door for the adoption by the European Parliament of a pilot project which provided funding to the EEAS for the staffing of the mediation support team (covering three out of the five positions in the mediation support team) and the development of training and coaching opportunities, as well as for the deployment of internal and external mediation expertise and the production of guidance documents.’

¹¹⁰See European External Action Service, Factsheet EU Mediation Support team, <https://eeas.europa.eu/archives/docs/factsheets/docs/factsheet_eu-mediation-support-team_en.pdf> accessed 16 January 2022.

a 34-page annex titled *Peace Mediation Guidelines of the European External Action Service*.¹¹¹ The Introduction explains that the Concept ‘aims at further *boosting* the EU’s role as a *leading* peace mediation . . . actor’¹¹² and that it ‘sets out an *assertive stance* for the EU in the practice of mediation’.¹¹³ It reflects a heightened sense of competition:

The *sheer number* of mediators and mediation actors has . . . *increased significantly*. An *increasing* number of countries have developed their own mediation capacity or structures. EU Member States . . . have built up mediation support structures and have gained experiences in role sharing in mediation. International and regional organisations, private actors and civil society also populate this field. The world of mediation has changed through the introduction of *new* international actors that have *gained relevance* in the mediation domain, some of which are taking more directive approaches.¹¹⁴

The Concept presents this ‘evolved context’ of more mediation actors as ‘requir[ing] an adapted and *firmer* EU posture in mediation’.¹¹⁵ While still listing mediation activities such as accompanying, supporting and funding mediation, the Concept first openly angles for the ‘top job’ of mediation: ‘The EU can increasingly get involved as a third party in helping to address conflicts at the track I level, engaging the top leadership of a country and the most senior-level representatives of parties.’¹¹⁶

The 2020 Concept consists of sections dedicated to ‘Key definitions’, ‘Advancing peace and security through EU mediation and preventive diplomacy’, ‘EU mediation principles’, ‘The facets of EU mediation’, ‘EU mediation figureheads and key actors’, ‘EU frameworks for coordinating mediation and mediation support’ and the ‘Path ahead’. The attached Peace Mediation Guidelines are meant to ‘translate in practice the EU’s core principles in peace mediation’.¹¹⁷

Unlike the Concepts, the Peace Mediation Guidelines have an explicit addressee: ‘Dear EU Peace Mediation practitioners’, writes Helga Schmid, then Secretary General of the European External Action Service, in her foreword. On the one hand, the audience is explicitly internal, addressed as the Foreword is to *EU Peace Mediation Practitioners*. On the other hand, the audience is broader than EU officials. The Introduction explains that the Guidelines are meant to ‘provide guidance for implementers and partners of EEAS mediation and mediation support’, as well as serve as a ‘source of inspiration to the broader community of practitioners in EU peace mediation, including the EU Member States and regional and non-governmental organisations’.¹¹⁸ The Guidelines are therefore not just instructions for EU mediators, but also, like the UN’s 2012 Guidance on Effective Mediation and the Concepts, a bid for epistemic authority in the field: the EU presents itself as mastering peace mediation.

Many of the Eurocentric aspects identified in the 2009 Concept return in the 2020 Concept. For an unreflected sense of superiority, take Schmid’s foreword to the Guidelines:

The EU’s role as a peace mediator is enshrined in our strong commitment to the rules-based multilateral order. Promoting international peace and security *is part of the EU’s DNA* and

¹¹¹2020 Concept; Council Conclusions 2020; European External Action Service, Peace Mediation Guidelines, <https://eeas.europa.eu/headquarters/headquarters-homepage/426/conflict-prevention-peace-building-and-mediation_en> accessed 3 February 2022 (hereinafter, Guidelines).

¹¹²2020 Concept, 2 (emphasis added). The sentence also refers to the aim of being a leading ‘conflict prevention and peace-building actor’ but most of the Concept focuses on mediation.

¹¹³2020 Concept, 2 (emphasis added).

¹¹⁴2020 Concept, 3 (emphasis added).

¹¹⁵2020 Concept, 3 (emphasis added).

¹¹⁶2020 Concept, 10.

¹¹⁷Guidelines, 4.

¹¹⁸Guidelines, 5.

the EU is *uniquely placed* to do so. We are seen as a credible actor, an honest-broker and a “smart power” that can deliver on its commitments in a comprehensive, sustainable and inclusive way.¹¹⁹

Similarly, in 2020, as in 2009, there is no mention of who outside the EU sees the EU as a ‘credible actor, an honest-broker and a “smart power”’. The only appearance of those outside the EU is a reference to ‘the conflict-affected population’, which the EU will ‘constructively engage and support’.¹²⁰ The grammatical structure of the sentence places the agency in the EU: the EU engages, the EU supports.¹²¹ In terms of recognising other actors, there is one significant difference with the 2009 Concept: the 2020 Concept explicitly recognises the NGO community and civil society actors as ‘a further dimension in the family of EU mediation actors’.¹²² However, the roles ascribed to them are those of ‘opening up space for mediation’, ‘build[ing] capacity’ and ‘generating incentives for actors to engage in talks’.¹²³ That NGOs can also lead a mediation is not contemplated. The EU does consider such a potential role for ‘insider mediators’. However, even though it recognises that these actors do work that others cannot, thanks to ‘to the unparalleled access in particular in high-intensity conflicts where other actors cannot engage’,¹²⁴ the Concept presents them as requiring capacity-building by the EU.¹²⁵ Indeed, the EU seems to imply that if other actors had access, they would be the mediators, which still presents insider mediators as second best options, denying their epistemic authority.

Similarly, the 2020 Concept gestures at departing from the explicitly a political approach to mediation adopted in the 2009 Concept, but it does not really. The gesture is the sentence: ‘The EU recognises that mediation is driven by politics’.¹²⁶ This line resonates with the slogan ‘the primacy of politics’ that had just emerged in the UN.¹²⁷ The UN’s adoption of that slogan was largely a response to critique of the UN’s technocratic approaches to peacemaking – relying on tools and theoretical expertise. That critique had come, in part, from African mediators, who had presented peacemaking as being primarily about politics: about ideals for the future and about compromises to realise these.¹²⁸ But whereas the African mediators had portrayed the political as something positive, in the EU’s Concept ‘politics’ is still something that is ‘recognised’, an issue to be contended with. Moreover, beyond the recognition that it is a relevant factor, the Concept barely engages with the substantive questions that arise from mediation being political, for instance (and as elaborated above) the specific understanding of peace that is being pursued.

The recognition of the political is linked to an area in which the 2020 Concept more substantively differs from the 2009 Concept: the emphasis on inclusivity. As an extension of the recognition that ‘mediation is driven by politics’, the EU now ‘considers inclusive political solutions a key

¹¹⁹Guidelines, 4.

¹²⁰2020 Concept, 5.

¹²¹Seemingly negatively answering Gayatri Chakravorty Spivak, ‘Can the Subaltern Speak?’, in C Nelson and L Grossberg (eds), *Marxism and the Interpretation of Culture* (Macmillan Education 1988) 271.

¹²²2020 Concept, 13.

¹²³2020 Concept, 13.

¹²⁴2020 Concept, 13.

¹²⁵2020 Concept, 13.

¹²⁶2020 Concept, 2.

¹²⁷See, for instance, Presidential Statement of the Security Council, UN Doc S/PRST/2018/10, 14 May 2018, <<https://www.un.org/press/en/2018/sc13334.doc.htm>> accessed 2 February 2022.

¹²⁸For an example of an explicitly political approach to peacemaking, see AU Doc. PSC/AHG/2(CCVII), Report of the African Union High-Level Panel on Darfur (AUPD): Darfur the Quest for Peace, Justice and Reconciliation (October 2009), <<https://reliefweb.int/report/sudan/sudan-darfur-quest-peace-justice-and-reconciliation-report-african-union-high-level>> accessed 3 February 2022. See also, more generally on diverging frames between the UN and the AU, Sarah MH Nouwen, ‘The Importance of Frames: The Diverging Conflict Analyses of the United Nations and the African Union’ 107 (2013) *Proceedings of the One Hundred Seventh Annual Meeting of the American Society of International Law* 330.

component in conflict prevention and sustainable peace'.¹²⁹ The Eurocentric aspect of this emphasis is the statement that opens the section: 'A further defining feature is the emphasis that the EU places on inclusivity.'¹³⁰ The presentation of this as being defining of EU mediation, in comparison to other mediation actors, fails to recognise that in the world of mediation more generally, inclusivity has become *the* norm of the 2010s. The inclusion agenda has probably been the UN's most prolific peacemaking agenda since the 2000s.¹³¹ Recognising the wide, almost constitutional, scope of many peace agreements in non-international armed conflict, especially the so-called 'comprehensive peace agreements', the exclusionary nature of elite deals became increasingly seen as problematic. The UN thus started to call for the inclusion of various groups into peace processes: children, women, youth, 'other marginalised groups'. Some of these inclusion agendas have become independent thematic items on the agenda of the UN Security Council, for instance, the Women, Peace and Security agenda, and more recently, that of Youth, Peace and Security.¹³² African mediators, too, had promoted inclusion, albeit sometimes in a more radical way: rather than 'including' all kinds of categories into elite-driven processes as civilian 'add-ons' to talks between a government and armed groups, some African mediators argued for moving away from the horseshoe negotiation table to dialogue in communities, marginalising the armed movements, in the hope that communities would push their leaders towards peace.¹³³ In its 2020 Concept, the EU adopts the inclusion mantra of the UN, and makes that understanding of 'inclusivity' one of its guiding principles. It does not adopt the radical inclusion agenda where horseshoe mediation is replaced by a form of bottom-up politics.¹³⁴ Rather, in the EU's understanding, inclusivity is something that '*complement[s]* the centrality of an official mediator'.¹³⁵

Despite African mediators' key roles in pushing politics back in the approach to mediation and in promoting inclusivity, Africa does not feature as a source of knowledge in the Concept. Nor does any other region other than the EU.¹³⁶ The only source of influence that is recognised is the UN Guidance on Effective Mediation.¹³⁷ Eurocentric epistemic hierarchies are likely to be part of the explanation. Although the African Union has, like the UN and EU, adopted (semi-) policy documents of mediation,¹³⁸ much of the rich African experience in mediation has not been (officially) documented or is not widely circulating. As a result of the Eurocentric primacy of

¹²⁹2020 Concept, 2.

¹³⁰2020 Concept, 5.

¹³¹Devon Curtis, 'The Interests in Inclusivity in Peace Negotiations', forthcoming, on file with author.

¹³²See, among others, UN Doc S/RES/1325 (2000), 'Women, Peace and Security', 31 October 2000; UN Doc S/RES/1820, 'Women, Peace and Security', 19 June 2008; UN Doc S/RES/1888 (2009), 'Women, Peace and Security', 30 September 2009; UN Doc S/RES/1960 (2010), 'Women, Peace and Security', 16 December 2010; UN Doc S/RES/2106 (2013), 'Women, Peace and Security', 24 June 2013 and UN Doc S/RES/2250 (2015), 'Youth, Peace and Security', 9 December 2015.

¹³³For instance, the Darfur-based Political Process, as proposed by the African Union High-Level Panel on Darfur and the African Union High Level Implementation Panel for Sudan.

¹³⁴For the difference, see, for instance, Sharath Srinivasan, *When Peace Kills Politics: International Intervention and Unending Wars in the Sudans* (Hurst 2021).

¹³⁵2020 Concept, 5 (emphasis added).

¹³⁶See also 2020 Concept, 2: 'This new Concept draws on EU mediation experience and lessons learned over the past decade. Since the adoption of the Concept . . . in 2009, the EU's experience as a global mediation actor has evolved' (emphasis added).

¹³⁷2020 Concept, 2.

¹³⁸See, for instance, Kurschen Govender and Yvette Ngandu, *Towards Enhancing the Capacity of the African Union in Mediation, Accord, 2010*, <<https://www.africaportal.org/publications/towards-enhancing-the-capacity-of-the-african-union-in-mediation/>> accessed 2 February 2022 and African Union Mediation Support Handbook, 2014 (updated version of 2012) <<https://www.accord.org.za/publication/african-union-mediation-support-handbook/>> accessed 3 February 2022. These are a 'semi' policy documents in that they have been written by a civil society organisation, funded by a European country for an African Union (AU) Mediation Support Capacity Project, on the basis of a meeting with the African Union; it is not an official African Union policy document. So, whereas the 2014 Handbook is titled *African Union Mediation Support Handbook* and the African Union holds the copyright jointly with the civil society organisation, the front matter also says: 'Views expressed in this handbook are not necessarily those of ACCORD or the AU'.

text-based knowledge,¹³⁹ that experience is either ignored, or (partially) adopted without attribution, further entrenching eurocentrism.¹⁴⁰ This vicious cycle of knowledge production is illustrated by the following anecdote. A senior African mediation advisor with decades of experience had often given me in one-on-one conversations his sophisticated vision on the pros and cons of inclusivity. His assessment contained many more nuances than the prevailing mantra of inclusivity. However, when invited to give an official lecture on mediation for students, he mostly referred to UN policy documents. When I asked him afterwards about the seeming discrepancy, he explained that he felt that ‘in academia’ he had to refer students to the official, documented, narrative.

While containing several of the Eurocentric features of the 2009 Concept, the 2020 Concept also contains indications of some critical self-reflexivity. For instance, the adoption of the ‘conflict sensitivity, “do no harm”’ principle implicitly recognises that the EU could do harm.¹⁴¹ The Concept also recognises that the ‘EU’s specific comparative advantages and entry points . . . are context specific’ and that a ‘series of circumstances influence this, including the EU’s and Member States’ historical engagement in a country, the EU’s current relations with the host Government and how the EU is perceived locally by peace and conflict stakeholders’.¹⁴² Although hidden behind euphemisms – ‘historical engagement’ for colonial presence; ‘comparative advantages’ for what could just as well be ‘absolute no-go’s’ – the sentences do reveal awareness that the EU may not always be seen as an ideal mediator.

Still, the most notable difference between the 2020 and the 2009 Concepts is that in 2020 the EU self-consciously moves in a more normative direction, speaking of the ‘normative trajectory of EU mediation practice’.¹⁴³ Seeking to distinguish itself in a field of increased competition,¹⁴⁴ the Concept identifies its commitment to values as ‘the defining feature in EU mediation’¹⁴⁵ – a Eurocentric move, as the next section (Section 4) will elaborate. One indicator of the normative direction is that the 2020 Concept has a far longer list of ‘EU Mediation principles’ than the 2009 Concept. The ‘guiding principles’ of the 2009 Concept were primarily internally oriented. Of the five ‘principles’, three were focused on whether and how EU mediation fits with other EU actions: ‘coherence’, ‘comprehensiveness’ and ‘assessment of risks’. Only the last two principles – ‘transitional justice and human rights’ and ‘promoting the participation of women’ – were oriented towards changing the world outside the EU, indicating what should be negotiated and addressed in a peace agreement and who should be involved in peace talks. The 2020 Concept, by contrast, has a list of 12 ‘EU mediation principles’, six of which speak to the contents and process of the peace talks: ‘the EU as a value-based actor’, ‘inclusivity’, ‘human rights’, ‘promotion of gender equality and women’s empowerment’, ‘climate and natural resources’ and ‘cultural heritage’.¹⁴⁶

Most of these EU Mediation principles also appear in the annexed EU Peace Mediation Guidelines. These Guidelines are intended to set out what is normatively specific about EU

¹³⁹See note 33.

¹⁴⁰See also the example given in *Ithaka*, 258, of a US-based law journal providing the work of a respected US scholar as ‘authority’ for statements in a lecture by a Ugandan judge on the establishment of a court in which he had played a key role.

¹⁴¹2020 Concept, 7. However, the principle is still based on the assumption that the EU *can* ‘ensur[e] that its actions are fully conflict sensitive and do not reinforce any negative dynamics’. It is implied that the EU knows what is a positive and what is a negative dynamic.

¹⁴²2020 Concept, 9.

¹⁴³2020 Concept, 2.

¹⁴⁴See also Guidelines, 5: ‘The new Concept revises the policy foundation for EU mediation, outlining the specific features of EU mediation practice, strengths and comparative advantages.’

¹⁴⁵2020 Concept, 4. The Concept also argues that the EU is different from others by focusing on prevention, but does not elaborate on this: ‘Favouring a conflict prevention and mediation approach to ensure human security in EU external action has the strategic merit of *counterbalancing* the enhanced focus on responsive capacity in foreign policy across the world.’ It is questionable whether the statement is accurate, for instance, if one looks at the AU’s and UN’s operationalisation of the prevention agenda.

¹⁴⁶2020 Concept, 4–9.

mediation. The Introduction defers to the UN's 2012 Guidance, which contains seven 'mediation fundamentals', but adds that the EU's 'are meant as an EU-specific reference document that should be consulted as a complementary tool'.¹⁴⁷ Some of the substantive areas of the UN and EU guidelines overlap, for instance, inclusivity, human rights (though labelled more broadly in the UN document as 'international law and normative frameworks'), and coordination. The EU Guidelines' repetition of some of the UN Guidelines could be read as an endorsement. *A contrario*, then, the lack of repetition of some of the UN Guidelines – specifically: 'impartiality' and 'national ownership' – can be read as the EU downplaying them: these the EU did not want to copy/paste, suggesting they are not characteristic of EU peace mediation.¹⁴⁸ The EU also has normative concerns that do not appear in the UN Guidance: cultural heritage, climate and religion.

The fact that the 'EU mediation principles' in the 2020 Concept and the nine 'thematic priorities' of the annexed Guidelines do not entirely overlap could be explained by the fact that the Guidelines were developed 'as a parallel process' to the Concept.¹⁴⁹ Paradoxically, given the title, the 'Guidelines' are in some ways less normative than the Concept. Whereas many of the 'principles' in the Concept appear as instructions, the thematic priorities in the Guidelines – on the same topics – seem more like issues for consideration. The Guidelines also show more of the complexities in some of the thematic areas. One explanation may be that practitioners had more of a voice in the development of the Guidelines and pointed to the difficult choices that peace mediation can require.¹⁵⁰

However, the nuances in the Guidelines notwithstanding, a comparison between the 2009 and 2020 Concepts suggests that the EU sends its mediators into the world with an increasingly heavy normative backpack.

4. A heavier and heavier normative backpack

The EU's 2009 and 2020 Concepts both envisage the EU Mediator, whether in the lead or as a supporter of mediation processes led by others, as going into the world beyond the EU with norms that they should promote. As explained in the introduction to this article, the concept 'norms' is used broadly here, encompassing values, principles, definitions and expected behaviour. A first set of 'norms' that one can find in the backpack are norms in the sense of peace, liberty, democracy, rule of law and human rights (Section 4, A).¹⁵¹ A second type of 'norm' relates to what peace mediation is all about. Without referring to them as norms, the Concepts' explicit definition of mediation and implied definition of peace are both normative (Section 4, B). The third type of 'norm' are norms in the dominant social-science sense of the concept: 'collective expectations for the proper behaviour of actors with a given identity'.¹⁵² These expectations relate either to the substantive norms that the mediator should be advancing in mediation (Section 4, C) or the process of mediation (Section 4, D).

A. EU principles/values as norms

At the bottom of the EU mediator's normative backpack are the heaviest items: the EU's own foundational principles/values. The eurocentrism is already apparent in Article 21(1) of the

¹⁴⁷Guidelines, 5.

¹⁴⁸National ownership is mentioned in passing, in the 2020 Concept, 10, and in the Guidelines, 7 and 12.

¹⁴⁹The guiding principle on cultural heritage does not reappear in the Guidelines, whereas religion and 'the psychological dimension' appear in the Guidelines without having been mentioned in the Concept.

¹⁵⁰According to the Introduction, '[s]everal consultations took place before and during the drafting, including a virtual community of practice in June 2000 that gathered more than 700 experts around the world to discuss EU mediation and mediation support'. Guidelines, 5.

¹⁵¹See Section 1 as to why I label these values/principles 'norms'.

¹⁵²See Katzenstein, *The Culture of National Security*.

Treaty on European Union (TEU), containing ‘general provisions on the Union’s external action’. In that article, 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 are claimed to be both European heritage (‘values which have inspired [the EU’s] creation’) and universally relevant (‘The Union’s action on the international scene shall be guided by the principles ...’). The Mediation Concepts in a similar vein claim that these values ‘set the EU apart as a mediation actor’ while also being universally relevant. See, for instance, the Concept’s description of the first EU mediation principle, ‘the EU as a value-based actor’:

*The defining feature in EU mediation is that the EU is a value-based actor. The EU’s foundational values, as set out in Article 2 TEU ... set the EU apart as a mediation actor. The EU should consistently engage on the basis of its foundational values which include respect for human dignity, freedom, democracy, the rule of law and the respect for human rights, including the rights of persons belonging to minorities as well as pluralism, non-discrimination, tolerance, justice, solidarity, and gender equality.*¹⁵³

In the Concepts, the EU appears indifferent to the question of whether other parts of the world share these values, either as a reason not to claim them as particularly European or as a reason to think about whether it is appropriate to refer to them. In other words, it is assumed natural that they are both specifically European in origin and of universal application. Moreover, in presenting its ‘value-based actor[ness]’ as that which sets it apart from other mediators, the EU suggests that other mediators are less committed to values. The Concept does not recognise that other mediators may also be committed to values, whether the same or different ones. As Thomas Diez has argued with respect to the EU’s self-definition as a ‘normative power’, this self-presentation is possible only by simultaneously constructing an image of an outside world of others who are presumed to be less normative.¹⁵⁴ This self-representation reinforces the Eurocentric idea of being at the top of a hierarchy of moral sentiments.¹⁵⁵

In the 2009 Concept, the EU values/principles are the most prominent type of norms. They primarily appear as the rationale for why the EU would be such an ideally placed mediator. The implied idea is that merely by being devoted to these principles/values, the EU promotes them when acting internationally.¹⁵⁶ But this idea is challengeable, for several reasons.

First, there is little ground for the assumption that peace at home means peace abroad or that internal norms more generally translate into a predisposition to uphold them abroad. European countries have a long history of invoking different norms for the relations among themselves and for their relations with those considered outside. During colonialism, the liberal peace was a war-mongering ‘peace’: peace in Europe went hand in hand with violence, conquest and predation beyond its borders. Foundational principles of international law – respect for which is one of the EU’s values – such as sovereignty were developed, as Tony Anghie has argued, on the basis

¹⁵³2020 Concept, 4 (emphasis added).

¹⁵⁴Diez, ‘Constructing the Self and Changing Others’.

¹⁵⁵Michael Merlingen, ‘Everything is Dangerous: A Critique of “Normative Power Europe”’ 38 (4) (2007) Security Dialogue 435.

¹⁵⁶See, for example, ‘Based on its own experience as a peace project and its engagement for human rights and the rule of law, the EU is a credible promoter of dialogue and mediation as a non-coercive response to tensions and conflict’, 2009 Concept, 6. See also 2020 Concept, 11, ‘Based on its own experience as a peace project and its track-record of peacebuilding, prevention of conflicts, reconciliation, democracy and human rights, the EU is a recognised promoter of and spokesperson for dialogue and mediation as an effective tool of first response to conflicts’. See also the quote at footnote flag 196.

of the distinction between ‘civilised’ and ‘non-civilised’.¹⁵⁷ The same distinction shaped who was considered as enjoying international legal personality, entitled to land or covered by the laws of war.¹⁵⁸

Secondly, that which is to be exported – whether ‘civilisation’ in the days of colonialism or the values stated in the TEU – has always been the projection of an ideal, not a photograph. As Kalypso Nicolaïdis and Robert Howse have argued with respect to the idea of the EU as a civilian power, the export product ‘is not the EU *as is*, but an EUtopia’: it is not what the EU is, but what it *wants* to be.¹⁵⁹ Internally, this abstract EUtopia serves a unifying function: it is perhaps the only vision on which all EU institutions and Member States can agree.¹⁶⁰ However, those who encounter the EU are more likely to perceive the norms as they are reflected in practices. And, as will be elaborated in the next section, these practices, both at home and abroad, are not isomorphic with the espoused norms. What to the EU may appear as a continent of peace, human rights and the rule of law, can from the outside also be seen as a political power that pushes migrants back out to the sea,¹⁶¹ that allows immigrant labourers to die due to exploitation,¹⁶² and to which the biggest fish are exported even at times when there is hunger in the areas where they are caught.¹⁶³

The list of ‘foundational values’ that the EU ‘should consistently engage on’ has expanded since 2009. The 2009 Concept mentioned peace, democracy, human rights and sustainable development. By 2020, foundational values include respect for human dignity, freedom, democracy, the rule of law and the respect for human rights, including the rights of persons belonging to minorities as well as pluralism, non-discrimination, tolerance, justice, solidarity and gender equality.¹⁶⁴

B. Definitions as norms: the 2020 backpack’s new normative colour

Another way that the 2020 Concept normatively differs from the 2009 concept is in its definition of ‘mediation’. The 2009 Concept provided that ‘[a] primary goal [of mediation] is often to prevent or end violence through cessation of hostilities or cease fire agreements’.¹⁶⁵ In the 2020 Concept, this sentence has disappeared. Instead, the Concept provides: ‘In order to ensure peace and stability in the long-term, mediation should aim at a process that is inclusive of peace constituencies and be cognisant of and, as appropriate, address the root causes of conflict.’¹⁶⁶ Thus, whereas in 2009, the EU still valued peace as the absence of violence, the 2020 Concept implicitly

¹⁵⁷ Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press 2005).

¹⁵⁸ See, among many others, Anghie, *Imperialism, Sovereignty, and the Making of International Law*; Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge University Press 2002); Frédéric Mégret, ‘From “Savages” to “Unlawful Combatants”’: A Postcolonial Look at International Humanitarian Law’s “Other”, in Anne Orford (ed), *International Law and Its Others* (Cambridge University Press 2006) 361; Nicolaïdis et al, ‘From Metropolis to Microcosmos’; Sara Kendall, ‘Humanitarian Complicity in International Legal History’, forthcoming in *Legal Humanitarianism: Care and Complicity in the Global Legal Order*, on file with author and Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Reissue, with a new preface by the author, Princeton University Press 2008) 4: ‘The European colonizer of the nineteenth century both preached this Enlightenment humanism at the colonized and at the same time denied it in practice.’

¹⁵⁹ Nicolaïdis and Howse, ‘This Is My EUtopia ...’.

¹⁶⁰ See also Diez, ‘Constructing the Self and Changing Others’.

¹⁶¹ Carlotta Gall, ‘“They Just Left Us”: Greece Is Accused of Setting Migrants Adrift at Sea’, *New York Times*, 18 July 2021, <<https://www.nytimes.com/2021/07/18/world/europe/greece-migrants.html>> accessed 2 February 2022.

¹⁶² Tobias Jones and Ayo Awokoya, ‘Are your tinned tomatoes picked by slave labour?’, *The Guardian*, 20 June 2019, <<https://www.theguardian.com/world/2019/jun/20/tomatoes-italy-mafia-migrant-labour-modern-slavery>> accessed 2 February 2022.

¹⁶³ Hubert Sauper, *Darwin’s Nightmare*, 2004, <<https://www.imdb.com/title/tt0424024/>> accessed 2 February 2022; Mike Davis, *Late Victorian Holocausts: El Niño Famines and the Making of the Third World* (Verso 2001).

¹⁶⁴ 2020 Concept, 4.

¹⁶⁵ 2009 Concept, 3.

¹⁶⁶ 2020 Concept, 3.

dismisses it as not enough. Instead, mediation requires identification of ‘root causes’,¹⁶⁷ which then must be addressed. While the EU thus makes the objective of mediation more ambitious, it shifts its definition of success from the outcome of the process to the conduct of elements of the mediation process. For instance, promoting the inclusion of marginalised groups in a peace process is in and of itself an indicator of ‘success for EU mediation’.¹⁶⁸ The process of mediation thus becomes more and more an end in itself.

C. Norms to be promoted in a peace process: an increasingly heavy backpack

In the 2009 Concept, the EU mediator’s primary substantive normative agenda to be promoted is that of ‘transitional justice and human rights’. The ‘principle’ is explained as requiring some topics to be on the agenda of peace talks and in the table of contents of a peace agreement: ‘Issues such as holding human rights violators accountable in justice for their actions, reparations to victims, reintegration of ex-child-soldiers, restitution for property and land as well as the return of IDPs and refugees *have to be tackled* during the peace negotiations and the drafting of peace agreements.’¹⁶⁹ The explanation of the principle also guides the EU as to how it must approach some of these topics: ‘EU mediation efforts must be fully in line with and supportive of the principles of international human rights and humanitarian law, and must contribute to fighting impunity for human rights violations.’¹⁷⁰ Some have commented on the fact that the 2009 EU Concept did not explicitly ban EU support for the use of amnesties for international crimes and human rights violations, unlike earlier UN internal guidance.¹⁷¹ But in a way, the 2009 Concept goes further than the UN guidance: ‘fighting impunity’ is a more interventionist agenda than not supporting amnesties. The 2009 Concept does acknowledge, however, that there can be tensions between this instruction and the objective of peace mediation where it states: ‘Although it is widely acknowledged that it is only through justice to victims that enduring peace can be achieved, there are often tensions between these two objectives, and the EU should consider on a case by case basis how best to support transitional justice mechanisms, including addressing impunity.’¹⁷² As the structure of this sentence suggests, in the 2009 Concept, transitional justice is still presented as a field of tension between peace and justice: the main clause of the sentence is an assertion about existing tensions, while the message that ‘it is widely acknowledged’ that they often go hand in hand is in a subordinate clause.¹⁷³

However, by 2020, this political tension is no longer acknowledged. Rather, transitional justice appears as only one aspect of a broader human rights agenda in peace negotiations, which must be dealt with in accordance with the EU’s specialised ‘policy framework on transitional justice’ of 2015.¹⁷⁴ According to this policy framework, ‘[t]he EU firmly believes in the principle that there cannot be lasting peace without justice’.¹⁷⁵ The EU has thus replaced its empirical observation about tensions between peace and justice in the 2009 Concept with a normative principle: peace

¹⁶⁷On the impossibility of agreeing on, and the limited usefulness of focusing on, root causes, see Susan L Woodward, ‘Do the Root Causes of Civil War Matter? On Using Knowledge to Improve Peacebuilding Interventions’ 1 (2) (2007) *Journal of Intervention and Statebuilding* 143. See also Susan Marks, ‘Human Rights and Root Causes’ 74 (1) (2011) *Modern Law Review* 57.

¹⁶⁸2020 Concept, 4.

¹⁶⁹2009 Concept, 8 (emphasis added).

¹⁷⁰2009 Concept, 8.

¹⁷¹Kastner, ‘Promoting Professionalism’, 28.

¹⁷²2009 Concept, 8.

¹⁷³See also 2009 Concept, 7, where the section on ‘assessment of risks’ identifies as one of the risks ‘potential tensions between the EU’s normative commitments to international law and human rights and short-term conflict management objectives’.

¹⁷⁴2020 Concept, 7.

¹⁷⁵EU’s policy framework on support for Transitional Justice, 16 November 2015, 10 <<https://data.consilium.europa.eu/doc/document/ST-13576-2015-INIT/en/pdf>> accessed 3 February 2022.

without justice is no good peace. This loads the backpack, because the consequence that the EU attaches to this observation is that it ‘supports the established United Nations policy to oppose amnesties for war crimes, crimes against humanity or gross violations of human rights, including in the context of peace negotiations’.¹⁷⁶ In fact, the EU’s policy goes a step further than the UN report to which it refers. Whereas that report recommends the UN to ‘[e]nsure that peace agreements and Security Council resolutions and mandates *reject any endorsement of amnesty*’ for such crimes – it does not mention gross violations of human rights – the EU speaks in the abstract of *opposing* such amnesties. The UN policy has meant in practice that the UN does not sign agreements that contained such amnesties; the UN has not *opposed* agreements that contained them if the UN was not a signatory itself. Thus, when the parties in Yemen insisted on an amnesty, the UN’s policy prohibited it from witnessing the agreement, but the UN could continue assisting in other aspects of the peace process.¹⁷⁷ The EU’s policy of having to oppose amnesties is more likely to be tied to withdrawing support altogether.¹⁷⁸

The final principle of the 2009 Concept, namely that EU mediation activities should at all stages of the process incorporate the principles of UN Security Council resolutions 1325 and 1820, has both a procedural and substantive aspect.¹⁷⁹ Procedurally, the EU specifically commits to women’s participation in peace processes and ensuring that ‘gender expertise’ is available from the early stages of the process. Substantively, it requires that ‘[m]ediation processes must adequately account for sexual violence as well as the need to protect civilians from it and to fight impunity’.¹⁸⁰

By 2020, this commitment to women’s participation and attention to sexual violence and gender expertise is updated to what by then has emerged as the full ‘Women, Peace and Security (WPS) agenda’. The 2020 Concept also contains more specific guidance: ‘The EU has set a target of minimum 33 percent women participation in all EU actions related to peace processes’.¹⁸¹

The 2020 Concept also introduces new substantive areas to be considered by the EU mediator in a peace process: climate and natural resources as well as cultural heritage. The Concept does not go as far as presenting these as issues that must be addressed in peace talks or in an agreement.¹⁸² But these are factors that the EU mediator must consider when approaching a mediation. It states that ‘[t]he EU should . . . draw on its extensive climate and environmental experience’.¹⁸³ This experience is presented only in a positive light: as a resource, as expertise. There is no reference to possible complicity, in other words, to the EU’s history of contributing to climate change. With respect to cultural heritage, it is presented as a given that this is of ‘strong symbolic importance for local communities’ and that ‘[c]ultural heritage is key to restoring the social fabric that sustains peace agreements and reconciliation’.¹⁸⁴ There is no reference to all the cultural objects in the territory of the EU that have been looted from outside the EU. The annexed EU Mediation

¹⁷⁶EU’s policy framework on support for Transitional Justice.

¹⁷⁷For instance, in Yemen. See ‘Commentary: Marc Weller, University of Cambridge’, in Steven Van Hoogstraten et al (eds), *The Art of Making Peace: Lessons Learned from Peace Treaties* (Brill/Nijhoff 2016) 54, 65.

¹⁷⁸In another respect, the EU Concept is less demanding than policies developed by the UN: whereas the UN emphasises that UN senior officials should not meet with people sought by the International Criminal Court unless this is strictly necessary, the EU Concept asserts in half a sentence that ‘mediation requires being open to speaking to all peace and conflict stakeholders whose positions have a bearing on the prospect for sustained peace’. (Compare United Nations Office of Legal Affairs, ‘Interoffice memorandum relating to the United Nations position on peace and justice in post-conflict societies’, 25 September 2006, in *United Nations Juridical Yearbook* 2006, 498, 500 with 2020 Concept, 7).

¹⁷⁹2009 Concept, 9.

¹⁸⁰2009 Concept, 9.

¹⁸¹2009 Concept, 8. The same page also includes a one-line instruction that ‘[t]he EU encourages the construction of masculinities and femininities consistent with peace’. The Concept does not elaborate on what this means, suggesting it may (only) be a concession to a lobby.

¹⁸²Guidelines, 24, go a step further with respect to climate change by requiring mediators to ‘acknowledge that a peace agreement should be “climate-proof”’.

¹⁸³2020 Concept, 8.

¹⁸⁴2020 Concept, 8.

Guidelines add some further areas that the mediator must consider, such as religion and the psychosocial dimension.

There is probably no harm in having a mediation team that is fully aware of, and up to speed with, all these matters. But the question does arise as to how much scope there is for truly engaging with the specifics of the conflict at hand if so much textual, political and mental space has been dedicated to issues that have been predetermined to be ‘key’. Before a mediation team begins to understand a conflict, it has already been determined that women’s participation, climate, cultural heritage and transitional justice must be considered as part of the solution. The toolbox has already been packed, and as we know from Maslow’s law of instrument (‘if the only tool you have is a hammer, you tend to see every problem as a nail’), tools shape how problems are understood.

There is one reference in the entire 2020 Concept to ‘local contexts’. The Guidelines, however, speak more often of ‘the local’: of efforts at the ‘local level’ that need to be connected to the ‘global level’, of ‘local views and ownership’, of ‘international and local experts’, of ‘integrating local perspectives to [sic] the overall analysis’, and of ‘maximis[ing] local ownership’. But as the juxtapositions between global and local reveal, these descriptors portray the ‘international’ and ‘global’ as a strongly interconnected centre of expertise, in which the local can only feed in. There is no reflection of the fact that ‘the locals’ may be at least as - if not more - globally interconnected than the ‘internationals’. In the Concepts, like Ole Sending has argued in the context of UN peacebuilding, ‘the local’ ‘is a product of and systematically made subordinate to the concept of the international’.¹⁸⁵ Illustrative is the Guideline’s reference to ‘the need for mediation strategies that ... help generate broad national ownership’: even national ownership is something that is expected to be generated by outsiders.¹⁸⁶

Accompanying the 2020 Concept’s lonely reference to ‘local contexts’ is a crucial word: humility. But both terms come literally as an after thought: they are textually buried under a paragraph that sets the EU apart as a value-based mediator:

The defining feature in EU mediation is that the EU is a value-based actor. The EU’s foundational values, as set out in Article 2 TEU ... set the EU apart as a mediation actor. The EU should consistently engage on the basis of its foundational values which include respect for human dignity, freedom, democracy, the rule of law and the respect for human rights, including the rights of persons belonging to minorities as well as pluralism, non-discrimination, tolerance, justice, solidarity, and gender equality. The value-based actor principle is implemented hand-in-hand with a sense of humility and respect for local contexts.¹⁸⁷

The EU values and ‘a sense of humility and respect for local contexts’ are said to go hand in hand, but one hand appears much bigger than the other. Moreover, the need for humility and respect of local contexts seems to kick in only at a second, less principled, stage: whereas the values are presented as universally relevant in general, humility and local contexts become relevant only in the *implementation* of those values.¹⁸⁸

D. Norms on the process of peace mediation: an increasingly heavy backpack

The Women, Peace and Security agenda, discussed above because it closely interknits substantive and procedural concerns, illustrates the increasingly heavy backpack of procedural norms. The EU commits itself to at least 33 per cent women participation in all EU actions related to peace

¹⁸⁵Ole Jacob Sending, *The Politics of Expertise: Competing for Authority in Global Governance* (University of Michigan Press 2015) 9.

¹⁸⁶Guidelines, 12 (emphasis added). More compatible with the idea of ownership is the Concept’s usage of ‘retaining’ ownership (2020 Concept, 3 and 10).

¹⁸⁷2020 Concept, 4.

¹⁸⁸I thank Martijn Hesselink for highlighting this.

processes. However, as mentioned above, the 2020 Concept includes a more general principle of ‘inclusivity’ in peace processes. According to the EU mediation principle: ‘the EU favours all-of-society approaches to sustaining peace that focuses [*sic*] on giving voice to all groups and leaving no-one behind. Women and youth draw particular attention from the perspective of meaningful participation.’¹⁸⁹

In its embrace of the ‘inclusivity agenda’, the EU follows a more general trend in the world of peace mediation and beyond. At the UN, the inclusivity agenda can be seen as having replaced that of democracy.¹⁹⁰ Having emerged soon after the end of the Cold War, in a time that some in the West thought that history had ended and everybody agreed upon democracy as the only acceptable way of governance, the democracy agenda has been quietly disappearing since the late 2000s. With the re-emergence of geopolitics and explicit contestation of the universal prescription of western forms of governance, democracy became harder for the UN to promote. The UN, and in its footsteps the EU, have shifted to the seemingly more technical and neutral agenda of ‘inclusivity’.

Critical reflexivity would reveal, however, that the frame through which and from which this value of inclusivity is preached remains contingent and contested. As Sara Kendall has argued in a different context: ‘Inclusion takes arrival within the frame as its objective without questioning the ontology of the frame itself, which harbours traditions of knowledge-production and dominant approaches that may accompany membership within it.’¹⁹¹ In peace mediation, too, the frame in which people are being included is politically contested: who should be involved in decision-making and how? Who has the power to include and exclude? What does it mean to be included? While the inclusion agenda seems to be all about enhancing marginalised groups’ agency in society, the fact that the categories to be included (here: women, youth) have been predetermined also denies agency, namely the power to decide how to organise political representation.¹⁹² The inclusivity agenda cannot avoid the contingency and contestation that characterises the discussion about democracy.

The rise of inclusivity as the seemingly technical substitute for the politically too contested value of democracy could point to a more general explanation for the increasing weight of the EU’s mediator normative backpack. At first sight, the increase in normative weight between 2009 and 2020 is surprising. By 2020, norms that the West considered during the 1990s to have been universally accepted – democracy, rule of law, human rights, refugee law – were under attack again, both from outside and from within the EU. The UN and western states retreated from their ambition to promote the liberal peace abroad, instead focusing on stabilisation.¹⁹³ But in the EU’s mediation agenda, we see norms become more prominent. The explanation may be that compared to the other activities of the war-to-peace transition industry (peacekeeping, peacebuilding), mediation appears less ambitious and more neutral: mediators are mere go-betweens who do not impose anything. The backpack provides an opportunity still to bring along some of the contested concepts, now in the technical, seemingly neutral, language of effective mediation.¹⁹⁴ However, no matter how technically the baggage is wrapped, in large parts of the world, people will recognise the backpack: there are the Europeans again, with their standards. Through critical self-reflexivity, the EU would be able to recognise this obstinate baggage.

¹⁸⁹2020 Concept, 5.

¹⁹⁰See Curtis, ‘The Interests in Inclusivity in Peace Negotiations’.

¹⁹¹See Sara Kendall, ‘On Academic Production and the Politics of Inclusion’, 29 (3) (2016) *Leiden Journal of International Law* 617. See also Grovogui, *Beyond Eurocentrism and Anarchy*, 47: ‘The first may, for the purposes of inclusion, allow for revision of knowledge and commonsense to account for diversity; but the forms of inclusion are grounded in assimilation or subordination to its notions of universality, rationalism, and the common good of other supposed lesser values, norms and institutions.’

¹⁹²See also Nicolaidis et al, ‘From Metropolis to Microcosmos’, 735–6.

¹⁹³See note 105 and accompanying text.

¹⁹⁴See also note 168 and accompanying text, on how the 2020 Concept defines ‘success for EU mediation’ beyond peace process outcomes.

5. Obstinate baggage

The EU's role as a peace mediator is enshrined in our strong commitment to the rules-based multilateral order. Promoting international peace and security is part of the EU's DNA and the EU is uniquely placed to do so. We are seen as a credible actor, an honest-broker and a "smart power".

Helga Schmid, Secretary General of the European External Action Service.¹⁹⁵

'A peace project in itself, support to peace is inherent to the EU identity and reflected throughout its actions' (2020 Concept).¹⁹⁶

The Concepts give the impression of the EU arriving as a mediator (whether as lead mediator or supporter) with a clean slate, as if Europe has not already been present in the situations where it offers support for mediation, or they present the EU as an actor that has been present for a long time and in that way has built up trust.¹⁹⁷ But in many places, the EU is seen to arrive with baggage that challenges the EU's self-understanding of having international peace in its DNA, as an honest broker, or more generally, as a force for good in world politics: the EU is the successor to the Europe that came to conclude treaties that led to dispossession, exploitation and humiliation and whose norms and standard of civilisation led to subjugation. It is also the same Europe as that which had the sense that it was right and proper to govern others at a distance.¹⁹⁸ Of course, there are significant differences between then and now. The EU and the European imperial states do not isomorphically overlap.¹⁹⁹ Moreover, the EU's foreign policy is not out to occupy territory or enslave people. In the field of peace mediation, the EU recognises that the UN, not Europe, is the global standard setter. And the norms in the Concepts are more procedural than substantive and primarily serve as standards for EU mediators as opposed to the rest of the world. Yet, in many places in the world, and not only the parts that were officially colonised, there are deep running memories of a Europe that felt itself superior and acted accordingly.²⁰⁰ These memories are not just stories about the past that pass through generations; the legacy of the encounter with 'Europe' is present like obstinate baggage. This obstinate baggage shapes how Europe is seen when it arrives as a mediation actor.

The EU Concepts show very little awareness of the impact that this baggage has for any role that the EU may wish to play in mediation beyond Europe. The EU's acceptance speech at the occasion of the award of the Nobel Peace Prize symbolises how the EU more generally ignores the weight of the past interventions of Europeans, then unified in a self-image of civilisation, now as a political community. Before turning to the EU's ambitions for promoting peace in the world, Von Rompuy and Barroso started with the EU 'at its origins', asserting that the EU in its first 60 years had reunified Europe around 'values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights'.²⁰¹ Perhaps unsurprisingly for a Nobel

¹⁹⁵Helga Schmid, Foreword to the EEAS Peace Mediation Guidelines, European External Action Service, December 2020, 4.

¹⁹⁶2020 Concept, 9.

¹⁹⁷2020 Concept, 10.

¹⁹⁸See Nicolaïdis et al, 'From Metropolis to Microcosmos'.

¹⁹⁹For instance, not all current EU Member States have colonial histories and Europe continues to be larger than the EU. And yet, methodologically it can be justified to refer to the Europe of then and the EU of now in one tradition in that both were dominated by a distinctive epistemic elite (politicians, diplomats, lawyers) that has created and sustained a pan-European discourse through which it claims to represent 'Europe'. See also Nicolaïdis et al, 'From Metropolis to Microcosmos', 722–3.

²⁰⁰See Nicolaïdis et al, 'From Metropolis to Microcosmos', and Ayşe Zarakol, *After Defeat: How the East Learned to Live with the West* (Cambridge University Press 2011).

²⁰¹See Section 3.

Peace Prize acceptance speech, the EU duumvirate made no reference to another project that had driven the European Community in the 1950s and 1960s: Eurafrica. Peo Hansen and Stefan Jonsson have argued that the plan behind Eurafrica was that pooled European sovereignty would translate into collective European colonialism, producing a European power that could counter-balance the United States and USSR, and could assist the European Community Member States in their struggle to keep the reign over their colonies.²⁰² By recalling only the history of a European Community that wanted to break with, rather than continue, its Member States' past, the EU statement in response to the Nobel Prize fits under the umbrella of what Kalypso Nicolaïdis has labelled the EU's 'selective amnesia' about its own origins, leading to a story of the 'virgin birth'.²⁰³ But no matter how often the EU repeats this story to itself, a large part of the world that 'sees' the EU as a mediator is unlikely to subscribe to it.

For a better understanding of its own position, the EU should thus ask more critical questions to itself: how does 'the world' – in all its diversity – see the EU as a mediation actor? What does the EU look like in the bigger picture of the field of mediation? How do its mediation practices relate to those of other actors and how have they been shaped by them? What can it learn from (undocumented) practices elsewhere? How can the EU avoid an autobiographical understanding of itself? Such critical reflexivity and the ensuing humility are important not only to recognise the associations of the normative backpack in the eyes of the beholders; they are also essential to recognise continuities between European colonialism and the present. The text of the Concepts illustrates that the end of European colonialism has not heralded the end of eurocentrism: the sensibilities that fostered eurocentrism still do important work.²⁰⁴ The EU sees itself as epistemologically and normatively superior, while adopting understandings of key notions – peace, mediation – that are based on an idealised version of itself: peace as it ideally exists within the EU and mediation as a supposed apolitical space that suits the EU's own technocratic approach. Neither understanding reflects European realities and neither reflects how the world sees and knows the EU.

The sense of superiority that underpins the eurocentrism identified in the Concepts limits the EU's potential actually to make a contribution to the world of peace mediation. Colonialism has shown how a mistaken belief in holding the truth and doing the right thing stands in the way of recognising that policies have the opposite of intended effects and that the invoked norms, principles and values may serve only to legitimise internally the pursuit of crude political and economic interests.²⁰⁵ The Concepts risk doing the same: while they highlight the EU's values, they do not reflect that the EU is often already present, or indeed, part of the conflicts for which it is offering its mediation services, for instance, through its trade policies and practices, its funding instruments and its common foreign policy, or the lack thereof. If the focus was less on superiority of values, more attention could be paid to questions such as: what else – other than mediation – does the EU tend to export? Is peace really in the EU's DNA if EU Member States are collectively the second largest supplier of weapons in the

²⁰²Peo Hansen and Stefan Jonsson, *Eurafrica: The Untold History of European Integration and Colonialism* (Bloomsbury 2014).

²⁰³Nicolaïdis, 'Southern Barbarians', 3–4.

²⁰⁴See also Fisher Onar and Nicolaïdis, 'The Decentering Agenda', 284: 'Eurocentrism stubbornly survived European imperialism.'

²⁰⁵In the 2009 Concept, interests were almost absent. They are much more present in the 2020 Concept, where it is explicitly argued that the EU's values and interests 'go hand in hand'. See, in the section on the 'EU as a value-based actor', 5: 'EU foundational values and interests go hand in hand, as peace and security, prosperity, human rights, rule of law, democracy, a rules-based global order and effective multilateralism are key objectives underpinning EU external action. The EU recognises that mediation engagements are highly complex in nature, and may require a level of principled pragmatism to achieve overarching objectives. The EU considers that its geopolitical interests and its conflict resolution efforts are complimentary [sic] priorities aligned with EU foundational values. The EU's strengths in mediation add to its geopolitical power.' (emphases added). The declared beneficial combination of the two echoes the colonial justification for interventions. See also Rachel Kleinfeld and Kalypso Nicolaïdis, 'Can a Post-Colonial Power Export the Rule of Law? Elements of a General Framework', in Gianluigi Palombella and Neil Walker (eds), *Relocating the Rule of Law* (Hart 2009) 139.

world?²⁰⁶ What is the impact of the EU's externalisation of migration control on conflicts?²⁰⁷ What is the link between the EU's objection to free trade in agricultural products or land grabbing by European companies and grievances that fuel conflicts? What is the impact of the EU's demand for metals, minerals and forest risk commodities on the social, political and environmental situation in which conflicts take place?²⁰⁸ Finally, what is the impact of the EU's *lack* of a common foreign policy with respect to conflict situations on mediation efforts (for instance, in Libya, where some EU Member States provided backing to one party and other EU Member States to the other)?²⁰⁹ The Concepts do identify a guiding principle, namely coherence, that offers an opportunity for considering such questions,²¹⁰ but have not grasped the opportunity ... yet.²¹¹

Critical self-reflexivity by those who author, discuss and adopt these texts through a dialogue based on equality with intended beneficiaries of the EU's mediation activities can help identify

²⁰⁶See Pieter D Wezeman, Alexandra Kuimova and Siemon T Wezeman, 'Trends in International Arms Transfers 2020', *SIPRI Fact Sheet*, March 2021, <https://sipri.org/sites/default/files/2021-03/fs_2103_at_2020.pdf> accessed 3 February 2022. Take Yemen as an example. The Mediation Factsheet of the EU's Integrated Approach for Security and Peace Directorate reports that the EU does the following in support of peace mediation in Yemen: 'The MST supports coordination with the UN at different levels, advises on economic peace process issues and has provided advice on ceasefire and de-escalation mechanisms. The EU provides for a digital ceasefire monitoring tool and co-facilitates a technical ceasefire working group. It promotes inclusive approaches to peacemaking through the steering of several Track II (Regional power figures, e.g. religious dignitaries, academics, intellectuals) initiatives in the country.' The database of the Stockholm International Peace Research Institute allows one to reconstruct the value of weapon exports by EU countries to Saudi Arabia between the intervention of the Saudi-led coalition in Yemen in 2015 and 2020: almost 1.8 billion euros, if one excludes United Kingdom (UK) exports. If one includes the UK, the total is more than 4 billion euros. See <https://eeas.europa.eu/sites/default/files/isp2_mediation_factsheet_for_publication_20022021.pdf> and <https://armstrade.sipri.org/armstrade/html/export_values.php> accessed 3 February 2022. Note, in comparison, that the EU's budget for its *global* programme on Peace, Stability and Conflict Prevention in 2021–7 amounts to 'almost €900 million'. See Press Release, 'Peace and security in the world: EU launches new programme to support peace, stability and conflict prevention', 22 December 2021, <https://ec.europa.eu/fpi/peace-and-security-world-eu-launches-new-programme-support-peace-stability-and-conflict-prevention-2021-12-22_en> accessed 3 February 2022.

²⁰⁷See, for instance, Martin Lemberg-Pedersen, 'Effective Protection or Effective Combat? EU Border Control and North Africa' in P Gaibazzi, S Dünnwald and A Bellagamba (eds), *EurAfrican Borders and Migration Management* (Palgrave 2017) and Eva Magdalena Stabøl, 'The Rise of Crimefare Europe: Fighting Migrant Smuggling in West Africa' 24 (3) (2019) *European Foreign Affairs Review* 287.

²⁰⁸See, for instance, Sorcha Pollak, 'Coal "stained with Colombian blood" is bought and sold in Dublin', *Irish Times*, 11 May 2019, <<https://www.irishtimes.com/news/world/coal-stained-with-colombian-blood-is-bought-and-sold-in-dublin-1.3885023>> accessed 3 February 2022. On the EU as an importer and consumer of Forest Risk Commodities, see Gracia Marín Duran and Joanne Scott, 'Regulating Trade in Forest-Risk Commodities: Two Cheers for the European Union' forthcoming in *Journal of Environmental Law* 2022; see also their 'Reducing the European Union's Global Deforestation Footprint through Trade Regulation', *EUI Law Working Paper* 2021/14.

²⁰⁹See also the comment by Katia Papagianni during a panel at the European University Institute's State of the Union conference 2021, identifying as a weakness of the EU as a mediation actor its 'inability to have a united voice', giving Libya as an example. 'The EU as a human rights-promoting peace mediator?', State of the Union, European University Institute, online, 6 May 2021, <<https://www.youtube.com/watch?v=t2BFKNz7hHY>> accessed 3 February 2022 (hereinafter, State of the Union panel).

²¹⁰So does (post-Lisbon) article 21(3) TEU, requiring the Union to 'ensure consistency between the different areas of its external action and between these and its other policies'. See also, more generally and oriented slightly differently, article 7 of the Treaty on the Functioning of the European Union: 'The Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers.' For a discussion of the development and meaning of the consistency principle(s) in EU law, see Christian NK Franklin, 'The Burgeoning Principle of Consistency in EU Law' 30 (1) (2011) *Yearbook of European Law* 42; Leonard den Hertog and Simon Stroß, 'Coherence in EU External Relations: Concepts and Legal Rooting of an Ambiguous Term' (2013) *European Foreign Affairs Review* 373 and Christophe Hillion, 'Tous Pour Un, Un Pour Tous! Coherence in the External Relations of the European Union', in Marise Cremona (ed), *Developments in EU External Relations Law* (Oxford University Press 2008) 10.

²¹¹For an immanent critique with respect to the EU's ambition to promote democracy through economic conditionality in the European Neighbourhood Policy, see Tom Theuns, 'Promoting Democracy through Economic Conditionality in the ENP: A Normative Critique' 39 (3) (2017) *Journal of European Integration* 287.

lingering Eurocentric sensibilities, challenge them, and produce better texts. It would also allow the EU to be more effective in its stated aim of promoting peace, no matter how it is defined. More generally, reflexivity and the ensuing decentring of Europe could prevent the EU from sleepwalking into the civilising mission. To have this decentring effect, reflexivity must be genuinely self-critical. Superficial reflexivity risks only shoring up eurocentrism: Narcissus is alive and staring. Rather, the outcome of critical reflexivity must be integrated and turn existing logics of paternalism and governing on their head. In other words, the reflexive focus on Europe must not enhance eurocentrism but decentre Europe. As I have argued at the opening of this article, that opportunity also exists for this new journal: Europe-focused, and yet decentring it.

6. To be open to the world, the EU needs to decentre Europe

Several scholars have proposed how best (and how not to) decentre Europe.²¹² Drawing on that scholarship, I suggest combining at least three related perspectives: geographical, historical and relational.

Geographically, decentring Europe requires constant and explicit acknowledgement of what should be obvious: that Europe is only one among many places on the globe and that the EU is only one of many forms of political organisation. ‘Provincialising Europe’, as conceptualised by Dipesh Chakrabarty, involves recognising that thought that has emanated from ‘Europe’ – whether, for instance, liberalism or Marxism – is, no matter its universal relevance today, inextricably connected with a specific place.²¹³ Key concepts that have organised that thought, for instance, property, capital, sovereignty, rationality or, indeed, the concept of ‘Europe’ itself, are similarly provincially rooted. And that province is somewhere on this globe’s surface: a surface without any natural centre. For the Concepts on mediation, such a geographic approach would mean bringing that enormous part of the world that is not Europe into the text. It would situate the EU’s efforts amidst numerous mediation practices, including ones that are unwritten, based on practical wisdom and social relations as opposed to technical guidelines, and recognise that the EU’s practices are a relatively small part of all of these. A geographic approach would also lead to a question of appropriateness: as Barney Afako has argued, the nature of the EU, its essentially European structure and personnel, also *limits* what it has to offer – because of these limitations, parties may turn to others as primary mediators.²¹⁴ Such awareness also forces one to interrogate why the EU, unlike for instance the AU, assumes that its mediation practices are primarily intended to be applied outside its own territory. If it aims to mediate outside the EU because it cannot act as neutral third party in its own territory, it should presume reciprocity: the EU should be able to envisage, for instance, the AU mediating Brexit or between Spain and the Catalan independence movement – if the AU was willing to. For future articles in this journal, this geographic approach could mean showing alternatives to ‘the European’ way of doing things, including alternatives to European law(s).

A historical perspective is also inherent in Chakrabarty’s concept of provincialising Europe. For specific places have their own specific histories, including their own intellectual histories. While power, technologies and ideas may travel the world and shape the histories of specific places, the history of one place – Europe – need not predict, either empirically or normatively,

²¹²See Chakrabarty, *Provincializing Europe*; Bilgin, ‘How not to decenter European studies’; Nicolaïdis et al, ‘From Metropolis to Microcosmos’; Barkawi and Laffey, ‘The Postcolonial Moment in Security Studies’; Martti Koskenniemi, ‘Histories of International Law: Dealing with Eurocentrism’ 19 (2011) *Rechtsgeschichte* 152; Tzouvala, ‘The Specter of Eurocentrism in International Legal History’; Gurinder K Bhambra, ‘A Decolonial Project for Europe’ 60(2) (2022) *Journal of Common Market Studies* 229.

²¹³Chakrabarty, *Provincializing Europe*. See also Bhambra, ‘A Decolonial Project for Europe’.

²¹⁴See State of the Union panel.

that of the rest of the world. A historical approach would also address Europe's obstinate baggage and would show that the EU's narrative of a peace project is one of aspiration – for instance, in the area of the norm of inclusivity – where leading by example is a work in progress. This means that the goals set for external policies are also still goals for internal policies. Such recognition is an additional reason for refraining from projecting one's own teleology onto the rest of the world. A historical approach would bring the political back into mediation: how did Europe's own peace project evolve? A historical approach would also allow conflicts to be understood on the basis of their own complex, often global, historical reality, rather than through the prism of predetermined 'root causes'. And for the journal, the historical approach would show that while this journal may make a fresh start, there can be no clean slate for Europe or its law.

To see Europe in its larger context, the geographic and historical perspectives must be supplemented with a relational one.²¹⁵ A relational perspective reveals how Europe – as an idea and as an ever-shifting empirical entity – has always been co-constituted by its imagined 'others'. The province was never created and formed only by whom Europe now usually recognises as its ancestors.²¹⁶ For the EU and mediation, a relational approach would recognise that mediation depends to a large extent on the mediator's relations with the parties. These relations are formed by history and that history has on-going effects – obstinate baggage – also on material relations, replete with asymmetries of power and interest.²¹⁷ A relational approach would also address problematic epistemological hierarchies, for instance, by recognising that in the world of mediation, the EU has much to learn from others, not just the UN and not just those who publish their practices in mediation guidelines. To overcome eurocentrism, the foundation of the relational approach must be equality and reciprocity. When issuing Concepts, the EU should consider whether it is open to being described as a potential object of mediation in the same way as it describes the rest of the world as an object of its mediation services. A relational approach could also foster ways of learning together, as opposed to extractive learning where the European mediator needs to get information from the 'locals'. A relational approach would recognise how 'the local' and 'the international' are mutually co-constitutive. Following Sanjay Seth,²¹⁸ these reflexive approaches could also counter eurocentrism by interrogating the analytical categories that stand for the presumed shared aspiration: what understanding of peace is being pursued and whose understanding is this? How did that understanding come about? EU texts cannot bring all of those with whom the EU is related in, but they must protect a space for those who are part of the relation to speak, representing 'their own wills, desires, and interests, on the one hand, and their political imaginaries, moral systems and notions of identity, politics, community (or society), and law (also obligations), on the other'.²¹⁹ Rather than always suggesting that the EU knows what and how to, the texts could protect a space for asking questions. Such questions then, could also drive this journal. Research published in these pages could bring Europe's 'others' as equals into a story of mutual constitution or indeed, analyse Europe in the world from the perspective of the diverse world around it. Or, one can explore the world in Europe. Either way, it will be difficult to draw boundaries: like most regions, 'Europe' and the world are inextricably interwoven.

²¹⁵See, among others, Barkawi and Laffey, 'The Postcolonial Moment in Security Studies'; Bilgin, 'How not to decenter European studies'; Walsh and Mignolo, *On Decoloniality*.

²¹⁶Amin, *Eurocentrism*, part 3, chapter 3: 'The Construction of a Eurocentric culture'.

²¹⁷Bhambra, 'A Decolonial Project for Europe'.

²¹⁸Sanjay Seth, 'Historical Sociology and Postcolonial Theory: Two Strategies for Challenging Eurocentrism' 3 (3) (2009) *International Political Sociology* 334.

²¹⁹Grovogui, *Beyond Eurocentrism and Anarchy*, 51.

7. A note of optimism

Some seeds for critical self-reflexivity can already be found in the EU.²²⁰ Texts and comments by one of the EU's most experienced mediators, former High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini, both in office and out of office, reveal such reflexivity. Some of her comments during a panel at the European University Institute's State of the Union in 2021 are illustrative.²²¹ When asked how the EU could better use its leverage across the world, she emphasised the importance of respect and humility:

Because of the colonial past of Europe, we have to be cautious . . . We have to know that the first step is listening, understanding and serving, if I can use a word that is not always, often used. But I think it is important for Europeans to understand that they have to apply respect and humility whenever they go mediating or facilitating processes.²²²

Experienced mediators know that humility and empathy are key for mediators in general, and in her comments Mogherini argues that humility may be required specifically on the part of the EU.²²³ Such humility may also translate into the EU's role in mediation: in many situations the EU supports the mediation efforts where others, for instance, the UN, the AU or IGAD are in the lead. It supports these by leveraging its own strengths: financial resources – mediation enterprises can be costly undertakings –, diplomatic backing for the mediators, and economic and political incentives for parties to stick to the peace process and the agreement. The Concepts could recognise that these supportive roles are at times the most appropriate role for the EU to fulfil.

Experienced mediators, including those representing the EU, also know how to deal with the normative backpack subtly. The issue is not that its contents are normatively problematic in and of themselves: some of the values may actually be true values. Rather, the problem is the presumption that the EU (uniquely) holds that truth and that it must bring up the values that it claims as 'European' as incontestable truths during peace talks.²²⁴ In other words, the real question is not so much whether or not the EU travels with a normative backpack but how to carry it, when to open it and what to expect afterwards. As Katia Papagianni of the Centre for Humanitarian Dialogue observed during the same State of the Union panel:

There is a lot of experience in the mediation field that shows that in a strategic and pragmatic way an experienced and sophisticated mediator is able to pursue possibly in modest ways a normative agenda and still be an effective mediator, meaning pursuing conflict resolution goals . . . That is the approach of humility, modesty, engagement with local actors and a long-term engagement.

²²⁰ And even within the Concepts, see Section 3 B, where some openings were identified.

²²¹ State of the Union panel. Mogherini's 2016 strategy for the EU's Foreign and Security Policy also shows more signs of reflexivity than the EU's prior strategy of 2003. See in 'Shared Vision, Common Action', for instance, the recognition of crisis not just outside the EU, but also within (7, 14 and 16); recognition of the risk that the EU promotes values abroad that it does not live up to at home (8, 21); references to 'an appropriate level of ambition' and the need to refrain from imposing EU models or solutions (17, 32).

²²² State of the Union panel.

²²³ See also the comments by Cihan Sultanoğlu, UN Representative to the Geneva International Discussions, during the State of the Union panel, and by Colombian negotiator Sergio Jaramillo Caro on mediation requiring a leap of faith by the parties and the existential fear they need to overcome, in *The Mediator's Studio*, Episode 6, season 2, <<https://www.hdcentre.org/osloforum/podcasts/>> accessed 2 February 2022.

²²⁴ Cf Martijn Hesselink, 'Reconstituting the code of capital: could a progressive European code of private law help us reduce inequality and regain democratic control?', on file with author, 46: '[E]ven if we refuse to give up on the modern project of (self-)critical reason and continue to understand justice as at least in part a matter of universal moral truth (which enables us to denounce colonialism, patriarchy and capitalist exploitation as fundamentally and universally unjust), as I think we should, then still it is not obvious, to say the least, that Europe is the natural or best place to look for these truths.'

Papagianni advises not to use the normative backpack as a ‘list of requirements and demands that need to be implemented tomorrow’.²²⁵ Less subtle mediation actors see peace talks as the moment immediately to offload the entire backpack, demanding women’s representation in all delegations and trials for all those who have committed human rights violations, while writing draft agreements on climate change and cultural heritage. As Barney Afako commented during the panel, putting the backpack on is the easy part: taking it off needs to be reflected upon and needs to be sensitive to context.²²⁶

The fact that a former EU top mediator, Federica Mogherini, is more sophisticated than the EU as it comes across in the Concepts does not make the eurocentrism of the Concepts less problematic. First, when asked how she dealt with the normative backpack in her role as facilitator of what is popularly known as the Iran Nuclear Deal, Mogherini argued that in that role she did not have to bring the backpack along. This meant that she did not have to insist on women representation in the Iranian delegation, or raise issues of transitional justice. One of her arguments for not carrying the backpack was that the Security Council had appointed the High Representative of the EU as an individual, rather than as representative of the EU.²²⁷ But the fact that the High Representative of the EU did not voluntarily carry the backpack along does suggest it is sometimes considered too heavily loaded to be carried along to all mediations in which the EU is involved. While the Concepts suggest that in scenarios that the EU cannot mediate because of its normative commitments, other actors may be better placed to mediate, Mogherini’s account may also indicate that the EU goes nonetheless and simply leaves the backpack at home.

Secondly, even if the most senior mediators never read the Concepts, they do influence modes of action: mediation trainers, technical advisers and budget holders refer to them, shaping how the EU acts in the world. Moreover, the discourse that they set forth in and of itself does work: the Concepts fulfil the role of telling the EU a story about who it wants to be. With texts that reveal the internalisation of more critical reflexivity, the texts may be more effective in getting towards its ideal. The EU has an opportunity when it revises the Concept on mediation. And the now inaugurated European Law Open can show from the outset that, while being focused on Europe, it is open to the world by decentring Europe.

Acknowledgements. This article has benefitted from valuable feedback. Much of this came from people at, or during events at, the European University Institute in Florence. Irina Muñoz Ibarra was a terrific research assistant and also provided most insightful comments on an earlier draft of this paper at the workshop *Politics, Peace and Paperwork*, organised by the International Law Working Group at the European University Institute on 26 November 2021. Sara Kendall, Devon Curtis, Sharath Srinivasan and other participants in that workshop also generously shared ideas that found their ways into this paper. The European University Institute Faculty Seminar of 19 January 2022 confirmed why it is such a blessing to be a member of that department: Martijn Hesselink was the best discussant I could have hoped for and several other colleagues, too, raised points the paper needed to address. At the European University Institute’s School of Transnational Governance, Kalyso Nicolaidis turned from a prominent name in my bibliography into a real interlocutor. I am also grateful to the journal’s reviewers as they pointed out some key issues and to managing editor Harm Schepel for a perfect combination of exhortation and patience. I thank former colleagues in Sudan and South Sudan for opening my eyes and making me see the EU – and myself – in a new light. I alone am responsible for any errors in this piece. The article builds on research done on peace mediation in the context of a larger research project titled ‘Peacemaking: What’s Law Got to Do with It?’, the beginning of which was funded by the Economic and Social Research Council (ES/L010976/1), the Leverhulme Trust (PLP-2014-067) and the Isaac Newton Trust (RG79578). The funders have had no role in study design, data collection and analysis, decision to publish or preparation of the manuscript.

²²⁵State of the Union panel.

²²⁶Barney Afako during State of the Union panel.

²²⁷State of the Union panel.