

# The European Union's civil war mediation practices in Yemen: The case of competitive mediator market

Júlia Palik

## Introduction

On March 25<sup>th</sup> 2015 a military coalition led by Saudi Arabia launched Operation Decisive Storm in Yemen to force the Zaydi Houthi's (*Ansar Allah* or the *Party of God*) to withdraw from Sana'a and enable President Hadi to return to Yemen. According to United Nations Secretary General Antonio Guterres, the current war in Yemen became the world's "worst humanitarian crisis."<sup>1</sup> The numbers are telling: As of 2018, 22 million people – 75% of the population - is in dire need of humanitarian aid, 2 million are displaced, 18 million are food insecure, lack access to safe drinking water and sanitation, and in 2017 1 million people suffered from cholera. Since 2015 GDP per capita has declined 61%, basic food prices have increased 98%, unemployment rates are around 50% in conflict-ridden areas. Due to indiscriminate attacks on civilian facilities less than 50 percent of health facilities are functioning, 16 million people do not have regular access to basic healthcare, 50 percent of all children are stunted, 2.9 million children and women are acutely malnourished.<sup>2</sup> The Saudi Arabia led intervention has drawn widespread international criticism and has been accused of violating international humanitarian law, but has not been stopped at the time of this writing. More importantly, the military operation failed to meaningfully challenge the political status quo on the ground.

Yemen is plagued by structural and horizontal inequalities. The state has long been challenged by a myriad of non-state actors, such as the Houthis, the Southern Movement, and the Al-Qaeda in the Arabian Peninsula (AQAP). Although the Yemeni conflict itself and the mediation efforts of the UN and the GCC are widely reported, the EU's role in this conflict is a surprisingly neglected topic. In fact, it is only discussed in-depth by Eshaq and Al-Marani (2017) and Girke (2015). Girke takes a comprehensive and technical approach when she looks at the mediation capacities of the EU in the Gulf Cooperation Council (GCC) peace agreement and its main outcome, the National Dialogue Conference (NDC). Eshaq and Al-Marani (2017) on the other hand uses a local level, actor focused approach and builds their insights on the 71 interviews conducted with local and foreign stakeholders in Yemen. Both studies enhance academics and policy-makers understanding of the present conflict, however they often neglect such decisive factors as the role of individual member states, the general structural difficulties associated with civil war mediation, and the problems arising from multiple mediator presence. This article complements and updates these previous studies by including a more consistent

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<sup>1</sup> Secretary-General's remarkd to the Pledging Conference on Yemen, 03 April 2018, Geneva, Switzerland. Accessed: <https://www.un.org/sg/en/content/sg/statement/2018-04-03/secretary-generals-remarks-pledging-conference-yemen-delivered>

<sup>2</sup> UN News: Yemen: Profile of the Crisis as of March 2018, accessed: <https://news.un.org/en/focus/yemen>

theoretical framework. In accordance, this study places the Yemeni-EU relations in the context of the civil war mediation (CWM) literature. Besides, I examine individual member states' approach to the conflict and account for these policies impact on the mediation efforts. Therefore, I can capture the dynamic relationship between insurgents, governments, and mediators before, during, and after mediation took place.

The rest of the paper is organized as follows. The first section offers a theoretical overview of the civil war mediation literature with a special focus on bargaining theory (Fearon 1995). Section 2 introduces the Yemeni internationalized civil war and the main actors involved in the fighting. Section 3 places the EU-Yemeni relations in a historical perspective, the EU's various policies before, during and after the Yemeni Arab Spring. The subsequent section shows how individual EU member states can influence either positively or negatively the EU's institutional mediation opportunities and capabilities in Yemen. The last section summarizes the findings, offers further avenues for research.

## **Methodology**

This paper applies a structured focused comparative approach. (George and Bennett:2005) This case-study methodology results in contingent generalizations and its main goal is to uncover hidden causal pathways. Data is obtained from primary sources, such as official EU documents and national parliamentary debates and/or announcements, and from secondary sources such as news reports gathered from LexisNexis.

## **Theoretical framework: Civil war mediation (CWM)**

Third-party mediation plays a central role in contemporary conflict resolution. Mediation is defined as “a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or to resolve their differences without resorting to physical force or invoking the authority of law.” (Bercovitch, Anagnoson, and Wille 1991:8). Mediation is a special, non-military form of third party conflict management. Mediation, being more a political than a legal activity seeks to alleviate severe information problems that characterizes civil wars. The lack of explicit legal mandate means that mediation outcome and its enforcement is voluntary. The material costs of mediation for the mediator is relatively low compared to other forms of interventions, such as military interventions, economic sanctions, or aid provision. At the same time domestic and international audience costs associated with meditation are high. (both in case of engaging in mediation and regarding mediation outcomes)

Mediators can be individuals, NGO's, states, and regional or international organizations. Much of the contemporary research in mediation applies a bargaining framework, in accordance with the rationalist perspective. As civil wars are characterized by power asymmetries between the government and the rebels, mediation is an important step for the rebels to raise their status. Third-party mediation also signals state weakness; therefore, it is expected that governments are reluctant to engage in mediation processes. Governments usually resist dialogue with insurgents until the costs of continued fighting exceeds the costs associated with mediation. Mediation has been identified to be more effective in addressing information asymmetries than commitment problems in civil wars (Kathman and Shanon 2016). Recent research on

mediation uses more fine-grained data on actors and disaggregates parties involved in the mediation process. Svensson (2009) for example looks at mediators' type (biased or neutral) and found that government biased mediation is effective in territorial power sharing and retributive justice, whereas rebel biased mediation leads to more political power sharing and security guarantees. Kathman and Shanon (2016:116) notes that "counter to conventional wisdom, a biased mediator may be more effective than a neutral one in producing peace agreements between civil war combatants." Another study (Clayton 2013) finds that relatively stronger rebels are more likely to enter into mediation and agree on some form of settlement.

According to the Civil War Mediation (CWM) dataset developed by DeRouen et.al (2011) between 1946-2004 there were 460 separate mediation cases and 24 percent of these was unsuccessful.<sup>3</sup> Why these attempts failed and what were the consequences of these unsuccessful mediations attempts? To understand the EU's mediation attempts in Yemen, this study will focus on the organization's *willingness* and *opportunity* to alleviate commitment and information problems and the special techniques it used to do so. At the same time, this study disaggregates the EU as an organization, as it recognizes that individual member states policies – when they do not reflect the general EU policy goals – can hinder and exacerbate commitment problems among the belligerents.<sup>4</sup>

### Yemen: from civil war to international

For today Yemen became a vivid illustration of escalatory mechanisms, since what started as an intrastate conflict, quickly evolved to an internationalized civil war.<sup>5</sup> Yemeni domestic politics is characterized by the special patronage system, the co-optation of tribal and religious leaders, and the rivalry between the two largest political parties, the General People's Congress (GPC) and the opposition Joint Meeting Parties (JMP). In popular western media, the current conflict is most frequently described as a proxy-war between Saudi Arabia and Iran and one of the most severe fronts in the so-called Middle-Eastern Cold War.<sup>6</sup> Between 2004 and 2009 Zaydi Shiite fighters, known as the Houthis fought six rounds<sup>7</sup> of war against the government of Yemen (GoY) headed by that-time president Saleh. The war ended with the heavy-handed involvement of the Saudi Air Force in November 2009.<sup>8</sup>

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<sup>3</sup> First, I argue that the binary successful/failed mediation typology is not able to capture the effect of third party mediation on civil war. I use the concept of *unsuccessful mediation* to describe all events in a civil war when third-party mediation took place, but it was not able to terminate fighting in the long-run (i.e. fighting resumed within five years after the mediation attempt).

<sup>4</sup> I do not claim that member states cannot influence mediation positively.

<sup>5</sup> The current Yemeni civil war broke out in 2014, after the Shiite Houthi rebels took over over the capital, Sanaa and subsequently occupied larger swathes of the northern and central part of the country. Note that it was not the protest itself that *caused* the current conflict. Yemen faces myriad of structural problems ranging from environmental, humanitarian and security problems.

<sup>6</sup> According to this framework Tehran provides extensive financial, ideological and material support for the Shiite Houthi's in order to further expand its regional influence at the costs of the Sunni powerhouse, Saudi Arabia.

<sup>7</sup> The fighting took place in the following phases. First round: June 2004 to September 2004, second round: March 2005 to May 2005, third round: November 2005 to early 2006, fourth round: January 2007 to June 2007, fifth round: March 2008 to July 2008, sixth round: August 2009 through February 2010 (Boucek 2010)

<sup>8</sup> The Sa'ada wars inevitably transformed the Houthi movement from a student organization to a popular resistance movement. Despite the protracted nature of the conflict and the high level of casualties, the simple fact that the Houthis could not be defeated by government forces alone, only by the intervention of Yemen's much

The Yemeni Spring was a peculiar case of the Arab uprisings, because the political transition was externally negotiated by the GCC. The post-Saleh era meant to alter the *status quo ante* and to develop the sufficient political representation of previously marginalized groups. After months of protracted protests and negotiations Saleh had to resign in exchange for immunity for him and his relatives. Besides, he was allowed to remain in the country and continue to be the first man of the GPC. The ultimate goal of the GCC brokered deal was to place former Vice President Hadi in power and thereby granting him external legitimacy. Throughout 2013, with the support of the international community, the new political establishment initiated the National Dialogue Conference (NDC) which was aimed at reaching national consensus on a new political system for Yemen. The most important recommendation of the NDC was to reform the federal structure of Yemen by establishing six regions instead of twenty-six. This proposal however was rejected both by the Houthis and the Southern Movement (Al-Hirak).<sup>9</sup> In 2014 when the Hadi government announced its decision to remove fuel subsidies as part of the broader economic reforms, the Houthis called for mass protest and launched a military offensive against the various tribal allies of President Hadi. In September, different pro-Saleh forces joined their resistance and together they were able to take over the capital. Events then rapidly escalated. In January 2015, the Houthis placed president Hadi under house arrest. Later, he escaped to the port city of Aden and then to Riyadh, where he established a government in exile. Subsequently, the Houthis dissolved the parliament and established the Supreme Revolutionary Committee, as an interim authority which however remained unrecognized by the international community.

In March 2015, Saudi Arabia, Qatar, Kuwait, the United Arab Emirates, Bahrain, Egypt, Morocco, Jordan, Sudan and Senegal<sup>10</sup> launched a military operation in Yemen against the Houthi movement to restore the rule of the internationally recognized president and to reclaim the Houthi occupied territories.<sup>11</sup> The Saudi-led nine-member coalition retook the port city of Aden and the mostly Sunni inhabited southern areas of Yemen. Despite the massive air strikes, the maritime blockade and the coalition support for local Yemeni opposition groups, the Houthis managed to consolidate their territorial gains.<sup>12</sup>

## The European Union and Yemen

The EU-Yemeni relations can be examined in three distinct phases: The first period took place between 1995 and 2011, followed by the 2011-2014 Yemeni Spring period, and the current third period which started with the Saudi intervention in 2015. The three periods resulted in different roles assumed by the EU. The present chapter overviews this evolution according to this time framework and highlights the basic characteristics of the changing nature of the EU-Yemen bilateral relations.

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larger and military capable neighbor Saudi Arabia, was enough for the movement to portray the military struggle as a victory.

<sup>9</sup> “The Houthi rejection of the six-federation plan was mostly because their Sa’ada governorate was included in the proposed Azal region, which included Amran, Sana’a and Dhamar (all were under Houthi control by the end of 2014) but did not provide them with access to the sea or to a share of Yemen’s oil and gas resources.” (Brehony 2015: 243)

<sup>10</sup> Oman is the only GCC country not to have taken part in the attack on Yemen. On the background of this decision, see: Middle East Institute: *Oman’s Balancing Act in the Yemen Conflict*, Roby Barrett, Jun 17, 2015

<sup>11</sup> The coalition’s intervention was legitimized by the official request of President Hadi.

<sup>12</sup> Many of the airstrikes have been unlawful, where the coalition bombed residential neighborhoods, markets and educational facilities, thereby further worsening the ongoing humanitarian crisis in Yemen.

Yemen has a rather ambiguous place in the EU's foreign relations. It is neither part of the Euro-Mediterranean Partnership<sup>13</sup>, nor the GCC-EU bilateral framework.<sup>14</sup> The following EU institutions were/are involved in the Yemeni conflict: European Council, European Commission, European External Action Service, European Parliament and various ad hoc committees, delegations, and technical working groups. The multi-layered character of the EU's foreign policy prevented the organization to form a coherent, well-funded, and effective engagement with the country. (Durac 2010, Girke 2015) Durac for instance notes already in 2010 before the civil war broke out that it is remarkable "how little the EU is actually doing in a state with the strategic significance of Yemen in a region as important as the Gulf." (2010:655) Historically, development cooperation has been the cornerstone of the EU's Yemen policy. Since 2015, the EU has allocated €233.7 in humanitarian aid to Yemen.<sup>15</sup> Accordingly, the EU is one of the most important donors in food security, state-building, public health, humanitarian aid, civil society, and the strengthening of the rule of law. At the same time, it is important to note that EU support became less significant when once include funds from the World Bank, the Arab states, and the USAID.

The first official agreement between Yemen and the EU was concluded in 1978 when the European Community (EC) funded an agricultural research project in the Yemeni Arab Republic (YAR). This was followed by a Development Cooperation Agreement in 1984 which was eventually extended to the unified Yemen in 1995. Two years later a commercial, development and economic cooperation focused agreement was signed. Until 2000, EC-funded activities in Yemen were funded from budgets providing financial assistance for Asian countries. (Ducan 2010: 523) It was only in 2001, when a new budget was created to fund activities in countries in the Middle East that were not covered by the MEDA program.

The next period was to a large extent determined by the Yemen Strategy Paper (2002-2006).<sup>16</sup> According to this strategic paper, focus is placed on "human development, targeted primarily towards the poorest segments of the population and the development of rural areas." In 2003, relations took a different course largely influenced by the changing US-Yemeni relations. After 9/11 Washington and Sana'a began a large-scale cooperation to counter terrorism and extremism, which resulted in the structural re-positioning of Yemen. The substantial financial aid provided by the Bush administration however enhanced pre-existing structural and horizontal inequalities in Yemen. Parallel to the United States security focused policies, the EU also expanded its relations with Yemen in 2004 in the form of political dialogue, but it took a less security centered approach and concentrated on issues such as democratization, human rights, and counter-terrorism.<sup>17</sup> In the same year a Delegation of the Commission opened in Sanaa, but it was based in Amman in Jordan. (Durac 2010:531) In 2006, the Election

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<sup>13</sup> For further information on the Euro-Mediterranean partnership, see: European Commission: Euro-Mediterranean Partnership, accessed: <http://ec.europa.eu/trade/policy/countries-and-regions/regions/euro-mediterranean-partnership/>

<sup>14</sup> For further information on the GCC-Yemeni relations, see: European Union External Action Service: Gulf Cooperation Council and the EU: [https://eeas.europa.eu/headquarters/headquarters-homepage/338/gulf-cooperation-council-gcc-and-eu\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/338/gulf-cooperation-council-gcc-and-eu_en)

<sup>15</sup> European Commission: European Civil Protection and Humanitarian Aid Operations, Yemen: [https://ec.europa.eu/echo/where/middle-east/yemen\\_en](https://ec.europa.eu/echo/where/middle-east/yemen_en) Previous figures: €120 million in 2015 & 2016, €76.7 million in 2017, €37 million in 2018

<sup>16</sup> European Commission: Yemen, Country Strategic Paper (2002-2006), accessed: [http://www.eeas.europa.eu/archives/docs/yemen/csp/02\\_06\\_en.pdf](http://www.eeas.europa.eu/archives/docs/yemen/csp/02_06_en.pdf)

<sup>17</sup> Council of the European Union: Joint Declaration on Political Dialogue between the European Union and the Republic of Yemen, 10763/04, Brussels, 6 July 2004



Observation Mission was established to observe and evaluate presidential and local council elections.<sup>18</sup> The next, 2007-2013 Strategy Paper entailed similar goals as the previous one. It identified two main objectives: the promotion of good governance and the fight against poverty in line with the Millennium Development Goals.<sup>19</sup>

As a next milestone, the EU has established a full diplomatic representation in Sana'a in 2009 (CDPM 2013:24). Between 2011 and the 2014 the EU Delegation in Yemen assumed a mediator role and engaged in an intensive multi-track diplomacy involving a broad range of actors, such as the GCC and the UN Security Council. The Mediation Support Team (MST) of the European External Action Service took office in 2011. The Team's main task was to provide the necessary technical background for mediators. In 2011 amidst high levels of internal tensions, the GCC – for the first time in the organization's history – assumed the role of mediator and proposed a plan for Saleh to prevent the further escalation of violence. After several failed attempts to convince Saleh to sign the GCC agreement, the UN Security Council adopted resolution 2014 demanding Saleh to sign the GCC proposal. The GCC agreement was concluded by January 2012. It transferred power from Saleh to his long-time ally, vice-president Hadi. Saleh remained the leader of GPC and he was granted immunity. The EU Delegation is part of the G18 diplomatic group which is the sponsor of the 2011 GCC initiative. The conclusion of the GCC agreement was facilitated by the EU's first Head of Delegation Michele Cervone d'Urso. The EU's response to the Yemeni Spring rested on the principle of dialogue. Even before the GCC agreement it actively promoted dialogue between activists, the two main Yemeni political parties (GPC and JMP), and it reached out to groups such as the Southern Movement and the Houthis. Capacity building for the youth, women, and civil society actors has been the forefront goals of the EU during the entire NDC process.

Even though that EU officials recognized the obvious flaws of the GCC agreement (it was a top-down, elite led process entailing only the GPC and the main opposition JMP party.) The agreement was seen as a compromise to prevent a full-blown civil war. As it became clear later, this approach created reverse results. The "Implementation Mechanism for the GCC Initiative"<sup>20</sup> was signed by Saleh and that agreement superseded the constitution for the proposed two-year period. The subsequent 2012 election which resulted in the victory of Hadi was strongly opposed by the Houthis and the Southern Movement. In 2012, UN Special Advisor Jamal Benomar took a proactive stance on the preparation for the NDC which in the long-run limited the EU's role and even invoked resentments from Yemeni actors engaged in the negotiation processes (Girke 2015: 518). The 2014 National Dialogue Conference (NDC) consisted of nine working groups on different, but all-encompassing issues pertaining to the Yemeni society in an ambitious 6-month time frame.<sup>21</sup> The NDC was headed by president Hadi, the decision-making method was consensus. The NDC comprised of 565 Yemeni

<sup>18</sup> To read the full report, see: European Union Election Observation Mission: Yemen 2006 Final Report, [http://eeas.europa.eu/archives/eucom/pdf/missions/yemen-final-report\\_2006\\_en.pdf](http://eeas.europa.eu/archives/eucom/pdf/missions/yemen-final-report_2006_en.pdf)

<sup>19</sup> European Commission: Yemen – European Community, Strategy Paper for the period 2007-2013, accessed: [https://ec.europa.eu/europeaid/sites/devco/files/csp-yemen-2007-2013\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/csp-yemen-2007-2013_en.pdf)

<sup>20</sup> To access the full document see: United Nations Peacemaker: Agreement on the Implementation Mechanism for the Transition Process in Yemen in Accordance with the Initiative of the Gulf Cooperation Council (GCC), accessed: <https://peacemaker.un.org/yemen-transition-mechanism2011>

<sup>21</sup> These working groups were the followings: Southern Issue, Saada Issue, Transnational Justice, State-Building, Good Governance, Military/security, Special Entities, Rights/Freedoms, Development. To see the detail of each working group, go to: National Dialogue Conference official website: <http://www.ndc.ye/default.aspx>

members.<sup>22</sup> EU Delegation officials were tasked to concentrate on the *Sa'ada Issue* and the *Good Governance* working group. Ensuring that local ownership of the process remained in the hand of the Yemeni NDC members, the EU in effect assumed an observatory, dialogue facilitating role in the meetings of these groups. The EU thus helped to overcome information problems “by taking care of spoilers” (Girke 2015: 519) The NDC eventually lasted for 10 months and concluded in January 2014.

In 2014 June protests ensued in the capital due to the worsening economic situation and the government's decision to cut fuel subsidies. In August the Houthi initiated protest engulfed Sana'a and called for a new government. The Houthi takeover faced international condemnation, resulting in the closure of several foreign embassies, including the EU's. Since the 2015 military intervention of Saudi Arabia the EU was forced to assume a different role. The intervention was legally justified by President Hadi's official request to the GCC. The intervention and rapid escalation of violence was followed by the UN SC Resolution 2216 which demanded the Houthis to end violence, withdraw from occupied territories, and to hand in heavy weapons.<sup>23</sup> The substantial deterioration of security resulted from the aerial and naval blockade of Yemen imposed by the Saudi-led coalition. According the European External Action Service (EEAS) the key political priority for the EU in this environment is to support “the ongoing negotiations to end the conflict and to return to a peaceful transitional process.”<sup>24</sup> Since February 2015 all EU member states have evacuated their diplomatic missions in the Yemeni capital Sana'a. The lack of constant physical presence makes mediation ineffective and as such since Saudi intervention, the EU's mediation opportunities decreased. Since 2016, Antonia Calvo has been the EU Head of Delegation to Yemen<sup>25</sup>. The Delegation headquarters in Brussels. The Delegation supports the mediation efforts of the UN secretary General Special Envoy.

The most often cited strength of the EU in Yemen is its neutrality. (Girke 2015, Eshaq and Al-Marani 2017) For instance, the European Center for Development Policy (CDPM) argues that “The added value of the EU in Yemen lies in its capacity to be perceived as having something to offer the country. The fact the EU has no colonial links with the region, and has never sent troops to the country, gives it strength and credibility as a mediator.” (CDPM 2013:25). At the same time, others (Ducan 2010, Girke 2015) notes that the lack of resources and the limited capabilities to reach out to other territories than Sana'a results in incomplete policies. As the Yemeni state rests on quite different governing principles as any European states, the EU is having a difficult time with adopting an appropriate framework for effective engagement with the various Yemeni stakeholders.

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<sup>22</sup> The NDC commenced in March 2013. The membership was highly controversial and did not seek to challenge the domestic status quo. NDC was dominated by the GPC (20 percent of total delegates) and the JMP (24 percent), whereas the Houthis gained 6 percent, the women, youth, and civil society 21 percent, and the Southern movement gained only 15 percent of the seats

<sup>23</sup> United Nations Security Council: S/Res/2216(2016) 14 April 2015, accessed: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2216.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2216.pdf)

<sup>24</sup> Yemen and the EU, European External Action Service, Monday 16 May, 2016, accessed: [https://eeas.europa.eu/delegations/yemen/1876/about-eu-delegation-yemen\\_en](https://eeas.europa.eu/delegations/yemen/1876/about-eu-delegation-yemen_en)

<sup>25</sup> She was preceded by Michele Cervone d'Urso and Bettine Muscheidt

## Member states approach to Yemen

The European Parliament has a rather limited role in influencing the actual course of the war, but it became an important voice in the policy debate regarding arms transfers to Saudi Arabia and the United Arab Emirates (UAE). The EU's Common Position regarding the common rules governing the control of exports of military technology and equipment<sup>26</sup> was meant to ensure convergence in the arms export controls of member states through a framework consists of eight criteria that require member states to comply with certain standards when deciding on licenses for arms exports. This includes denying licenses when there is a 'clear risk' that the arms 'might' be used to commit violations of human rights or international humanitarian law (IHL). In February 2016, the European Parliament called for the imposition of an arms embargo against Saudi Arabia, arguing that continued arms sales to Riyadh would be against the European Common Position<sup>27</sup> 2008/944/CFSP on such export.

First and foremost, decision-making regarding arms export licensing is a national competence. As such, there is no formal sanction that could be enforced on the EU level when a member state fails to comply with the 2008 Common Position. The divergence in European arms export control policies is a vivid illustration of the classical intergovernmentalist and supranational debate within the EU. For today, there are significant differences between EU members export-control policies. The United Kingdom and France especially came under increasing criticism since they are major arms exporters to fighting parties. The second group of countries includes the Netherlands, Germany, the Walloon region Belgium, and Norway<sup>28</sup> – who is although not an EU member state, it aligned itself with the EU Common Position on arms export. These countries either banned or halt arms exports to fighting parties. In addition, all member-states examined here are parties to the Arms Trade Treaty (ATT). This treaty includes provisions against selling weapons where they can be expected to be used to commit abuses. The rationale behind examining these particular member states approach towards the Yemeni conflict is that they undermine credibility, and in the medium to long-run question the neutral position of the EU vis-à-vis the belligerents in Yemen.

## Germany

Germany became one of the countries most closely aligned with the European Parliament's call for the EU arms embargo against Saudi Arabia. In January 2018 Berlin announced that it would no longer sell arms to parties fighting in Yemen. Germany had been a significant supplier to both Saudi Arabia and the United Arab Emirates. In 2016 (the last year for which full data is available), Germany authorized military exports worth €21m to Saudi Arabia, and €17m to UAE, making them Germany's 6th and 7th most valuable 'third country' destinations.<sup>29</sup>

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<sup>26</sup> To access the full document, see: European Council, Council Common Position 2008/944/CFSP, Official Journal of the European Union, L 335/99, 13.12.2008, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>

<sup>27</sup> The 2008 Common Position was preceded by the 1998 EU Code of Conduct on Arms Export, European Union Code of Conduct on Arms Exports, Brussels 5 June 1998, 8675/2/98

<sup>28</sup> In January 2018, Norway announced its decision to no longer export arms and ammunition to the UAE and confirmed its pre-existing ban on export of arms and ammunition to Saudi Arabia. In the same month, the Walloon region in Belgium also stopped issuing licenses to export weapons.

<sup>29</sup> International Institute for Strategic Studies (IISS): War in Yemen : European divisions on arms-export controls, 20 March 2018, accessed: <https://www.iiiss.org/en/militarybalanceblog/blogsections/2018-f256/march-af87/war-in-yemen-european-divisions-on-arms-export-controls-fed4>



According to German broadcaster Deutsche Welle (DW), German arms exports to Saudi Arabia totaled almost 550million dollars in 2017.<sup>30</sup> Saudi Foreign Minister Adel al-Jubier criticized the German government for being “inconsistent” on arms export and said that if Germany is not willing to sell weapons anymore to Saudi Arabia then the Saudis are getting them from somewhere else.<sup>31</sup> The German decision to halt arms exports was part of a domestic political strategy. The announcement was closely tied to the talks between various German political parties to form a coalition government. At the same time, the domino-effect of this decision is still questionable given other member states reluctance to revision their arms export policies.

## United Kingdom

Among the EU member states, only the United Kingdom has a historical relationship with Yemen, and that is also limited to Aden. According to various British new sources, the number of UK-made weapons sold to Saudi Arabia since 2015 has risen by 500 percent.<sup>32</sup> The government said that they accepted Saudi Arabia’s assurances that, it has been operating in a manner consistent with international law. Arms control groups across Britain however protested against the arms sales, albeit with limited success. The NGO Campaign Against Arms Trade (CAAT) even attempted to take legal action against UK arms sales to the Kingdom, but the British High Court ruled that such sales were according to the law and subsequently dismissed the claim.<sup>33</sup> According to the CAAT, more than 3 billion pounds of UK arms sales approved to Saudi Arabia since it started its aerial campaign.<sup>34</sup>

The continuation of arms sales from the country became evident in March 2018 when the British government approved the sale of 48 highly advanced Typhoon fighter jets to Saudi Arabia.<sup>35</sup> This comes on top of the 72 combat aircrafts the Kingdom purchased back in 2007. In 2017 the UN held a donor conference for Yemen in Geneva, where the UK pledged the highest figure of any country, 173,100,872 dollars. (Smith 2017:7)<sup>36</sup> At the same time, financial aid does not neutralize or alleviate the impact of weapon exports.

## France

The French government under President Emmanuel Macron faces similar criticism as the United Kingdom, since it has shown no signs of suspending or reducing weapons sales to the

<sup>30</sup> Deutsche Welle: Germany halts weapons export to parties in Yemen conflict, 19.01.2018, accessed: <http://www.dw.com/en/germany-halts-weapons-exports-to-parties-in-yemen-conflict/a-42229376>

<sup>31</sup> Anadolu Agency: Saudi Arabia: We do not need German Arms, 23.02.2018, accessed <https://www.aa.com.tr/en/europe/saudi-arabia-we-do-not-need-german-arms-/1071890>

<sup>32</sup> See for instance: The Guardian: UK sales of arms and military kit to Saudi Arabia hit 1.1bn pounds in 2017, 24 October 2017; The Independent: UK sales of bombs and missiles to Saudi Arabia increase by almost 500% since start of Yemen war, 8 November, 2017

<sup>33</sup> Reuters: London High Court rejects bid to halt British arms sales to Saudi, July 10, 2017, accessed: <https://uk.reuters.com/article/uk-britain-saudi-arms/london-high-court-rejects-bid-to-halt-british-arms-sales-to-saudi-idUKKBN19V0YR>

<sup>34</sup> For the official website of CAAT see <https://www.caat.org.uk/>

<sup>35</sup>The New York Times: Britain to Sell Jets to Saudi Despite Conduct of Yemen War, March 9, 2018

<sup>36</sup> Despite this and other massive contributions the conference failed to achieve the desired 2.1 billion USD. The total amount pledged was 1.1 billion USD. (Smith 2017:7)

Saudis. France announced 3,7 million euros at the Geneva donor conference and dedicated 4.3 million in humanitarian assistance to Yemen in 2017. Earlier this year the government defended French weapons sales to the coalition despite the fact the 75% of French people demand Macron to suspend arms export to Saudi Arabia and the UAE according to the recently conducted YouGov poll.<sup>37</sup> President Macro argued that France adopted a “specific process whereby all sales of military equipment are analyzed on a case-by-case basis”<sup>38</sup>

### **Performance evaluation: The EU’s mediation opportunities in the Yemeni civil war**

The EU, in accordance with the CWM literature’s cross-national results achieved the most success in alleviating the information problems that characterizes civil wars. Being the only mediator among the various actors who could initiate dialogue with marginalized groups, the Houthis, and the Southern movement, the EU expanded its local leverage in the transition process. At the same time, commitment problems rather than information asymmetries dominated the Yemeni conflict from 2011 until the 2015 Saudi intervention.

The GCC Agreement indeed provided the necessary and sufficient causes for the Houthis to instigate violence. To reiterate, the EU has never been a unilateral actor in the Yemeni conflict. Rather it worked in close cooperation with the GCC, the UN, the United States and the World Bank. As a consequence, the EU could not serve as a credible guarantor of the GCC agreement and its subsequent implementation, since it was not the primary and the only mediator. The European Parliament, albeit to a limited extent, had an important role in raising awareness on the contentious arms export practices of certain member states. The EP’s call on ban increased domestic and international audience costs for particular member states.

Another important aspect of the EU’s mediation efforts is that it had to operate in a “competitive mediator market” where multiple mediators aimed to influence the course of the Yemeni events. This environment created inter-mediator tensions (see the tensions between UN Special Envoy and EU delegates) which hindered the effective elimination of the commitment problem. The EU’s potential future mediation opportunities are however endangered since certain member states indirectly contribute to the fighting with their continued arms export to Saudi Arabia and the UAE. The impact of this individual membership approach undermines the previous “neutrality” advantage/principle of the EU. In addition, it is important to note that the role of other, external conflicts most notably the Syrian war diverts attention and resources from the EU. It has also been prioritized, especially since the refugee crisis it created and which eventually reached Europe. The same migratory pressure is missing from the Yemeni case.

### **Conclusions**

This study evaluated the European Union’s mediation in the Yemen internationalized civil war, focusing on the period between 2011 and 2016. By using the civil war mediation theoretical framework, the paper showed that neutral mediators, especially when they are embedded in a competitive mediator environment, are able to achieve limited success. Although the EU and other G18 members did not have a formal mandate (unlike the GCC) to become a mediator, by

<sup>37</sup> France24: Macron defends French arms sales to Saudi Arabia, voices concern for rights in Yemen, April 11, 2018

<sup>38</sup> Reuters: France’s Macron defends Saudi arms sales, to hold Yemen conference, April 10, 2018

the conclusion of the NDC they assumed an important role. The United Kingdom and France's arms export policies towards Saudi Arabia shows signs of continuity, whereas other member-states such as Germany, the Netherlands, and Belgium aligned themselves with the EU Common Position regarding arms exports.

This study captured mediation's micro-dynamics and examined the role of individual member states, the general structural difficulties associated with civil war mediation, and the problems arising from multiple mediator presence. The main takeaway of the study is that to produce effective mediation outcomes, future studies would greatly benefit from actor disaggregation to properly assess the causal pathways leading to the breakdown of negotiations.

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