



The Third Party in Conflict Resolution: As Facilitator, Mediator or Arbitrator

Dr. Claas D. Knoop

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Abstract

In his presentation the author focuses on third party involvement in the prevention and resolution of conflicts, highlighting in particular the role Germany and the EU have played in this context. While arbitration, facilitation and mediation in conflict situations are proven tools in international diplomacy the author suggests that conflict resolution usually requires additional financial, economic and political support of third parties to achieve sustainable results. Thus the presentation concludes with a brief introduction of the importance of third party engagement in post conflict situations.

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Analysis

Mr. Chairman, Excellencies, Distinguished Colleagues, Ladies and Gentlemen,

First of all I would like to thank the organizers of this important conference for inviting me to present a few ideas on third party involvement in conflict resolution.

Unfortunately we are not living in a peaceful world and third party involvement in trying to find ways and means to end and, if possible, resolve conflict situations is in high demand in international politics.

The recent military conflict between Hamas and Israel, the ongoing bloody conflict in Syria, the unresolved conflict in Ukraine, the fighting which is still going on in African countries – e.g. South Sudan and Central African Republic: These are just a few examples of conflicts in which third party involvement has taken place and is still going on. In some of these conflicts the EU and its member countries, including Germany, are playing an important, if not leading, role. I shall elaborate on this later in my presentation.

For the purpose of my brief presentation I suggest that the notion “conflict resolution” means any reduction in the severity of a conflict. It may involve conflict management in which parties continue the conflict but adopt less extreme tactics or it may involve a settlement in which parties reach agreement on enough issues that the conflict stops; it may also involve the removal of the underlying causes of the conflict. Settlements sometimes end a conflict for good, but when there are deeper issues – such as value clashes, including differences based on religion or e.g. disputes about access to mineral and other resources of a country and the just distribution of revenues from these resources – settlements are often temporary until the root causes of such conflicts are abolished. In such a process which may consume a lot of time and energy, third party involvement can also be beneficial.

While we are talking about “conflicts” I want to submit to you that for the purpose of our debate we should not define this notion by only referring to military conflicts. Military conflicts are only the hard end of a conflict. Conflicts between nations and within states very often begin as religious and/or ethnic motivated tensions, disputes about access to resources or a combination of many different factors. Third party involvement in these types of conflict is becoming more and more frequent and has also become a clear focus of activity of the European Union and its member countries with the objective being to prevent that such conflicts end up in military confrontation which is always the worst and most costly case of a conflict.

Third party intervention in different situations of a conflict is nothing new in international politics. It has become an established instrument in the diplomatic tool boxes of many foreign services and governments around the world.

Two common forms of third party intervention are arbitration and mediation.

In arbitration, the third party listens to both sides and then renders a decision, which can be either binding or advisory.

Most mediation consists of third party assistance with negotiations. When conflict is severe and the disputants have difficulty talking directly with each other, mediators can put the disputants into contact and then act as facilitators to help them to develop, e.g. a cease fire as has happened recently between Hamas and Israel,



where Egypt acted as a broker and facilitator to finally bring the two conflicting sides to agree to a cease fire without a time limit.

However, as important as facilitation, mediation and arbitration are, in most cases these diplomatic tools are not sufficient to resolve or prevent conflicts. Past experience has clearly shown that additional measures, such as financial, economic and developmental support are essential to underpin the results of mediation/facilitation efforts. Without such measures, the risk that mediation/facilitation will end up in failure is very high. Bearing this in mind, it has become usual practice for Germany and the EU, when asked to act as mediators and/or facilitators, to offer complementing and assisting measures in order to contribute to a sustainable resolution or prevention of conflicts. I shall give you some examples for this approach in a few minutes.

Who Could Play the Role of a Third Party?

When we think of third party involvement in conflict resolution/mediation or arbitration the UN plays, of course, a distinguished role because the UN Charter endows this international organization and, in particular, its Security Council in Chapters VI and VII competence to care about peace in the world. We have seen many UN interventions in the past, either to restore peace or to support peacekeeping operations by national or international actors, based on a mandate of the UNSC. Many of these actions are still going on, namely and most prominently on the African continent such as in Sudan and other parts of Africa.

However, the UN are but one notable actor amongst other international organizations that may act as third party, such as the OSCE (Ukraine), the AU (Mali, CAR) and, of course, the European Union and its member countries.

A third party can also be a single country or government or a coalition of countries willing to participate in a coordinated effort to mediate between conflicting parties.

The current crisis in the Ukraine is a recent example for such a coordinated approach of EU member countries including Germany, the European External Action Service, the European Commission and other actors offering a platform for dialogue ("Contact Group") to conflicting parties and thus trying to facilitate a solution to the conflict.

The role of a third party is not restricted to international organizations, nations or governments.

A third party could also be a Court of Justice or Tribunal that may act as arbitrator between conflicting parties. A famous example for this is the border dispute between Argentina and Chile about the *Beagle Channel*, a natural water way near the extreme end of South America. An Arbitration Tribunal was agreed between the two countries which came up with a judgement on the borderline that was accepted by both parties in 1971 but later declared "null and void" by the then Argentine Junta in 1978. Pope John Paul II intervened as mediator and based on this mediation both countries signed a treaty which solved the border conflict once and for all.

This clearly shows that a third party may also be an individual personality or a group of eminent, respected and credible personalities. Recent examples for this type of third party involvement in African conflicts are Thabo Mbeki (Sudan) and Kofi Annan (West Africa). The African Union has even established a special body to act as a



third party in conflict situations: The “Panel of the Wise” which is mandated to “do conflict mediation and broker peace agreements between warring parties”.

Germany and the EU Acting as Third Party

Germany’s role as a third party is very much linked to the role which the European Union as an international organization – or more precisely supranational organization – is playing in this context.

The EU is well prepared and equipped to play an important and, in some cases, perhaps even a leading role as a third party in conflict resolution and – ever more important – in conflict prevention.

Since the entering into force of the Lisbon Treaty in 2010, the EU has its own diplomatic service – the “External Action Service” – which complements other EU institutions, such as the EU Commission when it comes to the management of a third party involvement of the EU in conflict situations. Any action of the EU as an institution as third party requires a clearly defined mandate which is usually based on a consensus decision by the EU Council of Ministers.

At this stage of my presentation I want to draw your attention to the fact that the EU itself is an organization which is geared to maintaining peace and security amongst its member states and resolving conflicts of all kinds at the negotiation table and not – as it was in past European history all too often – on the battlefield. So, you could argue the EU member countries have learned their lessons from history when it comes to solving, avoiding and preventing conflicts in a peaceful, orderly manner based on rules that all member countries have agreed to, based on voluntary political decisions.

Bearing this in mind and coming to the close of my brief presentation, I want to give you just a few examples of where the EU and member countries, including Germany, were involved in third party interventions to resolve conflicts or to prevent future conflicts. I am drawing on my experiences during my work in Brussels and later as Ambassador and Germany’s Permanent Representative to the African Union in Addis Ababa. Because of time constraints I cannot go into any details.

My first case refers to the Dayton Peace Agreement which after three years of fighting ended the war in Bosnia-Herzegovina. This Peace Agreement was signed by the three warring parties, Bosnia-Herzegovina, Serbia and Croatia as well as by the mediating countries USA, France, Germany, UK and Russia. The agreement, which is still the backbone of the present status quo in Bosnia-Herzegovina, was mainly brokered by the U.S. (Clinton), assisted by the other signing parties and supported by the EU which still provides soldiers on the ground (EUFOR) to maintain peace and security.

My second example refers to present developments in Ukraine. The EU, actively supported by member states like Germany and France, have been instrumental in creating a “Contact Group” in order to get the conflict partners back to the negotiating table and keep the channels open for diplomatic solutions to the crisis. The EU and its member countries stand ready to underpin a hopefully developing conflict resolution with a wide array of support measures ranging from humanitarian assistance to reconstruction of war damages in this country.



My third point refers to Africa.

The African continent has been plagued by many conflicts, some of them, as we all know, very bloody. The EU and its member countries are strongly involved in bringing more stability and peace to African countries like e.g. in CAR and Mali but also, in general, by supporting the African Union in establishing an African Peace and Security Architecture for the whole continent.

Germany, together with partners in the EU, is a strong ally of the AU in this endeavor. We believe that conflict prevention rather than conflict resolution should be at the forefront of our support. Following this priority Germany has financed the new Situation Center of the African Union in Addis Ababa which will be linked with a Continental Early Warning System which is meant to trigger off preventive actions before a conflict becomes hot and bloody.

On a national basis Germany has also successfully supported projects to help African countries to delimit their borders. Border disputes, like e.g. between Ethiopia and Eritrea, have often been causes for going to war. Pre-emptive third party involvement can help to prevent such conflicts.

Third Party in Post Conflict Situations

Mediation, facilitation and arbitration are certainly very valuable tools for third party involvement in conflict prevention and resolution.

Equally important in my view is third party assistance in post conflict situations: Germany and partners in the EU are involved in dealing with challenges after a war has come to an end and are successfully applying the so called *DDR Concept* (DDR stands for "Demining, Demobilization and Reconstruction"). As we have seen in so many cases it is simply not good enough to get involved as a third party assisting in resolving a conflict but also necessary to see that peace gets a chance and is sustainable. DDR is meant to do exactly this.

Ladies and Gentlemen, in conclusion I leave up for debate, whether or not the examples I mentioned for third party involvement are 100 % success stories. Third Party involvement is certainly not the magic formula for conflict resolution.

Personally I believe that European/German experiences with its involvement in conflict prevention and resolution is mixed, but by and large it has proved to be an important instrument in the toolbox of foreign and security policy. As we have seen in the past, the success of third party involvement depends to a very large extent on the credibility, ability and determination of the mediator/facilitator himself to contribute to resolving a conflict.

The final and lasting resolution of conflicts in most cases needs to come from the conflicting parties themselves.

A prime example for this assumption is in my personal view the Middle East Conflict where all attempts of facilitation and mediation for a lasting peace have failed until today.

Thank you for your attention!



Remarks: Opinions expressed in this speech are those of the author.

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About the Author of this Issue

Ambassador (ret.) Dr. Claas D. Knoop served as German diplomat from 1976 until 2010. In his career he held executive positions as Head of Division in the European Department of the Federal Foreign Office, Chief Representative of the German Permanent Representation to the EU in Brussels and Ambassador to Ethiopia and Djibouti as well as Permanent Representative to the African Union with observer status in Addis Ababa.

Since 2010 Dr. Knoop has been lecturing at Bremen University and the International Jacobs University in Bremen about European integration and relations between Europe and Africa.

From November 2012 until June 2014 Dr. Knoop was Co-Chair, representing Germany in the Joint Africa-EU-Strategy's Partnership on "Democratic Governance, Human Rights and Culture".



Dr. Claas D. Knoop