THE EUROPEAN UNION AND PEACEBUILDING

POLICY AND LEGAL ASPECTS
THE EUROPEAN UNION
AND PEACEBUILDING
POLICY AND LEGAL ASPECTS

edited by

Steven BLOCKMANS
Jan WOUTERS
Tom RUYS
FOREWORD

Dear Reader,

You have in your hands the last part of a trilogy exploring the European Union’s approaches to conflicts and crisis. The titles of these books present well the evolution of the international policy debate and thinking during the first decade of the 21st century from a relatively narrow pre-conflict perspective to a wider approach which encompasses all phases of the crisis. The first part published in 2004 was called ‘The European Union and Conflict prevention’, reflecting how conflict prevention was high on the agenda as a response to the Balkan Wars. In 2008 the second part, ‘The European Union and Crisis Management’, was published as the European Security and Defence Policy (ESDP)-missions had been operational for some years. Finally the series is completed in 2010 with “The European Union and Peacebuilding”.

Peacebuilding is a somewhat flexible concept, of which there is currently no officially agreed international definition. However, this descriptive phrase is perhaps most useful in its most comprehensive sense – efforts aiming at a solid and lasting peace. For the European Union, peacebuilding requires bringing together a variety of external policy tools which include security aspects, mediation and preventive diplomacy, development cooperation and trade relations, in order to make an impact, be coherent and achieve sustainable results.

The European Union has made systematic efforts to ensure an integrated approach to peacebuilding. In this regard, the decisions adopted on the security and development nexus and on fragility in 2007 were a strategic step forward. We are engaged in various activities across the globe, such as for example supporting conflict resolution processes and ensuring the engagement of women in these, as well as building the peacebuilding capacities of regional organisations. Successful peacebuilding requires taking on a preventive focus. Conflict prevention continues to lie at the heart of all European Union activities, as it is the most cost effective and life saving approach. Conflict prevention implies providing early and sustainable assistance to countries under stress and it is the best measure to avoid a relapse into conflict. While building for the future, we must strive to put an end to the suffering caused by legacies of conflicts, such as the scourge of landmines and other inhumane weapons, which continue to create a burden even decades later and delay development and prosperity goals.

Moreover, peacebuilding is also a joint effort in which the international community needs to work together. In this regard the United Nations, international and regional organisations and especially civil society are all vital partners for the European Union. However, international efforts need to involve local communities early on in order to create a nationally owned process, which is a requisite for lasting
peace. Only through partnership with local actors can international norms be combined with a respect and understanding of local context, and promote the transfer of responsibilities and ownership to the populations concerned. In this work we need to engage with local civil society as well as representatives of media and local business communities.

The link between peace, security and development has been widely recognised by the international community, and as a response, the United Nations Peacebuilding Commission (PBC) was created in 2005. The European Union is committed to actively supporting the work of the Peacebuilding Commission on the basis of its experience, resources and worldwide operability.

During the first five years the PBC has brought together all key players on the ground to enable a comprehensive approach to peacebuilding in selected post-conflict states. In 2010 the progress of the PBC so far will be examined in order to take on board lessons learned for the next steps, ensuring that it can discharge its mandate more effectively and better deliver real progress on the ground. 2010 is also the year for the Review Summit of the UN Millennium Development Goals (MDG) aiming at eradicating poverty. The link between countries affected by fragility and conflict and those lagging most behind in attaining the MDGs indicates clearly the need for stronger ties between security and development efforts.

I congratulate the authors of this informative and well-written book, who are not afraid of taking a critical approach. From the point of view of the EU institutions, it is published at a particularly timely moment, as we embark upon a new era in the European Union’s external relations through the implementation of the Lisbon Treaty. I hope that you as a reader will find enriching this thorough and wide ranging description of the various aspects of peacebuilding, a concept that we will undoubtedly keep on discussing in the coming years and a goal at which we will continue to aim.

March 2010

Catherine ASHTON

High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission
PREFACE AND ACKNOWLEDGEMENTS

The present volume constitutes the last part of a triptych, with earlier works dealing with conflict prevention (V. Kronenberger and J. Wouters, eds., The European Union and Conflict Prevention: Policy and Legal Aspects (The Hague, T.M.C. Asser Press 2004)) and crisis management respectively (S. Blockmans, ed., The European Union and Crisis Management: Policy and Legal Aspects (The Hague, T.M.C. Asser Press 2008)). The obvious implication is that we aim at focusing on the final phase of peacemaking efforts to break conflict cycles, on The European Union and Peacebuilding.

Leading practitioners and prominent academics have been invited to explore the wide variety of policy and legal aspects of the European Union’s contribution to building durable peace in countries ravaged by violent conflict. The book is testimony to the enormous complexity of international efforts to break conflict cycles, which requires both long-term commitment and a multi-faceted approach, combining the re-establishment of basic security with the promotion of respect for human rights, the rule of law, good governance and economic recovery.

Given the intricacies and dynamics of the editorial process, some of the contributions were completed prior to the entry into force of the Lisbon Treaty. Where appropriate, these contributions nonetheless refer to the impact expected from the new Treaty. Other chapters have integrated the institutional developments since the Lisbon Treaty became operational. In any event, the editors are convinced that this divergence does not detract from the value of the analyses, nor from the lessons drawn from years of inter-institutional practice and which should be taken to heart to make the Union’s efforts in the field of peacebuilding more efficient and more effective.

We would like to express our sincere gratitude to the practitioners and academics who contributed to this volume. Thanks to their unique insights and high quality contributions, the book offers the first comprehensive and in-depth treatise of the role of the EU in the international peacebuilding endeavour. Special thanks also go to the T.M.C. Asser Instituut for financially supporting the production of this book, to Suzanne Habraken for her sub-editing and language-editing of the manuscript and to Steffen van der Velde for compiling the index and the list of abbreviations. This volume is the result of a fruitful cooperation between the Centre for the Law of EU External Relations (CLEER) and the Leuven Centre for Global Governance Studies.

March 2010

The editors
SUMMARY OF CONTENTS

Foreword by Catherine Ashton V
Preface and Acknowledgements VII
Table of Contents XI
List of Abbreviations XIX

Making peace last. The EU’s contribution to peacebuilding 1
Steven Blockmans, Jan Wouters and Tom Ruys

Part I. EU Peacebuilding – general perspectives

Chapter 1
EU Peacebuilding: Concepts, players and instruments 15
Simon Duke and Aurélie Courtier

Chapter 2
The EU as a peacebuilder: Actorness, potential and limits 55
Nathalie Tocci

Chapter 3
EU enlargement as a peacebuilding tool 77
Steven Blockmans

Part II. Working with partners

Chapter 4
EU-UN cooperation in peacebuilding: Natural partners? 107
Catriona Gourlay

Chapter 5
The EU and the UN Peacebuilding Commission: A short account of how the EU presence has influenced the newest UN body 141
Stefano Tomat and Cesare Onestini

Chapter 6
Cooperation between the EU and the AU in the field of peacebuilding 161
Koen Vervaekte

Chapter 7
Convergence without cooperation? The EU and the OSCE in the field of peacebuilding 175
David Galbreath

Part III. Peace and security

Chapter 8
The European Union and security sector governance 195
David Spence

Chapter 9
Strengthening security, building peace: The EU in the Democratic Republic of Congo 221
Marta Martinelli
Chapter 10  
The European Union and peacebuilding: The case of Chad  
Cees Wittebrood and Christophe Gadrey  

Chapter 11  
EU peacebuilding in Georgia: Limits and achievements  
Michael Merlingen and Rasa Ostrauskaite  

Chapter 12  
The EU in Afghanistan: Peacebuilding in a conflict setting  
Eva Gross  

Part IV. Rule of law, democracy and human rights  

Chapter 13  
The European Union and electoral support  
Patrick Dupont, Francesco Torcoli and Fabio Bargiacchi  

Chapter 14  
Mainstreaming human rights and gender into the Common Security and Defence Policy: The case of the EU Monitoring Mission in Georgia  
Hadewych Hazelzet  

Chapter 15  
EULEX Kosovo: Walking a thin line, aiming for the rule of law  
Stephan Keukeleire and Robin Thiers  

Chapter 16  
The Aceh Monitoring Mission: Securing peace and democracy  
Justin Davies  

Chapter 17  
The European Union and transitional justice  
Thomas Unger  

Part V. Good governance and economic development  

Chapter 18  
International trusteeship and democratic peacebuilding: The EU in the Balkans  
Tonny Brems Knudsen and Christian Axboe Nielsen  

Chapter 19  
A missed opportunity: State building in Bosnia and Herzegovina (October 2002 to October 2006)  
Michael Humphreys and Jasna Jelisić  

Chapter 20  
Meeting the challenge of state building: EU development policy and cooperation in post-conflict countries  
Philippe Darmuzey  

Chapter 21  
The EU and the Kimberley Process: A new international actor for new international relations  
Stéphane Chardon  

List of Contributors  

Index
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword by Catherine Ashton</td>
<td>V</td>
</tr>
<tr>
<td>Preface and Acknowledgements</td>
<td>VII</td>
</tr>
<tr>
<td>Summary of Contents</td>
<td>IX</td>
</tr>
<tr>
<td>List of Abbreviations</td>
<td>XIX</td>
</tr>
<tr>
<td>Making peace last. The EU’s contribution to peacebuilding</td>
<td>1</td>
</tr>
<tr>
<td>Steven Blockmans, Jan Wouters and Tom Ruys</td>
<td></td>
</tr>
<tr>
<td>1. Introduction to the book</td>
<td>1</td>
</tr>
<tr>
<td>2. Scope and objective</td>
<td>4</td>
</tr>
<tr>
<td>3. Overview</td>
<td>5</td>
</tr>
<tr>
<td>Part I. EU Peacebuilding – general perspectives</td>
<td></td>
</tr>
<tr>
<td>Chapter 1</td>
<td>15</td>
</tr>
<tr>
<td>EU Peacebuilding: Concepts, players and instruments</td>
<td></td>
</tr>
<tr>
<td>Simon Duke and Aurélie Courtier</td>
<td></td>
</tr>
<tr>
<td>1. Introduction</td>
<td>15</td>
</tr>
<tr>
<td>2. Concepts and definitions</td>
<td>16</td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td>16</td>
</tr>
<tr>
<td>2.2 The UN’s understanding of peacebuilding</td>
<td>18</td>
</tr>
<tr>
<td>2.3 The EU’s understanding of peacebuilding</td>
<td>21</td>
</tr>
<tr>
<td>2.3.1 Introduction</td>
<td>21</td>
</tr>
<tr>
<td>2.3.2 Internal and external, shorter and longer-term peacebuilding</td>
<td>26</td>
</tr>
<tr>
<td>2.3.3 Short-term dimension of EU peacebuilding (CFSP and ESDP)</td>
<td>27</td>
</tr>
<tr>
<td>2.3.4 Longer-term dimension of EU peacebuilding (EC)</td>
<td>28</td>
</tr>
<tr>
<td>3. Competence and role distribution: policies, instruments, players</td>
<td>30</td>
</tr>
<tr>
<td>3.1 Introduction</td>
<td>30</td>
</tr>
<tr>
<td>3.2 Peacebuilding activities under the Community Pillar</td>
<td>31</td>
</tr>
<tr>
<td>3.2.1 Policies</td>
<td>32</td>
</tr>
<tr>
<td>3.2.2 Instruments</td>
<td>37</td>
</tr>
<tr>
<td>3.2.3 Players</td>
<td>40</td>
</tr>
<tr>
<td>3.3 Peacebuilding activities under the Second Pillar</td>
<td>42</td>
</tr>
<tr>
<td>3.3.1 Policies</td>
<td>44</td>
</tr>
<tr>
<td>3.3.2 Instruments</td>
<td>45</td>
</tr>
<tr>
<td>3.3.3 Players</td>
<td>47</td>
</tr>
<tr>
<td>3.4 Peacebuilding and the Lisbon Treaty</td>
<td>48</td>
</tr>
<tr>
<td>4. The EU’s external partners in peacebuilding</td>
<td>49</td>
</tr>
<tr>
<td>5. Conclusions</td>
<td>52</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>55</td>
</tr>
<tr>
<td>The EU as a peacebuilder: Actorneess, potential and limits</td>
<td></td>
</tr>
<tr>
<td>Nathalie Tocci</td>
<td></td>
</tr>
<tr>
<td>1. Short and long-term policy instruments to promote peacebuilding</td>
<td>56</td>
</tr>
<tr>
<td>2. EU mechanisms to promote peacebuilding</td>
<td>60</td>
</tr>
<tr>
<td>2.1 Enhancing capability</td>
<td>61</td>
</tr>
</tbody>
</table>
2.2 Socialisation 63
2.3 Conditionality 66
2.4 Passive enforcement 70
3. The EU as a peacebuilder: Potential and limits 71
3.1 The value of the benefit 71
3.2 The credibility of the EU as a peacebuilder 73
4. Conclusions 75

Chapter 3
EU enlargement as a peacebuilding tool 77
Steven BLOCKMANS
1. Building peace across the continent 77
2. (Member) State building, epitome of (EU) peacebuilding 78
3. Legal reform 81
3.1 Peace brokering and constitution-making 81
3.2 Constitutional reform 82
3.3 Approximation of laws to the acquis 83
3.3.1 More than just legal harmonisation 83
3.3.2 Planning documents and institutional mechanisms 83
3.3.3 Technical and financial assistance 85
4. Institution building 87
4.1 Creation and reorganisation 87
4.1.1 Reforming the bureaucracy 87
4.1.2 Coordination within the executive 88
4.1.3 Security sector reform 90
4.2 Democratic legitimacy? 91
5. Constituency building 94
5.1 Introduction 94
5.2 Assuring minority rights protection 97
5.3 Reinterpreting ICTY conditionality 98
5.4 Fighting organised crime 99
6. The future of enlargement: Peacebuilding by default rather than design? 100

Part II. Working with partners
Chapter 4
EU-UN cooperation in peacebuilding: Natural partners? 107
Catriona GOURLAY
1. Introduction 107
2. Are EU and UN peacebuilding policies coherent? 108
3. Operational cooperation in peacebuilding: The development dimension 113
3.1 Trends in EC policy and funding for state building in fragile states 113
3.2 Operational challenges for EC engagement in fragile states 115
3.3 Trends in EC funding for the UN 116
3.4 Analysis of funding trends 123
4. Operational cooperation in peacebuilding: The (civilian) security dimension 126
4.1 Trends in European civilian deployments 127
4.2 Civilian ESDP-UN operational cooperation 129
4.2.1 Operational trends 129
4.2.2 Operational cooperation in the DRC and the EU Police Mission (EUPOL Kinshasa) 131
4.2.3 Operational cooperation in the DRC and the EU security sector reform mission (EUSEC RDC) 132
4.2.4 Operational cooperation in Kosovo 136
5. Conclusions 138
### Chapter 5
The EU and the UN Peacebuilding Commission: A short account of how the EU presence has influenced the newest UN body
Stefano Tomat and Cesare Onestini

1. Introduction
2. Origins and setting up of the Peacebuilding Commission within the United Nations
   2.1 Preparatory work
   2.2 The position of the EU
   2.3 Creation of the Peacebuilding Commission
3. Structures and instruments of the UN Peacebuilding Commission
   3.1 Structures
   3.2 Instruments
4. Activities of the UN Peacebuilding Commission
5. The presence and the role of the European Union in the UN Peacebuilding Commission
   5.1 Negotiations with the UN on the participation of the EU
   5.2 Negotiations within the EU on its representation in the PBC
   5.3 The role of the EU/EC in the PBC
6. The EU and the PBC: Converging institutional interests?
   6.1 A coherent and active member
   6.2 The role of the Presidency
   6.3 Coordination in Brussels
   6.4 Expert participation
   6.5 Visits by the PBC Chair to Brussels
7. The effectiveness of the Peacebuilding Commission: An initial assessment from an EU perspective

### Chapter 6
Cooperation between the EU and the AU in the field of peacebuilding
Koen Vervaeke

1. Introduction: A new context
2. The three pillars of the peace and security partnership
   2.1 Enhanced dialogue on issues related to peace and security
   2.2 Capacitating Africa to deal with its security challenges
   2.3 Predictable funding and support to African PSOs
3. Key challenges
   3.1 Building a stronger AU capacity
   3.2 Ensuring coherence between the continental and regional level
   3.3 Developing a productive UN-AU-EU relationship
   3.4 Deepening EU coherence after Lisbon
4. Conclusion

### Chapter 7
Convergence without cooperation? The EU and the OSCE in the field of peacebuilding
David Galbreath

1. Introduction
2. Converging agendas and functions
3. Peacebuilding cooperation in context
   3.1 Conflict prevention and resolution
   3.2 Democracy promotion
   3.3 Human rights protection
4. Conflict or cooperation?
5. Conclusion
Part III. *Peace and security*

Chapter 8
**The European Union and security sector governance**
David Spence

1. Introduction: Discovering the concept of SSR 195
2. Issues of security in international context 197
3. Two concepts of SSR: Armed services-specific and holistic-societal 199
   3.1 Reforming the armed services 199
   3.2 A holistic-societal approach to SSR 200
4. The origins and precepts of the EU’s holistic approach to security sector reform 202
5. Human security 203
6. The evolution of the EU policy framework for SSR 206
7. Learning on the job: Cross-Pillar approaches to SSR 208
8. The Commission’s external assistance instruments in support of SSR 211
9. The Commission’s international role: donorship and coordination 212
10. Conclusion: SSR and the EU’s normative role 215

Chapter 9
**Strengthening security, building peace: The EU in the Democratic Republic of Congo**
Marta Martinelli

1. Introduction 221
2. Background to the security situation in the DRC 222
   2.1 The security context today 224
   2.2 Security providers? 227
3. The role of the EU in promoting stability in the DRC 229
   3.1 Military intervention: from Artemis to EUFOR RD Congo 230
4. The EU and security sector reform in the DRC 233
   4.1 A country-specific approach 233
   4.2 EUPOL Kinshasa 236
   4.3 EUPOL RD Congo 237
   4.4 EUSEC RD Congo 238
5. The contribution of ESDP to peace and stability in the DRC: Some preliminary reflections 240
   5.1 Strengths 240
   5.2 Weaknesses 242
6. Conclusion: Promoting peacebuilding through SSR 245

Chapter 10
**The European Union and peacebuilding: The case of Chad**
Cees Wittebrood and Christophe Gadrey

1. Introduction 249
2. Regional context 250
3. EU response 252
3.1 Security support 253
3.2 Political engagement 255
3.3 Humanitarian assistance 256
3.4 Development cooperation 258
4. Lessons learned 258
4.1 Has the EU approach really been comprehensive? 259
4.2 What about complementarity? 259
4.3 Has EUFOR been an appropriate and effective tool? 261
4.4 Has coordination been adequate? 263
5. Conclusion 266
# Table of Contents

**Chapter 11**  
**EU peacebuilding in Georgia: Limits and achievements**  
Michael Merlingen and Rasa Ostrauskaite  

1. Introduction  
2. Two decades of conflicts and tensions in Georgia  
3. EU peace activities in Georgia: From hands-off to hands-on engagement  
4. Building peace through political dialogue  
5. The peacebuilder: The European Commission in Georgia (including Abkhazia and South Ossetia)  
6. The EU Special Representative for the South Caucasus: Security sector reform and confidence building  
7. EJUST THEMIS: Building peace through reinforcing the rule of law?  
8. The EU Monitoring Mission in Georgia  
9. The Geneva talks  
10. Conclusion  

**Chapter 12**  
**The EU in Afghanistan: Peacebuilding in a conflict setting**  
Eva Gross  

1. Introduction  
2. Contextualising EU engagement in Afghanistan  
2.1 The international post-conflict reconstruction framework  
2.2 Local starting points, Afghan realities  
3. The EU in Afghanistan  
3.1 Activities since 2001: An overview of the broader EU presence  
3.2 Europeanising EU efforts: Development, governance and the rule of law  
3.2.1 Health and rural development  
3.2.2 Governance and the rule of law  
4. Peacebuilding along the security-development nexus: Strategic and implementation challenges  
5. Conclusion  

**Part IV. Rule of law, democracy and human rights**  

**Chapter 13**  
**The European Union and electoral support**  
Patrick Dupont, Francesco Torcoli and Fabio Bargiacchi  

1. Introduction  
2. Election assistance and election observation  
3. EU election observation and assistance  
4. EU electoral assistance  
5. EC-UNDP partnership in election assistance  
6. EU election observation  
7. Composition of EU Election Observation Missions  
8. Towards an integrated strategy  
9. Historical perspective – learning by doing  
10. International and legal framework: Standards and good practices  
11. The conceptual framework: A cyclical approach towards elections  
12. Election observation and assistance – complementary activities  
13. The strategic framework (1): Whether to engage?  
14. The strategic framework (2): Where to engage?  
15. The strategic framework (3): How to engage?  
16. Further orientations
### Chapter 14
**Mainstreaming human rights and gender into the Common Security and Defence Policy: The case of the EU Monitoring Mission in Georgia**

Hadewych Hazelzet

1. Introduction
2. Mainstreaming human rights and gender into ESDP
3. Case study: EU Monitoring Mission (EUMM) Georgia
4. Conclusion and way forward

### Chapter 15
**EULEX Kosovo: Walking a thin line, aiming for the rule of law**

Stephan Keukeleire and Robin Thiers

1. Introduction
2. Setting the stage: The UN’s peacebuilding efforts in a post-conflict society
3. The bumpy road from UN(MIK) to EU(LEX)
5. Police and customs: The easy job?
6. EULEX justice – or what it all comes down to in the end
7. Conclusions

### Chapter 16
**The Aceh Monitoring Mission: Securing peace and democracy**

Justin Davies

1. Introduction
2. AMM in the context of the Memorandum of Understanding
3. Mandate of AMM and immediate challenges
4. Organisational elements
5. Proactive monitoring – rule of law, human rights and democracy
6. Conclusion and the future

### Chapter 17
**The European Union and transitional justice**

Thomas Unger

1. Introduction
2. Defining transitional justice
3. The link between transitional justice and peacbuilding
4. The relevance of transitional justice for the EU
5. Current EU policy and practice on transitional justice
6. General overview
7. The Council (the ‘voice of Member States’)
8. Commission (the ‘driving force of the EU’)
9. The Parliament (the ‘democratic voice of the people’)
10. Possible future directions for the EU on transitional justice
11. Conclusions

### Part V. Good governance and economic development

### Chapter 18
**International trusteeship and democratic peacebuilding: The EU in the Balkans**

Tonny Brems Knudsen and Christian Axboe Nielsen

1. Introduction
2. International trusteeship: The concept and the challenge
2.1 Conceptual clarification 409
2.2 The problems of contemporary trusteeship arrangements 413
3.1 The democratic challenge: The long shadow of Dayton 418
3.2 The constitutional challenge: From entities to statehood? 423
4.1 The democratic challenge: The long shadow of Resolution 1244 428
4.2 The constitutional challenge: From postponement to contested independence 430
5. The EU solution: From Dayton and Kumanovo to Brussels? 435

Chapter 19
A missed opportunity: State building in Bosnia and Herzegovina (October 2002 to October 2006)
Michael HUMPHREYS and Jasna JELISIĆ
1. Introduction 439
2. Background 440
2.1 The Dayton Peace Agreement and its aftermath 440
2.2 The function of external actors in Bosnia 444
2.3 The role of the European Union 445
2.4 Immediate situation pre- and post-elections 446
3. A window of opportunity – 2003 to 2005 446
3.1 Formation of the new government 446
3.2 OHR reform programme 448
3.2.1 Defence reform 448
3.2.2 Tax reform 449
3.2.3 Police reform 450
3.3 EU integration process of BiH 452
3.4 Constitutional reform 452
4. Reflections 454
4.1 Turning points 454
4.2 Interinstitutional coherence 454
4.3 Lessons learned – what opens opportunities? 455
4.4 What froze the state building? 457
4.5 The future 459

Chapter 20
Meeting the challenge of state building: EU development policy and cooperation in post-conflict countries
Philippe DARMUZEY
1. Introduction 461
2. The rationale for intervention in post-conflict countries 462
2.1 European Consensus on Development 462
2.2 Overview of key objectives 462
2.3 Situations of fragility 463
3. Instruments 465
3.1 Trends in Commission funding between 2001 and 2008 465
3.2 European Development Fund 466
3.3 Instrument for Stability 468
3.4 African Peace Facility 468
4. Challenges and ways forward 469
4.1 Introduction 469
4.2 Towards a ‘Whole-of-the-Union’ approach 470
4.3 The state-building challenge 470
4.4 Rendering EU development assistance more effective and responsive 471
4.5 Strategic partnerships 472
5. Conclusion 474
Chapter 21
The EU and the Kimberley Process: A new international actor for new international relations
Stéphane CHARDON

1. Introduction
2. The Kimberley process: An innovative international instrument
   2.1 The legal status of the Kimberley Process: An international scheme based on national laws
   2.2 The KP’s innovative organisational set-up: Flexibility and burden sharing
      2.2.1 The Chair
      2.2.2 Working groups
   2.3 Tripartite composition and consensual decision-making
3. From Kimberley to Windhoek – the maturity of the KP (2003-2009)
   3.1 KP ‘inclusiveness’ – an attractive club
   3.2 KP statistics – transparency in the diamond sector
   3.3 Monitoring KP implementation – the KP’s ‘investigative arm’?
   3.4 From conflict prevention towards peacebuilding
4. The KP’s operations in crises
   4.1 Côte d’Ivoire: UN and KP united in the fight against conflict diamonds
   4.2 Marange diamonds: ‘Blood diamonds’ or ‘conflict diamonds’?
5. Challenges to the KP’s future
   5.1 Too narrow a mandate?
   5.2 Strong international rules v. weak national implementation
   5.3 Adaptation and evolution
   5.4 A Kimberley Process for all ‘conflict resources’?
6. Conclusion – a new instrument for a new century

List of Contributors
Index
The European Union is committed to actively supporting the work of the Peacebuilding Commission on the basis of its experience, resources and worldwide operability. During the first five years the PBC has brought together all key players on the ground to enable a comprehensive approach to peacebuilding in selected post-conflict states. In 2010 the progress of the PBC so far will be examined in order to take on board lessons learned for the next steps, ensuring that it can discharge its mandate more effectively and better deliver real progress on the ground. 2010 is also the year for the Review The European Union has been actively engaged in conducting peace operations since 2003. Naturally, these actions require cooperation with the UN. The peace process in the 21st century requires a thoughtful approach, financial means and significant human resources in order to be successful. 2. Theoretical approach to the EU’s regional security and peace policy. Recent years have witnessed the EU commencing a new phase of security and peace policy. Major questions have been set on the political agenda. How should this common policy be shaped? Peacebuilding aims at laying the foundation for sustainable peace and development. Peacebuilding measures seek to enhance the capacity of the state to effectively and legitimately carry out its core functions (UN, 2008). The legal system of the European Union (EU) offers domestic actors a powerful tool to influence national policy. European law can be drawn on by private litigants in national courts to challenge national policies. These challenges can be sent by national judges to the European Court of Justice (ECJ), which instructs national courts to apply European law instead of national law, or to interpret national law in a way compatible with European law. Not all national policies are affected by European law, and not all aspects of European law can be invoked before national courts. EU law reaches quite widely. In addition, if a national policy indirectly affects the free movement of goods, people, capital, or services (the four freedoms) there might be an EU legal angle of attack. Bergmann, J. The European Union as International Mediator: Brokering Stability and Peace in the Neighbourhood, Springer, 2019. https://www.palgrave.com/gp/book/9783030255633. Beringer, S. L., et al. Blockmans, S., J. Wouters & T. Ruys (eds.), The European Union and Peacebuilding: Policy and Legal Aspects, The Hague, T.M.C. Asser Press, 2010. https://www.asser.nl/asserpress/books/?rId=4234. Hughes, J. (ed.), EU Conflict Management, London, Routledge, 2010.