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**Strategic Peace Building through the Lens of Peace Negotiations:
- Lessons from Four Peace Processes (Bosnia and Herzegovina, Kosovo,
Afghanistan and Senegal)**

Introduction¹

A challenge for policymakers engaged in strategic peace building is not only to have a detailed understanding of post-conflict dynamics on the ground, but also to understand the conditions on which peace rests.² Such understanding will strengthen the robustness of peace and also its quality and fairness. Nowadays increasing attention is paid to common liberal governance activities such as Security Sector Reform (SSR), Disarmament Demobilisation Rehabilitation and Reintegration (DDRR), reconciliation, Rule of Law (eg. legal sector reform), etc., yet less attention is devoted to how peace processes, negotiations, and agreements actually shape post-conflict security dynamics already when war is not yet terminated. In general, peacemaking is a policy field in which a large number of actors are engaged, from international, regional and state-based policymakers to international and local non-governmental organisations (NGOs). While some mediation efforts are successful and lead to lasting peace agreements, others fall short of such achievements. Even those that succeed usually face challenges once implemented, while those that fail may make security matters worse. Understanding the process as well as the peace agreement is thus important, not least for practitioners engaged in strategic post-war peace building.

The main aim of this outline is to highlight key elements identified in a more profound research study on peace negotiations and peace agreements. The Peace Support Operation Project at the Swedish Defence Research Agency coordinated this study³, in collaboration with staff at the Hugo Valentin Centre, Uppsala University. It brought together scholars from various research centres in Europe and Africa to look into various aspects of peace agreements and their implications for peace building. An additional aim was to examine, in a new and critical way, why tensions arise so often in a post-conflict society, despite the prevalence of a peace accord aimed at ending armed conflict. More specifically the research project examined separate peace agreements and how practices during peace-negotiations influenced the dynamics of post-conflict reconstruction. The findings in this outline are based on lessons learned in four different in-depth studies, namely: The Dayton negotiations of 1995 held for Bosnia-Herzegovina; the Rambouillet negotiations of 1999 held for Kosovo⁴; The Bonn negotiations of 2001 held for Afghanistan⁵; and the Accord General de Paix of 2004 held for Casamance (Senegal)^{6,7}. In most of these cases, there was an external actor

¹ This outline benefited from valuable comments made by Claes Nilsson, Markus Derblom, Jan Frelin, Helené Lackenbauer, Johan Norberg, Dr. Roland Kostić and Helena Paulsson. All errors remain the responsibility of the author. Recommendations and case summaries were formulated in consultation with the respective author/s.

² The term strategic peace building was pioneered by the Joan B Kroc institute, at the University of Notre Dame (<http://kroc.nd.edu/node/313>). In their definition: “Peacebuilding becomes strategic when it works over the long run and at all levels of society to establish and sustain relationships among people locally and globally. Strategic peacebuilding connects people and groups “on the ground” (community and religious groups, grassroots organizations, etc.) with policymakers and powerbrokers (governments, the United Nations, corporations, banks, etc.) It aims not only to resolve conflicts, but also to build societies, institutions, policies, and relationships that are better able to sustain peace and justice. Strategic peacebuilders address issues of human rights, economic prosperity, and environmental sustainability as well as violence”.

³ In Swedish Projektet “Internationella insatser”.

⁴ Written by Dr. Jens Stilhoff Sørensen, Swedish Institute of International Affairs, Sweden.

⁵ Written by Florian Krampe, Uppsala University, Sweden.

⁶ Written by Dr. Jannie Lilja, research associate at the Department of Peace and Conflict Studies, Uppsala University, Sweden; and Dr. Mohamed L. Manga, University of Dakar, Senegal.

present to shape the peace agreement outcome. The only exception was the Senegal case, where parties were left on their own to achieve peace, i.e. without external involvement. While Senegal may be considered the odd case here, it was included precisely because it did not have an external third party at hand to facilitate conflict resolution. The Balkan studies are of major relevance for Sweden and the EU context, while Afghanistan is a crucial case both from a national point of view and from an international and multilateral perspective.⁸ In fact, all these cases are unique in themselves as they contain different models, principles and approaches to state building.

For Sweden, understanding this aspect of peace making, as well as their interconnectedness is essential, as it has a long policy tradition of conflict prevention, conflict mediation and peace implementation. Nowadays, Sweden often acts in these fields as a part of wider EU-effort (or UN for that matter). It is also essential because Sweden invests substantial political and financial resources in this area. Contemporary armed conflicts such as Afghanistan, Bosnia and Herzegovina, Kosovo, Macedonia, Sudan, Senegal and Ivory Coast, to mention a few, demonstrate the importance of carefully considering how mediation processes are designed and how to engage in them. Leaving this task to greater powers with their own interest risk removing control and possibilities for insight from so-called middle powers, such as Sweden, in areas where it has a political stake. This is not to say that actors such as the EU or UN should be well integrated, but that Sweden has a good chance of influencing important processes, which may have impact on its policies and strategic interests. In addition, keeping negotiation processes in mind when planning a future peacekeeping intervention is crucial as it could help detect potential trouble spots and ways to deal with these. For example, problems caused by the shape of the peace process or the peace agreement includes: presence of post-conflict societal tension as a result of perceived lack of ethnic constitutional representation in Bosnia-Herzegovina; civil society mistrust of government for not being allowed to participate in discussions over state- and government structure formation in Afghanistan; obstacles for reconciliation as a result of former war criminals were appointed the task of investigating war crimes in Afghanistan; increased radicalization of the Albanian elite following the outcome of Dayton (as was the case in pre-war Kosovo); causing breathing ground for peace spoilers as a result of lacking security guarantees in negotiations as seen in the peace talks held for Casamance, Senegal). Examples such as these indicate reference points to the need of a better understanding of how peace making impede post-war stability. Thus, by knowing the tactics, interests and goals of parties as well as the problems of the agreement will make Swedish military planning more assertive. In the end, peace agreements may include important elements that provide insights on future challenges or conflict triggers. If knowing and preparing for these in advance, new potential conflicts may be prevented.

Point of departure

This summarising paper on contemporary negotiations and peace agreements departs from two contrasting assumptions. The first assumption among academics is that externally organised peace negotiations and the ensuing peace-building efforts are deeply interconnected. In this perspective, negotiations have a direct impact on implementation. The second, somewhat contradictory, assumption builds on more

⁷ In addition to the number of studies discussed here the project coordinated studies on Sierra Leone, Sierra Leone, Sudan and Ivory Coast). Three Balkan studies are expected to be published in the peer-reviewed *Journal of Intervention and Statebuilding* (Bosnia-Herzegovina, Kosovo, and Macedonia).

⁸ In this context, it is also worth noting that each case study is based in part on unique primary sources.

recent findings, which suggest that external implementations of peace agreements, i.e. peace building, tend to take on a life of their own and have little to do with the actual negotiations and resulting peace agreements. Interestingly though tensions built into the agreement may cause problems for peace building. In this examination, both these assumptions are included, primarily by normatively arguing that a number of post-conflict challenges, especially when engaging in strategic peace building, are likely to arise from a number of political tensions built into the actual peace agreements.

Tensions may be built into an agreement because of the need to take account of short-term security concerns in the peace-brokering phase (for example stipulating that a future election is needed although the question of identity in a peace agreement is not defined or solved).⁹ Another reason is that mediators and external third party actors often come with a preconceived view of the kind of ‘peace’ that is meant to be ‘built’ (for example the US have in several peace processes advanced a societal model for post-war reconstruction, see attached case-studies). Sometimes these tensions, often incorporated as key agreement provisions, may originate from the ideological concerns of mediators, i.e. their engagement in mediation is not always value-free as many times assumed or expected (mediators may even disguise their actions as neutral albeit they are not). Tensions may also arise from the fact that there are a number of short-term security concerns in the midst of the negotiations that have to be given priority over long-term concerns. The negotiation phase is frequently associated with a long-term ambition to secure a lasting peace by inclusion of prevailing Western liberal norms of state and nation building.¹⁰ To that end, external actors (external actors is here defined as outside parties to the conflict, i.e. secondary or third party actors. External parties sometimes includes mediators as well as actors concerned with peace making) frequently seek to instigate programmes and become engaged in building institutional (and sometimes social) structures that ultimately, in their view, deal with short-term and long-term security concerns of the host society. While there is an intentionality argument at play here, i.e. that peace can be ‘technically’ solved, the question of peace building may at times only end up achieving the opposite, i.e. less security. Unintended consequences or side effects may cause social tensions to persist despite the prevalence of a peace agreement, which can ultimately exacerbate future post-conflict tensions.

It is therefore vital that the formation, agenda and drafting of a peace agreement are carefully considered and reviewed prior to the planning of a post-conflict period. Concretely, allowing for some extra time and effort in negotiations for this could reduce the risk for later friction in implementation. This is particularly important for actors who are not directly involved in the mediation phase, but who are likely to play an important role in the strategic peace-building phase. The summaries presented for each case below are based on a number of in-depth studies.¹¹ Before the summaries, a chart of recommendations is given for each case. The recommendations are case-specific and may not be transferable, but provide food for further thought.

⁹ See for instance *Negotiating Peace: Lessons from Three Comprehensive Peace Agreements* by Mikael Eriksson and Peter Wallensteen (2009) as well as associated studies in the same serie by Roland Kostic; Johan Brosché; and Desirée Nilsson.

¹⁰ Western liberal norms here makes reference to the academic literature and the notion of western (e.g. US and EU) hegemonic aspirations of spreading a certain political, social, cultural and economic norm or understanding of state and nation-building.

¹¹ The full versions will be published as academic reports and can be obtained from the author of this review upon request.

Policy recommendations from each case

Negotiations and peace agreements need to be tackled for what they are, i.e. situation-specific processes that speak for a particular moment during the course of a conflict. Negotiations are the result of a bargaining process that usually seeks to settle past and present disputes. As a result, it may not always incorporate ideal solutions for the parties involved in the conflict and tensions due to unresolved incompatibilities may remain after the agreement is signed, laying the ground for future tensions.

The style of the mediation process and the policy position of invited parties are important for the achievement of lasting peace and for continuing peace during the post-conflict phase. For this reason, it is important that external mediators such as Sweden, alone or with others, for example in an EU- or UN context, pays close attention to the formation of a negotiation phase or has a comprehensive plan for implementation of a peace agreement. A number of key provisions may evoke future conflicts it is therefore that Swedish actors when planning for further engagement in strategic peace building need prepare in advance ways to handle these as they may otherwise develop into new potential sources of conflict.

A number of lessons learned and/or comments from each case investigated are presented below. One way to read these findings, and ways to think ahead when engaging in future strategic peace building, is to include the following factors:

- viability of external negotiation (how, if possible, an external mediator can engage itself in mediation processes);
- planning (how Sweden can plan either alone, or in team with EU and UN actors, in future engagement in mediation and post-conflict processes);
- execution (how Sweden can cooperate with other concerned actors in support of negotiations leading up to a peace agreement and its implementation);
- follow-up (how Sweden for example in an EU or UN context can best follow up on its and other actors' engagement in peace processes, and the means available for evaluating mediation interventions);
- *a priori* known challenges (the difficulties and possibilities a peace agreement has for post-conflict strategic peace building);
- mediation capacity building (i.e. how Sweden can better monitor, participate and learn from peace making), and;
- financing (mechanisms by which Sweden, alone or in combination with EU or UN partners can commit to supporting peace processes and agreement implementation financially).

Bosnia and Herzegovina

A NEED TO TAKE A REGIONAL PEACEMAKING APPROACH The collapse of Yugoslavia required a regional, peace promoting response built on an understanding of Yugoslavia's legal, political and historical traditions. However, failing to understand these conditions, coupled with a case-by-case approach (BiH, Kosovo), the international community lamentably delivered 'solutions' that in chain reaction contributed to triggering other conflicts in the region, as well as causing a number of problems and distorted outcomes for post-conflict peace building. Thus, to better succeed with strategic peace building actions in the future, the findings in this case study suggest that there is a need to take a regional approach to detect different social processes that might be going on in the country and the region, processes which may otherwise impede peace

building efforts by the international community. If regional dynamics are not recognised, there is a strong probability that existing social tensions will prevail, despite the existence of a peace agreement.

ANY POST-WAR SOCIETAL MODEL NEEDS ADEQUATE OWNERSHIP AMONG THE PARTIES If the international community begins by promoting a political and administrative model for resolving a particular conflict, like the political and societal model pursued for Bosnia and Herzegovina, and continues by making this model part of a wider conflict solution for the country, then mediators involved should try to synchronise their preferred model with parties to the conflict (i.e. parties to the mediation process). Unless this is done, the international community could not only undermine the legitimacy of the peace restoration project, but also to unleash societal forces that may contradict such peace building practices and thereby exacerbate future social and thus political tensions. This suggests that stakeholders in the negotiation process should try in advance to outline the post-war societal model. This societal model then needs to be discussed and evaluated by key stakeholders directly concerned with the conflict, and obviously with parties likely to have a role in the post-conflict phase. Transparency, i.e information sharing among key stakeholders including sections of the civil society, is likely to increase ownership of the process of creating a just and lasting peace.

A NEED TO INVOLVE STAKEHOLDERS AT AN EARLY STAGE Following the experiences from the Dayton process, it is recommended that stakeholders expected to implement the peace agreement following signing of the agreement be involved at an early stage. Failure to do so may create unnecessary obstacles to an already complex peace-building task in the implementation phase. Thus, mediators should try to balance negotiating tactics with transparency. Although leaks of information from the talks may be harmful to negotiations, there is a great risk that sidelining future stakeholders will undermine political interest in post-conflict peace. By engaging peace building actors, future stakeholders can also better prepare and coordinate potential contributions to enhance strategic peace building at an early stage.

AGREEMENTS SHOULD BE AS CLEAR AS POSSIBLE WITH REGARD TO THE ROLE OF EXTERNAL POWERS ONCE PEACE IS RESTORED It is important that peace agreements specify any future involvement of external supervision of the implementation and not change this on an ad hoc basis, for instance by including provisions that give external actors political responsibility in the future political life of the country. Such provisions, or adding ad hoc mechanisms to the agreement (especially top-down approaches), could easily fuel and enhance negative sentiments of the parties concerned with the conflict with regard to political responsibility and domestic consensus-seeking mechanisms.

TAKE EVERYDAY PROBLEMS FOR ORDINARY CITIZENS SERIOUS Of particular importance in order to provide effective strategic peace building is to be sensitive of everyday problems for ordinary citizens. This is best done by taking account of what different groups themselves regard as security problems and everyday challenges (as well as viable solution to these), and then offer support to tackle these based on such input. Ignoring 'real' everyday problems may eventually escalate to more general and national problems (e.g. landownership, discrimination, political accountability, equality before the law, right to certain social benefits, education, etc.).

Thus, the international community engaged in post-conflict peace building should try to collect information about sources of potential conflicts and challenges for peace building, but also about local ideas and suggestions for solutions and ways around these obstacles.

Kosovo

EXTERNAL PEACEMAKING NEEDS A REGIONAL FOCUS In failing to address, or even understand, the interconnectedness of the Yugoslav conflicts, and in attempting to address one issue at a time while ignoring others, the international community at times generate more problems for Kosovo than it solved. This implies, as in the case of BiH, that there is a value in keeping a regional focus during negotiations and the subsequent signing of peace agreements. Failure to do so may otherwise exacerbate social tensions in neighbouring countries and thus undermine ongoing strategic peace building efforts.

AVOID VESTING TOO MUCH POWER IN A SINGLE MEDIATOR If a single mediator (e.g. a representative of an external state or group of states such as the US) is allowed to seize considerable influence and/or control over a peace negotiation, and in this context pursue its own agenda, this could have severe negative implications for future dynamics in a region, as it undermines the legitimacy of the agreement. It is likely that other states or organisations will help ‘pay the price’ for going along with such a situation. The findings suggest that for some mediation processes, extra effort should be devoted to integrating ownership among different stakeholders. Spreading mediation tenure may evoke further legitimacy and diffuse any risks of a single state exercising its own policy agenda, which may generate mistrust among some of the primary parties involved.

AVOID SILK-GLOVE TREATMENT OF PARTIES TO THE PEACE PROCESS It is always necessary to address radical fractions in any given conflict and mediation process. However, providing ‘silk-glove’ treatment in order to pacify certain actors may exacerbate conflicts and problems for post-conflict peace building. The international community should therefore consider bringing parties to a symmetrical level. Asymmetrical relationships may undermine mediation efforts and the final agreement, which is likely to have repercussions for the future stability of the country. One way of achieving this is by focusing on placing the same responsibility on each party, hence making sure they commit to their obligations.

PEACEMAKERS SHOULD CONSIDER CAREFULLY THE PRICE OF HAVING ALL BELLIGERENTS INVOLVED IN PEACE-NEGOTIATIONS AND PEACE-BUILDING While radical fractions can never be ignored in a conflict, an overemphasis on each actor’s cause, or too many concessions, could easily signal to other groups (both inside and outside the country) that an obdurate position will achieve the greatest reward. Thus, mediators in a peace process need to consider how the mediation style they use is likely to be perceived by other parties excluded from the conflict negotiations and how this perception can affect their future political attitude.

ACTORS ENGAGED IN PEACE-BUILDING SHOULD SEEK TO HARMONIZE REGIONAL SOCIAL PROCESSES Applying contradictory or different conflict resolution models, especially societal models, to different areas such as BiH and Kosovo is a problematic strategy to promote from a regional perspective. Thus, when designing peace building models or even societal models, the international community should try to harmonise these with other ongoing social processes in the

country and the region, while still making context-specific considerations. This is not to suggest that models should be universally applied, but to make sure that strategic peace-building efforts are locally and regionally harmonized.

Afghanistan

AVOID HAVING TOO STRONG MEDIATORS SELECTING PARTIES FOR THE PEACE-PROCESS AND PEACE-BUILDING Dominant external negotiators should always try to restrict their influence with regard to the selection process (inclusion and exclusion) for actors to take part in the negotiations and the implementation phase. Because of political and diplomatic pressure, in this case a strong US sway, civil society and other non-warring parties were excluded from the negotiations, as were Taliban and al-Qaida forces. Too dominant a mediation role, combined with a strong national agenda, could easily override voices that may have an important bearing on resolution of the conflict and on post-conflict stability. Unless parties with stakes in a future peace participate in the formation of the peace-agreement there is a strong likelihood that social tensions will continue.

MINIMIZE SINGLE STATE INTERESTS OF EXTERNAL PEACEMAKERS Cooperation between external negotiators must go beyond single state interests. Drawing on examples from the Bonn negotiations, the cooperation of the US and Iran delegates during the negotiations was exceptionally productive for the peace process and the peace agreement, but the subsequent quarrel between the two governments amidst the following peace implementation period created setbacks for Afghanistan. This implies that short-term commitment needs to be intertwined with long-term pledges. It also suggests that multilateral negotiations could easily put the interests of various state constellations at the core, while ignoring those of the primary parties and the people concerned. Moreover, it seems particularly important in the Afghan context to include civil society as it is generally marginalised from political life (there are few forums in which people can express themselves). The findings thus indicate the advantage of having a single mediation unit, preferably of a multilateral character, such as the UN. However, this requires a UN with a clearer and stronger mandate with regard to both political and military processes (and where the political mission increases at the expense of the military throughout the post-conflict peace implementation).

ENSURE THAT THERE IS A SUFFICIENT ACCOUNTABILITY OF THE FUTURE ELITE The international community should carefully consider how to deal with impunity. This is an issue seldom publically discussed at the time of heated negotiations, but exists as a real problem as it touches on political trust. In Afghanistan, the inclusion of former war criminals in government positions signalled a culture of impunity, which was likely to further increase mistrust of the proposed government. Therefore, in order to build a more lasting peace and undermine future tensions in the post-conflict phase, mediators and concerned stakeholders must ensure that there is sufficient accountability of the elite even in early stages of the negotiation process.

TRANSITIONAL JUSTICE SHOULD INVOLVE EXTERNAL ACTORS AND LOCAL COMMUNITIES The transitional justice process must be a joint effort by credible local actors and the international community (the international community here being defined as the UN and international NGOs). The problem in Afghanistan arose when former war criminals were appointed the task of investigating war crimes, several of which they had committed themselves. Hence, this finding calls for more transparency in the mediation process. For instance, the inclusion of civil society actors

such as women's and children's organisations, could avoid building tensions into the agreement, which could lead to a better justice and reconciliation process. Again, it is worth noting here that the civil society is very weak in Afghanistan and any kind of support that would increase their political participation is important in both the short and long term.

PEACE BUILDING MODELS CAN NEVER BE UNIVERSALLY APPLIED The international community and negotiators must reflect and reassess whether the 'liberal state building agenda', usually including the promotion of a liberal economy, etc., is suitable for the respective post-conflict situation with regard to politics, culture and society. There are indications that other methods and approaches that take account of local means for conflict resolution could be better suited rather than those externally imposed. For example, it is worth noting that Afghanistan has a long culture of solving social and political problems through talks between village leaders (a process with its own practices and ethics). Thus, further analysis should be made of ongoing social processes in order to make the peace agreement more easily adjustable to post-conflict challenges. Building a democratic state that may be an alien concept to many Afghans should be complemented with strengthening existing indigenous structures for collective organisation such as clans and extended families.

Senegal

HAVING EXTERNAL AND NEUTRAL PEACEMAKERS MAY HELP OVERCOME OBSTACLES FOR CONFLICT RESOLUTION The findings suggest that internally managed peace negotiations are associated with a number of problems and may sometimes face difficult challenges for all the parties involved, and ultimately also for the people. On the other hand, the involvement of external and internal third-party mediation or facilitation of a peace process was a positive experience. By incorporating external third parties, these obstacles to conflict resolution can be more easily overcome.

EXTERNAL PEACEMAKERS ARE NEEDED TO PROVIDE SECURITY GUARANTEES External third parties should be encouraged to provide security guarantees during and after the negotiation process. External parties play an important role during negotiations, but also in the period that follows signing of the agreement. However, this requires the process to be transparent with regard to visions and commitments, so that external parties have an in-depth understanding of the issues at stake and, on this basis, can provide security guarantees. It is also important in order to provide some predictability on engaged parties position and behaviour. There are many times different needs during negotiations and in the peace building phase.

BELLIGERENTS SHOULD HAVE THE OPTION TO CHOSE THEIR OWN NEGOTIATION REPRESENTATIVE The non-state party to the conflict should be allowed to select its own negotiation representatives. If not, more harm than good can be done, as key actors with the capacity to spoil a future agreement may not take part in the talks. The findings also suggest that fellow comrades may suspect those who do take part in negotiations of corruption and treason. This further indicates that non-government parties should be allowed and supported to select their negotiation representatives, should they not be able to represent themselves.

INFORMATION TRANSPARENCY IS KEY TO JUST NEGOTIATIONS The potential of mediators to act as communicators of information should be recognised.

Internal mediators may have unique insights into the conflict and could enjoy the trust of one or both of the parties involved. As found in this case study, the trust could give them unparalleled access, not least to more radical elements of the non-government side with the capacity to spoil the process. Moreover, the negotiation schedule should be adhered to and the agenda kept as transparent and structured as possible. Unless this is done, the mediation process may be unnecessarily complicated. To help a transition to peace, external mediators should try to ensure that information flows between the main parties involved and drafts of negotiation texts are as transparent as possible. Third parties should also try to encourage the parties to meet their own deadlines.

APPENDIX 1. Case summary¹²

Bosnia and Herzegovina and the Dayton Process (or the Paris Protocol) signed in 1995. Primary parties included Serbian, Croatian and Bosnian representatives (Bosnia also supported by the Public International Law and Policy Group); while third party actors included EU and US representatives.

According to Kostić,¹³ scholars critical of the liberal discourse on intervention suggest that when intervening to build peace, Western hegemonic powers, notably the US, construct the recipient subject of the intervention through domination of norms and knowledge. They thus portray the relationship as consensual rather than coercive, in order to project power and forward their own interests, while denying responsibility for exercise of the power. This is likely to undermine long-term peace

Kostić also noted that US peace making in Bosnia-Herzegovina pursues a very particular, yet what it regards as universally applicable, peace-building model for societal development. Thus, peace in Bosnia-Herzegovina following the Dayton agreement, currently embedding a number of social tensions, can accordingly only be understood "...within the specific framework of the US-driven nation building traditionally practiced across the American hegemonic order". The origins of the US government approach can be found in the distinctive American self-understanding of its own political order, its universality, and the role it plays in the development of the current international order. Similarly, to other scholars concerned with US interventions, Kostić suggests that a particular US nation-building model based on civic inclusiveness and rights forms a particular normative basis and a projection of American power. Accordingly, salient ethno-nationals in many recipient societies are viewed only as a minor barrier to so-called 'civic nation building', where allegiances to civic identity are to be achieved. According to Kostić, this approach is not only being pursued in negotiation processes and post-war implementation practices, but also in other liberal peace building forums and contexts, be it in policies pursued at the UN or the IMF or in development assistance programmes. The problem is that such an approach, as well as problems with the liberal discourse, could easily undermine traditional historical processes

In his review of the Dayton mediation process, Kostić takes a firm approach to evaluating the case of US intervention in BiH, not so much by accounting for how the negotiation process was carried out per se, but by uncovering the ideological assumptions on which the US mediation goal was being pursued. He also examines the implications this model may have had for the ensuing post-Dayton peace, particularly in the light of existing alternative, local, nation-building processes. He achieves this by first focusing on the period that deals with the US role in shaping the Washington and Dayton agreements, and later by examining the actual Dayton Peace Agreement. This second part of the Kostić study specifically examines how the US administration instigated changes in the BiH constitution and politics in order to remove "disturbing ethno-national elements and further universal normative principles of inclusive nation and state-building". Some of the main findings in Kostić's study are as follows:

¹² For further information see respective case study.

¹³ Roland Kostić is a researcher at the Hugo Valentin Center, Uppsala University. He has written extensively on Bosnia Herzegovina.

- US engagement in BiH was pursued in the midst of ongoing war. Neither of the parties had yet become fatigued by the war, so mediation was forcefully pursued. Despite the need to include all parties into a stable and viable BiH, Serbs were originally not included in the creation of the Federation BiH and were omitted as one of the constituent nations in this part of the process. According to Kostić this would have had implications for fostering BiH state legitimacy, especially since the Serb affiliation remained primarily with the Republica Srpska.

- The Dayton process was mainly a Great Power negotiation to find a solution to the BiH problem (i.e. US and Contact Group formation) and the local parties to the conflict held this negotiation without any real democratic participation. In that sense, it was not liberal. For example, there was only low-key involvement of delegations of the Bosnian Serbs, as part of Serbian team, and Bosnian Croats, as part of the BiH team (working closely with the Croatian delegation). Although the Great Power policy intervention had its own dynamics and problems, the solutions for a future BiH state came without any real attention to local conditions. Another major limitation according to Kostić was that in the summer of 1995, the US government decided unilaterally to run its own peace effort parallel to that of other key stakeholders (e.g. the Contact Group). This caused further complications in the mediation efforts.

Further problems with US engagement as observed by Kostić included:

- Poor understanding by the US mediation team of the multiethnic character of BiH society and its constituent groups. For example, instead of forming a more just peace plan together with the parties concerned, US policymakers instead concentrated on projecting their own vision of a BiH state, i.e. imagining how 'the nation-state Bosnia' ought to be from their American experience.

- The US mediation team had domestic concerns to consider. For instance, the chief negotiators at the time had to consider the Democratic-led US administration's relationship with the US military and the Republican-controlled Congress and Senate. Consequently, because the burden of the NATO-led peace implementation force was on the US, the US generals insisted on approving various aspects of the arrangement.

- The division between the US and the Europeans became exceptionally clear on issues concerning the future role of the BiH police force, IFOR and the creation of the position of a High Representative to administer the implementation of the Dayton agreement, elements that would have a direct impact on post-war peace building efforts. Accordingly, the US increasingly wanted to take control of the process themselves (e.g. claiming that the UN had little legitimacy in BiH, while the US had greater leverage). In this context, Kostić notes that in spite of the European objections, the US mediators insisted that the Organisation for Security and Cooperation in Europe (OSCE) had to be in charge of the forthcoming elections in BiH as an alternative to the UN. Moreover, the US representatives suggested that they administer the elections, while the Europeans should focus on other civilian implementation tasks. In addition, Kostić states that: "the key challenge for the post-conflict societal legitimacy of the agreement is the fact that it envisions a US state building formula with two entities and three constituent nations, which would continue to be the source of tensions between Bosniaks and Croats forced to share Federation BiH. Furthermore, despite the fact that three nations are traditionally the source of BiH political legitimacy, the constituent nations were viewed by the US (and Europeans) as nothing but ethnic groups whose constituent rights were temporary, given that, according to the Americans, they are in contradiction with international liberal norms on human rights."

- The liberal peace building approach is clearly displayed in the DPA, mainly through the ability of the US negotiators to incorporate into the agreement particular

mechanisms that the US government at the time believed would solve societal problems and combat nationalism (see case study for more specific examples).

- In late November 1995 the Contact Group's European members became concerned about the OHR's lack of political legitimacy. This later led to the ad hoc creation of the Peace Implementation Council (PIC), which would subsequently subsume the role and authority of the ICFY. Moreover, the goal of the PIC was to support and coordinate peace implementation, but also to give Europeans in the otherwise US-dominated running of BiH a way to influence the policy. As noted by Kostić, the US administration initially considered PIC decision making to be heavily constrained by donor negotiations, thus making it ineffective instead of controlling the process via Croatia's President Tudjman and Serbia's President Milošević.

- The US peace-building model is likely to blind American experts to the presence of alternative historical trajectories and experiences of nation and state formation. Thus, by ignoring the implications of projecting a unique US nation-building experience on very different historical, political and cultural settings such as that in BiH, subsequent strategic peace building is likely to cause legitimacy problems and probably fail.

Lastly, the author concludes that the US, by toiling to eliminate three nations as the source of state legitimacy in BiH and replacing them with an imagined political subject, weakened BiH institutions of their domestic legitimacy and made the country dependent on the West for its legitimacy. This was to ultimately freeze societal tensions rather than solving them.

Kosovo and the Rambouillet talks of 1999 between representatives of then Yugoslavia and those of the ethnic Albanian community. Third party mediators included the NATO Secretary General and the US, with the support of the International Contact group (with sometimes differing agendas).

In this study, Sörensen examines the negotiations that led to the Rambouillet agreement and its subsequent post-war implications for Kosovo and the region.¹⁴ He begins his analysis by departing from the significant influence the previously signed Dayton agreement for Bosnia and Herzegovina had for Kosovo and intra-Albanian and Serbian-Albanian relations and examining the 'perception shock' the Dayton Agreement had for the Albanian community. More precisely, he notes that the problem in Kosovo was perceived as a 'human-rights' issue, although Albanian leaders fought to frame the problem as an issue relating to territorial Albanian independence. He also notes that three elements had a significant impact on the Albanian community: the perception that ethnic cleansing was indirectly being 'legitimised' (as entities in BiH had been created by ethnic cleansing); that the parallel relations between for example the Bosnian Serbs and Serbia would legitimise similar relations between Kosovo and Albania; and that in order for Kosovo to receive attention, there had to be a war. Consequently, Sörensen notes, Dayton was followed by radicalisation of branches of the Albanian elite, which would later crystallise into three political positions (activist, pacifist, and militant).

Besides having direct implications for Kosovo, Sörensen suggests that the relaxation of the economic sanctions imposed by the international community on Yugoslavia (today's Serbia and Montenegro) also had a strong impact on societal forces in Kosovo, contributing to conflict. The removal of sanctions threatened the strong informal and illegal market operating in Albania.

¹⁴ Jens Sörensen is a researcher Swedish Institute of International Affairs. He has written extensively on the Balkans.

According to Sörensen, following political unrest in Kosovo and Serbian countermeasures in 1998, the US administration threatened air strikes unless Serbia withdrew its forces and allowed an OSCE Kosovo Verification Mission (KVM) access to the province. To address the situation, Sörensen notes, a meeting was held in January 1999 that laid the foundations for the Rambouillet agreement. However, this meeting caused more confusion than it resolved. For instance, the US team seems to have caused more uncertainty and disagreement, not only between the primary parties in the conflict, but also between third parties. For example, Sörensen reports that the US team, which had organised the event 'came with its own agenda which confused Europeans and Russians'. Moreover, he notes that:

- The composition of the Kosovo Albanian delegation was completely marginalised and actually only constituted one-third of the delegation (and the other representatives only a mix of various political parties).

- The Serb and Albanian delegations never really sat down face to face. Moreover, there was no agenda for the meeting and no rules were established on how the meeting was to proceed. Instead, the delegations met with international mediators of the Contact Group.

Sörensen also notes that there were clear problems about the way the negotiations were conducted, for instance:

- US strategy during the negotiations sought to have the Albanian delegation sign 'any type of document' to be offered later to the Serbian delegation as an ultimatum, including an explicit threat of force if it were discarded.

- US drafts gave rise to some confusion regarding Kosovo's future status, even among members of the Contact Group.

- Serb delegations were provided only with selected excerpts of the text of the 'Rambouillet Agreement' and, for some elements of the agreement, were given only a few hours to agree on it. In addition, there were also segments of the agreement that had not even been seen or adopted by members of the Contact Group.

Besides an ambiguous negotiation process, the agreement itself was unclear according to Sörensen. In this respect:

- The status of Kosovo was not defined, since Yugoslav law was not valid in Kosovo, so the parliament in Serbia and Yugoslavia would have had to define the status of Kosovo in legal terms

- The agreement specified the role and function of certain institutions in Kosovo as if for an independent state

- The document was intended to be an interim solution for a three-year period and thereafter transferred to relevant political bodies in Kosovo, so the question of citizenship was ambiguous and remained open

- The protection of minorities in the document was conspicuously weak, the document stipulated the withdrawal of Serbian forces but not the KLA, and the KLA was to become the basis for the future security or police force

- Annex B opened up Yugoslavia for NATO occupation. According to Sörensen, the agreement then was signed as a way to signal forthcoming independence and, as a result, the agreement from a Serbian point of view could be considered a kind of ultimatum.

Finally yet importantly, according to Sörensen, following a new draft agreement presented to the Serbian side a number of modifications of key provisions had been made. In this context, Sörensen notes in particular that the provision of allowing the people in Kosovo to decide on independence was dropped, as was the point on allowing NATO access to the whole of Yugoslavia. The new provision suggested that

Yugoslavia's integrity was assured, that NATO was to be confined to Kosovo and that Russia was invited to take part in the operation. Perhaps most importantly, Kosovo became a kind of informal UN protectorate.

In conclusion, Sörensen suggests that the two peace negotiations, at Dayton and Rambouillet, had a considerable impact on the future of Kosovo. In principle, they exacerbated an already tense political conflict and helped shape the direction of a chain of events to come. Whereas Dayton contributed to set in motion the events unfolding in Kosovo, Rambouillet generated events leading to Kosovo's independence. Overall, the negotiations paved the way for the coming legitimisation of ethnic state building.

Afghanistan and the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, the so-called Bonn Agreement signed in 2001. Main parties included representatives from the Northern Alliance (Tajiks, Uzbeks and Shia believers); the Rome group (representing the former King and representatives from the Pashtu-dominated areas; the Cyprus group (pro-Iran faction); and the Peshawar group. The UN together with US representatives contributed considerably to the process. There were also great influences by other major parties and regional actors (e.g. UK, Germany, France, Russia and Iran).

In his study, Krampe investigates the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, the so-called Bonn Agreement.¹⁵ The agreement was negotiated and signed on 5 December 2001 and set the post-conflict agenda following the 2001 Afghanistan war. The negotiations followed a series of previous mediation missions under the auspices of the UN before the attacks on the US on 11 September 2001.

The point of departure for Krampe in his study is that since the 1990s, the international community has increasingly come to adopt a liberal state building strategy to address problems of post-conflict states. According to Krampe, the problem with this liberal state building approach is that it distances policies from ordinary citizens, rather than serving them with just and lasting solutions to the conflict. In fact, liberal state building approaches often remove local ownership and accountability by introducing their own external model and by vesting power with elites that do necessarily have local legitimacy. The expectation is that the state building framework will support people to overcome societal security dilemmas and ethnic suspicions. Yet, as Krampe notes in reference to the literature, after intra-state conflicts the salience of existing group identities is likely to increase, resulting in even stronger in-group cohesion and new mistrust of out-groups. This trend inhibits the objective of state building actors to downplay conflicting identities. Under these conditions, a nation in unity that supports the newly introduced institutions is extremely unlikely.

A number of UN initiatives since 1997 to end the civil war between the Taliban and Northern Alliance failed. In late 2000, three months of shuttle diplomacy between the Northern Alliance and the Taliban government paid off and on 1 November 2000 both actors committed themselves to a process of dialogue with the objective of reaching a political settlement. However, the US pushed the international community to introduce stronger targeted sanctions on Afghanistan because of increasing activity by al-Qaida from Afghan territory. The Taliban government then withdrew from any commitments.

¹⁵ Florian Krampe is a research associate at the centre for sustainable development and the department for peace and conflict research at Uppsala University.

According to Krampe, the Bonn agreement was an attempt to stabilise and liberalise Afghanistan at the end of the 2001 war. He notes that the US mediation team had a significant influence in the process, despite the negotiations in Bonn being held under the auspices of the UN. For example, during preparation of the process, US diplomats developed a detailed plan that was intended to build a broad, opposition based power-sharing government for Afghanistan. This plan foresaw explicit actions by the UN. The US team initiated the idea that the UN Secretary General (at the time Kofi Annan) should convene a meeting of the 'six-plus-two' group (comprising Afghanistan's neighbouring states, Russia and the US) that would then officially endorse the UN to hold the Bonn conference. It was informally accepted that the leading US and UN diplomats (James Dobbins and Lakhdar Brahimi) would ensure that the right mix of Afghans would attend and agree on an interim constitution and the composition of a new government during such a conference. They selected four opposition factions to participate in the Bonn conference: the Northern Alliance; the Rome group (including the former Afghan king); the Cyprus group (consisting of Iran-backed Afghans) and the Peshawar group (consisting of the Afghan diaspora living in Pakistan). In addition, nineteen states were accredited as observers of the negotiations. As noted by Krampe, however, neither civil society nor other non-fighting political elements from Afghanistan were involved in the negotiations (despite members of these groups being willing to participate, and some even being present in Bonn at the time). This undermined the credibility of the democratic effort. Although officially no agreement drafts were shared in advance with the accredited observers, the US team made sure it had sufficient diplomats at the conference to influence the Afghan parties to its liking and thus to 'guarantee the success of the conference'. In the end, representatives of the four delegations present at the conference signed the text of the Bonn agreement on 5 December 2001.

As Krampe observes, the purpose of the Bonn agreement was not to establish a final status agreement, but to provide a framework for further negotiations through the institutions it provided. An example of how the agreement was meant to live on through other such means was through the institutionalisation of a justice and reconciliation process. This vision was later realised by President Karzai's 2002 initiative to establish an 'Afghanistan Independent Human Rights Commission (AIHRC)' and later also the 'Action Plan for Peace, Justice and Reconciliation and the subsequent establishment of the 'Afghanistan National Independent Peace and Reconciliation Commission'. Yet, Krampe notes that in December 2009, this reconciliatory approach experienced a major setback when the Afghan government passed the 'National Reconciliation, General Amnesty and National Stability Law', as it upset a large number of stakeholders by officially opposing any sort of amnesty, while accepting former war criminals in government positions.

Krampe claims that among the problems of the mediation style during the Bonn meeting, omission of civil society participation from the conference in particular symbolised that it could not ensure a comprehensive societal peace process. It suggested instead that the international community was very shortsighted, not least with regard to the goal of a power-sharing agreement among the armed elite, which was likely to have a negative impact on inter-group reconciliation. While Krampe finds that exclusion of the Taliban and members of al-Qaida is understandable (not least from a US point of view), it is particularly interesting to note that US diplomats stated that the Taliban were not 'excluded' from the talks, but simply not invited, as their rejection was assumed. Krampe considers that this action risked excluding moderate Taliban actors, as well as powerful warlords, and that their exclusion could easily exacerbate long-term social

conflicts. Overall, despite public claims of an inclusive peace process that would give Afghanistan ownership, the Bonn talks were simply exclusive and dominated by the US and their national interests.

Senegal's Casamance Peace Process: Accord General de Paix signed in 2004. Primary parties to the conflict were the Government of Senegal and the Mouvement des Forces Démocratique de la Casamance (MFDC).

According to the Lilja and Manga,¹⁶ the Accord Général de Paix [General Peace Agreement] of December 2004 was not a final peace treaty but a 'peace process agreement'. Rather than attempting to settle the peace, the treaty was meant to put in place a negotiation framework through which the political status of the Casamance region in Senegal would be settled at a later stage. The main characteristic of the peace process was that it hardly contained any external third-party involvement. On the contrary, mainly the government of Senegal internally managed the talks. According to Lilja and Manga, three features of this largely internally managed peace process had negative implications for peace making and the subsequent peace-building phase. First, the government selected its own preferred negotiation counterpart. While doing so it also continued to pursue an informal dialogue with militants not participating in this process. These aspects combined fragmented the MFDC and prevented it from developing a unified political stand. Major rifts occurred between factions within the MFDC military wing. Radical MFDC activists did not want to interact, much less negotiate directly, with government representatives, as militants who had done so faced a damaged reputation or were even accused of treason. Talking to government representatives could easily lead to accusations of being corrupt.

The second negative feature was the unstructured nature of the so-called peace-process. This weakened the credibility of the government in the eyes of the rebels. The process was unstructured in several aspects, one of which was that mediators on the government side came and went over time, based on their personal relationships with the Senegalese president. In fact, as Lilja and Manga note, the negotiations suffered from a lack of basic elements of a conventional peace process, including procedural transparency, a clear agenda and a meeting schedule. Consequently, Lilja and Manga argue that external third party involvement is important, as this can increase the credibility of the process itself by offering a clear and transparent negotiation structure. In addition, they argue that fragmentation of the non-state side is more likely if the government alone tries to steer non-state actors in and out of the peace process in attempts to favour particular negotiation counterparts.

The third problem with the process was the management of commitment problems both during negotiations and in the post-conflict phase. Although local ownership of a peace process has the potential to increase its legitimacy and chances of success, security related commitment issues caused challenges during the period of direct talks. For example, the government faced difficulties in getting the militants to the negotiating table due to a lack of credible security guarantees. The result was that some peace spoilers opted out of the talks.

For the post-conflict phase, the provision of sufficient resources for reconstruction and the handling of demobilisation emerged as other commitment-related issues. For

¹⁶ Jannie Lilja is a researcher in Peace and Conflict Studies at Uppsala University, Sweden. Mohamed Manga is a researcher at the University of Dakar, Senegal. Lilja and Manga have both written extensively on Senegal and the Casamance conflict.

example, the government attempted to ensure its preparedness to reconstruct Casamance, although the question of resources was unclear. Short of a final status settlement, the funds required for the complete reconstruction of Casamance proved hard to generate. While the World Bank, the EU, France and the US announced that funds for economic development would be forthcoming, the agreement did not receive any official reaction from the UN or from the African Union. Perhaps an even more significant issue according to Lilja and Manga was the stipulation in the agreement that MFDC demobilisation, disarmament and reintegration (DDR) would take place under the auspices of a Senegalese state agency ('Agency for the Reconstruction of the Casamance,' ANRAC). The Senegalese army would take on the task of incorporating MFDC ex-combatants into its forces, while Senegalese NGOs would collect MFDC weapons and monitor MFDC weapons caches.

Lastly, while some in only positive terms view a domestically owned peace process in only positive terms, Lilja and Manga note that the treaty provisions resulting from such a process here seemed mainly to have favoured the government. They did so in two important ways. First, the number of military obligations to be undertaken by the MFDC gave the agreement an MFDC 'surrender-like' character. Second, highly sensitive issues concerning MFDC demobilisation and disarmament were delegated to a state agency. Lilja and Manga suggest that this implies either that there was considerable trust between the government and the MFDC, or that the government had significantly influenced the agreement. They conclude that the latter seems more probable.