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**COMMISSION IMPLEMENTING DECISION**

**of 12.8.2014**

**on the Annual Action Programme 2014 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component (Article 4) to be financed from the general budget of the European Union**

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### **on the Annual Action Programme 2014 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component (Article 4) to be financed from the general budget of the European Union**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) no 236/2014<sup>1</sup> of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and in particular Article 2 thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the Strategy Paper 2014-2020 and Multi-Annual Indicative Programme 2014-2017 for the Instrument contributing to Stability and Peace<sup>3</sup> identifying five priorities for actions in the areas of conflict prevention, peace-building and crisis preparedness as provided for in Article 4 of the Regulation (EU) No 230/2014: a) Promoting early warning and conflict-sensitive risk analysis in policy making and implementation; b) Facilitating and building capacity in confidence-building, mediation, dialogue and reconciliation, with particular regard to emerging inter-community tensions; c) Strengthening capacities for participation and deployment in civilian stabilization missions; d) Improving post conflict recovery, as well as post disaster recovery with imminent threats to the political and security situation; e) Assistance to curb use of natural resources to finance conflicts and to support compliance by stakeholders with initiatives, such as the Kimberley Process Certification Scheme, especially as regards implementation of efficient domestic controls on the production of, and trade in, natural resources
- (2) The objectives pursued by the Annual Action Programme to be financed under the Instrument contributing to Stability and Peace<sup>4</sup> are to support measures building and strengthening the capacity of the EU and its partners to prevent conflict, build peace and address pre- and post-crisis needs in close co-ordination with international, regional and sub-regional organizations, state and civil society actors.
- (3) Action entitled “Support to in-country civil society actors in conflict prevention, peace-building, crisis preparedness” aims to continue supporting in-country civil

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<sup>1</sup> OJ L 77, 15.03.2014, p.95

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> Decision C(2014) 5607

<sup>4</sup> Regulation EU No 230/2014 of the European Parliament and of the Council establishing an Instrument contributing to Stability and Peace. OJ L77, 15.3.2014, p.1

society actors globally in their endeavours to prevent conflicts and build peace. The action targets five priority areas: mediation, dialogue, transitional justice and reconciliation; Corporate Social Responsibility of the private sector in fragile and conflict-affected contexts; Women, Peace and Security; protection of children against conflict-related exploitation and violence; youth employment as a conflict prevention and peace-building vector. The action will be implemented through direct management via sub-delegated calls for proposals managed by EU Delegations.

- (4) Action entitled “Gender and Transitional Justice” aims to secure non-recurrence of violations and increase the efficiency of transitional justice as a means that can contribute to achieving prevention of further conflict, peacebuilding and reconciliation. The action will focus on a number of countries, bringing together local and international NGOs and UN partners within a coherent strategy to strengthen practice and knowledge in the area of gender-responsive transitional justice. The action will be implemented through indirect management with UN Women.
- (5) Action entitled “Building and consolidating national capacities for conflict prevention” aims to build and consolidate national capacities and support national initiatives for conflict prevention in conflict affected, fragile countries or countries undergoing transition, while enhancing the coordination, knowledge-sharing, and practical cooperation between the EU and the UN. The action will involve a combination of both field based activities (at country and regional level) and global level initiatives and will be implemented through indirect management with UNDP.
- (6) Action entitled “Strengthening International Mediation Capacities” aims to enable the United Nations to respond more effectively and timely to crises and enhance support to mediation efforts led by the UN, as well as those led by the European Union and other regional and sub-regional organizations worldwide. The action will be implemented through indirect management with UN DPA.
- (7) Action entitled “Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector” aims at strengthening cooperation between Kimberley Process stakeholders as well as promoting better understanding of KP requirements and improving enforcement capacities in particular in the Mano River region of West Africa. The action will be implemented through direct management via direct grant award to the NGO Partnership Africa Canada.
- (8) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union<sup>5</sup>.
- (9) The Commission may entrust budget-implementation tasks under indirect management to the entities identified in this Decision, subject to the conclusion of an indirect management delegation agreement. The responsible authorising officer has accordingly ensured that these entities comply with the conditions of points (a) to (d) of Article 60(2) of Regulation (EU, Euratom) No 966/2012.
- (10) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of Commission Delegated Regulation (EU) No 1268/2012 are fulfilled. The reasons for and potential

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<sup>5</sup> OJ L 362, 31.12.2012, p. 1.

beneficiaries of such award should be identified, where known, in this Decision for reasons of transparency.

- (11) According to article 130(1) of the Financial Regulation and article 194 of the Rules of Application, the Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application for the reasons of extreme urgency in crisis management aid or in situations of imminent or immediate danger to the stability of a country, including by an armed conflict, where an early engagement of the Union would be of major importance in promoting conflict prevention.
- (12) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, EURATOM) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012<sup>6</sup>.
- (13) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (14) The measures provided for in this Decision are in accordance with the opinion of the Instrument contributing to Peace and Stability Committee set up by the basic act referred to in Recital 2<sup>7</sup>

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the measure**

The following Annual Action Programme, constituted by the actions identified in the second paragraph and attached as annexes, is approved: Annual Action Programme 2014 for the Instrument contributing to Stability and Peace - Conflict prevention, peace-building and crisis preparedness component (Article 4).

The actions constituting this measure are:

- Annex 1: Support to in-country civil society actors in conflict prevention, peace-building, crisis preparedness;
- Annex 2: Gender and Transitional Justice;
- Annex 3: Building and consolidating national capacities for conflict prevention;
- Annex 4: Strengthening International Mediation Capacities;
- Annex 5: Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector.

#### *Article 2*

##### **Financial contribution**

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<sup>6</sup> OJ L 362, 31.12.2012, p. 1.

<sup>7</sup> OJ L 247, 9.9.2006, p. 32.

The maximum contribution of the European Union authorised by this Decision for the implementation of this programme is set at EUR 19,000,000 to be financed from budget line 19.0202 of the general budget of the European Union for 2014.

### *Article 3*

#### **Implementation modalities**

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached Annexes, subject to the conclusion of the relevant agreements.

Section 4 of the Annexes referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of Delegated Regulation (EU) No 1268/2012. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annexes. The Commission authorises the eligibility of costs prior to the submission of grant applications as of the dates identified in the Annexes.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

### *Article 4*

#### **Non-substantial changes**

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution referred to in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20 % of that contribution shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions. The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 12.8.2014

*For the Commission*  
*Catherine ASHTON*  
*Vice-President*

## SUMMARY

# **Annual Action Programme 2014 for the Instrument contributing to Stability and Peace – Conflict prevention, peace-building and crisis preparedness component (Article 4) to be financed from the general budget of the European Union.**

### **1. Identification**

Budget heading	19.0202
Total cost	EUR 19,000,000 of EU contribution
Legal basis	Regulation EU No 230/2014 of the European Parliament and of the Council establishing an Instrument contributing to Stability and Peace

### **2. Background**

EU Regulation 230/2014<sup>1</sup> establishes a financing instrument to increase the efficiency and coherence of the Union's actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats: the Instrument contributing to Stability and Peace (IcSP).

Based on the Regulation, the European Commission adopted the Strategy Paper 2014-2020 for the IcSP and Multi-Annual Indicative Programme 2014-2017 (Decision C(2014) 5607).

Consultations on the AAP with civil society organisations were organized in the framework of the Civil Society Dialogue Network<sup>2</sup> to gather preliminary views on priority areas for support (meeting of 25 September 2013) and to exchange ideas for 2014 programming (meeting of 11 April 2014) fulfilling Article 9 of the Regulation.

### **3. Summary of the Action Programme**

This Annual Action Programme aims to build and strengthen the capacity of the EU and its partners to prevent conflict, build peace and address pre- and post-crisis needs. It is aligned with the priorities identified in IcSP 2014-2020 Strategy Paper in the areas of conflict prevention, peace-building and crisis preparedness and in particular priorities b) d) and e).

The AAP 2014 draws upon the experience of the past and on-going actions financed under the AAPs 2007 to 2013 of the Instrument for Stability's (IfS) crisis preparedness component. It takes into account the recommendations of the 2013 evaluation of the same which concluded that the component allows the EU to address conflict issues in the broadest sense and that individual projects built or strengthened the capacity of organisations to contribute to peace-building efforts and build the concept of a community of practitioners.

The 2014 AAP encompasses five actions:

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<sup>1</sup> OJ L 77, 15.03.2014

<sup>2</sup> The Civil Society Dialogue Network (CSDN) is a platform for dialogue between the EU and civil society actors on peace-building issues funded under the Instrument for Stability.

- Action 1 entitled “Support to in-country civil society actors in conflict prevention, peace-building, crisis preparedness” aims to continue supporting in-country civil society actors globally in their endeavours to prevent conflicts and build peace, via locally managed calls for proposals for civil society-led actions on thematic and/or transversal issues, as already done under the 2010 to 2013 IfS AAPs. Due to considerable interest of EU Delegations in the priorities identified under the 2013 AAP crisis preparedness component: “*Action Fiche 1: support to in-country actors to prevent and respond to crisis in fragile and conflict affected situations*”, it is proposed to retain the same five priorities i.e. : Mediation, dialogue, transitional justice and reconciliation; Corporate Social Responsibility of the private sector in fragile and conflict-affected contexts; Women, Peace and Security; Protection of children against conflict-related exploitation and violence; Youth employment as a conflict prevention and peace-building vector.

- Action 2 entitled “Gender and Transitional Justice” aims to secure non-recurrence of violations and increase the efficiency of transitional justice as a means to achieving prevention of further conflict, peace-building and reconciliation. This action focuses on a number of countries, bringing together local and international NGOs and UN partners within a coherent strategy to strengthen practice and knowledge in the area of gender-responsive transitional justice. More specifically, it aims to: a) create an enabling environment for transitional justice to take account of conflict-related Gender-Based Violence; b) increase the potential success of transitional justice processes in preventing future violations; c) base transitional justice redress on the experiences of victims in conflict. The action will be implemented through indirect management with UN Women.

- Action 3 entitled “Building and consolidating national capacities for conflict prevention” aims to build and consolidate national capacities and support national initiatives for conflict prevention in conflict affected, fragile countries or countries undergoing transition, while enhancing the coordination, knowledge-sharing, and practical cooperation between the EU and the UN. The action aims at strengthening the ability of national stakeholders to act as “insider mediators” and/or supporting the consolidation of national and local institutions/forums facilitating dialogue and negotiation. At regional level, it aims at developing coordinated and complementary regional approaches through linking country-level activities to regional initiatives. Building on the successful results and work of the project “*Equipping National and Local Actors in Internal Conflict Management Processes with Skills for Dialogue and Constructive Negotiation*” funded under the 2011 IfS AAP, the action will be implemented through indirect management with UNDP working in collaboration with UN DPA.

- Action 4 entitled “Strengthening International Mediation Capacities” aims to enable the UN to respond more effectively and in a more timely manner to crises and enhance support to mediation efforts led by the UN, the EU and other regional and sub-regional organizations. The action is aligned with the 2009 “Concept on Strengthening EU Mediation and Dialogue Capacities” which calls – *inter alia* - for a close collaboration with the UN. It builds on the solid collaboration established with the Policy and Mediation Division of the UN Department of Political Affairs (UN DPA) and in particular its Mediation Support Unit, which received support under IfS AAP 2009 and 2011. The action will be implemented through indirect management with UN DPA.

- Action 5 entitled "Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector" aims to promote civil society's capacity to

actively participate in the KP Certification Scheme, thereby preventing illicit diamond trade from fuelling violence and conflict; strengthening engagement among multi-stakeholder actors, particularly producer nations in the global south; and promoting better understanding of KP requirements in countries participating in the Regional Approach to KP compliance in the West Africa Mano River region. Building on the results and lessons learned of a previous IfS project: "*Preventing Conflict Fuelled by Diamonds*" implemented by the NGO Partnership Africa Canada (PAC), the action will be implemented through direct management via the award of a direct grant to PAC.

#### 4. Communication and visibility

Communication and visibility of actions funded will be implemented either by the Commission, and/or by the contractors, grant beneficiaries and entrusted entities, as specified in the respective Action documents. Appropriate contractual obligations will be included in, respectively, procurement and grant contracts and delegation agreements.

#### 5. Cost and financing

The below table gives an indication of the allocations per action in 2014

Action	Title	Management Mode	Allocated Amount (EUR)
1	Support to in-country civil society actors in conflict prevention, peace-building, crisis preparedness	Direct Management Sub delegated Calls for Proposals	9,000,000
2	Gender and Transitional Justice	Indirect Management with UN Women	3,500,000
3	Building and consolidating national capacities for conflict prevention	Indirect Management with UNDP	3,000,000
4	Strengthening International Mediation Capacities	Indirect Management with UN DPA	2,500,000
5	Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector	Direct Management Grant	1,000,000
Total EU contribution to the programme			<b>19,000,000</b>



## ANNEX 1

of the Commission Implementing Decision on the 2014 Annual Action Programme for the Instrument contributing to Stability and Peace (IcSP) conflict prevention, peace-building and crisis preparedness component (Article 4)

### Action Document for Support to In-country Civil Society actors in conflict prevention, peace-building and crisis preparedness

#### 1. IDENTIFICATION

Title/Number	Support to in-country civil society actors in conflict prevention, crisis preparedness and peace-building CRIS number: IFS-RRM/2014/37362		
Total cost	Total estimated cost: EUR 11,250,000 Total amount of EU budget contribution: EUR 9,000,000		
Aid method / Management mode and type of financing	Calls for Proposals Direct management – Grants - Call for Proposals managed by European Union Delegations		
DAC-code	15220	Sector	Civilian peace-building, conflict prevention and resolution

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

The proposed action aims to continue supporting in-country civil society actors globally in their endeavours to prevent conflicts, respond to crises and build peace. Through sub-delegated Calls for Proposals managed by EU Delegations, it is envisaged to support actions implemented by in-country civil society actors to strengthen their institutional, operational and networking capacity in five priority areas relating to both long-term and short-term conflict prevention and peacebuilding: Mediation, dialogue, transitional justice and reconciliation; Corporate Social Responsibility of the private sector in particular in fragile and conflict-affected contexts; Women, Peace and Security; Protection of children against conflict-related exploitation and violence; Youth employment as a conflict prevention and peace-building vector.

This Action refers to priority areas b), d) and e) of IcSP Article 4 as stated in the 2014-2020 Strategy Paper<sup>1</sup> : *b) Facilitating and building capacity in confidence-building, mediation, dialogue and reconciliation, with particular regard to emerging inter-community tensions; d) reinforcing overall up-stream capacity-building of*

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<sup>1</sup> Decision C(2014) 5607.

*relevant stakeholders to work with the EU in a number of cluster-areas in terms of post-conflict and post-disaster recovery, as well as pre-conflict mitigation efforts; e) Assistance to curb use of natural resources to finance conflicts and to support compliance by stakeholders with initiatives, such as the Kimberley Process Certification Scheme, especially as regards implementation of efficient domestic controls on the production of, and trade in, natural resources.*

Context:

By targeting specifically in-country civil society actors, this Action is aligned with the general recommendation provided for in IcSP 2014-2020 Strategy Paper under Article 4 measures, whereby due attention should be given to contribute to building in-country capacities (particularly of civil society actors). It is also aligned with the 2012 European Commission's Communication 'The roots of democracy and sustainable development: Europe's engagement with civil society in external relations'<sup>2</sup> which identified priority areas for engagement with local civil society organizations (CSO) in partner countries, including the promotion of a conducive environment for the participation of CSOs in domestic policies and in international processes and the support to CSO capacity to perform their roles more effectively.

Taking into consideration that root causes driving violent conflicts are often very context-specific and should be addressed in a long-term perspective, it is crucial to support in-country civil society actors active in building peace and preventing violent conflicts in order to help vulnerable communities be better prepared for managing and defusing tensions and potential triggers for conflicts, including stability and security issues that may arise after a natural or man-made disaster. In this respect, the crisis preparedness component of the Instrument for Stability has consistently (since 2010) provided support to actions aiming at strengthening capacities of in-country civil society actors. Under this Action, it is proposed to continue engaging with in-country actors via locally managed calls for proposals for civil society-led actions on thematic and/or transversal issues, as already done under the 2010, 2011, 2012 and 2013 Annual Action Programmes. Under these four rounds of locally managed calls for proposals, 28 EU Delegations<sup>3</sup> across five continents have or will have launched actions targeting peace-building related issues in the fields of: Mediation, Dialogue, Transitional Justice and Reconciliation; Media and Conflict; Accountability and Civilian Oversight; Women, Peace and Security; Children and Youth, Peace and Security; Fragility and Human Security; Corporate social responsibility. This action will build on and takes into account lessons learned from these previous four rounds of actions supporting in-country civil society actors. It will target five priority areas as described in section 3.2.

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<sup>2</sup> COM(2012) 492 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>

<sup>3</sup> AAP 2010: Bolivia, Nicaragua (regional), Pakistan, Yemen, Zimbabwe, Timor-Leste; AAP 2011: Burundi, Central African Republic, Chad, Guinea-Bissau, Liberia, Jordan, Lebanon, Solomon Islands; AAP 2012: Brazil, Democratic Republic of the Congo, El Salvador, Haiti, India, Kyrgyzstan and Nicaragua; AAP 2013: Zimbabwe, Senegal (regional), Somalia, Peru, Nepal, Tajikistan, Bosnia Herzegovina, El Salvador. The responsibility to communicate on the funding opportunities under these local calls (most or all of which remain to be launched) has been sub-delegated to the selected Delegations, which will take the relevant steps to announce them in due course.

## **2.2. Lessons learnt**

Drawing upon the experience of the previous and on-going Instrument for Stability actions supporting in-country civil society actors to prevent and respond to crisis, and based upon recommendations of both 2009 stocktaking and scoping of the peace-building partnership, as well as 2013 evaluation of the Instrument for Stability crisis preparedness component, the key lessons learnt are the following:

- Continue building the capacities of in-country civil society actors active in building peace and preventing violent conflicts and promoting networking of partners to foster a concept of crisis preparedness network;
- Continue working with civil society actors (both international and national) as effective implementing partners able to ensure a strong co-relation between local needs and implemented projects and achieve tangible results at grassroots level;
- Sub-delegating the management of Calls for Proposals and grant contracts to EU Delegations is the most effective management mode for this kind of action, allowing greater local/regional focus, increased cooperation with in-country civil society actors and closer monitoring and follow-up of projects.

## **2.3. Complementary actions**

Subsidiarity and complementarity with other geographic or thematic interventions at country level will be ensured by the respective EU Delegations in charge of identifying and selecting projects to be funded under this action. The EU Delegations will also ensure complementarity and cross-fertilisation with other relevant activities under implementation at country level and in particular those funded by the EU (for example, under DCI ‘Civil Society Organisations and Local Authorities’ programme, EIDHR and IcSP). Where necessary, full coordination with EU Country Road Maps for engagement with civil society, in selected countries, will be undertaken by the EU Delegations selected to implement the action.

## **2.4. Donor coordination**

In line with “Paris Declaration on Aid Effectiveness and the Accra Agenda for Action”, EU Delegations will ensure complementarity and added value of selected projects with on-going and planned initiatives supported by EU Member States and other relevant donors. In line with the Busan Declaration and where a Compact exists, EU Delegations will ensure alignment with the agreed priorities identified in the Compact.

## **3. DETAILED DESCRIPTION**

### **3.1. Objectives**

The overall objective of this Action is to support local and regional initiatives in countries affected by/or emerging from conflict or whose peace and stability is at risk and build in-country capacities for effective conflict management and peace-building.

Activities under this action should create, restore or consolidate appropriate ways, tools and mechanisms at local and regional level to prevent conflicts and contribute to durable peace.

The selected initiatives should contribute, inter alia, to the following objectives:

- a) Enhancement of the overall capacity of relevant civil society actors at local level;
- b) Improvement of local civil society actors' networking and advocacy skills;
- c) Fostering and facilitating dialogue between civil society actors and local, national and international institutions.

### **3.2. Expected results and main activities**

The Action aims to achieve the following **results**:

- a) Strengthened institutional and operational capacity of civil society actors with regard to the five priority areas mentioned below;
- b) Improved local civil society actors networking and advocacy skills, including increased civil society involvement in the five thematic areas relating to both long-term and short-term conflict prevention and peace-building;
- c) Established or enhanced dialogue between civil society actors and local or international institutions on subjects related to the five priority areas.

Due to considerable interest expressed by EU Delegations in the priorities identified under the 2013 Annual Action Programme crisis preparedness component: "Action Fiche 1: support to in-country actors to prevent and respond to crisis in fragile and conflict affected situations", it is proposed to retain the same **priorities** for this action as those identified in the 2013 AAP. They are as follows:

#### ***1. Mediation, dialogue, transitional justice and reconciliation***

Enabling national and local authorities and communities to handle their own conflicts (through mediation and dialogue) is crucial to prevent the outbreak or escalation of violent conflicts. The action will aim to sustain initiatives that build trust and confidence and can have a significant impact on the dynamics of a conflict.

The following main activities are envisaged:

- promoting peace culture, respect for diversity and tolerance, dialogue between parties to a conflict and developing peace-building strategies
- promoting and supporting approaches to create space for negotiation in particular in fragile and conflict-affected areas, as well as for reconciliation and transitional justice, where necessary including enterprises if their operations are a factor in the conflict;
- promoting inclusiveness in political transition settlements and building cross-community capacities, focusing on "marginalised" groups (i.e. women, children, youth, ethnic and religious groups);
- providing capacity-building and knowledge-transfer to relevant stakeholders for Track-II and Track-III mediations and facilitating their international networking

## ***2. Corporate Social Responsibility of the private sector***

The private sector has a responsibility for the impact of its operations on the local environment and population – this is particularly relevant when the private sector is operating in a fragile or conflict-affected country. By introducing policies and practices to identify, prevent and mitigate the possible negative impacts of their presence and operations 'on the ground', the sector can contribute to conflict prevention. The EU's 2011 Communication on Corporate Social Responsibility (CSR) defines CSR as *"the responsibility of enterprises for their impacts on society"*. The Commission's expectations of enterprises in terms of CSR are based on internationally recognised CSR instruments, including the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. Furthermore, the 2005 European Consensus on Development identifies CSR as being an important factor that can *"foster better governance and inclusive growth in developing countries"*. Business models that target the poor as consumers, producers, and distributors help to maximise development impact. This is all the more relevant when operating in a fragile or conflict-affected context where the "do-no-harm" principle is vitally important.

The main activities envisaged are:

- joint private sector – civil society (including trade unions) – government development of CSR guidelines at national level;
- assisting in company-community conflict resolution, as a means of preventing relatively minor grievances from escalating into more serious conflict;
- assistance to the private sector to help assess and address the particular risks of negative impacts in conflict-affected areas (including multi-country contexts)
- support and capacity-building of civil society to play an oversight role towards the private sector, in particular in the extractive industry (notably by bringing to the local/national/international agenda issues of transparency, respect of environmental concerns, labour and social security norms and standards; and by creating linkages with global initiatives in this field).

## ***3. Women, peace and security***

Considering the relevance of the subject and following up on the actions launched in this area under the previous local calls for proposals (2010 to 2013 Annual Action Programmes), Women, Peace and Security is proposed once again as a priority area. As in the past, support will be given to measures to promote gender considerations at all institutional decision-making levels and within civil society, in particular in relation to the mechanisms for the prevention, management and resolution of conflicts.

The main activities envisaged are:

- empowerment of women activists and women's organisations, as well as of civil society staff, to participate in peace and security processes, also by engaging with men and mobilising their active support wherever possible;
- development of mechanisms to better respond to gender-based violence in situations of crisis and conflict (research/action on the role of customary law, better involvement of men, role of community, role of peacekeeping forces, etc.);
- exchange of practices on the development and implementation of National Action Plans (NAP) implementing UNSCR 1325 and 1820 in third countries;
- Implementation of the EU Comprehensive Approach on UNSCR 1325 and 1820.

#### ***4. Protection of children against conflict-related exploitation and violence***

Children are disproportionately affected by armed conflicts. With the weakening of traditional protection and support mechanisms, they are particular targets and easy prey for recruitment by armed groups, exploitation and trafficking networks. Their rights are regularly violated often in silence and in a climate of impunity. Long-lasting conflict environments also have a devastating effect on children growing up knowing only violence with the consequent risk of creating “lost generations”, further perpetuating conflict. In addition, the impact of armed conflict on children may sow the seeds for conflicts to continue or to remerge. Moreover, in many countries, children account for a very high percentage of the population, but are often not given a proper voice or opportunities to contribute to shaping their societies.

The following main activities are envisaged:

- preventing and reducing the active recruitment of children in armed conflicts;
- supporting children's reintegration, including accountability and redress measures;
- preventing other forms of violence against children in conflict or post-conflict contexts, in particular by combating trafficking and other crimes against children;
- ensuring that national peace-negotiations and reconciliation processes are child-sensitive (effectively promoting and safeguarding the rights of children) and to ensure that the voice of children is heard and their views adequately taken into account.

Particular attention will be given to children with disabilities and children from minority groups. All funded actions should underpin international instruments, as well as internationally agreed norms and principles specifically addressing the protection of children. In addition, they should contribute to the implementation of the EU Guidelines on Children and Armed Conflict and the EU Guidelines for the Promotion and Protection of the Rights of the Child<sup>4</sup>.

#### ***5. Youth employment as a conflict prevention and peace-building vector***

Employment is identified in the EU's Agenda for Change as a key sector of intervention. In fragile and conflict-affected areas, it is all the more important to provide an enabling environment for income generation activities in order to prevent specific population tranches from turning to crime, violence and extremism. To prevent the above from happening, government, trade and youth associations and other initiatives need to be strengthened so that actions such as public works programmes, cash transfers, social protection, business climate/legislation, skills building and access to finance are increased. The UN Policy for post-conflict employment creation, income generation and reintegration recognises that employment and income generation are fundamental elements of the post-conflict solution. Interventions in this field need to be coherent and comprehensive. They must aim to "do-no-harm", be conflict sensitive, target sustainability and promote social inclusion and gender equality.

The following main activities are envisaged:

- employment driven actions aiming at diverting youth from engaging in gangs and other forms of violence, or their recruitment by extremist groups;

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<sup>4</sup> General Affairs Council of 16 June 2008

- professional initiatives aiming at reconnecting youth across geographic or ethnic divides, combating isolation and segregation, building interaction and trust through employment opportunities;
- actions to promote youth civic engagement, empowering them to play an active role in their communities and public affairs affecting them.
- actions that contribute to reintegration of former child and youth combatants.

All funded actions will ensure that gender aspects are mainstreamed and may include women- or children-specific activities. Actions aiming at developing mechanisms to enhance coordination and operational cooperation between separate entities and organisations will be particularly encouraged.

In addition to the priority areas listed above, further (or alternative) priority areas may be selected on a case-by-case basis with a view to optimising the contribution of civil society in a specific country and following discussion with the selected EU Delegations.

### **3.3. Risks and assumptions**

The main risks and assumptions linked to this action relate to:

- The existence of a reasonable pool of in-country civil society actors working on peace-building and conflict prevention issues and capable of effectively implementing projects. As a mitigation measure, partnership between international and national civil society actors should be encouraged;
- An enabling political climate leaving enough space and opportunity at country level for civil society actors to engage on conflict prevention and peace issues;
- A conducive environment whereby the crisis contexts within selected countries/regions do not deteriorate to such a point where it would be impossible or extremely dangerous for implementing partners and final beneficiaries to conduct or take part into the planned activities.

### **3.4. Cross-cutting issues**

The following cross-cutting issues will be considered in the programming and selection of interventions: the promotion of democracy, good governance and human rights and humanitarian law, including children's rights and the rights of indigenous peoples; non-discrimination, gender equality and women empowerment; conflict prevention and climate change.

### **3.5. Stakeholders**

The main stakeholders are on the one hand: international and national civil society organizations as funding beneficiaries; and on the other hand: national and local civil society actors, national and local authorities, conflict affected communities, community structures including a range of actors such as media, traditional leaders, local governments, trade, youth and women associations, private sector organizations, as well as community individuals and in particular children, women and youth.

## 4. IMPLEMENTATION ISSUES

### 4.1. Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2) (b) of Regulation (EU, Euratom) No 966/2012.

### 4.2. Indicative operational implementation period

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out is **48 months** from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this action document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements.

### 4.3. Implementation components and modules

#### 4.3.1. *Grants: call for proposal - Sub-delegated Calls for Proposals for In-country Civil Society actors in conflict prevention, crisis preparedness and peace-building (direct management)*

- (a) Objectives of the grants, fields of intervention, priorities of the year and expected results

The specific objectives and actions to be supported at country and/or regional level will be defined by each respective EU Delegation in accordance with local needs, including in terms of specific priorities and expected results to be pursued among the priority areas indicated under section 3.2. Further (or alternative) priority areas may be selected on a case-by-case basis with a view to optimising the contribution of civil society in a specific country and following discussion with the selected EU Delegations.

- (b) Eligibility conditions

**Targeted countries:** Interventions will target: countries affected by/emerging from a conflict; countries affected by high level of violence, or whose peace and stability is threatened; countries in democratic transition, or where the lack of civic engagement and opportunities for participation in public life, is seen as a factor threatening peace. The Service for Foreign Policy Instruments (FPI) will select a limited number of EU Delegations to manage local Calls for Proposals. Selection will be based on essential criteria, including relevance of the initiative proposed by the EU Delegation, consistency with the EU policies and strategies and complementarity with other EU financial instruments; amount requested, sustainability, as well as of continuation of the action under other EU financial instruments; implementation capacity within the EU Delegation; equitable geographic distribution of funds and degree of coordination envisaged with EU Member States present on the ground, as well as with other international donors.



**Geographical focus:** Calls for Proposals launched by EU Delegations may have a national or regional scope. Actions may therefore take place in a country different than the country of the EU Delegation that managed the Call and/or awarded the grant.

**Eligibility criteria for applicants:** civil society actors as defined in Article 1.3 of the IcSP Regulation No 230/2014 are considered eligible under this Action

(c) Essential selection and award criteria

The Call for proposals to be launched by the Delegations will be established in accordance with the rules and principles set out in Financial Regulation (Art. 132 (1) and (2)) and its Rules of Application (Art. 202 and Art. 203).

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are the relevance of the proposed action to the objectives of the call, as well as the design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for grants under these calls is **80%** of the eligible costs of the action.

The maximum possible rate of co-financing may be up to 100 % in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to launch the call

Local calls for proposals are expected to be published as from the last trimester of 2014.

#### **4.4. Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in article 8 of the Common Implementation Regulation (CIR) shall apply.

#### **4.5. Indicative budget**

The EU contribution to this Action amounts to: **EUR 9,000,000.**

A maximum of 3% of this amount to be divided between the selected EU Delegations may be dedicated to support measures accompanying the implementation of this Action, in particular activities related to the launch and management of the sub-

delegated Call for Proposals, such as publication of the Calls, information sessions for potential bidders, monitoring missions, use of external evaluators, training sessions for civil society actors, etc.

<b>Module</b>	<b>Amount in EUR thousands</b>	<b>Third party contribution (indicative, where known)</b>
4.3.1. – Call for proposals "Sub-delegated Calls for Proposals for In-country Civil Society actors in conflict prevention, crisis preparedness and peace-building" (direct management)	8.730	2.250
Support Measures	270	0
Totals	9.000	2.250

#### **4.6. Performance monitoring**

As a continuous and inner process of project implementation, technical and financial monitoring of individual projects funded under this action will be undertaken by the respective grant beneficiaries based on a set of performance indicators identified in each project's Logical Framework to be annexed to grant contracts.

In addition, it is expected that monitoring and follow-up missions be conducted regularly by EU Delegations staff and/or external consultants

#### **4.7. Evaluation and audit**

At project level, grants' beneficiaries will be responsible for undertaking/commissioning any evaluation (mid-term, final) deemed necessary, as well as compulsory expenditure verifications foreseen in their respective grant contracts and whose costs shall be covered by projects' budgets.

If deemed necessary, external audits of projects and external evaluations of the overall Action will be commissioned by the European Commission – FPI service, and financed under IcSP Administrative Budget Line N. 19.010401

#### **4.8. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

Communication and visibility measures, based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

Communication and visibility measures related to the Call for Proposals shall be supported within the budget dedicated to support measures accompanying the implementation of this Action, indicated in section 4.5 above, i.e. maximum 270,000 EUR, while communication and visibility measures related to individual projects and implemented by grant beneficiaries as part of their contractual obligations, shall be supported with the respective grant contracts' budgets.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

## ANNEX 2

of the Commission Implementing Decision on the 2014 Annual Action Programme for the Instrument contributing to Stability and Peace (ISP) Conflict prevention, peace-building and crisis preparedness component (Article 4)

### Action Document for "Gender and Transitional Justice "

#### 1. IDENTIFICATION

Title/Number	Gender and Transitional Justice CRIS number: IFS-RRM/2014/37362		
Total cost	Total amount of EU budget contribution: EUR 3.5 million. (Budget Line 19.0202)		
Aid method / Management mode and type of financing	Project Approach Indirect management with UN Women		
DAC-code	15220	Sector	Civilian peace- building, conflict prevention and resolution

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

The proposed action will ensure that transitional justice (TJ) measures are gender-sensitive and respond to the full range of violations, as well as their differential impact on men, women, boys and girls. This will be achieved by leveraging the EU and UN Women's extensive programming, policy influence, networks and partnerships in the area of TJ in order to promote accountability, transformative justice, social cohesion and post-conflict reconciliation. The action will focus on a number of countries, bringing together local and international NGO and UN partners within a coherent strategy to strengthen practice and knowledge in the area of gender-responsive transitional justice. It will also have a global component, comprised of building a global facility of resources, knowledge, expertise to support individual countries, build south-south sharing across implementing countries, and influence the policy of transitional justice worldwide.

This Action refers to priority area d) of IcSP Article 4 as stated in the 2014-2020 Strategy Paper<sup>5</sup> : *reinforcing overall up-stream capacity-building of relevant stakeholders to work with the EU in a number of cluster-areas in terms of post-conflict and post-disaster recovery, as well as pre-conflict mitigation efforts.*

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<sup>5</sup> Decision C(2014) 5607.

## 2.2. Context

### *Policies and challenges*

Transitional Justice is the full range of mechanisms employed to achieve redress for serious crimes, including responses to systematic or widespread violations of human rights.

Historically, accountability for conflict-related sexual and gender-based crimes has been neglected in overall advances in international criminal law. The jurisprudence of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL), as well as the progressive language of the Rome Statute of the International Criminal Court (ICC) have all contributed to addressing this historical neglect in recent years. The seminal judgements produced by these courts have created significant jurisprudence on conflict-related sexual and gender-based crimes, articulating gender-based violations as war crimes, crimes against humanity, as a form of torture and as genocide. In addition, the ICC passed its first judgment on the trial of Thomas Lubanga in March 2012 with a subsequent decision on reparations which mandated the ICC Trust Fund for Victims (TFV) to take forward the reparations principles in the decision, including reparations for survivors of conflict-related sexual violence.<sup>6</sup>

These steps represent significant progress. However, as the *ad hoc* tribunals and the Special Court come to the end of their mandates, there is need to ensure that the significance of these judgements is documented, that the learning gained by the courts ‘how to’ prosecute gender-based crimes is recorded and that the potential of the complementarity effect of courts in supporting national level prosecutions is maximised in order to further consolidate gender justice in future criminal processes. Beyond this, it is critical that national level TJ measures move beyond a focus solely on prosecutorial justice for individual political and civil rights violations to comprehensive justice that includes the full range of TJ measures implemented in a gender-responsive manner with transformative impacts on women’s lives.

Europe’s own past demonstrates that addressing a legacy of abuse by ensuring accountability for those responsible and recognising the survivors’ experience contributes to peace, democracy and the rule of law. Through prosecution initiatives, allowing survivors and societies to know the truth about violations, providing reparation for survivors, preventing repetition by reforming public institutions, and increasing civic trust in public institutions, transitional justice contributes to implementing EU commitments to peace, security, development, the rule of law, ending impunity and respect for fundamental human rights. Transitional justice has become a critical component of the EU<sup>7</sup> and UN<sup>8</sup> efforts to strengthen the rule of law

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<sup>6</sup> The reparations order is currently under appeal but contains some of the most progressive language regarding gender-sensitive reparations of any court judgment to date, and as the first of its kind from an international court it will influence future decisions and policy in this area.

<sup>7</sup> The EU will draft its own policy on Transitional Justice by 2014. This process is led by the HR division of the EEAS. While the IcSP action will directly benefit from the new EU TJ policy steering, it is

post-conflict, as well as an integral element of the peace-building agenda in countries recovering from conflict. By giving survivors access to justice, a voice and a stake in building respect for law and a culture of human rights, they can thereby help establish peace in their countries. While there is growing attention to the need to secure justice for conflict-related (sexual) violence, effective prosecutions for these crimes remain too few, and more is required to secure survivors' protection, security and access to justice through domestic and international courts. Moreover, survivors' experiences of conflict are not limited to sexual violence, but include wide-scale socio-economic violations, as well as gender-differentiated impacts of forced disappearances, torture, loss of family members and other crimes. Apart from prosecutions, there must equally be a focus on the needs of survivors for redress and reparation.

With the adoption of the EU Comprehensive Approach to the Implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security (2008), the EU has highlighted its commitment to “*enhance the involvement of women and their access to justice, including transitional justice mechanisms*” in support of the strengthening and reform of the justice sector, as well as its commitment to building capacity for the prosecution of crimes against women and the protection of witnesses.

The EU Plan of Action on Gender Equality and Women's Empowerment (2010-2015)<sup>9</sup> explicitly calls on EU Delegations in fragile, conflict, or post-conflict countries to develop strategies to implement the Comprehensive Approach and to build capacity to address these issues and respond to crises more effectively and in a timelier manner.

On 16 April 2012, the EU and UN Women signed a Memorandum of Understanding, to enhance EU – UN Women co-operation on policies and programmes to advance gender equality worldwide, including in the area of women, peace and security, to “*support the implementation of United Nations Security Council resolutions relevant to women, peace and security and the EU Comprehensive Approach to the implementation of such Resolutions.*”

In the 2012 Strategic Framework and Action Plan on Human Rights and Democracy, the European External Action Service, Member States and the European Commission prioritised the development of a new policy on transitional justice in 2014.

The Instrument contributing to Stability and Peace (IcSP) thematic strategy paper 2014-2020<sup>10</sup> identifies transitional justice, gender mainstreaming and women's participation in peace processes as relevant themes for capacity building for effective conflict prevention and crisis response.

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envisaged that the results of the action will feed into policy formulation and analysis at international level.

<sup>8</sup> The UN has a number of relevant policy documents in this area. These include the Secretary General's 2010 Guidance Note on Transitional Justice; the draft Guidance Note on Reparations for Conflict Related Sexual Violence Survivors (due out early 2014); UN Women's 'A Window of Opportunity: Making Transitional Justice Work for Women'; and OHCHR's Rule of Law Tools.

<sup>9</sup> Brussels, 8.3.2010, SEC(2010) 265 final

<sup>10</sup> Decision C(2014) 5607

Through the Instrument for Stability, the EU has supported TJ mechanisms and processes in the past including projects dedicated to conflict-resolution and reconciliation in Haiti, Afghanistan, Colombia, Uganda, Zimbabwe, Myanmar, and Thailand. In 2013, the first IfS action on gender-sensitive TJ was piloted by the EU Delegation in Bosnia and Herzegovina to build trust and confidence of survivors of war and potential witnesses and to empower women activists/organizations to participate in peace and security processes and develop mechanisms, capacities, and capabilities to better respond to gender-based violence post- crisis and conflict.

UN Women has supported transitional justice processes in a number of countries to date, including Sierra Leone, Kenya, Liberia, Solomon Islands, Uganda, Colombia, Nepal and Peru. In addition, UN Women has been increasing its engagement with and support to international courts on their legacy work for conflict-related sexual and gender-based crimes, as well as providing dedicated gender crimes experts and investigators to international and national justice mechanisms, including all conflict-related UN Commissions of Inquiry in the past 4 years.

Given the European External Action Service and the European Commission's efforts to boost the implementation of EU commitments in respect of women, peace and security, as spelled out in the 2008 Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, and considering the UN's growing role in providing technical support and funding to transitional justice processes, ensuring adequate investment and focus on gender-sensitive TJ can have a significant impact on women's access to justice and their ability to secure redress. This is consistent with efforts to implement Security Council resolution 1325 (2000) and related resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) with respect to ensuring women's involvement in all aspects of post-conflict recovery and peace-building, and delivering comprehensive justice for conflict-related crimes.

The vision and ambition of TJ is to enable societies that have been torn apart by violence to recover and to empower individuals – survivors, witnesses and perpetrators – to recount their experiences and agree on a measure of justice to inform their future.

### **2.3. Lessons learnt**

In 2008, UN Women (then UNIFEM) undertook an internal review of its own gender and transitional justice programming leading to a policy brief<sup>11</sup> that was then combined with the more general review of good practice 'A Window of Opportunity: Making Transitional Justice Work for Women'<sup>12</sup>. This policy brief, that guides UN

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<sup>11</sup> 'Gender and Transitional Justice Programming' August 2010, available at [http://www.unifem.org/attachments/products/0702\\_GenderAndTransitionalJusticeProgramming\\_en.pdf](http://www.unifem.org/attachments/products/0702_GenderAndTransitionalJusticeProgramming_en.pdf)

<sup>12</sup> <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/10/06B-Making-Transitional-Justice-Work-for-Women.pdf>

Women, is also intended to inform the programming of UN partners, civil society and other practitioners.

Work in this area is also guided by a recent mapping report undertaken by UN Women. At the request of the Secretary General's Policy Committee, UN Women, with the support of UNDP, undertook a review of all funding and programming in the area of women's access to justice in conflict-affected settings. This mapping report will be adopted through the UN's Rule of Law Coordination Group and will inform coherent and strengthened programming in this area, including in relation to transitional justice which was an important component of the overall review.

Some of the key lessons learned through these review exercises is the need for early and consistent engagement in the design, implementation and evaluation of transitional justice mechanisms; for the development of dedicated expertise to respond flexibly on short notice to country level needs; for transitional justice measures to engage more effectively with the socio-economic rights violations and underlying inequalities women experience if they are to achieve an intended transformative impact; and for the prioritization of mechanisms, sequencing and mandates of TJ processes to be informed by dedicated consultations and minimum levels of representation of women within these bodies.

Throughout its implementation, the action will be helped by a body of knowledge and research that includes evidence of survivors' justice priorities post-conflict, assessment of impacts of transitional justice mechanisms on survivors, and documentation of good practices and lessons learned.

The action will also integrate lessons learnt in the field of TJ thereby subscribing to the following principles:

- adoption of a comprehensive approach, reinforcing linkages between truth, justice, reparation, and guarantees of non-recurrence. It will also seek, where applicable, complementarity with traditional justice. Attention will be paid to possible linkages and synergies with other recovery/long-term themes and sectors (SSR, DDR, education, etc).
- implementation on the basis of baseline studies<sup>13</sup> in the targeted countries and examination of other societies' experiences when emerging from a period of abuse
- contribution to innovation, tackling new important issues in TJ, such as *inter alia* reconciliation among communities and the role of justice in peace-building.
- reliance on practical experiences to determine how the range of transitional justice mechanisms can be applied.

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<sup>13</sup> UN Women has been supporting ICTJ on a 6 country gender and TJ programme that includes a baseline in each of the countries – building on, refining, learning from the experience of that baseline could be envisaged.



## **2.4. Complementary actions**

In addition to this specific action, EU Delegations in the targeted countries will monitor the national development of this theme. Commission services and the European External Action Service (EEAS) will maintain close coordination with the EU Member States, and with the other donors involved in this area.

The Commission will ensure cross-fertilisation with relevant activities, in particular in mediation and dialogue, WPS, children and armed conflict, SSR and DDR, covered by the Instrument for Stability/Instrument contributing to Stability and Peace (IcSP) and other funding instruments.

## **2.5. Donor coordination**

Coordination with Member States, both in Brussels and with EU Heads of Missions in the field, will be assured.

There is also regular coordination with international or regional organisations dealing with gender issues.

## **3. DETAILED DESCRIPTION**

### **3.1. Objectives**

The overall objective of the action is to secure non-recurrence of violations and increase the efficiency of transitional justice as a means that can contribute to achieving prevention of further conflict, peacebuilding and reconciliation.

The specific objectives of the action will be :

- To create an enabling environment for TJ to take account of conflict-related Gender-Based Violence *sensu lato*<sup>14</sup>, to address the spectrum of survivors' violations in an integrated and interdependent manner and to redress survivors' experiences of gender-based violence as root cause of specific conflicts;
- To increase the potential success of TJ processes in preventing future violations by establishing a way forward from conflict to a more just and stable society by increasing the extent to which TJ prioritizes survivors and take into account the survivors' different needs.
- To base TJ redress on the experiences of survivors (men, women, boys and girls<sup>15</sup>) in conflict and on their respective needs in transitioning from conflict to peace.

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<sup>14</sup> including any (physical, sexual, emotional and economic) harmful act that is perpetrated against a person's will, and that is based on socially ascribed differences between males (men and boys) and females (women and girls).

<sup>15</sup> Including sexual minorities

### 3.2. Expected results and main activities

The action aims to achieve the following **results**:

- Enhanced coordination and coherence between EU's and UN's policy and programming on gender and transitional justice;
- Greater government awareness of the role played by reparations programmes
- International and regional policy frameworks on gender-sensitive transitional justice are developed,
- Gender equality principles are incorporated at policy and programming levels as part of the EU and UN involvement in transitional justice
- Strengthened capacity of national victims' organizations and activists to influence and participate in the planning, development and implementation of post-conflict justice measures.
- Enhanced accountability for the commission of crimes of sexual and gender based violence and restored credibility in domestic justice systems.
- Advanced promotion, analysis and documentation of gender justice and creation of jurisprudence on conflict-related sexual and gender-based crimes
- Strengthened approaches to investigative journalism on survivors' experiences in conflict-affected contexts
- Enhanced post-conflict awareness of rights violations and survivors' role in post-conflict transition processes
- Engendered transitional justice policy.

To achieve the above mentioned results, the following **main activities** are envisaged:

- Build the capacity of civil society focusing on groups of survivors in conflict-affected countries to inform, implement, support and monitor transitional justice measures and accompanying psycho-social support, to influence national developments on transitional justice and accountability for the political tensions.
- Information and lesson learnt sharing among regional/national networks on gender and transitional justice bringing together civil society, UN Women, TJ actors, media and government officials.
- Creation of a network of practitioners on the regional level enabling practitioners in the justice system to support each other's efforts regionally in the longer term.
- Delivery of in-depth technical assistance and training to national policymakers involved in the design of TJ measures and accompanying psycho-social support, to ensure that i) broadly defined gender-based violence is addressed according to the short and long-terms needs of men, women, boys and girls; ii)

governments are sensitised to the importance and the role of reparations programmes in TJ

- Generation of media profiling of survivors' agency and leadership in conflict settings, as well as more appropriate reporting of the specific violations experienced by survivors,
- International policy dialogues and advocacy work based on documented case studies/best practice/lessons learned
- Support a concrete agenda for research which will inform the development of gender-sensitive policies in the areas of prosecutorial justice, institutional reforms, truth seeking and other measures alongside reparative justice.
- Technical assistance and support to the development of transitional justice policies to conduct sex disaggregated surveys on experiences of conflict and expectations for justice, as well as planned support to actors to work with local civil society actors to build capacities for research in this area.

The action activities will operate at three levels with a bottom-up and top-down approach to :

1. facilitate and increase the participation and consultation of survivors in TJ processes through local, community-based and grassroots activities;
2. carry out in-depth technical assistance and trainings to national policymakers involved in the design of transitional justice measures, specialized organizations, and practitioners, and ensure that broadly defined gender-based violence is addressed according to the short and long-terms needs of men, women, boys and girls;
3. generate policy dialogue based on documented case studies/best practice/lessons learned that will serve to nurture engendered transitional justice policy and advocacy at international level.

For efficiency purposes, the action will target ideally 2 and maximum 5 countries that will be jointly determined during the project implementation. The choice of targeted countries will be based on the identification of gender-based violence *sensu lato*<sup>16</sup> as root cause of specific conflicts, on an optimal coverage of the targeted victim groups (see *infra* 3.5 - Stakeholders) and that will satisfy one or more of the following criteria:

- the national/regional post-conflict contexts selected are those who directly request support to the EU and/or the UN, and who have the genuine will to satisfy the complementarity standards of prosecution for these crimes domestically, but who require specialised mentoring in order to supplement

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<sup>16</sup> including any (physical, sexual, emotional and economic) harmful act that is perpetrated against a person's will, and that is based on socially ascribed differences between males (men and boys) and females (women and girls).

their willingness with a concrete ability to bring justice for gender-related crimes within their borders;

- Gender-related crimes have been committed on a widespread or systematic basis;
- Political will for accountability and justice

### **3.3. Risks and assumptions**

A key risk with any efforts to support transitional justice measures is the fact that these measures are adopted post-conflict when political will for full and comprehensive justice may be compromised by power-sharing agreements, ongoing presence of perpetrators in positions of power, as well as a perceived balancing act between peace and justice by decision makers. In a number of contexts, the politics of TJ can lead to significant delays in moving processes forward. Mitigation in this event will be supported by engaging in countries where there is expressed political will and working with a range of actors and partners to build towards accountability and lay the foundations for comprehensive justice even during periods of a slowdown in forward progress.

Assumptions include adequate capacity amongst partners and implementing actors in the selected countries and at HQ to effectively implement the project and incorporate the elements capturing lesson learning, developing capacity building tools, building and deploying expertise, as well as extracting from the action to inform national and global policy. Mitigation will include budgeting for dedicated expertise for the project at all levels.

### **3.4. Cross-cutting issues**

Cross-cutting issues will include gender equality given the nature of and objectives of the action, but also good governance, human rights, the strengthening of children's access to justice, as well as the inclusion of socio-economic rights violations and access to justice.

### **3.5. Stakeholders**

The funding beneficiary (delegatee) is UN Women.

UN Women is the lead in the UN system on women's access to justice with specific and dedicated expertise on gender and transitional justice. Since its creation, UN Women has contributed to the development of policy for the UN system – including through guidance on gender-sensitive transitional justice measures, draft guidance jointly with OHCHR on reparations for sexual violence survivors, and a recently concluded mapping report of all UN programming and funding on women's access to justice post-conflict, whose recommendations now inform UN rule of law programming. This has included :

- building a dedicated sub-roster of sexual and gender based crimes experts with Justice Rapid Response and deploying from this pool to all UN Commissions

of Inquiry, as well as the International Criminal Court and national war crimes courts;

- developing new programming and initiatives on the link between reparations and development with UNDP;
- supporting international courts to document the legacy of prosecuting gender based crimes;
- supporting UN mandate holders, such as the Special rapporteur on truth, justice, reparation and guarantees of non-recurrence, as well as the Working Group on Enforced Disappearances.

At the country level, UN Women has supported truth-seeking processes, reparations programmes, national consultations to inform TJ processes and technical support to civil society, governments and TJ mechanisms worldwide.

UN Women's value added is the ability to link TJ processes to the broader goals of gender equality and women's empowerment, ensuring that TJ processes are achieving their potential for conflict prevention and sustainable peacebuilding.

In April 2012, the EU and UN Women signed a Memorandum of Understanding on a strategic partnership to establish closer working relations (signed for EU by the HR/VP and Commissioner Piebalgs, and by Michele Bachelet for UN Women). Identified areas for cooperation include: Gender and justice, women's leadership and political participation; Women's access to economic empowerment and opportunities; Combatting sexual and gender based violence; Humanitarian aid; Women, Peace and Security; Responsiveness of plans and budgets to gender equality; Gender equality and women's empowerment in the context of global issues.

The action will be implemented by both UN Women (delegatee) and key actors<sup>17</sup> (final recipients of EU funds) at international, regional and local level that will be identified according to the targeted country.

Policy beneficiaries will mainly be the survivors of GBV (Women, girls, men and boys).

The conduct of consultations with survivors and rights groups will assess their justice priorities and needs, and exchange strategies developed by actors to effectively integrate gender issues into current and future transitional justice initiatives.

The action will adopt a participatory approach of the survivors in the transitional justice initiatives.

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<sup>17</sup> including Civil Society Organisations, women's organisations etc.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 48 months from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

An agreement for indirect management will be concluded between the EU and UN Women by 31 December N+1.

### **4.3. Implementation components and modules**

#### **4.3.1. *Indirect management with an international organisation***

This action will be implemented in indirect management with UN Women in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because UN Women is the lead in the UN system on women's access to justice and has specific and dedicated expertise on gender and transitional justice, as referred to under section 3.5. UN Women's value added is its ability to link TJ processes to the broader goals of gender equality and women's empowerment, ensuring that transitional justice processes are achieving their potential for conflict prevention and sustainable peacebuilding.

The action will be implemented by UN Women (delegatee) who will implement both budget- and action-implementation tasks. UN Women will, inter alia, carry out the award of procurement and grant contracts to third parties (i.e. final recipients of EU funds).

The final recipients of EU funds, at international, regional and local level, will implement action-implementation tasks in line with activities described under section 3.2, and will be identified according to the targeted countries.

The delegatee and final recipients of EU funds will have a set of common features crucial for Gender Equality and Women Empowerment and Transitional Justice: a proven track-record of delivery in the targeted countries tough implementation environment, demonstrated ability to forge efficient relationships with government partners and/or the local authorities, the ability to reach the target areas/regions and policy beneficiaries (target groups), through the physical presence or through ongoing work in the required thematic areas.

The entrusted entity is currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free cooperation with this entity, it can be entrusted with budget-implementation tasks under indirect management.

#### **4.4. Indicative budget**

The total budget committed is EUR 3.500.000

#### **4.5. Performance monitoring**

The action activities are closely monitored by European Commission services and the EEAS, and there is direct participation by Headquarters and relevant Delegations. The participation of government officials and EU representatives consolidates the monitoring effort.

#### **4.6. Evaluation and audit**

The action shall envisage a midterm review to assess progress and make recommendations for repositioning the action and an independent evaluation to be carried out at the end of the action. With regards to learning, the delegatee body will place emphasis on capturing good practice from the field and facilitate cross-regional learning and exchange

#### **4.7. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

### ANNEX 3

of the Commission Implementing Decision on the 2014 Annual Action Programme for the Instrument contributing to Stability and Peace (IcSP) – conflict prevention, peace building and crisis preparedness component (Article 4)

#### Action Document for Building and consolidating national capacities for conflict prevention

##### 1. IDENTIFICATION

Title/Number	Building and consolidating national capacities for conflict prevention CRIS number: IFS-RRM/2014/37362		
Total cost	Total estimated cost: EUR 3,750,000 Total amount of EU budget: EUR 3,000,000 This action is co-financed in joint co-financing by: UNDP and UN DPA		
Aid method / Management mode and type of financing	Project Approach Indirect management with United Nations' Development Programme (UNDP)		
DAC-code	15220	Sector	Civilian peace-building, conflict prevention and resolution

##### 2. RATIONALE AND CONTEXT

###### 2.1. Summary of the action and its objectives

This action seeks to build and consolidate national capacities and initiatives for conflict prevention in conflict affected, fragile countries or countries undergoing transition, including through improved EU-UN cooperation.

At country level, in a number of pilot countries jointly selected by the EU and UN, the action aims to strengthen the ability of national stakeholders (including civil society) to implement and support internal dialogue and negotiation initiatives (“insider mediation”), and, where appropriate, support the ongoing consolidation of national and local institutions/forums facilitating dialogue and negotiation (“national infrastructures for peace”). The deployment of Peace and Development Advisors (PDAs)<sup>18</sup> in the office of the Resident Coordinators (RCs) will be a key tool for the achievement of these objectives.

<sup>18</sup> PDAs are senior international United Nations (UN) staff deployed to strategically guide UN initiatives at the field level to support national conflict prevention efforts. PDAs focus primarily on strategic guidance and implementation of conflict prevention initiatives that involve national counterparts from government and civil society, while also supporting RCs and UN Country Teams through the provision of political and conflict analysis.



At regional level, the action aims at developing coordinated and complementary regional approaches through linking country-level activities to regional initiatives. This involves making available additional resources, learning and network opportunities, for instance, through the organization of regional experience sharing workshops. In an effort to further EU-UN cooperation both at country and at regional level, the action will also include the organisation of regional exchanges between EU and UN counterparts, including joint conflict analysis exercises.

This Action refers to priority areas b) of IcSP Article 4 as stated in the 2014-2020 Strategy Paper<sup>19</sup> : *Facilitating and building capacity in confidence-building, mediation, dialogue and reconciliation, with particular regard to emerging inter-community tensions.*

## **2.2. Context**

Over the past ten years, the UN system, and UNDP and DPA in particular, has developed tools and provided systematic support for the development and strengthening of national capacities for conflict prevention. Support is carried out through UNDP's conflict prevention work, as well as the joint UNDP-DPA Programme for Building National Capacities for Conflict Prevention (hereafter "Joint Programme"). The core rationale behind this support has been that lasting peace requires sustained national and local capacities for addressing future or recurring conflicts at national and local level through means of dialogue, facilitation and institution-building. This action builds on the successful results and work undertaken in the framework of the project "*Equipping National and Local Actors in Internal Conflict Management Processes with Skills for Dialogue and Constructive Negotiation*"<sup>20</sup>, led by UNDP in partnership with EU and with funding from the Instrument for Stability<sup>21</sup> (hereafter "the previous phase of the project").

### **2.2.1. Sector context: policies and challenges**

This action addresses challenges linked to the conflict prevention as part of the security-development nexus within the EU external action, including the IcSP. Moreover, the action promotes multilateral coordination and cooperation in line with Art. 2 of the IcSP and has the added advantage of focus where appropriate on regional cooperation.

The action is also in line with the UN Secretary-General's priorities to support prevention and countries in transition. Supporting nations to strengthen and sustain internal capacities for dialogue, mediation, and conflict resolution is a core function of both organizations, reflected in Article 21 of the Lisbon Treaty as well as in the UN Charter.

The Secretary-General's Rights Up Front Action Plan, a new system-wide initiative, which aims to improve UN action in situations where people are at risk or subject to serious violations of human rights or international humanitarian law emphasizes the importance of empowered UN Resident Coordinators and UN Country Teams to assess, analyse and respond to emerging challenges in complex political situations with support from UN Headquarters. To this end, the capacity of PDAs in providing technical and substantive analysis and

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<sup>19</sup> Decision C(2014) 5607.

<sup>20</sup> For further details on the project "*Equipping National and Local Actors in Internal Conflict Management Processes with Skills for Dialogue and Constructive Negotiation*", see the 2011 Annual Action Programme of the IfS's pre- and post-crisis preparedness component. The project has been implemented in 2012-2013.

<sup>21</sup> On 11 March 2014, a new Regulation succeeding the IfS, entitled "the Instrument contributing to Stability and Peace" (IcSP) has been adopted.

guidance on these issues is important and broadly recognized. The action seeks to facilitate a close coordination of these UN preventive activities with the EU delegations on the ground.

### **2.3. Lessons learned**

Through a number of lessons learned exercises at both country-level and globally, a number relevant of insights have emerged from the implementation of the previous phase of the project, as well as through the support extended by the Joint UNDP/DPA Programme over the past decade. These include:

- i. Building on existing systems is more sustainable, beginning with smaller interventions to establish credibility and legitimacy within the social context.
- ii. Existing communities of practice accelerate progress. The existence of a community of practitioners with members who possess the requisite experience and skills to, for example, conduct training of trainers is invaluable.
- iii. Ensuring activities are grounded to sound conflict analysis, and are designed in a flexible way so as to be able to adjust to changing realities is key. While PDAs, in countries where they are deployed, can offer important support in this regard, UNDP and DPA are working together at Headquarters level to advance a common approach to conflict analysis across the UN system.
- iv. Empowering voices operating in the 'middle' of a conflict is critical if mediation efforts are to be successful.
- v. More effectively addressing gender-related concerns is of critical importance, both regarding the nature of the work undertaken and in terms of ensuring gender expertise in the profile of appointed PDAs.
- vi. PDAs and other conflict prevention specialists need to receive systematic support from the UN Headquarters and engage fully with the UN Country Team.<sup>22</sup>

In addition to the lessons learned above and those that will be conducted in the context of this action, an external evaluation of the Joint Programme will be conducted in Q2 and Q3 in 2014 as a continued effort for further improvement of the Joint Programme.

### **2.4. Complementary actions**

At EU level, this action is complementary to a number of other initiatives launched or to be launched under the IfS, in particular:

- a) The project "European Resources for Mediation Support" (ERMES - IfS AAP 2013) which aims at facilitating EU support to third parties engaged in inclusive peace mediation and dialogue processes at the international, regional or local levels, by *inter alia* providing technical assistance and training, and organising meetings and seminars.
- b) The support provided to the UN Department of Political Affairs' Mediation Support Unit (*see Action Document 4 of the present AAP 2014*).
- c) The "*Support to In-country Civil Society actors in conflict prevention, crisis preparedness and peace-building*" (*Action Document 1 of the present AAP 2014*) which aims at supporting the efforts from civil society in – *inter alia* – the area of "Mediation, dialogue, transitional justice and reconciliation".

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<sup>22</sup>

In this respect, efforts to develop internal capacity within the UN system to deploy 'interim PDAs' will serve to ensure timely and effective support, and collaboration with the UN Peacebuilding Fund and UN Volunteers will be explored to strengthen the collaboration and cohesion across the UN's conflict prevention architecture.

At UN level, the activities foreseen will be complemented by ongoing and planned efforts by UNDP and DPA, both bilaterally and through the Joint UNDP/DPA Programme. For example, the usually short-term expertise provided by Mediation Standby Team members<sup>23</sup> and other UN mediation experts is often suitably sustained by PDAs. Similarly, support from DPA's Electoral Assistance Division is often reinforced by the work of PDAs in-country. UNDP's ongoing and planned activities on 'Infrastructures for Peace' provide a normative and practical foundation in which to ground the work of PDAs.

## **2.5. Donor coordination**

At country level, donor coordination is expected, primarily through the UN Resident Coordinator, and, where applicable, through the facilitation of the PDAs, or other staff members deployed within UNDP Country Offices working on conflict prevention related issues. The action will facilitate a special relationship with the Heads of EU Delegations in the selected countries, and close consultation with EU headquarters, in the definition and implementation of activities. In addition, PDAs and other relevant staff members are also expected to facilitate consultations with EU Member States as part of overall donor coordination. At HQ level, donor coordination will be undertaken through relevant UNDP and DPA counterparts, as per standard practice.

## **3. DETAILED DESCRIPTION**

### **3.1. Objectives**

The overall objective of the action is to contribute to peace and stability by building and consolidating national capacities and initiatives for conflict prevention in conflict affected, fragile countries or countries undergoing transition.

In terms of specific objectives, the action aims:

- At country level, in a number of pilot countries jointly selected by the EU and UN, to strengthen the ability of national stakeholders (including civil society) to implement and support internal dialogue and negotiation initiatives ("insider mediation" – result area 1a), and, where appropriate, to support the ongoing consolidation of national and local institutions facilitating dialogue and negotiation ("national infrastructures for peace" – result area 1b).  
The deployment of PDAs in the office of the Resident Coordinators will support and strengthen the capability of UN Country Teams to respond to potential violent conflict situations and equip them with adequate capacity to make sound conflict analyses, provide early warning and develop corresponding strategies to address these issues, in support of national stakeholders. The nature of activities in each country will vary depending on the entry points available for engagement<sup>24</sup>.
- At regional level, to develop coordinated and complementary regional approaches through linking country-level activities to regional initiatives.
- At the level of EU-UN relations, to further the coordination, knowledge-sharing, and practical cooperation both at country and at regional level, and increase opportunities for substantive collaboration in the design and implementation of conflict prevention initiatives at both national and local levels.

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<sup>23</sup> See Action Document 4 of the present AAP

<sup>24</sup> Where appropriate, mediation work of UN Country Teams, in conjunction with the EU, could encompass the reintegration of former combatants into civil society

### 3.2. **Expected results and main activities**

Three categories of results are expected from this action:

Results Area 1: Entry points and capacities developed for sustainable conflict prevention at country-level, including through the development and strengthening of capacities for ‘insider mediation’ (a) and support to national ‘Infrastructures for Peace’ (b).

- a) A pool of ‘insider mediators’ has been established and is able to apply its own skills in constructive negotiation and dialogue;
- b) Capacities and institutions have been strengthened, and buy-in from key governmental, political, and non-governmental actor(s) has been secured, reinforcing the development of national ‘Infrastructures for Peace’.

#### *Activities:*

Indicative activities under Result Area 1 are expected to include the following:

- In countries where activities took place under the previous phase of the project, training, coaching and other forms of support will be provided to the trained pools of "insider mediators", who will be "accompanied" in their involvement in ongoing or envisaged processes of dialogue, internal mediation, negotiation, or conflict resolution.
- In countries not piloted under the previous phase of the project, activities will involve the identification and training of ‘insider mediators’, selected among stakeholders from across state institutions, civil society organizations, as well as traditional, religious, women’s and youth groups. These activities will involve the application of the Guidance Note on insider mediation (produced during the previous phase of the project) which will also be updated on the basis of the lessons learned during this action.
- Organisation of policy discussions on establishing or strengthening “infrastructures for peace” and planning workshops with relevant governments and civil society for their implementation, as well as exercises to build internal capacities for this purpose.
- Support (technical assistance) to relevant stakeholders to develop appropriate legislation that provides the normative framework for the establishment of a formal infrastructure for peace.
- In up to three countries, workshops will target women’s groups, providing tailored training on dialogue, mediation, and facilitation, with a view to increasing the inclusion of women in the trained pools of ‘insider mediators’ and their involvement in national “infrastructures for peace”.
- In a number of the selected countries, the deployment of PDAs will support the UN’s efforts to develop and implement conflict prevention initiatives and conflict-sensitive programming, while also linking to the EU priorities and the work of relevant EU Delegation (*see Result Area 3*).

Results Area 2: Strengthened regional collaboration, leading to improved capacity and skills of national stakeholders, EU, and UN, and facilitating application of good practices

- a) Strengthened capacities of ‘insider mediators’ to apply skills, as a result of accessing knowledge and resources available at regional level and through participating in peer-learning;

- b) Enhanced synergies at regional level between EU and UN staff as well as strengthened capacity to document and apply lessons learned and best practices to the work of each respective organization in the domain of conflict prevention.

In sub-regions commonly selected between the EU and UN, indicative activities under Result Area 2 are expected to include the following:

- Organisation of two regional-level workshops for insider mediators in regions which include multiple countries involved in this action. These workshops will link to regional organizations and civil society platforms<sup>25</sup>, with the aim of further consolidating their efforts and providing "insider mediators" with the required knowledge, resources, and peer-learning opportunities. This will be complemented by 'bilateral regional exchanges' between EU, UN, and national partners in countries included in this action (*see Result Area 3*).
- Regional exchanges between PDAs, EU Delegations, and other relevant EU and UN staff, which could entail the organization of regional experience sharing workshops. The aim of these workshops would be to capture lessons learned and best practices in the sub-region to be shared and discussed - where appropriate - with key stakeholders in the region, including government officials, civil society and other donors.

**Results Area 3:** Strengthened analytical capacities and EU/UN collaboration on conflict risk and political acumen at regional and global level

- a) Increased capacity of the EU and its Member States, and the UN, to collaboratively undertake conflict analysis and inform coherent approaches in-country and at regional level;
- b) Strengthened capacity of the UN and the EU to support 'insider mediators', thereby enhancing the ability of UN Country Teams and EU Delegations to contribute to country-wide conflict prevention activities;
- c) Strengthened capacity of the UN and the EU to respond to emerging crises where conflict prevention and peacebuilding capacities are required as well as to support EU and UN analytical capacity at country-level.

Indicative activities under Result Area 3 are expected to involve the following:

- In terms of development and implementation of EU-UN joint conflict prevention initiatives and conflict-sensitive programming, fostering via PDAs the EU-UN collaboration through *inter alia*: a) sharing of political/conflict analysis; b) coordinating the respective efforts led by the UN Office of the Resident Coordinator and the EU Delegation on issues regarding the peace and stability of the pilot countries; c) overseeing and providing strategic guidance to collaboration between the EU and UN on identified conflict prevention initiatives.
- Facilitating a series of regional and country level joint workshops for EU and UN to share conflict analyses or, where appropriate, conduct joint conflict analysis exercises, with a view to informing complementary conflict prevention programming and coherent responses.

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<sup>25</sup> Such as the African Insider Mediators' Platform (AIMP).

- Leveraging the potential of the Joint UNDP/DPA Programme in linking the UN's political engagements and development expertise, this action will also involve the development of a mechanism that systematically collates the analysis developed by the UN and key partners in country and internationally to inform understanding of conflict risks facing countries and guiding subsequent responses from the UN system.

### **3.3. Risks and assumptions**

There are a number of risks related to the activities and the results described above. These include:

- 1) Conducive external environment, including overall political climate;
- 2) Entry points available to the EU and UN to collaborate on issues related to conflict prevention;
- 3) Willingness and capacity within the UN system and the EU to engage in joint responses at country-level, including capacity to ensure timely coordination, information-sharing, as well as implementation of activities and subsequent reporting to UN/HQ and EU/HQ counterparts.

These risks will be addressed through regular communication between relevant EU and UN counterparts at country level, to be complemented by oversight, guidance, and ownership at strategic level (EU/Brussels and UN/New York), which will ensure accountability and transparency.

### **3.4. Cross-cutting issues**

Gender: UN Security Council (UNSC) Resolution 1325 and recently Resolution 2122 draw renewed attention to women's leadership and participation in conflict resolution and peacebuilding. With this action, efforts will be undertaken to strengthen women's leadership in conflict prevention, and to address the inclusion of women in peace processes, through engaging with civil society organizations at local and national levels. At an operational level, the Joint UNDP/DPA Programme will also ensure gender expertise of male/female PDAs.

Human Rights and Conflict Prevention: Human rights and conflict prevention both aim to build societies and communities based on social justice and respect for human dignity. The inherent linkages of human rights to conflict prevention are widely recognized as a cause and manifestation of violent conflict, with an ongoing UN initiative seeking to create greater collaboration and cross-fertilization between PDAs and Human Rights Advisors (HRAs), as well as the respective fields more broadly.

Environment and Climate Change: The challenges associated with preventing, managing and resolving natural resource-induced conflicts are increasingly recognized, as demonstrated by the EU's ongoing partnership with the UN in this area. Where appropriate, this action will ensure effective linkages with the activities, resources and expertise made available through ongoing partnerships (including both the EU/UN Partnership on Land, Natural Resources, and Conflict, as well as UNDP's Programme on extractives to ensure complementarities and coherence.

### **3.5. Stakeholders**

The activities described in this action seek to support national, regional and local stakeholders, including governments, state institutions and civil society. As one means, the action also seeks to support EU Delegations and UN Country Teams to analyse and assess conflict/political contexts and to identify and pursue entry points available for conflict-sensitive engagement in cooperation and with the support of UNDP and DPA.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 48 months from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements.

### **4.3. Implementation components and modules**

#### **4.3.1. Indirect management with an international organisation**

This action will be implemented in indirect management with UNDP in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because the UN - and UNDP and DPA in particular - have developed over the past ten years expertise on and provided systematic support for the development and strengthening of national capacities for conflict prevention. This action builds also on the successful results of the previous phase of the project, titled "*Equipping National and Local Actors in Internal Conflict Management Processes with Skills for Dialogue and Constructive Negotiation*" (2012-2013), led by UNDP in partnership with EU and with funding from the Instrument for Stability (IfS)<sup>26</sup>.

The action will be implemented by UNDP (delegatee) who will implement both budget- and action-implementation tasks. UNDP will coordinate activities related to the identification, training and support to "insider mediators" as well as to the discussions around and implementation of "infrastructure for peace" and the organisation of several regional workshops. In all these activities, UNDP will, inter alia, carry out the award of procurement and grant contracts to third parties (i.e. final recipients of EU funds). The final recipients of EU funds, at international, regional and local level, will be identified according to the targeted countries and will implement action-implementation tasks in line with activities described under section 3.2

These tasks will include the preparation and delivery of trainings and/or workshops, the preparation, facilitation, and convening of dialogue session(s) on various issues pertinent to a country's peace and stability, as well as the development and dissemination of good practices, lessons learned, and other instructive materials at either a country or sub-regional level.

The entrusted entity is currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free cooperation with this entity, it can be entrusted with budget-implementation tasks under indirect management.

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<sup>26</sup>

See the 2011 Annual Action Programme of the IfS' pre- and post-crisis preparedness component.

#### **4.4. Indicative budget**

<b>Module</b>	<b>Amount in EUR</b>	<b>Third party contribution (indicative)</b>
4.3.4. – Indirect management with UNDP	EUR 3,000,000	EUR 750,000
Total	EUR 3,000,000	EUR 750,000

#### **4.5. Performance monitoring**

Oversight and, as required, guidance of all activities described will be provided by a tripartite working group comprised of the EU, DPA, and UNDP who will communicate regularly, with updates to be provided and meetings to take place at least on a quarterly basis, or as determined appropriate. Indicators will be developed according to the results areas articulated above, and will be included in subsequent project documentation.

#### **4.6. Evaluation and audit**

If deemed necessary, external evaluation and/or verification can be commissioned by the European Commission – FPI, and financed under IcSP Administrative budget line 19.010401.

#### **4.7. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on the "Joint Visibility Guidelines for EC-UN Actions in the Field". The measures shall be implemented by the entrusted entity. Appropriate contractual obligations shall be included in the delegation agreement.

The collaboration will be reflected in the Annual Report of the Joint UNDP/DPA Programme, published in the first quarter of each year. Public events involving the diplomatic and UN communities in New York, Brussels, Geneva, and other mutually-agreed locations (such as regional hubs) will also be held, in addition to the training workshops and other events anticipated, as described above. In all occasions, as well as in all activities undertaken in the framework of this project, the EU support will be acknowledged and provided adequate visibility.

As appropriate, implementation issues of the project relevant to Women Peace and Security (WPS) will contribute to the DPA's regular briefings and updates to the UNSC as per UNSCR 2122 (2013) and other relevant UNSCRs as well as to the "Report on the EU-indicators for the Comprehensive Approach to the EU implementation of UNSCRs 1325 and 1820 on WPS". Recommendations on issues of relevance to WPS included in DPA's report to the UNSC will also be integrated – as appropriate – in the project implementation.



## ANNEX 4

of the Commission Implementing Decision on the 2014 Annual Action Programme for the Instrument contributing to Stability and Peace (IcSP) conflict prevention, peace-building and crisis preparedness component (Article 4)

### Action Document for Strengthening International Mediation Capacities

#### 1. IDENTIFICATION

Title/Number	Strengthening International Mediation Capacities CRIS number: IFS-RRM/2014/37362		
Total cost	Total estimated cost: EUR 3,125,000  Total amount of EU budget contribution: EUR 2,500,000  This action is co-financed in joint co-financing by UN DPA.		
Aid method / Management mode and type of financing	Project Approach Indirect management with UN DPA		
DAC-code	15220	Sector	Civilian peace-building, conflict prevention and resolution

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

Through support to the Mediation Support Unit (MSU) established in 2008 within the Policy and Mediation Division (PMD) of UN Department of Political Affairs (DPA), this action aims to enable the United Nations (UN) to respond more effectively and in a more timely manner to crises and enhance support to mediation efforts led by the UN, as well as those led by the European Union (EU) and other regional and sub-regional organizations worldwide.

Building on the support provided to MSU in the framework of the IfS AAPs in 2009 and 2011, this action aims at:

- (i) Enhancing the capacity of the UN to deploy rapidly thematic mediation experts (in particular the Stand-by Team of mediation experts<sup>27</sup>) to support UN and other envoys and mediators in the field, as well as the efforts of the EU and other regional and sub-regional organisations ;
- (ii) Increase the availability and quality of gender expertise in mediation processes;
- (iii) Provide high-level and core mediation training for staff from the UN, as well as the EU and other regional and sub-regional organizations, to promote a more professional and effective approach to mediation, enhance current mediation practice and prepare future mediators and their advisers.

<sup>27</sup>

See section 3 for further details.

This Action refers to priority area b) of IcSP Article 4 as stated in the 2014-2020 Strategy Paper<sup>28</sup> : b) *Facilitating and building capacity in confidence-building, mediation, dialogue and reconciliation, with particular regard to emerging inter-community tensions.*

## **2.2. Context**

### **2.2.1. Sector context: policies and challenges**

As a global actor committed to the promotion of peace, democracy, human rights and sustainable development, the EU is well placed to mediate, facilitate or support mediation and dialogue processes. The 2009 "Concept on Strengthening EU Mediation and Dialogue Capacities" provides a policy basis for EU engagement in the area of mediation and dialogue. A dedicated Mediation Support Team has been established within the EEAS Conflict Prevention, Peace Building and Mediation Instruments Division which acts as a focal point for co-ordinating the activities outlined in this Concept. In addition to its own mediation engagement and activities aimed at enhancing internal capacity for mediation, the EU supports the mediation capacities of third parties through its external aid instruments.

In this respect, and in line with the 2009 Concept which tasks the EU to collaborate closely with the UN, the EU has established a solid cooperation with UN DPA's PMD in terms of both of policy dialogue and financial support through the IfS AAPs 2009 and 2011.

## **2.3. Lessons learnt**

Since the creation of the EU's Mediation Support Team in 2011 and the subsequent increase in bilateral contacts with the MSU, the two teams have undertaken regular six-monthly reviews on cooperation on mediation. This includes the gathering of lessons learnt through joint deployments and training. Such lessons learnt identify the need for improved information-sharing, encouraging deployed standby team experts to liaise with the EU presence in the field, and clear assignment of focal points for the deployment.

At an operational level, MSU has made a concerted effort to take stock of the impact of its initiatives. A mechanism of feedback on the services provided by the MSU mediation experts has been set up to draw lesson learned from each mission. For example, a short survey is being sent to requesting offices to assess the performance and impact of the Standby experts on the ground. The experts also conduct debriefings at the end of their assignment with the requesting entity and relevant desk officers in UN Headquarters. This gives them an opportunity to provide feedback to the experts and identify lessons learned.

## **2.4. Complementary actions**

This Action is complementary to a number of other initiatives launched or to be launched under the IfS/IcSP pre- and post-crisis preparedness component, in particular:

- The launch in early 2014 of the project "European Resources for Mediation Support" (ERMES) which as foreseen under the IfS AAP 2013 aims at facilitating EU support to third parties engaged in inclusive peace mediation and dialogue processes at the international, regional or local levels, by *inter alia* providing technical assistance and training, and organising meetings and seminars.
- The support provided under this AAP to the joint UNDP/DPA Programme on building national capacities for conflict prevention, including a component on "insider mediation" (*see Action Document 3*). In this respect, Standby Experts– especially

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<sup>28</sup>

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when deployed in non-Mission settings<sup>29</sup>, often need to work closely with UN's Resident Coordinators, Peace and Development Advisors (PDAs) and the wider UN Country Team, where applicable. These engagements have demonstrated the complementary nature of the support provided respectively through the Stand-by Team and the Joint UNDP/DPA Programme mentioned above. The expertise provided by a Standby Team member, usually on a short-term basis, is suitably augmented by the sustained presence in country of a PDA and the latter's interaction with the EU and its Member States, where appropriate. This enables initiatives supported or catalysed by a Standby Team member to be sustained by a PDA on a longer term basis.

- The "Support to In-country Civil Society actors in conflict prevention, crisis preparedness and peace-building" – Action Fiche 1 of this AAP – which aims at supporting civil society efforts in – *inter alia* – the area of "Mediation, dialogue, transitional justice and reconciliation".

## **2.5. Donor coordination**

Coordination between this Action and the different initiatives mentioned above will be ensured through a regular strategic dialogue between UN DPA's PMD on one side and the EU's Mediation Support Team, as well as FPI.2 on the other side, in the framework of the overall EU-UN partnership on conflict-prevention and mediation. The EU's Mediation Support Team and FPI.2 - respectively in charge of the policy and the management of the above mentioned initiatives – will avoid overlap and maximise the synergies between the different mediation initiatives.

Coordination with EU Member State initiatives in the field of support to international peace mediation will also be sought through various coordination mechanisms, notably the UN Group of Friends of Mediation, the Mediation Support Network (MSN), and possibly the informal EU group of friends of mediation.

At UN level, UN DPA's PMD remains the lead focal point in the UN system with respect to mediation. Although it does not have a mandate to coordinate mediation activities globally, PMD is still called upon to provide technical support for many UN-led negotiations. As such, PMD has unique global overview of UN mediation activities and is able to advise senior officials on how to avoid overlap or duplication of efforts.

## **3. DETAILED DESCRIPTION**

### **3.1. Objectives**

As mentioned in the summary, this action aims at:

- a) Enhancing the capacity of the UN to deploy rapidly thematic mediation experts (in particular the Standby Team of mediation experts) to support UN and other envoys and mediators in the field, as well as the efforts led by the EU and other regional and sub-regional organizations;
- b) Increase the availability and quality of gender expertise in mediation processes;

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<sup>29</sup> 'Non-mission settings' refers to those situations where there is no UN peacekeeping or special political mission on the ground.

- c) Provide high-level and core mediation training for staff from the UN, as well as the EU<sup>30</sup> and other regional and sub-regional organizations, to promote a more professional and effective approach to mediation, enhance current mediation practice and prepare future mediators and their advisers.

#### **a) Standby Team of Mediation Experts**

The UN has often encountered difficulties in bringing technical expertise to the negotiating table in fast-moving and unpredictable mediation situations. At the same time, peace talks often require highly technical advice on specific issues. Similarly, envoys or others leading a mediation effort often seek advice on management of the negotiating process itself, particularly when talks have stalled or are being challenged by a spoiler. To better meet this type of requirement, UN DPA created in 2008 a Standby Team of Mediation Experts designed to enable mediation experts to be deployed within 72 hours anywhere in the world to assist envoys and mediators in the field. The team is geographically and linguistically diverse, as well as gender-balanced.

This rapid-response capacity has been invaluable in numerous good offices situations ranging from emerging crises to long-running negotiations. The demand for Standby Team experts' services has risen significantly, and between August 2012 and August 2013, they have been deployed over 100 times to 55 countries worldwide. During the past two years, they have been involved in some of the most important mediation and dialogue facilitation efforts being undertaken by the UN including Yemen, Mali, Syria, Libya, Iraq, Somalia, the Democratic Republic of Congo, Central African Republic, Sudan (Darfur), Maldives, Nepal, Bosnia, and Guyana-Venezuela. The EU has also benefitted from the Standby team's support in several instances, both through their operational deployments and delivery of training and coaching.

Through this Action, the EU will support four of the eight positions. For the first year, it is likely that the following profiles will be supported via the EU contribution:

- (i) Natural resources and wealth-sharing
- (ii) Mediation and dialogue process design (two positions)
- (iii) Gender and Social Inclusion

The profiles of the experts for the second and third year may change following a review from the preceding year and in consultation with the EU.

#### **b) Gender expertise in mediation processes**

The EU has been instrumental in funding the Gender and Social Inclusion position since 2011 to ensure the effective provision of gender expertise into mediation processes. The availability of technical gender expertise to mediation teams is a critical tool in ensuring that negotiation parties understand the impacts of their decisions on women's rights and are aware of the practical options available to them in order to advance on these issues. Consequently, during the past two years the Gender Experts have provided gender and mediation-related technical support to country-specific situations including: Colombia, Iraq, Libya, Mali, Somalia and Syria, interventions, which have facilitated positive, concrete results on the ground.

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<sup>30</sup> As training opportunities arise, involvement of EU Member States will be sought as appropriate.

### **c) Mediation Training Strategy**

As the United Nations and regional organizations seek to have a more professional and effective approach to mediation, it is of critical importance for staff to have in-depth and shared understanding of primary mediation concepts. Building on the work of the previous IfS contribution to MSU (AAP 2011)<sup>31</sup> that enabled the UN to provide support to more than 80 peace processes around the world in the last 2 years, this Action will enable the UN to continue to professionalise the practice of mediation both inside and outside the Organisation and to prepare the next generation of UN mediators and their advisers. The main activities will include:

- (1) the conduct of a High-Level Mediation Course once a year over the next three years, targeting senior officials from the UN, as well as from the EU and other regional and sub-regional organisations;
- (2) the development of a thematic course (to be piloted twice during this action's duration), addressing one of the topical challenges facing mediators today and aimed at mediation practitioners from the UN, the EU and other regional and sub-regional organisations.

#### **3.2. Expected results and main activities**

This action will enable the United Nations to continue to ensure that the right expertise is provided to mediators at the right place and at the right time. The Standby Team experts will regularly provide analytical papers, technical advice and other forms of support to help UN envoys, other envoys and mediators achieve their objectives. In many instances, where there is no formal mediation process underway, Standby Experts have been called upon to assist in brainstorming discussions to generate options and consider new ways of addressing a problem.

This action seeks to achieve the following results:

- (i) Enhanced prospects for successful negotiation of peace agreements
- (ii) Increased likelihood that such agreements, based on sound technical expertise, are sustainable in the long-run;
- (iii) Increased inclusiveness and representation of women in peace processes;
- (iv) Enhanced skills of senior and mid-level officials working on mediation issues within the UN, EU, UN Member States, regional and sub-regional organizations.

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<sup>31</sup> In the framework of which DPA carried out an assessment of its mediation-related training needs and drafted a comprehensive mediation training strategy.

### **3.3. Risks and assumptions**

There are several factors that need to be considered in order to ensure that the work of the Standby Team, and of DPA more broadly, is successful. First, the assistance they are requested to provide is consistent with the UN's own policy position and does not compromise the UN's role as an impartial actor. Second, the entity requesting Standby Team assistance has *locus standi* in the country and is an accepted third party to provide technical assistance to the parties to the conflict. Third, the assistance being provided does not duplicate or overlap with existing work being undertaken within the UN.

### **3.4. Cross-cutting issues**

In addition to their main portfolios, the Standby Team experts will advise on a range of cross-cutting issues including *inter alia* gender equality and women's empowerment, good governance, human rights, transitional justice, environmental protection, children's rights and rights of indigenous peoples, conflict prevention and climate change. Many of these issues will also be covered in the mediation trainings, either directly or indirectly.

### **3.5. Stakeholders**

The main stakeholders, including beneficiaries, of the Standby Team include: the UN system (including UN entities such as DPA, DPA Missions, DPKO Missions, Resident Coordinators, PDAs and UN Country Teams), the EU and its Member States, other UN Member States, regional and sub-regional organizations, civil society organizations, parties to a conflict, and other entities involved in mediation with immediate and direct support in mediation processes.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 48 months from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements.

### **4.3. Implementation components and modules**

#### ***4.3.1. Indirect management with an international organisation***

This action with the objective of Strengthening Mediation Capacities within the United Nations may be implemented in indirect management with the United Nations' Department of Political Affairs (UN DPA) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because UN DPA is in a unique position as it is the lead focal point on mediation in the UN system. Given its global reach, many international and regional organizations engaged in mediation see DPA as an important partner and a repository of knowledge and best practices in mediation. This is one reason why DPA was called upon to lead the effort to develop the United Nations Guidance on Effective Mediation which has become an important reference point for international best practices in mediation. This action also builds on the solid cooperation established by the EU with PMD both in

terms of policy dialogue and in terms of financial support through the IfS AAPs 2009 and 2011.

The entrusted entity would supervise the work of the Standby Team of mediation experts and organise a number of mediation trainings (*see activities for further details*).

Acting under presumption of conformity until the new pillar assessments are done, the entrusted entity is currently undergoing the *ex-ante* assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free cooperation with this entity, it can be entrusted with budget-implementation tasks under indirect management.

The entrusted entity intends to sub-delegate the administrative management of the Standby Team to a third party (yet to be identified), which would to provide all the necessary administrative and logistical support for the Standby Team experts, including payment for monthly salaries, benefits, insurance, travel, etc. The United Nations will retain full management and oversight of the Standby Team.

Appropriate provisions will be included in the delegation agreement.

#### **4.4. Indicative budget**

<b>Module</b>	<b>Amount in EUR</b>	<b>Third party contribution</b>
4.3.4. – Indirect management with United Nations' Department of Political Affairs	EUR 2,500,000	EUR 625,000
<b>Total</b>	<b>EUR 2,500,000</b>	<b>EUR 625,000</b>

#### **4.5. Performance monitoring**

In recent years, DPA has taken several steps to ensure its efforts are results-based, and the activities and outcomes are more systematically monitored. The activities in the action are fully aligned with the Regular Budget Strategic Framework, linking DPA's priority/outcome areas with proposed extra-budgetary activities; this provides a clear linkage between departmental priorities regardless of their funding source. This new approach also facilitates a better monitoring of results and assessment of the overall impact of DPA in the field.

#### **4.6. Evaluation and audit**

In order to measure the impact of the Stand-by team deployments, a survey form will be sent to requesting entities to measure the performance of the expert, with both quantitative and qualitative measures, including the political added-value of the deployment. When possible, this will be supplemented by follow-up interviews with the requesting office.

If deemed necessary, and in consultation with DPA, an external evaluation and/or verification can be commissioned by the European Commission – FPI, and financed under IcSP Administrative budget line 19.010401.

#### **4.7. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on the "Joint Visibility Guidelines for EC-UN Actions in the Field". The measures shall be implemented by the entrusted entity. Appropriate contractual obligations shall be included in the delegation agreement.

UN DPA acknowledges donors' contributions for PMD and its Standby Team publicly as a general rule. In certain countries or conflict situations, UN DPA may need to refrain from mentioning EU support if there are any potential political sensitivities in that regard. In terms of training activities, the UN DPA will ensure EU visibility on courses that they have funded.



## ANNEX 5

of the Commission Implementing Decision on the 2014 Annual Action Programme for the Instrument contributing to Stability and Peace (IcSP) conflict prevention, peace-building and crisis preparedness component (Article 4)

### Action Document for "Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector".

#### 1. IDENTIFICATION

Title/Number	"Strengthening the Kimberley Process – Conflict Prevention and Governance in the Diamond Sector" CRIS number: IFS-RRM/2014/37362		
Total cost	Total estimated cost: EUR 1,050,000 Total amount of EU budget contribution: EUR 1,000,000.		
Aid method / Management mode and type of financing	Project Approach Direct management Grants – direct award		
DAC-code	15220	Sector	Civilian peace-building, conflict prevention and resolution

#### 2. RATIONALE AND CONTEXT

##### 2.1. Summary of the action and its objectives

This action aims at strengthening cooperation between Kimberley Process stakeholders (governments, industry and, in particular, civil society), as well as promoting better understanding of KP requirements and improving enforcement capacities, in particular in the Mano River region of West Africa.

Activities will focus in particular on: 1) enhancing civil society's active participation in the KP; 2) improving the implementation of a regional approach to KP compliance in the Mano River belt region; 3) strengthening the KP monitoring mechanism.

This action refers to priority area e) of IcSP Article 4 as stated in the 2014-2020 Strategy Paper<sup>32</sup> : *Assistance to curb use of natural resources to finance conflicts and to support compliance by stakeholders with initiatives, such as the Kimberley Process Certification Scheme, especially as regards implementation of efficient domestic controls on the production of, and trade in, natural resources.*

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<sup>32</sup> Decision C(2014) 5607.

## 2.2. Context

The Kimberley Process (KP) is a global tri-partite initiative between governments, civil society and industry, launched in May 2000, under UNGA Resolution 55/56 to stop the trade in 'conflict diamonds'. Its purpose is to ensure that rough diamonds do not finance violence by armed rebel groups. Over the past ten years, the KP has evolved into an effective mechanism for stemming the trade in conflict diamonds and is recognized as a unique conflict-prevention instrument to promote peace and security. The joint efforts of governments, industry leaders and civil society representatives have enabled the scheme to curb successfully the flow of conflict diamonds in a very short period of time. Diamond experts estimate that conflict diamonds now represent a small percentage of the international trade in diamonds, compared with estimates of up to 15% in the 1990s. The KP currently has 54 participating members (Participants)<sup>33</sup>, representing 81 participating countries.

The role of civil society in the KP is fundamental to its integrity and credibility, and ensures that the reasons for its establishment - namely protecting communities from the devastating effects of wars fuelled by the profits of the diamond trade - is never forgotten. More recently, civil society's voice in KP has been central to the reform debate, advocating that it adapts to current threats and challenges. Civil society has also ensured that development principles are built-in to the KP's work to improve outcomes for diamond mining communities. The KP's unique multi-stakeholder structure has also enabled stronger working relationships to be forged between civil society organisations and their host governments.

This action will be implemented by Partnership Africa Canada (PAC), an NGO which was one of the architects and founding members of the Kimberley Process Certification Scheme (KPSC)—for which it was co-nominated for the Nobel Peace Prize by a group of American Congressmen<sup>34</sup>. Since the establishment of the KPSC, PAC has been at the forefront of efforts to maintain the KP's credibility and ability to respond to emerging ethical challenges in the diamond sector. This work includes undertaking investigative research, policy dialogue, and playing an important role as a proponent of reform of the KP to ensure it remains relevant and effective as a conflict prevention tool. PAC also coordinates civil society participation in the KP, involving liaison with CSO partners, based in Africa and elsewhere.

## 2.3. Lessons learnt

A number of lessons learnt can be drawn from the implementation of a previous action in support of PAC's work on KP<sup>35</sup> *inter alia*:

- Achieving and maintaining political commitments to natural resources governance requires constant engagement with actors at all levels of government, industry and

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<sup>33</sup> The KP has 55 participants countries: Angola, Armenia, Australia, Bangladesh, Belarus, Botswana, Brazil, Cambodia, Cameroon, Canada, Central African Republic, China, Congo (DRC), Congo (ROC), Côte d'Ivoire, Croatia, European Union, Ghana, Guinea, Guyana, India, Indonesia, Israel, Japan, Kazakhstan, Laos, Lebanon, Lesotho, Liberia, Malaysia, Mali, Mauritius, Mexico, Namibia, New Zealand, Norway, Panama, Russian Federation, Sierra Leone, Singapore, South Africa, South Korea, Sri Lanka, Swaziland, Switzerland, Tanzania, Thailand, Togo, Turkey, Ukraine, United Arab Emirates, United States of America, Venezuela, Vietnam, Zimbabwe.

<sup>34</sup> PAC's seminal report (*The Heart of the Matter*) that linked the trade of rough diamonds to civil war in Sierra Leone in 2000 was instrumental in informing decision makers within governments and industry of the need for greater regulation of the diamond trade.

<sup>35</sup> See project "*Preventing Conflict Fuelled by Diamonds*" (funded under the IfS 'Sixth Facility for urgent actions involving Policy Advice, Technical Assistance, Mediation, Reconciliation and other areas of assistance for the benefit of third countries affected by crisis situations' - 'PAMF 6').

civil society. Challenges to effective implementation of KP can arise because of issues of political will, inadequate resources, or compromised elites unwilling to relinquish control of lucrative resources which they may control. Whatever the cause, it can result in sub-optimal outcomes for governments and local communities in the mining sector.

- The consensus based decision-making process at the heart of the Kimberley Process has at times made it difficult for the KP to adapt to current challenges, and this has been to the detriment of the KP's efficiency and credibility. Nevertheless, good progress can be made on improving the implementation of KP at a technical level, and this has been the focus of the EU's efforts as Chair of the Working Group on Monitoring (WGM), most recently in support of the Regional Approach for the countries of the Mano River Union.

PAC has worked to address these challenges and encourage better KP compliance by all actors within the KP community, by promoting better dialogue between civil society, government and industry, and making concrete proposals for improvements to the KP peer review process. The Regional Approach to KP compliance in the Mano River region of West Africa—explored in more detail at section 2.4 below—is one example of this work. This initiative, led by the KP Participants of West Africa themselves, and supported by a small technical team, of which PAC and the EU are founding members, demonstrates how increasing the stake of the community in artisanal mining production, making improvements to law enforcement cooperation and putting in place better traceability systems, can deliver dividends in the prevention of smuggling, and returning revenues to governments and the local people of mining communities. This model has the potential to be adapted to other regional contexts, to address similar KP compliance challenges elsewhere.

## **2.4. Complementary actions**

The EU is a single KP Participant and, as such, represented by the European Commission. Consequently, this action is to be seen in the context of the EU role in the KP both in terms of its participation and political leverage as well as its role as donor.

The Commission on behalf of the EU chairs the Working Group on Monitoring (WGM), which plays an important role in overseeing KPCS implementation by Participants and dealing with cases and issues of non-compliance.<sup>36</sup> In 2013, the European Commission contributed substantially to the progress made on the KP reform agenda under South Africa's Chairmanship, in particular as regards strengthening KPCS implementation within its existing mandate. As the Chair of the WGM, the Commission has also helped to guide the KP's careful stewardship of the violence ongoing in the Central African Republic (CAR), and the technical support that the KP family is offering to the authorities of CAR and neighbouring KP Participant countries to ensure profits from diamonds do not fuel further violence.

The Commission has welcomed the appointment of the People's Republic of China as incoming KP Chair for 2014 and the selection of Angola as KP Vice-Chair for 2014, and has pledged the EU's full support to Angola's stated intention to advocate for respect for fundamental human rights and improve beneficiation of diamond mining communities.

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<sup>36</sup> At the level of the EU, the KPCS is implemented through Council Regulation (EC) No. 2368/2002.

In terms of its complementarity, this action builds on the successful EU cooperation with Partnership Africa Canada (PAC) in 2013 under the Instrument for Stability's (IfS) crisis response component, when funds were provided to help avoid the emergence of crises which would have otherwise severely destabilised conflict prone and diamond producing regions.

In addition, this action is complementary to EU support to the "Property Rights and Artisanal Diamond Development" (PRADD) programme (€1 million under the IfS<sup>37</sup> and in cooperation with the United States' Agency for International Development). The programme, currently being implemented in Ivory Coast and Guinea, aims at bringing greater quantities of alluvial diamonds into the legal chain of custody and improve the livelihood options of local populations. The EU support focuses in particular on helping Ivory Coast in its efforts to be compliant with the KPCS requirements.

The Commission is also supporting the development of a regional approach to KPCS implementation in the Mano River belt region of West Africa, which is helping regional Participants to tackle smuggling, foster law enforcement cooperation and safeguard government revenues. PAC currently serves as a member of a four-person technical team (which also includes a representative of the European Commission) which has overall coordinating responsibilities for this initiative. This work is being undertaken in conjunction with PRADD as an implementing partner.

In addition, the Joint Research Centre (JRC) has been supporting the Commission in its role as chair of the WGM by helping to monitor implementation of the KPCS in the EU. To this end, in 2013 the JRC further developed its scientific expertise in the management of certificate data, statistical analysis, as well as monitoring and assessment of mining production sites for the scheme.

## **2.5. Donor coordination**

There are several working bodies of the KP which play a role in ensuring effective donor coordination in delivery of technical assistance needs to KP Participants. For example, the Working Group on Monitoring, Working Group on Statistics, the Working Group on Diamond Experts, and the Working Group on Artisanal and Alluvial Mining Production all have responsibilities to uphold KP minimum standards and to ensure conflict diamonds are not traded internationally. When technical assistance needs are identified, these are notified to the Chair of the relevant Working Group, and the KP Chair, who can then seek assistance from within the KP community.

As Chair of the Working Group on Monitoring (WGM), the EU regularly identifies needs for technical assistance highlighted in the reports of KP review visits. PAC sits on the WGM and several other working groups, and is an active participant in identifying technical assistance needs, and liaising with the donor community on how these needs should be met.

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<sup>37</sup> The support to PRADD was foreseen under the 2012 Annual Action Programme of the IfS's Crisis Preparedness Component.

### **3. DETAILED DESCRIPTION**

#### **3.1. Objectives**

This action aims to:

- a) Promote civil society's capacity to actively participate in the KPCS thereby assisting in preventing illicit diamond trade from fuelling violence and conflict in the diamond sector.
- b) Strengthen engagement among multi-stakeholder actors (governments, industry and civil society), particularly amongst producer nations in the global south.
- c) Promote better understanding of KP requirements and improved enforcement capacities by relevant actors in countries participating in the Regional Approach to KP compliance in the Mano River region of West Africa, and their neighbours.

#### **3.2. Expected results and main activities**

The action will underpin a constructive and positive agenda within the KPCS, with a focus on multi-stakeholder engagement and peer learning aimed at strengthening compliance, information sharing and relationship building. The proposed activities will centre on three broad results:

1. Enhanced participation of civil society in Kimberley Process events and activities, both at the level of producing and importing countries
2. Improved conceptualisation and implementation of a regional approach to KP compliance, supporting closer regional integration of policies and practices aimed at improving KP compliance in conflict-prone and under-performing producer countries, beginning in the Mano River region of West Africa, and potentially expanding to other countries of West Africa and elsewhere.
3. Strengthened KP monitoring mechanism, by working with KP participants, national enforcement agencies and international agencies (i.e. Interpol, World Customs Organization, ECOWAS) to better understand and monitor vulnerabilities and design strategies to counteract diamond smuggling

Indicative activities that will be undertaken to support the three main results include<sup>38</sup>:

#### **Result 1 (Enhanced participation of civil society in the KP):**

- Organize national and regional multi-stakeholder workshops that foster dialogue with, and participation of, African CSO partners.

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<sup>38</sup> While they are divided according to their primary relationship to a particular action area, in many cases there will be overlap as some activities mutually support each other.

- Fund CSOs (notably but not exclusively African) to undertake domestic activities that support research and engagement with artisanal mining communities, government officials and locally based industry members that either support KP compliance or regional cooperation.
- Fund travel expenses and other activities related to the participation of CSOs and/or other experts and stakeholders to KP meetings, review missions, and other events related to improved governance of the diamond supply chain (for example, possible OECD due diligence guidance for precious stones and industry events).

**Result 2 (Regional cooperation):**

- Support the design and establishment of necessary institutional “architecture” in-country and in-region to ensure that participating countries in the Regional Approach can implement their objectives and commitments. This could include the creation of information sharing systems, and multi-stakeholder platforms to address KP compliance challenges and/or building on existing platforms such as the Interpol-led Transnational Crime Units, to ensure that the smuggling of rough diamonds is addressed in the context of this work.
- Build on scoping research undertaken by PAC in mid-2014 to create multi-stakeholder KP taskforces in the Mano River region, and other interested diamond producing countries.
- As part of the KP technical support team, work with governments participating in the regional approach in achieving the objectives of the Regional Approach agreed by Mano River countries at the March 2014 workshop in Ivory Coast, and developing this work with other stakeholders in West Africa.
- Organise training modules and workshops (in conjunction with other partners and international development and enforcement agencies) that support countries to identify challenges to effect KP implementation in the region and implement the objectives of the Regional Approach action plan agreed by Mano River countries in March.
- Coordinate with initiatives related to better management of natural resources and lead efforts to identify synergies which support the aims of the Regional Approach and to seek additional resources and funding from other partners, including civil society, industry, and governments and multi-lateral organizations.
- Undertake a feasibility study to investigate if information sharing systems between Mano River Union participants and trading partners could be adapted to detect and reduce smuggling and achieve related aims of the Regional Approach.
- Undertake a feasibility study to investigate interest and make recommendations on any necessary adaptations for developing a regional approach to other regions of the KP.

### **Result 3 (Supporting role to WGM):**

- Design and facilitate training workshops aimed at improving basic understanding of KP requirements by relevant government officials, private sector actors and artisanal mining communities in producing countries.
- Support artisanal mining communities through activities that broaden understanding of KP compliance and that support greater traceability of legal diamond production.
- Implement objectives of the Mano River Regional Approach that have the support of WGM members and/or that serve the broader objective of improved KP compliance and good governance in the diamond sector.
- Provide support to the 2015 Chair of the Kimberley Process (Angola) on identifying and implementing a “legacy agenda” during its chairmanship that focuses on improved dialogue with, and conditions in, the artisanal mining and civil society sectors.
- Continue participation in, and evaluation of, the KP peer-review process.

In implementing some of these activities, PAC will work in cooperation with partners involved in the KP and will, as appropriate, sub-contract a few activities to other CSOs or individuals.

### **3.3. Risks and assumptions**

Most of the work under this action will be focussed in the Mano River region of West Africa (Côte d’Ivoire, Guinea, Liberia, Sierra Leone), which has suffered from diamond-related wars. Despite the recent emergence of democracy in the region, many of the countries remain politically unstable. In addition, changes in Ministers or key officials can adversely affect political will to implement the overarching objectives of initiatives such as the Regional Approach. Whilst a return to armed conflict remains unlikely at this juncture, the legacy of war, resource constraints, and weak institutional capacity remain constant challenges to government ability to implement agreed strategies and activities.

Civil society in West Africa, as in many African countries, also enjoys varying degrees of access and cordiality with their respective governments. One challenge of this action will be to engender constructive engagement amongst multi-stakeholder actors, ensuring collaboration on agreed objectives.

While the technical team supporting the West African regional approach has enjoyed much success during 2013 to secure the agreement of participating governments to an action plan, a major challenge to its implementation remains a lack of institutional capacity and architecture. Current discussions envision the Mano River Union Secretariat being called upon to play a steering role, although it is widely acknowledged by the technical team and others that realistically this will require extensive institutional support.

Of these identified risks, the political factors will be the hardest to control, however, at this juncture the European Commission remains confident that high-level expressions of support from the Mano River Union countries will remain in place.

### 3.4. Cross-cutting issues

This action will further strengthen the tripartite nature of the KP and as such contribute to an enhanced dialogue with civil society on a broad range of issues related to KPCS implementation, including artisanal mining and natural resources management.

Furthermore, the development of a regional approach in West Africa and possibly other parts of the world will very much focus on artisanal mining and with that address related issues such as community beneficiation, traceability of production and gender.

#### *Women, peace and security (WPS)*

Fourteen years after the adoption of UN Security Council Resolution 1325, investment in women as agents of change in peacebuilding remains inadequate. One of the unexplored entry points for strengthening women's contributions to peacebuilding relates to the way in which they use, manage, make decisions on and benefit from natural resources. Indeed, women's relationship to natural resources, together with shifting gender norms in conflict affected situations, provides opportunities for enhancing their political participation and enables them to engage more efficiently in economic revitalization. With this action, the EU will ensure that peacebuilding efforts fully include women when it comes to managing natural resources.

A few of the existing initiatives and policies on environmentally and socially responsible business practices for multinationals and governments have specific provisions or guidance related to gender or women, which remains a gap in implementation and oversight<sup>39</sup>. This action will ensure that gender and women's issues are meaningfully mainstreamed throughout the activities described in section 3.2. In particular the action will seek, throughout the project implementation, to *inter alia*:

- 1) gather information around knowledge, attitudes and practices of involved KP stakeholders in relation to the potential peacebuilding role of women in the KP;
- 2) include women's groups in activities targeting CSOs
- 3) include gender considerations and involve gender experts in training workshops, information sharing systems, and multi-stakeholder platforms
- 4) actively exchange with initiatives that address gender and women's issues when coordinating with initiatives related to better management of natural resources;
- 5) gather success stories and lessons learned on the inclusion of gender and women considerations that will inform and guide future KP-related actions.

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<sup>39</sup> One positive example is "Publish What You Pay" (*A gender responsive value chain*, 2013), a global network of civil society organizations working for greater transparency in extractive natural resource sectors, which has started a global consultation campaign to improve the inclusion of gender and women's issues in their work.



### **3.5. Stakeholders**

The direct target groups for this action are primarily civil society and the authorities and governments involved in the KPCS, notably but not exclusively in Africa.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **4.2. Indicative operational implementation period**

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 48 months from the date of entry into force of the financing agreement or, where none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

### **4.3. Implementation components and modules**

#### **4.3.1. Grant: direct award (direct management)**

- (a) Objectives of the grant, fields of intervention, priorities of the year and expected results

As outlined in section 3.1 and 3.2, this action aims at strengthening cooperation between Kimberley Process stakeholders (governments, industry and in particular civil society), as well as promoting better understanding of KP requirements and improving enforcement capacities in particular in the Mano River region of West Africa.

- (b) Justification of a direct grant

Under the responsibility of the authorising officer by delegation, the grant may be awarded without a call for proposals to Partnership Africa Canada (PAC).

PAC in particular is internationally recognized for the leadership role it played during the negotiations that led to the creation of the KP and has an exceptional record of successful work in the field of conflict diamonds. It has a record of working with the industry, governments and civil society in Africa and elsewhere to ensure greater development impact from diamonds, especially in countries emerging from conflict, ensuring diamonds can be used to support peace and development.

Under the responsibility of the authorising officer by delegation, the recourse to an award of a grant without a call for proposals is justified on the basis of article 190 (1) point (f) of the RAP "for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, on condition that the actions concerned do not fall within the scope of a call for proposals". In

terms of technical competence, PAC has a unique position as coordinator of the Civil Society Coalition, a network of non-governmental organisations in Africa, Europe and North America, working to end diamond-related conflict and enhance the benefits of diamond mining for peaceful purposes. Via PAC's coordination role, civil society has a structural observer status within the KP, enabling the Civil Society Coalition to fully participate in all KP meetings and contribute to decision-making. To ensure effective representation of civil society interests in KP, PAC currently participates in KP working groups on monitoring, statistics, rules and procedures, and membership, and is a regular participant in review visits and review missions. In terms of high degree of specialisation, PAC was one of the founding members of the Kimberley Process Certification Scheme (KPSC) and since KPSC's establishment, has been at the forefront of efforts to maintain the KP's credibility and ability to respond to emerging ethical challenges in the diamond sector. Its distinctive expertise is provided through investigative research, policy dialogue and advocacy for reforms of the KP to ensure it remains relevant and effective.

For the above reasons, PAC stands as the best implementing partner for this action as the only NGO coordinating the representation of the Civil Society Coalition in the KP, and with a wealth of contextual and in-country expertise to maximise the benefits of diamonds and natural resources in post-conflict situations.

(c) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 95% of the eligible costs of the action.

The maximum possible rate of co-financing may be up to 100 % in accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out. The essentiality of full funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to contact the potential direct grant beneficiary

Third trimester of 2014.

(f) Exception to the non-retroactivity of costs

N/A.

#### 4.4. Indicative budget

<b>Module</b>	<b>Amount in EUR</b>	<b>Third party contribution (indicative, where known)</b>
4.3.2. – Direct grant (direct management)	1.000.000	50.000
Total	1.000.000	50.000

#### 4.5. Performance monitoring

The performance of the action will be monitored by the contracting authority, possibly in consultation with other KP Participants also serving as donors for related actions in support of KPCS implementation.

#### 4.6. Evaluation and audit

An expenditure verification is contractually mandatory for grants.

PAC will commission an independent external evaluation of the programme after 18 months, to be complemented by a final evaluation at the end of the three-year period. In addition to the fact that PAC's financial statements are independently audited on an annual basis, the Contracting Authority may launch an external evaluation.

#### 4.7. Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation and supported with the budget indicated in section 4.5 above.

The measures shall be implemented either (a) by the Commission, and/or (b) by the partner country, contractors, grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in, respectively, financing agreements, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.