Third-Party Peacemaking as a Balancing Act

A Structured Focused Comparison of How Style of Mediation Affects the Prospects for Peace and Durable Peace

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Much research to date has focused on how international mediation affects the likelihood of reaching a negotiated agreement, whereas the long term effects of international mediation have been understudied. This thesis aims to contribute to filling this gap by examining how style of mediation influences the prospects for both peace and durable peace. More specifically, the effectiveness of two different mediation processes will be compared: the United States’ mediation style during the Dayton peace talks and Australian’s and New Zealand’s mediation style during the Bougainville peace talks. It follows from this comparison that the way third-parties contribute to making peace significantly shapes the prospects for durable peace. The style of mediation employed in the Bougainville peace process is preferable in terms of sustainability; yet, due to contextual factors - such as a high conflict intensity - a mediation style closer to the one employed during the Dayton peace talks may be necessary. Knowing how international mediation works under particular circumstances and under which time horizon is therefore essential to the success of third-party conflict involvement.

KEY WORDS: Peacemaking, Mediation, Mediation Style, Method of mediation, Scope of Mediation, Focus of Mediation, Bosnia and Herzegovina (BiH), Dayton Peace Agreement (DPA), Bougainville, Lincoln Agreement, Bougainville Peace Agreement (BPA).
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Acknowledgements

This thesis is the continuation of a theoretical guided paper I wrote about coercive mediation at the Department of Peace and Conflict Research at Uppsala University in the beginning of the second semester of the academic year 2010/2011. As such, the theoretical framework of this thesis draws for some small parts on this paper. Triggered by the realization that exclusively examining whether mediation is coercive or not does not provide a complete picture of highly complex mediation processes, I decided to follow up on this theoretical paper by examining mediation in a more holistic manner with a novel typology of ‘mediation style’ put forward by Svensson and Wallensteen (2010). Svensson and Wallensteen came up with this typology to examine the mediation experiences of Jan Eliasson, former minister of foreign affairs in Sweden and former secretaries-general of the General Assembly of the United Nations. I had the honor to attend a guest lecture of Jan Eliasson and his experiences made me realize, even more, the need to bridge the gap between theory and practice with regard to international mediation. In short, this thesis is the product of my desire to make sense of an enormously rich topic within the field of Peace and Conflict Studies and, more importantly, to make sense of the complex real world process of mediation.

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Acronyms

ABG – Autonomous Bougainville Government
BCL – Bougainville Copper Ltd.
BIG – Bougainville Interim Government
BiH – Bosnia and Herzegovina
BPC – Bougainville People’s Congress
BRA – Bougainville Revolutionary Army
BRF – Bougainville Resistance Forces
BTG – Bougainville Transitional Government
CRT – Conzinc Rio Tinto
DDR – Disarmament, Demobilization and Reintegration
DPA – Dayton Peace Agreement
HR – High Representative
ICMD – International Conflict Management Database
IGO – International Governmental Organization
MDF – Me’ekamui Defense Force
MEO – Mutual Enticing Opportunities
MHS – Mutual Hurting Stalemate
PIC – Peace Implementation Council
PMG – Peace Monitoring Group
PNG – Papua New Guinea
SFRY – Socialist Federal Republic of Yugoslavia
SSR – Sector Security Reform
TMG – Truce Monitoring Group
TPSG – Third-Party Security Guarantees
UCDP – Uppsala Conflict Database Program
UN – United Nations
UNOMB – United Nations Observer Mission Bougainville
US – United States
WO – Way Out
CHAPTER ONE: THEORY

William Simkin, a renowned American labor mediator, once stated that “the variables in mediation are so many that it would be an exercise in futility to attempt to describe typical mediator behavior with respect to sequence, timing or the use or non-use of the various functions theoretically available” (Simkin quoted in Bercovitch and Gartner 2009: 13). Indeed, the outcome of a mediation process often appears to be the result of a unique set of circumstances. This also holds for international mediation; yet, a systematic understanding of international mediation is much needed since it is one of the main instruments to settle conflicts in a peaceful manner. It follows from Article 33 of Chapter 6 in the Charter of the United Nations (UN) that parties to any dispute, of which the continuance is a threat to international peace and security, should pursue mediation in order to find a solution. Besides a prominent place in the UN Charter, mediation has become increasingly important in practice.¹

Accordingly, it is important to go beyond the idiosyncratic nature of mediation by examining how international mediators can be most effective. A vast body of literature concerning how mediation works and what makes it effective reflects this importance; but despite these many studies, there are few existing frameworks that attempt to incorporate these different arguments. One exception is a recent study by Svensson and Wallensteen (2010) in which a typology is put forward that brings together many of the theoretical arguments in the field of mediation by distinguishing four dimensions - method, scope, mode, and focus - that they together describe as the style of mediation. This thesis will draw on this holistic typology to explore what makes mediation successful or not; but instead of solely focusing on how the style of mediation affects the prospects for the conclusion of a peace agreement, the emphasis will also be on how mediation style affects the durability of a peace process, which will be referred to as peacebuilding. Hence, the main question of this thesis is: How does the style of mediation affect a third-party’s level of success in making and building peace? This question will be addressed by making a structured focused comparison of two different cases, namely the peace processes in Bosnia and Herzegovina and Bougainville.²

¹ In fact, negotiating peace has become a standard approach of ending conflicts; of the 92 armed conflicts that ended between 1989 and 2008, more than a third have ended through negotiations (Wallensteen and Eriksson 2009: 7-9). Some of these negotiations were bilateral without a mediator, but in general these bilateral negotiations are highly problematic due to the polarized environments of armed conflict. Negotiations are therefore often multilateral whereby third-parties act as go-betweens (Svensson and Wallensteen 2010: XI). Moreover, evidence suggests that mediation has taken place in 70 percent of all conflicts since 1945 and that the conclusion of a peace agreement is six times more likely when third-party intermediaries are present (Bercovitch and Gartner 2009: 19; Frazier and Dixon 2009: 56).

² These cases are selected on the basis of a diverse case selection strategy. The reasons for this particular case selection will be explained more extensively in the research design.
One of the most remarkable characteristics of Svensson and Wallensteen’s typology is that, in contrast to many previous studies, Svensson and Wallensteen (2010) not only focus on the method of mediation; but also on the scope, mode, and focus of mediation. This makes their framework highly suitable for the purpose of this study, since it allows for a holistic analysis. Although the forcing versus fostering debate has been fruitful, it could be argued that the focus on method of mediation oversimplifies the mediation process. Svensson and Wallensteen find the forcing versus fostering distinction too simplistic to be analytically fruitful all by itself and believe that “The scope in terms of inclusiveness, the mode as the degree of openness, and the focus in terms of the broadness of the peace desired are other pivotal aspects of mediation style” (Svensson and Wallensteen 2010: 130-131, emphasis added). This thesis will therefore go beyond the simple distinction of mediation methods by examining the effects of different styles of mediation. In doing so, this thesis will contribute to the new research agenda that has been opened up by the novel typology of mediation style put forward by Svensson and Wallensteen.

Besides a focus on the method of mediation, much of the research to date has tended to focus on the effects of mediation on the initiation of talks and the signing of peace agreements rather than the effects of mediation after a peace agreement has been signed. A reason for this neglect is arguably that conflict resolution is widely perceived as a process rather than an event, which leads scholars to focus on conflict resolution mechanisms that are perceived to be the most prominent in their particular conflict resolution phase of concern.

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3 As early as 1985, in their seminal study *International Mediation in Theory and Practice*, Touval and Zartman distinguished between three methods that a mediator can pursue: communication, formulation, and manipulation. In subsequent years, many different arguments have been put forward concerning whether a forcing or a fostering method of mediation is most effective. For instance, Beardsley et al. (2006) claim, on the basis of statistical research, that of these methods, manipulation is the most effective in making warring parties sign an agreement. This is in line with a formal study by Smith and Stam in which they argue that “effective mediation requires the ability to threaten coercive punishment and material rewards rather than information” (2003: 117). In contrast, Nathan (1999) emphasizes creating a safe space for the adversaries to explore a mutual satisfactory agreement rather than using sticks and carrots. Finally, Svensson, who distinguishes between ‘pure mediators’ and ‘power mediators,’ attempts to bridge these seemingly exclusionary mediation approaches and find that a manipulation approach is more effective than communication and facilitation, but that mediation attempts including a mix of these different methods are even more effective (2007a: 239-240).

4 A detailed elaboration of the concept of mediation style will be provided in the next section.

5 However, the mode of mediation will not be taken into account. Although it is acknowledged that the mode of mediation significantly influences the outcome of a mediation process, it is assumed in this thesis that this influence is mainly limited to the likelihood of the conclusion of a peace agreement. Since the role of the mode of mediation is far more limited in the long run - particularly in comparison to the method, scope, and focus of mediation - and the goal of this thesis is to study both the short and long term effects of mediation, the mode of mediation will be excluded from this analysis.

6 For example, scholars concerned with the early phase of conflict resolution focus on mediation (e.g. Zartman 2001). Researchers concerned with the implementation phase emphasize Third-Party Security Guarantees (TPSG) (e.g. Walter 2002), power-sharing (e.g. Sisk 2008; Lake and Rotchild 2005), Sector Security Reform (SSR) (e.g. Stanley and Call 2008), and Disarmament, Demobilization, and Reintegration (DDR) (e.g. Nilsson
Since mediation is an instrument that is employed in the early phase of a peace process, there has been little discussion about the long term effects of mediation. As a result, the study of the effects of mediation on the post-agreement phase is still underdeveloped. This thesis will therefore study mediation by taking the entire peace process into account.

In short, scholars of mediation have overemphasized the importance of the method of mediation, while the long term effects of mediation have been understudied. This thesis will contribute to filling these gaps by drawing on Svensson’s and Wallensteen’s typology to examine how mediation style affects a third-party’s level of success in making peace. Since the answer to this question depends on the context and on what time frame one adopts, the next section will put forward the argument that international mediation is a balancing act; a mediator has to base its mediation style on a particular context, but also has to balance between the short term and long term effects.

The Method of Mediation: Forcing versus Fostering
Mediation can be defined as “a form of joint decision-making in conflict in which an outsider controls some aspects of the process, or indeed the outcome, but the ultimate decision-making power remains with the disputants” (Bercovitch and Gartner 2009: 5). Hence, mediators are not merely bystanders; rather, they actively take part in the conflict resolution process. Mediation can be requested by the primary parties themselves, or be offered by a third-party, but mediation is always voluntary and peaceful. However, once mediation is accepted by the warring parties, it “takes place along a spectrum of intervention which ranges from fairly passive to active” (Bercovitch and Gartner 2009: 20). A forceful mediator is placed on the active end of this spectrum since he actively tries to influence the warring parties to resolve the conflict by leveraging costs and providing benefits, which will increase the range of possible settlements (Beardsley 2008: 727).

However, one can question the underlying assumption of forcing method mediation that actors behave rationally and are therefore sensitive to sticks and carrots. In escalating conflicts, parties often employ heavy tactics which produce structural changes that, in turn, result in the persistence of escalation (Pruitt and Kim 2004: 151). Instead of being rational, these structural changes, which occur on the individual and community level, are emotional. On the individual level these changes lead to hostile attitudes and perceptions; and on the 2005; Humphreys and Weinstein 2007; Spear 1999). Academics examining the consolidation phase of a peace process mainly study reconciliation (e.g. Kostic 2008), transitional justice (e.g. Bell 2008), and democratization (e.g. Jarstad and Sisk 2008).
community level they result in polarization (Pruitt and Kim 2004: 153-163). As the term ‘structural’ already indicates, these changes are highly persistent; consequently, mediation attempts to manipulate the conflict environment might be less effective than one might assume on the basis of bargaining theory. A fostering method of mediation might therefore be more effective since confidence-building and facilitating communication can reduce the disputant’s hostile perceptions of one another. In contrast to a mediator employing a forceful method, a mediator pursuing a fostering method therefore emphasizes facilitation and positive dynamics. Another way a fostering method of mediation can be effective is by influencing the parties’ expectations about the costs and outcome of further conflict; yet, it is not always clear how mediators have access to more information than the disputants (Beardsley 2008: 726).

In short, the method of mediation, which refers to how the mediator influences disputants to make peace, can take several forms (Svensson and Wallensteen 2010: 17). A forceful method widens the bargaining range during negotiations and makes a peace agreement more likely, whereas a fostering approach can have positive effects on the peace process by building trust and providing information.

Related to the issue of which method of mediation is the most effective, is the issue of when a mediation process should be initiated. Zartman argues that agreements are most likely to be reached when adversaries reach a Mutual Hurting Stalemate (MHS), which is a situation where disputants feel they are trapped in a costly conflict from which they cannot escape through victory (Zartman 2001: 8). According to Zartman, a MHS makes a conflict ‘ripe’ for resolution since parties will seek a Way Out (WO) in order to avoid the negative consequences of a MHS. However, ripeness is not self-fulfilling; negotiations will only take place when the ripe moment is seized by the primary parties or by a mediator that persuades the adversaries to commence talks (Zartman 2001: 9). Furthermore, Zartman argues that the signing of an agreement is more likely when the pressure of a MHS remains during the

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7 It follows from the 2000 International Conflict Management Dataset (ICMD) – which contains observations on more than 3,500 cases of official mediation efforts in international conflicts since 1945 - that the majority of mediation efforts since 1945, namely 52.46 percent, have been at the fostering end of the conflict management spectrum, whereas 29.10 percent of the mediation efforts can be described as forceful. The remaining 18.44 percent of the mediation efforts have been in between these two extremes, namely mediation in which the mediator controls the procedural aspects of the negotiations, but has no control over other aspects (Bercovitch and Gartner 2009: 20 and 23).

8 In game theoretical terms, the MHS transforms the conflict from a Prisoners Dilemma Game into a Chicken Dilemma Game, which is a situation in which one of the parties has to give in or both parties face mutual assured destruction (Zartman 2001: 9).
negotiations. In other words, a MHS makes parties both more likely to commence talks and to sign an agreement.\(^9\)

One of the most important implications of Zartman’s ripeness theory is that the resolution of conflicts depends on the warring parties’ perception of a MHS. Accordingly, one could argue that if there is an absence of ripeness, the mediator has to move from a fostering approach to a forceful approach by imposing a MHS themselves (Zartman: 2008b: 31). Zartman’s MHS concept thus sheds light on how pressuring conflict parties can make them search for a WO.

Although Zartman’s argument is widely used and accepted, it is not unchallenged. For instance, Lederach argues that seizing the ripe moment is cherry picking: “Ripeness suggests the cherry is the agreement and that picking the cherry is like a mediation harvest” (2008: 40). Instead, Lederach believes that mediation should be about cultivating the relationships of the domestic parties since the change process ultimately has to be taken up by the warring parties themselves (2008: 41).\(^{10}\)

In short, when to initiate a mediation process is as much contested as which method to employ. Moreover, it seems that these issues are related. Zartman, who believes mediation is about seizing the ripe moment, is a proponent of a more forceful method in order to get the mediation process started. In contrast, Lederach, who finds that warring parties should take up the peace process themselves, believes that a fostering method eventually is more effective.

As follows from the discussion above, there is a discrepancy in the literature between a leverage-based mediation method and a mediation method aimed at facilitating communication. This discrepancy can be explained by the fact that mediation is a balancing act; the effectiveness of both approaches depends on contextual factors.

With regard to the effectiveness of forceful mediation, Bercovitch and Gartner argue that high intensity conflicts require mediation strategies that are located at the forcing end of the method of mediation spectrum since the costs of continued conflict are very high in these conflicts (2009: 28). In other words, mediators in high intensity conflicts will have to use all the means at their disposal to make parties lay down their weapons. In contrast, in low

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\(^9\) Mason and Fett (1996) find quantitative support for this claim; the bigger a government’s army, the higher the casualties, and the longer the duration of the conflict, the more likely a negotiated settlement will be achieved (1996: 557). However, the proxies used in this study measure the objective criteria for a MHS, whereas a MHS is subjective concept; it refers to the perception of the adversaries.

\(^{10}\) However, in contrast to Zartman’s ripeness theory, Lederach’s argument lacks quantitative evidence; for example, Greig and Diehl find no support for the claim that sustained interaction does ‘soften up’ a conflict (2009: 179).
intensity conflicts, warring parties will perceive these sticks and carrots as too coercive in nature (Bercovitch and Gartner 2009: 28; Nathan 1999: 2). Evidence supports the claim that a forceful method of mediation is more effective in high intensity conflicts. By performing two quantitative analyses, one on high intensity disputes and one on low intensity disputes Bercovitch and Gartner find that coercive mediation is more likely to lead to both a ceasefire and a full settlement in high intensity conflicts than it is in low intensity conflicts. (Bercovitch and Gartner 2009: 35-36). Nonetheless, in both high and low intensity conflicts a forcing method of mediation is found to be more effective than a fostering method of mediation; in other words, forceful mediation is only relatively more effective in high intensity conflicts (Bercovitch and Gartner 2009: 35-36).

The effectiveness of a particular method of mediation not only depends on contextual factors, it also depends on the time perspective one adapts to measure a third-party’s level of success. In their quantitative analysis, Bercovitch and Gartner find that forceful mediation is more effective for both ceasefires and peace agreements in low and high intensity conflicts. Yet, their study solely focuses on the conclusion of a peace agreement, which is only the beginning of the implementation phase. Indeed, according to Carment et al., mediation is both about the cessation of hostilities and addressing the incompatibility. Carment et al. argue that forcing is more aimed at ceasing the hostilities, whereas fostering relates more to resolving the underlying issues. Thus, the two approaches may not be as mutually exclusive as one would assume from the discussion above. Carment et al. find evidence that “manipulation has the greatest impact on the likelihood of reaching a formal agreement, whereas facilitation has the greatest effect on increasing the prospects for lasting tension reduction” (2009: 233). Hence, a forceful method of mediation and a fostering method of mediation have different time perspectives. It could therefore be argued that the effects of forceful mediation are most evident in the dialogue phase, whereas the effects of facilitative mediation are most evident in the implementation phase and the consolidation phase.

In short, a mediator has to balance between the short term and the long term. Forceful mediation is a powerful instrument for pushing a peace process past the dialogue phase, but in order to move beyond the implementation phase, underlying issues need to be resolved.

The Scope of Mediation: Exclusive versus Inclusive Negotiations
A mediator is not only concerned with the question of how and when to mediate, but also with the question of whom to include in the mediation process. The latter question relates to the
scope of a mediation process; the more parties to which a mediator targets his efforts, the more inclusive the scope will be (Svensson and Wallensteen 2010: 16). In extremes, a mediation process is thus either inclusive or exclusive; yet, in reality the scope is often in between these extremes. Whether an inclusive or an exclusive scope is more effective depends entirely on contextual factors.

One contextual factor is the intensity of a conflict. Since high intensity conflicts are already persistent and since exclusion simplifies the mediation process due to fewer problems with coordination and uncertainty, an exclusive approach is likely to be more effective in high intensity conflicts (Pruitt and Kim 2004: 152; Fortna 2003: 107). Moreover, the high costs associated with high intensity conflicts require an end to the fighting as soon as possible. In short, when the intensity of a conflict is high, an exclusive scope is more effective.

Another contextual factor that determines the effectiveness of the scope of mediation is the number of parties that want to participate in the mediation process. When the number of parties is high, an inclusive approach might backfire. For instance, tensions between different rebel factions can be so high that inviting some of them results in others leaving (Svensson and Wallensteen 2010: 47). Exclusion thus simplifies negotiations due to fewer problems with coordination and uncertainty.

However, the danger of strategic use of violence will be higher if many parties are excluded. In a seminal study, Stedman argues that the greatest risk to peacemaking comes from spoilers, whom he defines as “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it” (1997: 5). It follows from this definition that if a mediator can reduce the potential spoilers’ fear of negotiations, they are less likely to undermine the peace process. Indeed, Blaydes and De Maio argue that inclusive mediation makes potential spoilers less likely to take up arms since they will be involved in the decision process concerning the distribution power (2010: 4).

Yet, even if possible; it is not always enough to give in to what potential spoilers want. This is also recognized by Stedman, who distinguishes between limited, greedy, and total spoilers. As the name of the last type of spoiler already suggest, total spoilers pursue total power and are therefore not more likely to commit to a peace process when included in negotiations (Stedman 1997: 9-10). But total spoilers do not threaten a peace process per se; besides the reasons potential spoilers may have to spoil a peace process, it is important to focus on their resources. If potential spoilers are total spoilers but do not have any capabilities to threaten the peace process, they are not very likely to play a significant role. In other
words, the relative power of the parties involved in the mediation process is another important contextual factor that determines the outcome of a peace process (Greenhill and Major 2006: 8).

It follows from the discussion above that whether an inclusive or an exclusive scope is more effective depends on particular circumstances. When there are many parties, an exclusive mediation process might be more effective as it takes much effort to coordinate talks between many different parties. However, if there are many potential spoilers, an exclusive approach could result in strategic violence aimed at sabotaging the peace process. This is particularly likely if potential spoilers have the capabilities to do so. In short, the mediator needs to balance between an exclusive or an inclusive approach on the basis of many contextual factors that influence the effectiveness of the scope of mediation.

When determining the effectiveness of a particular scope of mediation, one also has to take into account that an inclusive and an exclusive scope have different time horizons. Besides the issue of spoilers, the scope of mediation also relates to the degree to which all the relevant stakeholders in a conflict feel responsible for the peace process. One could argue that inclusive mediation creates a high degree of peace ownership since all the relevant stakeholders are involved, making them all responsible. According to the peace ownership principle, inclusive negotiations make durable peace more likely since the warring parties will work more actively to build peace (Du Toit 2008: 87). While the issue of spoilers particularly relates to the short term, the peace ownership principle relates to the long term.

Related to the peace ownership approach is the inclusion of civil society. Including civil society increases the legitimacy of peace agreements since it usually has greatly suffered during war (Wanis-St. John and Kew 2008: 14). Wanis-St. John and Kew find quantitative evidence that “all negotiations characterized by high civil society involvement have resulted in sustained peace in the peacebuilding phase” (2008: 27). In short, including civil society contributes to durable peace. As a result, a mediator has to balance between exclusiveness and inclusiveness on the basis of both contextual factors and different time perspectives. An inclusive scope makes a peace accord more durable and a partial peace less likely, but reduces the ability of a mediator to reach this peace accord.

**The Focus of Mediation: Narrow Peace versus Wide Peace**

One of the most fundamental dilemmas that mediators face during a mediation process is whether to prioritize a narrow or a wide peace, with the first only entailing an end to the
fighting and the latter also involving “respect for human rights and the harmonization of outcomes with principles of international law” (Svensson and Wallensteen 2010: 20).

Although a wide peace seems preferable over a narrow peace, mediators do not always pursue a wide peace. The reason for this is that a wide focus impedes the chances of a peace agreement. Those sitting at the negotiation table almost always have had responsibility for combatants that have committed any atrocities, which makes them responsible as well and therefore insist on impunity (Hayner 2008: 328).

However, supporters of a focus on wide peace stress that a durable peace requires injustices to be addressed. Svensson and Wallensteen draw on two legal terms to make a distinction between different types of injustices that need to be addressed: *jus ad bellum* and *jus in bello* (Svensson and Wallensteen 2010: 21). *Jus ad bellum* concerns all the injustices that took place prior to the onset of the war. Prominent questions in this regard are who started the war and why, and whether, the cause was just.\(^{11}\) Any grievances parties have are often due to real or perceived political, socio-economic or cultural injustices (Brounéus 2003: 29). These grievances can be the underlying cause of renewed conflict; hence, taking the distributive dimension of justice into account in a mediation process makes a durable peace more likely.

The second legal term Svensson and Wallensteen draw on is *Jus in Bello*. This term refers to all the injustices that have been conducted during the armed conflict; for instance, atrocities and violations of international humanitarian law. Addressing these issues by holding trials in domestic or international courts relates to the rectificatory dimension of justice and is important for at least three reasons.\(^{12}\) First of all, many states are bound by treaties that they have ratified to prosecute perpetrators of war crimes, genocide, and other violations of international humanitarian law. Moreover, even if a specific country has not ratified any treaty that could provide a basis for such an obligation, it could still be argued that it would be illegal to provide the perpetrators with amnesty based on international customary law (Hayner 2008: 330). Secondly, without addressing past abuses it is difficult to restore legitimacy. It is important that civilians and ex-combatants see that order is restored (Brounéus 2003: 29). Lastly, it helps in healing psychological trauma. According to Bar-Tal “justice is indispensable for reconciliation” (Bar-Tal quoted in Brounéus 2003: 29). Peaceful relations

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\(^{11}\) With regard to whether the cause was just; Jus ad bellum crimes also include the crime of aggression which was defined by Rome Statue Signatory States in Kampala in 2010.

\(^{12}\) It is noteworthy that holding trials in domestic or international courts is only one way of responding to past abuses, other ways are: “purging wrongdoers from public or security posts; creating a commission of inquiry; providing individualized access to security files; awarding reparations to victims; building memorials; or putting in place military, police, judicial, or other reforms” (Hayner 2001: 12).
are only possible when there is mutual trust and acceptance. In this sense rectificatory justice is part of the long term reconciliation process (Bar-Tal 2000: 351).

Shriver takes this last point further by distinguishing between two forms of rectificatory justice - restorative justice and retributive justice - and finds that restorative justice, which is aimed at repairing relations, is more effective with regard to reconciliation than retributive justice which is aimed at finding suitable punishments for perpetrators (Shriver 1995). In short, addressing real or perceived injustices prior to the armed conflict and injustices that have been committed during the war seem vital for the success of any peace process.

It follows from the discussion above that justice and peace are mutually exclusive; yet, distinguishing between different time horizons shows that narrow and wide peace are only in contradiction with each other on the short term (Svensson and Wallensteen 2010: 23). One could argue that on the long term peace can only be sustainable when injustices have been addressed. In other words, peace and justice are complementary or even reinforcing.

However, the transition from a narrow to a wide peace takes time. Narrow peace as the absence of direct violence is less problematic to obtain than a wide peace, which entails the presence of a high measure of fairness and justice at all levels in human interaction. A mediator therefore has to balance between the urgency of an agreement and the need for a wide peace. Ideally a mediator pursues a wide peace; yet, pursuing a wide peace can on the short term be in contradiction with obtaining peace at all.

**Research Design**

As follows from above, each dimension of the mediation style is surrounded with opposing claims. However, a closer look reveals that these discrepancies can be explained by taking context and different time horizons into account. Firstly, the effectiveness of the method of mediation clearly depends on the conflict intensity and whether a mediator is perceived as credible by the primary parties. In addition, a forcing approach seems to have a stronger impact on the short term, whereas a fostering approach seems to have a stronger effect on the long term. Secondly, with regard to the scope of mediation, it could be argued that exclusive negotiations is a means at the disposal of the mediator to reach an agreement faster, but on the short term this can be at the expense of excluded parties spoiling the peace process, while it may lead to a less stable peace due to a lesser degree of peace ownership on the long term. Finally, the focus of mediation has to be considered carefully since the pursuit of a wide peace
might result in a failure of the entire peace process; at the same time, solely pursuing a narrow peace might endanger the prospects of a durable peace. In short, international mediation is a balancing act; its effectiveness depends on the context and on what time perspective one adopts. Consequently, when one examines how the style of mediation affects a third-party’s level of success in peacemaking and peacebuilding, one needs to consider that knowing what works under particular circumstances and under which time perspective is essential to the success of third-party conflict involvement.

In order to explore how mediation style affects a third-party’s level of success in peacemaking and peacebuilding, a structured focused comparison will be employed with two case studies selected on the basis of a diverse case selection method (George and Bennett 2005: 67; Seawright and Gerring 2008: 300). The cases studies employed are: Bosnia and Herzegovina, and Bougainville. By selecting these cases, a maximum variance along the independent variable is ensured since these cases represent two different styles of mediation. As will follow from the case studies below, the mediation efforts in Bosnia and Herzegovina and Bougainville were different with regard to method, scope, and focus. In addition, the selected cases are different with regard to the geographical location and the time of the onset of the war.  

13 In order to explore how mediation style affects a third-party’s level of success in making and building peace, the independent variable, mediation style, and the depended variable, a third-party’s level of success in making and building peace, need to be operationalized. Operationalizing mediation style is problematic since it is a variable that consists of dimensions. This means that if the dimensions examined in this thesis were clear-cut dichotomous variables, already eight different values for mediation style would be possible. Yet, since these three dimensions represent continua rather than dichotomous variables, an unlimited number of values for the independent variable are possible. Although this might be in line with the reality that every mediation process is unique and that there are as many styles of mediation as there are mediation attempts, it could be argued that this is highly problematic from a methodological point of view. First, it makes the analysis less precise. Since the concept of mediation style encompasses many factors that can influence a

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13 The case selection strategy will thus not be based on a most different or a most similar research design, which would have made a higher degree of generalization possible (Bennet 2004: 30-32). This is unproblematic since generalizing is not a goal of this thesis; rather, the aim is to explore the effects of different styles of mediation under different circumstances. In short, the focus will be on the independent variable and not on a relation between the independent and dependent variable that needs to be tested. Instead of being confirmatory this thesis is exploratory (Seawright and Gerring 2008: 297).
third-party’s level of success, it becomes difficult to determine which of these factors account for this success (Gerring 2005: 172). Second, it can also be argued that the employing mediation style as independent variable reduces the parsimony of this analysis. Some scholars argue that knowledge can only serve a useful purpose in a compact form (Gerring 2005: 174). Lastly, the holistic nature of mediation style makes comparisons between cases problematic; for instance, if different factors are emphasized in different case studies, the comparison is less valid (Gerring 2005: 181).

On the other hand, it could be argued that employing the typology of mediation style as independent variable entails some methodological advantages. Most importantly, it increases the completeness of this study since it can account for much variation in the different peace processes (Gerring 2005: 173-174). There is thus a trade-off between precision, parsimony and comparability on the one hand and completeness on the other hand. Since the purpose of this study is exploratory rather than confirmatory and since the independent variable is mediation style, this study is complete, or what Ragin calls a “holistic analysis (1987),” at the expense of some precision, parsimony and comparability.

Nonetheless, to keep the disadvantages of this research design to a minimum, mediation style needs to be operationalized. The value of the independent variable will therefore be determined by examining where on the continua of the dimensions, represented in table 1.1, a particular case study is located. This way, the independent variables can be measured without losing sight of the fact that the variables are in reality continuous.

<table>
<thead>
<tr>
<th>TABLE 1.1 The Dimensions of Mediation Style as Continua</th>
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<tbody>
<tr>
<td><strong>Method</strong></td>
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<tr>
<td><strong>Scope</strong></td>
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<tr>
<td><strong>Focus</strong></td>
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</tbody>
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The dependent variable, the third-party’s level of success in making and building peace is also complicated to operationalize, particularly since success is a subjective concept.
Yet, examining both peacemaking and peacebuilding has some advantages. For instance, some would consider ending fighting a success, but one can question whether this really shows how successful the mediation attempt was. It is problematic to maintain the argument that a mediation attempt has been successful when the fighting restarts after one month. Accordingly, the third-party’s success will be measured by taking into account that peacemaking is a process. Consequently, in this thesis conflict resolution refers to what Wallensteen defines as “A social institution where the armed conflicting parties in a voluntary agreement resolve to peacefully live with - and / or dissolve - their basic incompatibilities and henceforth cease to use arms against one another” (Wallensteen 2007: 47). Conflict resolution is thus about resolving incompatible goals, from which it follows that conflict resolution is not an event but a process; dissolving the incompatibility does not occur overnight.

It is therefore useful to distinguish five different stages of conflict resolution: armed conflict, the dialogue phase, the implementation phase, the consolidation phase, and the post-consolidation phase (Ohlson 2008: 144). These peace process phases, which are summarized in table 1.2., are drawn from a typology put forward by Thomas Ohlson in which he operationalizes different degrees of peace on the basis of certain breaking points (2008: 143-152). The first breaking point is when talking replaces fighting, which marks the transition from the war phase to the dialogue phase. Next, when the dialogue phase is successful and warring parties sign a peace agreement, the disputants enter the implementation phase. Thereafter, when the stipulations in the agreement have been implemented, the warring parties have reached the consolidation phase. Finally, if the consolidation phase has been successful, a high degree of peace is reached and the peace process enters the post-consolidation phase. This breaking point is the most difficult to recognize; but according to Ohlson, the peace becomes consolidated when “consequences and changing circumstances resulting from the implementation of the agreement are internalized, accepted and thus seen as legitimate by both followers and leaders” (Ohlson 2008: 144).

If after a mediation process, there is a shift from the dialogue phase to war, than clearly the mediation attempt has been unsuccessful. Conversely, if there is a shift from the dialogue phase to the implementation phase, which means a peace agreement has been signed, the mediation process can be regarded as successful. Consequently, a peace process that after some time has reached the consolidation phase, or even has gone beyond the consolidation phase, is the most successful.

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14 Ohlson only distinguishes between the dialogue phase, the implementation phase, and the consolidation phase; but on the basis of his breaking points the war and the post-consolidation phase are added.
TABLE 1.2 A Third-Party’s Level of Success in a Peace Process

<table>
<thead>
<tr>
<th>Peace Process Phase</th>
<th>Breaking Point That Marks the Shift to this Particular Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armed Conflict</td>
<td>More than 25 battle-related deaths.</td>
</tr>
<tr>
<td>Dialogue Phase</td>
<td>Initiation of talks.</td>
</tr>
<tr>
<td>Implementation Phase</td>
<td>Signing of a peace agreement.</td>
</tr>
<tr>
<td>Consolidation Phase</td>
<td>Stipulations in the peace agreement have been implemented.</td>
</tr>
<tr>
<td>Post-Consolidation Phase</td>
<td>Consequences and changing circumstances resulting from the implementation of the agreement are internalized, accepted and thus seen as legitimate by both followers and leaders.</td>
</tr>
</tbody>
</table>

In sum, by employing a structured focused comparison, it will be explored how style of mediation affects a third-party’s level of success in making peace. This study is structured in that each case will be studied by exploring the relation between the three dimensions of mediation style put forward in this chapter and the five degrees of peace mentioned above. Additionally, it will be focused since it only deals with third-party peacemaking and peacebuilding in the particular cases.
CHAPTER TWO: THE DAYTON PEACE PROCESS

“Leverage is the ticket to mediation” (Zartman and Touval 2007: 447).

On March 1, 1992, Bosnia and Herzegovina (BiH) declared independence from the Socialist Federal Republic of Yugoslavia (SFRY), which proved to be the breeding ground for the bloodiest war in Europe since the end of the Second World War. It was not until November 1995, with pressure from the United States (US), that the parties signed the Dayton Peace Agreement (DPA), which formally ended the war which had resulted in approximately 260,000 deaths, massive violations of international humanitarian law, and around two-thirds of the population displaced from their homes (Kaldor 2006: 33). This chapter examines how the mediation process that led to the DPA influenced the subsequent peace process. In doing so, this chapter illustrates that the combination of a fully forceful method, a fully exclusive scope, and a more narrow than wide focus of mediation make a peace process time-inconsistent; it was only due to the presence of a NATO troops and Serbia and Croatia acting as guarantors of the DPA that renewed fighting remained absent. On the other hand, the case of BiH also illustrates that contextual factors sometimes make a mediation style aimed at ceasing hostilities at the expense of a durable peace necessary.

This chapter will proceed as follows. A short background of the conflict will be provided first. Thereafter, it will be examined how each dimension of the style of mediation affected the US’s level of success in making peace. Finally, a conclusion will be provided.

The War in Bosnia and Herzegovina

BiH’s independence on March 1, 1992, should be seen in the context of a disintegrating SFRY; of which the death of Josip Broz Tito in 1980, an economic crisis, and the fall of communism in Europe can be identified as underlying causes (Palmer et al. 2007: 1059-1060). Among the SFRY’s republics, BiH was the most ethnically diverse.¹⁵ This ethnic diversity was reflected in a government of national unity between the three major ethnic groups constructed after the elections of December 1990. In this coalition, the Bosniaks were represented by Izetbegović’s Party of Democratic Action (SDA) which had gained 86 out of the 240 seats in the assembly; the Bosnian Serbs were represented by Radovan Karadžić’s

¹⁵ According to the 1991 census, the Bosniaks constituting 43.7 percent, Bosnian Serbs constituting 31.4 percent, and Bosnian Croats which constituting 17.3 percent of Bosnia-Herzegovina’s population; with the balance been made up of Yugoslavs, Jews, and Roma (Kaldor 2006: 34).
Serbian Democratic Party (SDS) which had gained 72 seats in the assembly; and the Bosnian Croats that were represented by the Croatian Democratic Party (HDZ) which had gained 44 seats in the assembly (Malcolm 1996: 222-223).

However, this government of national unity could not stop tensions between the different ethnic groups from mounting. After both Croatia and Slovenia became internationally recognized in December 1991, the Bosniaks and the Bosnian Croats increasingly regarded it as essential to seek independence since they would otherwise be left in a Yugoslavia under Serbian control (Malcolm 1996: 230). Already in July 1991, Izetbegović stated that BiH would not remain in the SFRY without Croatia (UCDP 2011a). In contrast to the Bosniaks, many of the Bosnian Serbs, including SDS leader Karadžić, opposed secession since this would result in the dominance of the Bosniaks. In order to mobilize support Karadžić and his followers radicalized the Bosnian Serbs by exposing them to non-stop propaganda, providing them with arms, and even creating violent incidents in order to justify military intervention (Malcolm 1996: 216-217 and 228). Serbia also opposed BiH’s independence since this would transform the SFRY into a rump state consisting of only Serbia and Montenegro. Serbian president Milošević openly stated by early 1991 that if BiH would seek independence, he would seek to annex whole areas of it to support the Bosnian Serbs (Malcolm 1996: 223). As a result, one month after BiH gained independence, on April 7, the Bosnian Serbs, supported by Serbia, declared independence for their self-proclaimed republic called Republika Srpska; which was, in turn, disputed by the government of BiH (UCDP 2011a).

Although the use of armed force had already occurred earlier, the conflict escalated into a full-blown war when the Bosnian Serbs declared independence and started taking control over the municipalities they considered to be part of Republika Srpska. During the war each of three major ethnic groups in BiH attempted to capture as much territory as they could in order to create their own mini-states, with the Bosnian Serbs being aided by Serbia and the Bosnian Croats being supported by Croatia (Kostić 2009: 18).

Several mediation attempts were employed after the onset of the war\textsuperscript{16}, but it was only by 1995, with pressure from the US, that the parties were able to reach a final peace agreement at Dayton on November 21 and sign the DPA; which consists out of 149 pages, including a short General Framework Agreement and twelve large Annexes.

\textsuperscript{16} The Carrington-Cutileiro’s Plan in 1992, the Vance-Owen plan in 1993, the Owen-Stoltenberg plan in 1993, and the European Union Action Plan in 1994 are examples of other third-party peace efforts.
The following sections will examine how each dimension of the style of mediation during the Dayton peace talks affected the third-party’s level of success in making peace.

**A Fully Forceful Method of Mediation**

The Dayton peace process did not come out of nowhere. Already by 1994, the fighting between the Croats and the Bosniaks had ended when the Washington Agreement was signed on March 1. In this agreement the parties expressed being in favor of preserving the national integrity of BiH, but with a decentralized system of districts; hence, a Bosniak-Croat federation was created (Malcolm 1996: 256). In the peace process leading up to the Washington Agreement, the US used negative and positive incentives to force the warring parties in signing an agreement. For instance, the US threatened Croatia with international isolation and sanctions against its military involvement in BiH if it were not to sign the agreement. At the same time, Croatia was promised that the US would support its national integrity if it were to cooperate (Touval 2002: 140). In addition, it was promised access to financial support in the form of international loans for reconstruction purposes. Signing the Washington Agreement also provided Croatia with the opportunity to become involved in the North Atlantic Treaty Organization (NATO) by joining the Partnership for Peace Programme (Kostić 2009: 19). In other words, the US employed a forcing method of mediation to influence Croatia, which was the stronger warring party, with positive and negative incentives. This method proved to be effective and Croatia signed the Washington Agreement; which would turn out to be an essential step towards peace in Bosnia and Herzegovina.

Other essential developments occurring before the Dayton peace process were an advance on the battlefield by Croat and Bosnian troops and NATO bombings on Serbian targets; which both took place in August, 1995. With regard to the first development, Croatian troops started the Krajina offensive in early August in which they managed to take control over the Croatian Serb Republic of Krajina in only seven days. In addition, the Bosniaks and Bosnian Croats, in a combined operation successfully pushed forward into the territory of Republika Srpska in mid-September. With both Croatian and Bosniak forces pressing towards the Serb stronghold of Banja Luka, a defeat of the Serb forces became increasingly more likely (Malcolm 1996: 267). This successful military advance was at least partly the result of a critical decision made by US President Clinton, to allow weapons to flow into BiH from Croatia despite UN Security Council Resolution 713 which imposed an arms embargo on all of SFRY. Additionally, the US government used private military contractors to provide the
Bosniaks and the Croats with military advice (Burg and Shoup 1999: 339). According to Peter Galbraith, the former Ambassador to Croatia of the US, Bosnian President Izetbegović once told him that the US allowing Croatia to flow weapons into landlocked BiH was the most single important factor to a successful peace agreement (Galbraith 2011: 40.30).

The second development in August 1995 that paved the way for the Dayton peace talks was also due to US involvement. In response to the bombings in Sarajevo by the Bosnian Serbs, President Clinton insisted on military action (Holbrooke 1998: 103). After Washington had convinced most of the European countries and the UN of the urgency to act, NATO commenced bombing Bosnian Serb Army positions on August 28, 1995. NATO demanded, among others, that Bosnian Serb General Mladić would withdraw from the area around Sarajevo making further bombings of Sarajevo by the Bosnian Serbs impossible. Although Mladić at first attempted to sit out the bombings, he eventually complied after his air defense and large quantities of ammunitions were destroyed (Malcolm 1996: 266). In short, August 1995 saw a change in the battlefield dynamics due to arms flowing into BiH from Croatia and NATO bombings of Serbian targets.

Holbrooke made use of these changed dynamics by initiating shuttles between the warring parties in mid-August. These shuttles resulted in a meeting in Geneva on September 8 and another meeting in New York on September 26, in which the parties agreed upon the principles for future peace talks put forward by the US mediation team (Malcolm 1996: 267). The warring parties eventually signed a ceasefire agreement on October 5, 1995, which would take effect on October 10. In addition, it was agreed that these further peace talks would take place in the US on October 25, which would later to be postponed to early November due to Croatian parliamentary elections (Chollet 2005: 112; Holbrooke 1998: 199).

Many peace negotiations, which often ran parallel to the fighting, had been initiated before the start of Dayton peace process. Nonetheless, the initiation of peace talks at Geneva on September 8 and at New York on September 26, can be seen as a small success since they laid the groundwork for the ceasefire agreement of October 5. In other words, by early October, two breaking points in the peace process could be recognized that mark the transition from war to the dialogue phase: the initiation of talks and talking replacing fighting.

It could be argued that the timing of the initiation of the mediation effort explains why the peace process entered the dialogue phase. According to Zartman, conflicts are ripe for resolution when all the parties perceive the conflict as costly but do not see a way out; in other words, when they perceive a MHS. Zartman also argues that third-parties can impose a MHS themselves, which is what the US started doing in BiH in August 1995 by bombing Serbian
targets and supporting the Bosniak army. Both developments resulted in a temporary retreat of the Serbs and an advance of the Bosniaks and the Croats. Hence, the Serbs, who had been the strongest party almost during the entire war, realized that a victory was not a WO of this costly conflict. In addition, the Bosniaks and the Croats were still making advances, but they did not know whether their offensive could be maintained. Accordingly, one can speak of a MHS since all parties perceived the conflict to be costly, but none of them was sure of a victory in the near future.

The warring parties’ perception created a ripe moment, which Holbrooke seized by initiating talks; thereby, offering them a peaceful way out of the conflict. When commenting on the conflict dynamics in BiH in October 1995, Holbrooke states that “The best time to hit a serve is when the ball is suspended in the air, neither rising nor falling. We felt this equilibrium had arrived, or was about to, on the battlefield” (Holbrooke 1998: 193). In other words, the momentum of the ripe moment was seized by initiating the mediation process.

Once negotiations were initiated, the US employed sticks and carrots to make the parties sign a peace agreement. The Bosniaks were promised the lifting of the arms embargo, and military assistance if they were to participate in peace talks, the so called ‘equip and train’ scenario. The Bosniaks were also promised economic aid in the form of reconstruction assistance to the amount of $5 billion provided by the World Bank (Touval 2002: 164). In addition, it was promised that NATO would enforce the peace once an agreement was in place. If the Bosniaks were not to cooperate, the arms embargo would still be lifted, but this would then be in absence of training and air support from the US; the so called ‘lift and leave’ scenario (Chollet 2005: 44). Serbia was convinced to accept the principles with the promise of sanctions lifted and legal territorial rights for the Serbs in BiH. However, if Serbia would not comply, the NATO would lift the arms embargo and continue bombing Bosnian Serb targets, the so called ‘lift and strike’ scenario (Chollet 2005: 44). Just as in the case of the Washington agreement, Croatia was promised further integration in the European institutions (Chollet 2005: 44). For example, Frasure, a member of the US mediation team told a Croat state official that only if Croatia decided to be viewed as a Western state, with Western values, rather than taking advantage of short term gains by carving up BiH, it would receive Western economic, political, and military support (Chollet 2005: 49). In short, just as in the in process

Since mediation is defined as both voluntary and peaceful, one could argue that this policy went beyond mediation and was closer to intervention. Nonetheless, the actual Dayton peace process was voluntary and peaceful; hence, the US policy can be best described as one of ‘coercive mediation’ (Touval 2002: 136).
leading to the Washington Agreement, the US mediation team used a forcing method of mediation. Holbrooke had made it clear that the US would employ big sticks and juicy carrots to provide the political leaders with incentives to sign a peace agreement.

Eventually, the US employing a highly forceful method persuaded the warring parties to sign the DPA. This is in line with the argument that leveraging costs and providing benefits is an effective method of mediation. Moreover, the fact that the warring parties were sensitive to sticks and carrots suggest that they behaved rational; the structural emotional changes produced by the war did not prevent the US mediation team’s forceful method from being effective. Since the war in BiH had a high intensity, it is also in line with the quantitative findings, pointed out in the previous chapter, that forceful mediation is more effective in high intensity conflicts. Ending the war was the fundamental objective of the US mediation team, thus in this regard one can consider the Dayton peace process as a success.

However, one could argue that this forceful method of mediation influenced the peace process negatively on long term. This is line with the quantitative findings presented in the previous chapter that a fostering approach is more effective than a forcing approach on the long run.

The reason for this is arguably that the forceful method is at the expense of a fostering method. A fostering approach in BiH would have allowed the parties to seek for solutions supported by the parties themselves. In contrast, the forceful method of mediation imposed a peace upon the adversaries; hence, after the DPA, the parties prepared for war rather than build up the country. To put it in the words of Luttwak, the DPA “condemned Bosnia to remain divided into three rival armed camps, with combat suspended momentarily but a state of hostility prolonged indefinitely” (1999: 37).

Yet, the only alternative to the DPA was prolonged uninterrupted fighting in BiH, which based on Lutwakk’s logic would have led to a more stable outcome. In contrast to Zartman’s argument that a mediator should actively influence the parties’ perception of a MHS by employing carrots and Sticks, Luttwak thus believes that war should end either due to one side gaining a victory or a MHS coming about naturally (Zartman 2008:26-27). Taking the conflict intensity and the massive violations of international humanitarian law in BiH into account, one can seriously question whether this would have been a viable alternative. In this sense the forceful method of mediation was a success: it stopped further suffering.

In sum, the US mediation team’s method of mediation can explain why the adversaries replaced the fighting with talking on October 5, 1995, and signed the DPA on November 21, 1995. Holbrooke seized the ripe moment and made sure pressure on the warring parties
remained during the negotiations. The Dayton negotiations took place in a coercive environment, with many provisions in the DPA being imposed from the outside. Sticks and carrots influenced the parties’ decision-making calculus. Yet, the drawback of this forceful method was that the imposed peace remained unstable.

A Fully Exclusive Scope of Mediation

When Holbrooke commenced peace talks, he adopted, an exclusive scope of mediation aimed at simplifying negotiations. The president of BiH, Izetbegović; the president of Serbia, Milošević; and the president of Croatia, Tudman were representing the different sides in the direct peace talks, whereas the Bosnian Serbs and the Bosnian Croats were excluded. This exclusion greatly reduced problems with uncertainty and coordination. Moreover, the Bosnian Croats and the Bosnian Serbs were the least susceptible to US pressure; hence, their absence allowed the US mediation team more control over the negotiations (Burg and Shoup 1999: 360).

Involving President Milošević and President Tudman in the mediation process, instead of the Bosnian Serbs and the Bosnian Croats, was based on the assumption that the Presidents could convince their kin in BiH of the significance of the DPA. In fact, one of the conditions of the Dayton peace talks was that president Milošević and president Tudman had the authority to sign a peace agreement on behalf of the Bosnian Serbs and the Bosnian Croats respectively (Holbrooke 1998: 199). The opportunity of reduced Sanctions made Milošević force the Bosnian Serb leaders to empower him to negotiate on their behalf, although he had always denied any control over the Bosnian Serbs (Touval 2002: 149). As a result, some Bosnian Serbs and Bosnian Croats would be present at Dayton, but they had almost no say in the proceedings (Kostić 2009: 24).

However, only involving one out of the three main warring parties at the peace talks had some drawbacks. Since the Bosnian Serb and the Bosnian Croat representatives were largely kept uninformed during the mediation process, they almost refused to sign the DPA. In fact, when the Bosnian Serbs were informed about the content of the DPA, in which president Milošević in the last minute had made some concessions that were in the interest of Serbia at the expense of the Bosnian Serbs, they refused to take part in the ceremony. It was only after some more persuasion from Belgrade that Milošević faxed their signature ten days later, so that the DPA could be formalized in Paris on December 14, 1995 (Touval 2002: 163).

The Bosnian Serbs and the Bosnian Croats almost refusing to sign the DPA was not the only drawback of the exclusive approach. The exclusive negotiations resulted in little
community acceptance and increased the risk of strategic use of violence. A telling example in this regard is a Bosnian Croat farmer who told a reporter, when asked about the DPA: “I have six sons, and if we are told to share our government with Muslims, all of them will join me in the war that will come” (Walter 2002: 12). In other words, the exclusive scope made spoiler violence very likely.

However, as is outlined in the previous chapter; it is not sufficient to solely focus on the reasons potential spoilers may have, since the capabilities potential spoilers have are equally important. Zagreb and Belgrade acting as guarantors on the Agreement is important in this regard, since this reduced the opportunity of potential spoilers to disrupt the peace process. Similarly, the strong presence of the international ‘Implementation Force’ (IFOR) explains why strategic use of violence, aimed at the destabilizing the fragile peace process, remained absent. It was stipulated in Annex 1-A of the DPA that the UN peacekeeping troops were to be replaced by IFOR, consisting of 60,000 troops commanded by NATO, who would monitor the ceasefire, the withdrawal of forces, and the implementation of a Zone of Separation.\(^a\) Besides this significant troop size, IFOR was committed since NATO had defined the implementation of the DPA as a strategic interest and IFOR’s mandate allowed the commanders to use force whenever they felt it was necessary (Zahar 2008: 170; Holbrooke 1998: 223). This strong and committed force resulted in an opportunity structure that strongly disfavored any party that would try to sabotage the Dayton peace process.

Besides providing potential spoilers with reasons for the use of strategic violence, the exclusive approach negatively affected the sense of peace ownership in BiH. Since the domestic parties had not actively participated in negotiations and their interests not always corresponded to those of Milošević and Tuđman, much discontent remained among the former warring parties. Consequently, the ones that were responsible to implement the DPA, the political leaders of the three sides in BiH, were the least interested in doing so (Chollet 2005: 193). It could be argued that this is the most serious drawback of the exclusive scope of mediation. Indeed, the main obstacle to durable peace during the entire peace process has been the inactivity of the former warring parties; the implementation of many of the provisions took a significant amount of time, with many provisions being implemented after

\(^a\) Already by October 5, 1995, it was agreed on a NATO summit in Rome that NATO would employ its first peacekeeping mission ever if the warring parties in BiH were to conclude a peace agreement (Holbrooke 1998: 203). As a result, the replacement of UN peacekeeping troops by NATO forces was discussed early on in the Dayton peace process. Of the 11 draft Annexes of the DPA, the Annex that stipulated the mandate of IFOR was the first to be finished on November 17 (Chollet 2005: 164).
the stipulated deadline. For example, Bosnian Serb representative, Momčilo Krajišnik, kept on emphasizing that they had not signed the agreement and therefore did not have to implement it (Kostić 2009: 37). In short, Bosnian Croats and Bosnian Serbs not being present at Dayton had a negative effect on the legitimacy and ownership of the agreement; this, in turn, resulted in few cooperative steps in the peace process.

Since the Bosnian Serbs and the Bosnian Croats were hesitant to implement the DPA, implementation occurred rather due to involvement of the High Representative (HR) of the international community than due to local engagement. It was agreed in Annex 10 of the DPA, which addressed the international supervision of the agreement, that a HR has the final authority to interpret the civilian parts of the DPA.19 Although the goal of the HR initially was supervising the implementation process, it shifted its attention increasingly to nationbuilding in order to force change (Cousens and Cater 2001: 130). Particular important in this regard was a Peace Implementation Council (PIC) summit in Sintra, Portugal, in 1997, were the HR was given the right to create laws and enforce them. From 1997 until 2010, the HR has made almost 900 decisions that included enacting laws or removing elected officials (Szewczyk 2010: 7). In other words, a strong external involvement remained during the implementation process.

The HR was necessary due to a lack of ownership, but this did not mean that no efforts were undertaken aimed at increasing the sense of ownership. Elections were held already after half a year since it was assumed that this could increase the sense of ownership among the domestic parties. Yet, after elections in 1996, the ownership among the domestic parties remained low. It could even be argued that the elections solidified the political differences (Gromes 2009).

Consequently, constitutional reform was almost absent; which, in turn, made a high degree of involvement of the HR necessary. In 2003, Paddy Ashdown, the HR at that time, was described as a ‘European Raj’ (Knaus and Martin quoted in Kaldor 2006: 70). This made Marry Kaldor comment in 2006 that “Essentially, in today’s Bosnia, the choice is between imperialist humanitarianism and extreme nationalism” (2006: 70). In other words, eleven years after the Dayton Accords there was still a dilemma between strong international involvement on the one hand or the chance of renewed warfare on the other hand. This

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19 In addition, in order to support the HR, the Contact Group was transformed in the Peace Implementation Council (PIC) which bases in Brussels. The most influential body of the PIC is the Steering Board, which consists out of Canada, France, Germany, Italy, Japan, Russia, Turkey, United Kingdom, United States, Presidency of the European Union, and the European Commission. Since the Steering Board advises the HR, the international community had the effective power over BiH after the DPA (Kostić 2009: 33-34).
illustrates that, even after a peace agreement has been signed, third-parties still have to balance their actions in order to enhance rather than hinder sustainable peace by their outside implementation.

In a similar fashion one could argue the presence of IFOR slowed the peace process down since it reduced the necessity of the domestic parties to build peace themselves. The forceful method of mediation and the exclusive scope of mediation made TPSG necessary, but it gave the parties fewer incentives to build peace since they knew peace would only remain as long as the TPSG remained (Werner and Yuen 2005: 269; Hoddie and Hartzell 2003: 316; Luttwak 1999: 37).

In sum, the exclusive scope of mediation employed by the US mediation team simplified the mediation process. Indeed, one could question whether the conclusion of the DPA would have been possible with Bosnian Serbs and Bosnian Croats being present, since the US had little leverage over these parties. Nonetheless, the exclusive scope was at the expense of the durability of the DPA. Although implementation due to interventions of international custodians may have been necessary many times after the DPA had been concluded, it also meant that local ownership and consensus seeking initiatives remained almost completely absent (Kostić 2009: 10). A peace process ultimately has to be taken up by the warring parties themselves, but the peace process in BiH has instead been a creature of the international community for a long time.

A More Narrow than Wide Focus of Mediation

During the three-week mediation process at Dayton, which started on November 1, 1995, Holbrooke’s goal was to address as many issues as possible since he felt there would never be a better chance to end the war in BiH than at Dayton. Moreover, he believed that “what was not negotiated at Dayton would not be negotiated later” (Holbrooke 1998: 205). From this one would expect Holbrooke’s focus of mediation to be extremely wide; yet, when dealing with these many issues priority was often given to war-related issues instead of issues of justice, freedom, and democracy. Moreover, the human rights provisions depended to a large extent on the good faith of authorities in BiH. The focus of mediation during the Dayton peace process was therefore more narrow than wide.

One of the most telling examples in this regard is that despite many gross violations of international humanitarian law committed during the war in BiH - such as genocide, deliberate killings, rape, and forcible deportation - a national war tribunal was not included in the DPA (Malcolm 1996: 245). Nonetheless, in both Article IX of Annex 1-A and Article II
of Annex 4, it is stipulated that the authorities in BiH shall cooperate with the International Criminal Tribunal for Former Yugoslavia (ICTY), which was established by UN Security Council Resolution 827 on May 25, 1993 (Kostić 2009: 36-37). A war crime tribunal for BiH was thus set up separately from the peace talks.

One advantage of using the ICTY was that war criminals could be prosecuted directly after the DPA was signed since the authorities had to arrest indicted individuals as part of the implementation process of the DPA. Yet, the governments of BiH, Croatia, and Serbia - the countries in which most of the indicted war criminals resided - refused to cooperate with the ICTY. This meant that without action of international troops the indictees enjoyed impunity in practice. As a result, only 32 out of 67 indictees were arrested by 2000 (Cousens and Cater 2001: 118). Nonetheless, the governments of BiH, Croatia, and Serbia have improved their cooperation with the ICTY in recent years. And with the recent arrest of Ratko Mladić on May 26, 2011, and Goran Hadžić on July 20, 2011, 162 persons have been indicted and 126 cases have been concluded (ICTY 2011). The DPA is thus fully implemented with regard to cooperation with the ICTY.

Aside from cooperating with the ICTY, many other of the human rights provisions in the DPA depended on the good faith of the authorities as well. For instance, a human rights commission was created, but its mandate did not allow for anything else than doing investigatory reports. And although a human rights chamber could judge violations of international humanitarian law, this body could only call upon the BiH authorities to enforce these judgments. In addition, even the international police task force lacked any enforcement power and had to assume a purely advisory role (Malcolm 1996: 270).

A human rights provision which was not based on the good faith of the domestic authorities was a comprehensive program on the safe return of refugees. It was agreed that returnees would receive reparation assistance and reimbursements for lost property. This was necessary since, after the war, there were more than 1.2 million refugees and 1 million internally displaced persons (IDPs), while the total population in BiH before the war consisted out of 4.4 million (Cousens and Cater 2001: 71). In other words, one-half of the population in BiH had forcibly left their homes during the war. Although hundreds of thousands of refugees and IDPs have returned, many of them have not returned.\textsuperscript{20}

\textsuperscript{20} In 1996, 88,039 refugees returned to BiH, whereas by 1999, a total of 349,969 refugees returned. With regard to IDPs, 164,741 returned to their former homes in 1996, while a total of 295,991 IDPs had returned home by 1999 (Cousens and Cater 2001: 72-76).
In sum, it can be argued that human rights provisions in the DPA depended mainly on the good faith of the authorities in the two entities to enforce them. Nonetheless, it can also be argued that the DPA committed many parties to a humanitarian approach since it contained clauses about human rights, prosecution of war criminals, and a return of refugees. In other words, the *jus in bello* dimension was not ignored, but it was not always explicitly incorporated into the agreement either and in many cases depended on the good faith of the authorities in BiH. The focus of mediation was thus aimed at bringing about justice without making it a complete priority.

Attention was also paid to what one could refer to as the core issues of the negotiations: the issue of political, military, and territorial power sharing (Chollet 2005: 157). These issues relate to what the war was fought about. This *jus ad bellum* dimension was approached by the US mediation team in the same manner as the issues concerning the *jus in bello* dimension: the justice element was taken into account, but peace was prioritized.

Discussions concerning political power sharing during the mediation process were problematic, but the parties agreed on November 17 that while the central government would remain in power over the foreign policy, monetary policy, and international obligations; the entities were granted a high degree of self-government (Chollet 2005: 169). Consequently, all three sides enjoyed a high degree of autonomy, but the national integrity of BiH was maintained. Moreover, it was agreed that a tripartite presidency - composing of a Bosniak, a Croat and a Serb - would be installed. The three parties were also assured of one third of the delegates in the House of Peoples and the House of Representatives (UCDP 2011a).

Although political power sharing was essential in order for the warring parties to sign the DPA, it is not a long term solution. It should rather be seen as a transitional arrangement since political ‘immobilism’, as a result of political power sharing, leads to ineffective governance (Sisk 2008: 196). Fifteen years after the DPA has been signed, BiH is still struggling to overcome this political immobilism. Indeed, moving constitutional reform forward has been and is one of the major challenges in the peace process in BiH. This is partly due to democratic structures remaining weak, whereas nationalism remaining strong. Commenting on this problem, James B. Steinberg, US Deputy Secretary of State, stated in 2011 that the big difficulty is that people look to the constitution to protect their own interests rather than building a culture of political trust, which makes functionality problematic (Steinberg 2011: 40.45). In other words, BiH needs political understanding rather than constitutional understanding.
Military power sharing provisions in the DPA were arguably also aimed at making the warring parties sign the DPA. The parties agreed in Annex 1-A of the DPA that all three sides were allowed to keep separate armies. This provision would turn out be in serious conflict with the goal of a unified state since it maintained the division between three territories under different military control. In fact, Holbrooke believes allowing the three parties separate armies was the biggest mistake of the US mediation team at Dayton (Chollet 2005: 193). Although the number of forces was greatly reduced in the first five years after the conclusion of the DPA, it was not until August 30, 2005, that Bosnian Serb Army (VRS) was abolished and all defense competencies were transferred to the state-level (Pietz 2006: 155).

With regard to territorial power sharing, the parties already had agreed before the Dayton peace talks that BiH would consist of two entities separated by an inter-entity boundary line, a Bosniak-Croat Federation that would be appointed 51% of the territory and the Republika Srpska that would be appointed 49% of the territory (Malcolm 1996: 267). However, it could be argued that this solution meant that the main underlying issue of the war would remain unresolved; the Bosniaks’ goal of a single state on the one hand and the Bosnian Serbs’ and Bosnian Croats’ goal of partition or joining their nation-states on the other hand would remain unfulfilled (Touval 2002: 168). Indeed, the DPA divided BiH de facto in three states along ethnic lines, while leaving the unitary state with little power (Bell 2008: 220). Moreover, this territorial decentralization in BiH was imposed from outside, without the belief among the domestic parties that it would produce a viable state on the long term. Accordingly, the drawing of the inter-entity boundary line took considerable time, although it is an internal line in a central state. Wallensteen argues that this suggests that the parties were not serious in their efforts to create a unitary state (2007: 177). A telling example in this regard is that the Serbs put a lot of effort in preserving a strategic corridor (Chollet 2005: 198).

In short, power-sharing was essential to the short-term success of the Dayton peace process, but it was at the expense of the sustainability of the peace process. The fact that the basic incompatibility was dealt with suggests that the focus of mediation was wide, but closer examination of the way it was dealt with reveals that the focus of mediation was more narrow than wide.

21 The parties had agreed upon the principle of a Federation with two entities, but how the map of BiH would look like was far from decided. The disagreements about the territorial distribution proved to be the most difficult aspect of the negotiations; it was not until the very last day, on November 21, that the parties agreed on the maps and signed the DPA after a mediation process of twenty days.
This explains that although most of the provisions in the DPA have been implemented in the past fifteen years, peace in BiH is far from consolidated. One could argue that BiH presently faces its worst crisis since the end of the war (ICG 2011). The Bosnian Croats, dissatisfied with how the authorities of the Federation of BiH have been formed in March 2011, have created a parallel Croat National Assembly, whereas the political leaders in Republika Srpska have recently called for a referendum that could lay the basis for them leaving BiH’s state institutions. In other words, both the Bosnian Croats and the Bosnian Serbs do not accept the changing consequences of the implementation of the DPA. Renewed fighting does not seem likely, but the consolidation of peace does not seem likely either. After more than fifteen years, the durability of the peace can thus be described as being on the breaking point between the end of the implementation phase and the onset of the consolidation phase. This can be explained by the provisions in the DPA being aimed at the ceasing hostilities; ending the violence was prioritized at the expense of ensuring justice.

Conclusion

As follows from above, the entire peace process in BiH is based on leverage from outside actors. Based on the effectiveness of the US’s mediation style to end the war in BiH, one would indeed agree with Zartman’s and Touval’s quote at the beginning of this chapter that “Leverage is the ticket to mediation” (Zartman and Touval 2007: 447). Yet, the long term effects of the US’s style of mediation during the Dayton peace process illustrate that basing mediation solely on leverage has some disadvantages.

It is therefore useful to examine the effectiveness of the US’s mediation style in different time perspectives. Three relevant breaking points in the Dayton peace process can be distinguished: the initiation of talks, the conclusion of the DPA, and all the provisions of the DPA being implemented. These breaking points can be explained by the style of mediation; which was fully forceful, fully exclusive, and more narrow than wide. First of all, the US succeeded to set up several shuttles between the warring parties in mid August, which eventually led to two successful meetings in which the conditions of future peace talks were decided and the conclusion of a ceasefire on October 5, 1995. Of the three dimensions of the style of mediation, the method of mediation particularly affected the parties entering this dialogue phase. The US created the ripe moment by allowing weapons to flow from Croatia to

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22 It should be noted that entering the consolidation phase does not mean that the peace has been consolidated; on the contrary, it means that the agreement has been implemented and that the changes of this implementation still have to be internalized.
BiH and by initiating NATO bombings on Serbian targets. Thereafter, this ripe moment was seized by employing sticks and carrots to persuade the parties to start peace talks.

The second breaking point that can be distinguished is the signing of the DPA. The US mediation team made extensive use of pressure and threats, and deadlines to influence the parties’ perception of the mediation process. The exclusive scope of mediation also proved to be effective. The fewer parties involved in the mediation process made negotiations simpler. Moreover, Holbrooke targeting his efforts to Serbia and Croatia instead of to the Bosnian Serbs and the Bosnian Croats was effective since Serbia and Croatia were more sensitive to the US’s sticks and carrots. This illustrates that the different dimensions of mediation, in this case the scope and method, are connected. Finally, Holbrooke adopted a focus of mediation that was more narrow than wide; many provisions in the DPA were concentrated at ensuring peace rather than establishing a durable peace, which meant the parties had fewer disincentives to sign the DPA. Furthermore, it is noteworthy that the forceful method of mediation by the US allowed the main incompatibility to be tackled more easily since before the Bosniak-Croat offensive and the NATO bombings in the summer of 1995, the Serbs held 70 percent of the territory, whereas this was reduced to 50 percent after the summer. This reflected the agreement that the Bosnian Serbs would get 49 percent of the territory (Touval 2002: 151). This illustrates that the method and focus of mediation are connected.

The most recent breaking point that can be recognized in the peace process in BiH is the implementation of the DPA. This breaking point between the implementation phase and the consolidation phase is more fluid than the other two breaking points, but it can reasonably argued that the DPA has been implemented. Yet, consequences and changing circumstances resulting from the implementation of the agreement are far from internalized, accepted and seen as legitimate by both followers and leaders. This indicates that the peace process in BiH is located at the onset of the consolidation phase. That the peace process in BiH, after more than fifteen years, is still in the very beginning of the consolidation phase can be explained by a mediation style aimed at ending the fighting, at the expense of a more durable peace. A forceful method, in contrast to a fostering method of mediation, leads to agreements that are imposed by the mediator and are therefore time-inconsistent. This time-inconsistency problem was solved with the presence of IFOR. Similarly, the exclusive scope of mediation resulted in a lack of peace ownership in BiH, which was solved with the presence of a HR. Both the method and the scope of mediation led to unsatisfied and inactive domestic parties opposing a “single, democratic, tolerant, multiethnic state” (Chollet 2005: 191). In other words, the choices made during the Dayton peace talks negatively affect the prospects for durable peace.
The focus of mediation also hampers the consolidation of peace. Although Holbrooke tried to include many human rights provisions, it was decided that much of the implementation of these provisions would depend on the good faith of local and national authorities. This was necessary to make the warring parties sign the DPA, but it made the implementation of the human rights provisions problematic. Serbia, Croatia, and BiH only started to cooperate with the ICTY after about five years after the conclusion of the DPA.

Yet, it could be argued that the *jus ad bellum* element of the focus of mediation was even more aimed at peace at the expense of durable peace. This particular focus of mediation was necessary in order for the parties to agree with content of the DPA, but it also divided BiH in three mini-states. In fact, the biggest obstacle in present-day BiH is that the authorities in these three mini-states hold on to the provisions in the DPA to maintain their power. For instance, it could be argued that negotiations for a new constitutional arrangement have thus far failed because of the Republika Srpska wanting to keep the DPA framework since this ensures their continued autonomy. Hence, even if the parties fully implemented the DPA, it would not have resulted in a single, democratic, tolerant, and multiethnic BiH. In other words, the difficulties to consolidate the peace are locked in the provisions of the DPA. One therefore has to distinguish between implementation and moving beyond implementation and the agreement in the peace process in BiH.

In conclusion, the style of mediation in BiH not only affected the initiation of talks and the signing of the DPA, but is also influenced the post-agreement phase. The style of mediation employed at Dayton goes a long way in explaining why after fifteen years after the conclusion of the DPA the peace process is still in the very early stages of the consolidation phase. When considering the third-party’s level of success in making peace in BiH, one has to conclude that the US mediation team was highly successful in ending the fighting, particularly considering contextual factors such as the intensity of the conflict and the complete lack of trust between the different sides, but that it negatively influenced the possibility of a more firmly rooted peace. In fact, changing provisions stipulated in the DPA is the main obstacle to consolidating peace in BiH. Sixteen years after the conclusion of the DPA, the priorities made in the Dayton peace process still make obtaining a single, democratic, tolerant, and multiethnic BiH problematic.
CHAPTER THREE: THE BOUGAINVILLE PEACE PROCESS

Conflict Resolution is the attainment of a non-hierarchical, non-coercive integrative solution that is derived from the parties themselves through a process of analytical problem-solving” (Mark Hoffman quoted in Guelke 2008: 65).

In 1989, an intra-state armed conflict broke out in Papua New Guinea (PNG) between the Bougainville Revolutionary Army (BRA) and the government of PNG, which turned out to be one of the most serious conflicts in the South Pacific region since the end of the Second World War. The war resulted in several thousand deaths as a direct or indirect result of the conflict and 160,000 Bougainvilleans living in refugee camps by 1996 (Wehner and Denoon 2001: 5). It was not until August 2001, after the conclusion of a comprehensive peace agreement, that the war formally ended (UCDP 2011b). This chapter addresses the Bougainville mediation process that led to the 2001 Bougainville Peace Agreement (BPA) and was initiated in 1997. The fully fostering method, fully inclusive, and more wide than narrow focus of mediation employed by several third-parties explain the sustainability of the peace process in Bougainville.

This chapter will proceed as follows. A background of the armed conflict will be provided first. Thereafter, it will be examined how each dimension of the style of mediation affected the third-party’s level of success in making peace in Bougainville. Finally, a brief conclusion will be given.

The Bougainville Conflict

With its 6 to 7 million people speaking more than 850 different languages and having different cultures, Papua New Guinea (PNG) is one of the most culturally and linguistically diverse countries in the world (Regan 2010: 7). Bougainville, an island about 1,000 kilometers east of PNG’s mainland capital, Port Moresby, fits this pattern of cultural diversity. With roughly 200,000 inhabitants, Bougainville represents less than 4 percent of PNG’s total population; but about 25 of the 850 different languages in PNG are spoken in Bougainville (Regan 2010: 7). Despite this diversity, it could be said that Bougainvilleans share a similar culture that in many ways is distinctive from the rest of PNG. Moreover, besides cultural and linguistic characteristics, there are some physical features, such as a
darker skin color, that distinguish Bougainvilleans from other people in PNG. Indeed, many Bougainvilleans refer to Papuans as ‘red-skins’ (UCDP 2011b). Both these cultural and physical differences make that, while Bougainville is part of PNG, its inhabitants have more in common with the people living on the nearby Solomon Islands (Regan 2010: 8).

After the First World War, Australia was granted a League of Nations mandate over the former German colony New Guinea, which changed into an UN Trust Territory administered by Australia after the Second World War (Wilson-Roberts 2001: 24). Yet, a debate on decolonization started in the 1960s, which eventually resulted in PNG gaining independence in 1975 (UCDP 2011b). Discussions on decolonization, in the 1960s and early 1970s, made it possible for Bougainvilleans to define themselves in relation to the state. Many Bougainvilleans felt that if independence for PNG was an option, then autonomy or independence for Bougainville should also be an option (Ghai and Regan 2002: 12). In other words, it was only from the 1960s, due to the decolonization process, which established a context with many new political possibilities, that the Bougainvillean identity became political (Wilson-Roberts 2001: 25).

Despite the emergence of local autonomy movements articulating regional concerns, secessionist demands were checked in 1972, when the first indigenous-led PNG government was created and a few prominent positions were given to Bougainvilleans. Moreover, it was decided that the new PNG government would break with the central colonial state and aim for a decentralized, more democratic and participatory state. As a result of these changes, the political leaders of Bougainville officially accepted the sovereignty of PNG in 1976 (Ghai and Regan 2002: 12-14). In short, some pro-independence movements emerged in Bougainville in the late 1960s, but secessionists’ demands were quelled by some compromises made by the government of PNG.

However, these compromises did not work out. Although it was stipulated in the constitution that powers of the central government could be transferred to the provinces, the government was hesitant to do this in practice (Ghai and Regan 2002: 15). It was this lack of authority by the local authorities of Bougainville that made it problematic to address issues relating to what could be said to have triggered the violent uprising in 1989: the exploitation of mineral resources. This exploitation of mineral resources started in 1972, after the Australian colonial administration had struck a deal with the Australian mining company Conzinc Rio Tinto (CRT) in 1967 which led to the founding of the Bougainville Copper Limited (BCL) (O’Callaghan 2002: 9).
The large-scale exploitation of one of the world’s largest copper and gold mines resulted in some rapid economic and social changes on Bougainville. Thousands of people moved to Bougainville to make use of the economic opportunities coupled with the mine; consequently, two-thirds of the workforce of BCL was made up out of foreigners (UCDP 2011b). This resulted in some major grievances among the Bougainville population, who held these people from overseas responsible for an increase in crime and the undermining of customary ways. Related to the large influx of people from outside Bougainville was the widespread perceived threat to Bougainvillean identity due to an increase in intermarriage of Bougainvillesans and outsiders (Regan 2010: 13).

Another result of the mine was that it disrupted the way the Bougainville society was organized. With regard to public life, Bougainville is patriarchal; but in terms of social organization, Bougainville is matrilineal. This means that inheritance of land and property is dictated by the descent from the female line (Regan 2010: 11). The exploitation of the giant copper mine disrupted this matrilineal structure since villages were forcefully relocated (O’Callaghan 2002: 8). The mining area was located across the heart of Bougainville and covered 13,047 hectares, while only one-third of this land was used for mining-related purposes (Regan 2003: 137). Moreover, the mine was literally eating up the ground that had previously provided the landowners with an income (Wallensteen 2009: 260). Consequently, many women in the area where mining took place felt deprived from their role as landowners.

Furthermore, one of the most serious grievances as a result of the mining was the environmental damage. Lands were damaged by waste dumps from the mine resulting in the destruction of cash crops. In addition, rivers and the river mouth were severely polluted which made all the fish disappear (Wallensteen 2009: 260). Commenting on these environmental effects in 1988, Francis Ona, a land-owner who would later become the leader of the BRA, wrote “Land is our lifeline and we cannot be separated from it” (Ona quoted in Louise O’Callaghan 2002: 9). In short, the impact of the mine coupled with the strong connection most Bougainvillesans felt to their land made the mine a great source of grievances (Regan 2003: 137).

With local authorities in Bougainville unable to address any of these grievances, Francis Ona quit his job at the mine in 1988 to launch a campaign against BCL by forming the New Panguna Landowners Association and demanding 10 billion PNG kina as compensation for environmental and other impacts of mining operations (Louise O’Callaghan 2002: 6; Regan 2003: 144). When the leaders of BCL refused to pay compensation, Ona and
his followers stole some explosives used for mining and blew up the power line pylons supplying power to the mine. In short, exploitation of mineral resources in Bougainville fueled the grievances to the point that violence broke out.

Although the violent uprising started as a campaign of sabotage in 1988, it soon escalated into an armed conflict with more than 25 battle-related deaths by 1989. This escalation can partly be explained by the way the government of PNG dealt with the revolt. The government of PNG sent Police Riot Squads to capture Francis Ona, dead or alive, but this only fueled the anger of the Bougainvilleans towards the central government since these squads raided villages and even torched several houses (Louise O’Callaghan 2002: 9). Indeed, within a couple of weeks after the Police Riot Squads were given the task to put down the uprising, they were seen as the enemy by most Bougainvilleans. Although the rebellion led by Ona was initially aimed at redistributing mine revenues and compensation for the land, he and his followers soon found out that support was conditional on embracing the goal of secession (Regan 2003: 145). Consequently, on a meeting in Orami Village in central Bougainville in February 1989, Ona and various other leaders from Bougainville decided to make secession the main goal of the uprising (Regan 2010: 20 and 169). Indeed, Ona stated that “I have my greatest desire to break away from Papua New Guinea. This is the only way to save the island of Bougainville” (Ona quoted in UCDP 2011b). In other words, resentment about the mine resulted in many Bougainvilleans seeing secession as the only viable solution to the social, economic, and environmental problems in Bougainville.

When in late May 1989, PNG Prime Minister Rabbie Langanai Namaliu realized the severity of the situation; he made a final attempt to keep the conflict from escalating by declaring a ceasefire of 15 days to negotiate a peaceful way out of the conflict. Namaliu promised Ona immunity if he agreed to participate in negotiations about the escalating conflict. However, in initial indirect talks with Catholic Church leaders, Ona made it clear that he only was willing to discuss the matter of secession, not compensation. As a response to this statement, Namaliu maintained that both closing the mine and secession were non-negotiable (UCDP: 2011b).23 Hence, it became increasingly apparent that the goals of the BRA and the government of PNG were incompatible. As a consequence of the failed negotiation attempt, Namaliu sent mainland troops of the PNG army to Bougainville on June 24, which marks a further escalation of the conflict.

23 A likely reason for Namaliu not wanting to stop mining in Bougainville were the revenues associated with mining for PNG; BCL supplied approximately 17 percent of PNG’s revenue in taxes in 1989 (UCDP 2011b).
While in terms of troop size and quality of equipment the PNG military was superior to the BRA, several factors prevented a victory of the government of PNG. First of all, the financial situation of the PNG government made it impossible to deploy more than a third of the army in Bougainville, which made the adversaries almost evenly matched. Moreover, the BRA had a better knowledge of the jungle terrain, while the PNG soldiers had a low morale (UCDP 2011b).

Another advantage of the BRA was that there was a source of weapons on the island, so that they did not have to rely on the import of weapons. In 1943, the US had established a military base on the west coast of Bougainville after capturing this part of Bougainville from Japanese troops. Australian troops replaced the US Army forces in 1944 in order to recapture the rest of Bougainville. Both the US and Australia had left many weapons, ammunition, and explosives around the military base after the Second World War ended. This proved to be an essential source of armaments for the BRA (Regan 2010: 10).

These strategic advantages of the BRA might explain the military situation turning decisively against the PNG forces from late 1989 to early 1990, after which the PNG military withdrew all of its troops on Bougainville in 1990 and started a blockade of the island (Regan 2010: 21; UCDP 2011b). Yet, parts of the population in Bougainville opposed independence from PNG leading to the formation of the Bougainville Resistance Forces (BRF). The BRF invited the PNG military to return to Bougainville, which the PNG military did, resulting in the PNG military controlling one-third of the island by 1993. Yet, between 1993 and 1997, neither of the warring parties succeeded in defeating its opponent. In a final attempt to defeat the BRA, PNG hired a private military firm in January 1997; but this also failed.

After this failure, both parties realize that gaining a victory would not be likely in the near future and peace talks led to a truce signed in April 1998. Several peace initiatives had been initiated prior to this a truce, but all of them had failed.24 After this ceasefire agreement, talks continued leading to the conclusion of the BPA in August 2001.

The following sections will examine how the method, scope, and focus of mediation during the Bougainville peace process, from 1997 to 2001, affected the third-party’s level of success in making peace.

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24 The first international peace initiative in Bougainville was a ceasefire mediated by Professor Peter Wallensteen form Uppsala University, Sweden (Wallensteen 2009). Other examples of international peace efforts before 1997 are the good offices offered by New Zealand that resulted in the Endeavour Accord in August 1990; peace talks led by the Bishop of the United Church in Solomon Islands, Rev Leslie Boseto, which led to The Honiara Declaration on 23 January 1991; the Arawa Peace Conference in October 1994 facilitated by the South Pacific Peacekeeping Force between prime minister of PNG Julius Chan and BRA’s military leader Sam Kauna; and two rounds of peace talks in Cairns facilitated by the UN Secretary-General in 1995 (Sohia 2002: 16-23).
A Fully Fostering Method of Mediation

By 1997, the inability of the PNG army to defeat the BRA had made the PNG leaders desperate. Indeed, when Tim Spicer, front man of a private military firm based in the United Kingdom, Sandline International, contacted PNG’s Prime Minister, Julius Chan, the latter saw an opportunity to at last defeat the BRA. The PNG government contracted Sandline International at a negotiated price of 36 million US Dollars, for which Sandline International would supply high-tech equipment and African mercenaries (Regan 2010: 33). In addition, it was agreed that the private security firm would train the PNG military forces at Bougainville and would secure the main copper mine. Yet, things did not work out as planned and the efforts of Sandline International met strong domestic and regional opposition, which eventually resulted in the commander of the PNG army detaining the personnel of Sandline International and demanding the resignation of prime minister Chan. This, in turn, led to ten days of political crisis in Port Moresby and Prime Minister Chan resigning. In other words, rather than ending the war through victory the contracting of Sandline International marked the exhaustion of PNG’s options to end the armed conflict militarily (O’Callaghan 2002: 11).

As a result, nine years after an uprising had broken out on Bougainville, both warring parties realized that they were trapped in a MHS, while being unwilling to bear the costs of continued conflict. On the one side, the PNG army was unable to defeat the BRA and the PNG economy did poorly. On the other side, the BRA realized that continued conflict would take a terrible human and material toll on Bougainvillean society which already had greatly suffered due to the blockade of BRA controlled areas. Moreover, the increasing sense of war-weariness among Bougainvillean communities resulted in a decrease in legitimacy of the BRA. For example, by 1997, villagers in BRA controlled areas started accepting Australian funded humanitarian aid packages from the Red Cross against the orders of the BRA leaders (Regan 2003: 149). Finally, many BRA leaders realized that gaining a victory would take time and could only be achieved at a terrible future cost (Regan 2010: 54).

It was this war-weariness of both sides of the conflict that explains the success of various peace talks initiated in 1997. According to Zartman, when parties feel they are trapped in a costly conflict, they will try to find a WO. This, in turn, makes a conflict ripe for resolution. Indeed, both the moderate leaders of the BRA and the moderates within the PNG government realized that a peaceful WO of the conflict was needed. Zartman also points out that a MHS is not self-fulfilling, meaning that the momentum created by a MHS often has to be seized by a third-party that persuades the warring parties to commence peace talks. This
was also the case in Bougainville with talks being imitated by New Zealand (Wolfers 2006: 2). However, Zartman also claims that negotiations will usually take the negative pressure of the warring parties, which means that the MHS disappears; hence third-parties should keep pressure on the parties. This was not the case in the Bougainville peace process; on the contrary, the third-parties limited their efforts to facilitating the peace talks without trying to pressure any of the warring parties.

This absence of pressure explains why it was only by 2001 that a comprehensive peace agreement was signed. Accordingly, rather than seizing the ripe moment, the third-parties cultivated the relationships of the domestic parties in order to let the warring parties find a peaceful way out of the conflict themselves. This is in line with Lederach’s critique that seizing the ripe moment is cherry picking as explained in the first chapter. Indeed, one could argue that the peace efforts by the third-parties in the first two years of the mediation process, between June 1997 and 1999, mainly served to establish trust between highly mutual suspicious parties, rather than seizing the ripe moment by finding a political settlement (Regan 2010: 27). In short, although the third-parties in the Bougainville peace process between 1997 and 2001 could ride on the momentum created by a MHS that was increasingly being perceived by the warring parties from 1996 onwards, pressure on the warring parties during the negotiations in order to make them sign a peace agreement remained absent.

Indeed, the method of mediation employed by the third-parties in the Bougainville peace process can be described as one of fully fostering. Although the negotiation process was largely controlled by local parties, involvement of the third-parties - New Zealand, Australia, and the UN - was crucial to the success of the negotiations in at least seven ways.

First, New Zealand started the peace process by persuading the warring parties to initiate peace talks. More specifically, diplomatic efforts of Rene Wilson, leader of the New Zealand delegation to the UN Human Rights Commission in Geneva, persuaded the warring parties to have peace talks at the Burnham military base in New Zealand in July and October 1997. These talks proved to be the crucial first step in a negotiation process that led to the conclusion of a permanent truce stipulated in the Lincoln Agreement in 1998. Without a third-party motivating the warring parties to start peace talks, the initiation of these talks would have been much more problematic since the parties would have been afraid that making contact with the enemy would be perceived as a sign of weakness.

Second, the third-parties chaired the peace talks, without setting the agenda. For example, a New Zealand mediation team chaired the meetings at Burnham, but they limited
their role to intervene only in order to let things cool down or separate groups to let them brainstorm. Moreover, the negotiations were co-chaired by some prominent Bougainvilleans and meetings were arranged by the different warring parties themselves (Tapi 2002: 26). A telling example of the talks being controlled by local parties is a comment of Joseph Kabui, then leader of the Bougainville Interim Government (BIG), on the outcome of the Burnham peace talks: “Contained in the Burnham Declaration is the most powerful of all democratic notions, that people themselves will have the final say on the outcome of our work” (Kabui quoted in Tapi 2002: 24). The Burnham talks were thus in hands of the domestic parties, and this would be the same at the subsequent peace talks.

Third, the mediation team often assisted in helping parties to draft provisions in the agreements. For example, when the adversaries agreed on a weapons disposal plan in early 2001, the third-party officials helped producing the draft document in which this agreement was laid down (Wolfers 2006: 6). The drafting of these relative complex documents would have taken more time without the help of the third-parties.

Fourth, besides chairing the negotiations and helping in drafting the agreements, the third-parties provided a secure venue for negotiations. During all the peace talks from 1997 until 2001, the third-parties provided a safe environment in which the fear and mistrust between the warring parties was greatly reduced. This, in turn, made effective negotiations possible since the parties now could engage and work on establishing peaceful relationships. Particularly important in this regard were the Burnham talks, since these were the first talks after failed negotiations at Cairns, Australia, in December 1995, in which PNG forces tried to ambush the Bougainville negotiation team at their return (Sohia 2002: 23). The military base at Burnham provided a secure venue for talks which enabled the participants to speak freely. The feeling of security that the third-parties provided remained during the entire negotiation process.

Of particular importance with regard to the sense of security was the unarmed regional Truce Monitoring Group (TMG) that was deployed in December 1997, after the parties had requested a neutral peacekeeping force at the Burnham talks. It was agreed that the TMG would consist out of observers from Australia, Fiji, New Zealand, Tonga, and Vanuatu. The idea of the TMG, which would be transformed into the Peace Monitoring Group (PMG) in May 1998, was that it provided a secure environment to the parties in which they could build trust in one another and confidence in the peace process (Regan 2010: 43). Although the PMG was unarmed, it raised confidence in other ways; for example, investigating ceasefire violations (Smith 2002: 54; Puddicombe: 139). The peace process clearly benefitted from the
deployment of the TMG and later the PMG, since they contributed to reducing the parties’
hostile perceptions of each other by building trust.

Fifth, another important role of the third-parties was arranging the transport, thereby
making it possible for leaders to attend peace talks. There was no physical infrastructure in
Bougainville since most of the roads and bridges had been destroyed by the war (Wolfers
2006: 7). Without third-parties providing transport with helicopters or four-wheel-drive
vehicles, negotiations and reconciliation in Bougainville would have been more difficult and
more time-consuming. In addition, in the early stages of the peace process the Members of the
PMG and the UN Observer Mission on Bougainville (UNOMB)\(^{25}\) facilitated communication
between the different parties on the island since trust was not firm enough for the parties to
speak to each other directly, when no overseas talks were held.

Sixth, third-parties contributed positively to the peace process by their presence. Members of the PMG and the UNOMB attended many meetings and provided the warring
parties with encouragement (Sorby 2001: 117). Significantly, patrols of the PMG always
covered the same areas which increased the trust in the PMG, and as a result trust in the peace
process in general (Breen 2002: 57). Wolfers notes in this regard that the personnel of the
peace missions promoted peace and reconciliation “simply by being in Bougainville, making
themselves publicly visible, talking to people there, calling communities together to talk about
peace, being friendly to people they met, and showing they cared” (2006: 18).\(^{26}\)

Finally, and highly important, the third-parties influenced perceptions of the
adversaries by emphasizing positive dynamics. For example, Rhys Puddicombe chief
negotiator of the PMG, spend a lot of time in the early stages of the peace process, in 1997, to
encourage the parties to contact each other and talk through their differences; in other words,
he tried to transform the parties’ intentions from hostile to cooperative (Puddicombe 2001:
139). Another telling example of emphasizing positive dynamics is the style of chairing by
Noel Sinclair, the leader of UNOMB, which can be described as managing the tense process
with patience and good humor (Regan 2010: 88). An example of building trust is that the
third-parties informed all the parties of progress made in the peace process. Particularly
important in this regard were leaders of the peace missions writing regular reports to state
officials in Port Moresby, or even visiting them (Wolfers 2006: 17). This reduced the fears of
the PNG government, thereby making them more amenable to compromise.

\(^{25}\) The PMG and UNOMB were two peace missions employed in Bougainville after the Lincoln Agreement was
signed in May 1998. These missions were intended to observe the permanent truce stipulated in the Lincoln
Agreement, but PMG and UNOMB officials often acted as mediators in the negotiations as well.

\(^{26}\) For a short personal account of how the PMG affected the live of the Bougainvilleans see Itta 2001.
It could be argued that good relations between the third-parties and adversaries allowed Alexander Downer, Australian Minister for Foreign Affairs and Trade, to tackle the biggest obstacle to a political settlement: the issue of a referendum on independence for Bougainville from PNG as a political solution to the conflict. By December 2000, both the parties from Bougainville and the government of PNG were becoming increasingly worried about the deadlock on this referendum issue, of which Downer made use shortly before Christmas by persuading the parties to accept a compromise: a non-binding referendum. Downer persuaded the government of PNG to accept this compromise by first pointing out that it was impossible for them to drop the referendum from a possible agreement since the Bougainvilleans would never accept this; and secondly, that the ultimate authority of PNG over the future of Bougainville would be maintained, since the referendum would be non-binding (Regan 2002b: 41). In other words, the sovereignty of PNG would not be damaged by making this compromise. Yet, in his talks with the Bougainvilleans, Downer downplayed the non-binding nature of the referendum by emphasizing that the international community had been so committed to the peace process in Bougainville that it would ensure PNG to honor the agreement. He also pointed to the East Timor precedent, thereby highlighting that the international community would not ignore the outcome of the referendum (Regan 2002b: 41).

As a result of the efforts of Downer, the referendum issue was resolved by the parties in January 2001, paving the way for the conclusion of the BPA in August 2001. This illustrates that influencing the parties’ expectations about a possible agreement worked; in other words, a fostering method of mediation was effective.

In sum, the method of mediation employed by the third-parties in the Bougainville peace process explains why the adversaries replaced the fighting with talking after the second round of the Burnham talks in 1997, and signed the BPA on August 30, 2001. Rene Wilson seized the ripe moment by imitating peace talks at a time when both warring parties perceived a MHS. No pressure was put on parties in the mediation process that followed, but the third-parties provided security, logistics, emphasized positive dynamics, and influenced the perceptions of the adversaries. Crucial in this regard was Alexander Downer persuading the parties to accept a compromise on the referendum issue.

That no pressure was put on the parties also explains why the mediation process took from October 1997, when the Burnham peace talks between the Bougainvilleans and the

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27 The details about this referendum issue will be explained in more detail in the section that addresses the focus of mediation of the third-parties in the Bougainville peace process.
government of PNG was initiated, until August 2001, when the BPA was signed. The fostering method of mediation was time-consuming. One can therefore wonder whether a more forceful method of mediation would have speed up the process. In fact, some officials of the third-parties were at times impatient with the slow pace of the peace process. For instance, officials in the Australian government became increasingly frustrated during the peace process, when they could not see any tangible results, resulting in them pressing for greater activity. Yet, Regan notes that the senior officials of the mediation team present at Bougainville were well aware that a more forceful method of mediation could backfire and that the most important service the third-parties could provide was a secure environment in which the parties could build trust (2010: 79 and 82).

Indeed, based on the nature of the Melanesian forms of social organization in Bougainville, one might expect that a forceful method of mediation would have been a risky approach of the conflict. The parties involved in the Bougainville peace process were not hierarchical, which means that everything needed to be negotiated (Wolfers 2006: 7). It is therefore fair to say that a forceful method of mediation would presumably not have worked since forcing the leaders would not automatically have resulted in acceptance of the imposed peace by the broader community. Since the war in Bougainville had a low intensity, the findings in this section are in line with the quantitative findings mentioned in the first chapter, that a forcing method of mediation is relatively less effective in low intensity conflicts.

Furthermore, the fostering method of mediation allowed the parties in the Bougainville conflict to settle the conflict in a way that was mutual satisfactory, which benefits the sustainability of the peace process. All parties were serious in their intentions to make peace. The PNG government had to change the constitution in order to implement some of the provisions in the BPA. As a result, already one week after the agreement had been signed, both officials from PNG and Bougainville worked together to draft a constitutional amendment, which was already gazetted on November 13, 2001. The PNG government accepted the proposed changes to the constitution without any dissident votes on January, 23 2002 (Wolfers 2002: 49).

In the same year, the different Bougainvillean factions made some substantial progress on the disposal of weapons (Wolfers 2002: 49). Furthermore, by 2005 most of the

28 According to the best estimates of the UCDP, the number of battle-related deaths were 25 in 1989, 47 in 1990, 38 in 1992, 29 in 1993, 27 in 1994, 32 in 1995, and 72 in 1996 (UCDP 2011b). These numbers are based on the criterion that “the violence must be directly related to the incompatibility, i.e. carried out with the purpose of realizing the goal of the incompatibility and result in deaths” (UCDP 2011). This means that civilian deaths are excluded.
Bougainvillean factions were reported to have given up their arms, from which one can conclude that the parties had a lot of confidence in the peace process (UNOMB 2005). Giving up arms was big step for the Bougainvillean factions. Joseph Kabui, remarked in 2002 that “The weapons were their [the Bougainvillean Combatants’] source of strength, confidence, comfort and protection for well over a decade of conflict. To put away their most ‘trusted’ friend is indeed an act that was unthinkable only a few years ago” (Kabui 2002: 64).

It was agreed in the DPA that if the Bougainvillean factions would give up their arms, the PNG government would withdraw its troops and constitutionalize the autonomy. Since many weapons were disposed, all PNG security forces were withdrawn by 2003. In short, both parties had incentives to implement the agreement, which greatly benefited the subsequent peace process. The peace process was designed as a positive sum game, which made it almost self-enforcing.

As a result, no violence between forces of PNG and the BRA has taken place after the DPA was signed, even though the PMG left by August 2003 and UNOMB left by June 2005 (Regan 2010: 176). In other words, the fostering method of mediation by the third-parties in the Bougainville peace process contributed to a durable peace process. This in line with the quantitative findings addressed in the first chapter that a fostering method of mediation is more effective on the long term than it is on the short term.

In short, the fostering method of mediation employed by New Zealand, Australia, and the UN was effective in committing the parties to the peace process and eventually make them sign the BPA. The fostering method of mediation also explains the sustainability of the peace process since it enabled the conflict parties to arrive at a mutual satisfactory outcome.

**A Fully Inclusive Scope of Mediation**

Throughout the peace process between 1997 and 2001, Bougainvillean chiefs, leaders of women organizations, and other civil society organizations have always been included in the negotiations; resulting in almost 100 delegates from Bougainville at the mediation sessions in New Zealand and Australia, and later at Port Moresby. Many of these parties invited themselves, but officials from New Zealand also spend considerable time on encouraging a wide range of leaders to attend the negotiations (Regan 2010: 40 and 42).

As is put forward in the first chapter, a common contextual factor on which third-parties can base their scope of mediation is the urgency of an agreement, since an inclusive scope of mediation usually takes more time due to coordination or tensions among the many parties. Since the Lincoln Agreement, signed in May 1998, stipulated a permanent truce, the
pressure was off the mediators to reach a settlement fast. Simplifying the negotiations by adopting an exclusive scope of mediation was therefore not necessary.

Yet, while it is true that the inclusive negotiations in the Bougainville peace process took much time, one could argue that it was of crucial importance to the success of the peace talks, since it allowed the Bougainvillean to develop a common negotiation position. Before engaging in peace talks between the government of PNG and Bougainville, New Zealand contributed to unity among the Bougainvillean by including as much parties as possible in negotiations on the future of Bougainville. It was hoped that inclusive negations between different factions from Bougainville would resolve internal difficulties so that the various Bougainvillean factions could speak with one voice in negotiations with the government of PNG (Tapi 2002: 26). These intra-Bougainvillean talks started on July 5, 1997, at the first round of the Burnham talks and were successful: a common negotiation position was developed which made talks with the PNG government possible (Tapi 2002: 27).

Furthermore, by actively engaging with the Bougainvillean society throughout the entire peace process, the official peace process was linked to the localized conflicts between the BRA and the BRF (Regan 2010: 40). A significant step in the resolution of these localized conflicts was the establishment of a reconciliation government, in which both supporters of secession and supporters of further integration in PNG were participating. This government was called the Bougainville People’s Congress (BPC) and its members were elected in May 1999 (Regan 2010: 45). It was the creation of the BPC that contributed to a shift from a focus on the process to a focus on the outcome of the peace process, since it allowed for a compromise on independence that was supported by almost all of the Bougainvillean parties: a deferred referendum (Regan 2002b: 37).29

Another advantage of the inclusive scope was that it made the use of strategic spoiler violence less likely. After UNOMB was deployed, Noel Sinclair, the leader of the UNOMB, consulted widely with all the different Bougainvillean factions and thereby developed broad consensus on many issues. In addition, Sinclair kept contact with parties outside the peace process such as Francis Ona’s Me’ekamui Defense Force (MDF). Ona claimed that the unilateral declaration of independence by the BRA in May 1990 was still in

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29 This compromise was reached in a process in which advisers to the BPC defined nine broad options for a political settlement ranging from the acceptance of a provincial government system in Bougainville to immediate independence. Thereafter, twenty requirements of a post-agreement Bougainville were put forward that were linked to these nine broad options. Each of these options were then assessed - on a scale of high, medium, or low - in terms of how well they met these twenty requirements (Regan 2002b: 37). It was agreed that the strongest option was a postponed but binding referendum, in combination with a high degree of autonomy until the referendum was held.
effect, but he also announced the Republic of Me’ekamui in early 1998, thereby showing once more that he was opposing the peace process. Although Ona and his followers refused to take part in the negotiations, his followers were no spoilers of the peace process. Rather than disrupting peace talks by taking up arms again, they refused to take part in this process.

Nonetheless, the MDF not participating in the negotiations had some negative consequences for the peace process. Firstly, Ona constantly expressed his critique of the peace process, which put a lot of pressure on the Bougainvilleans who participated in the negotiations. Secondly, the MDF refused to give up their armed roadblocks. Lastly, although it never has been proven, it is widely assumed that the MDF was responsible for vehicles of the PMG getting shot at several times (Regan 2010: 110-111). Accordingly, Noel Sinclair’s approach of keeping communication lines open with Ona should be seen as minimizing the possibility of misunderstandings that might trigger the MDF into spoiler behavior which could undermine the peace process (Regan 2010: 74). This was highly necessary since the peacekeeping mission was small and unarmed, whereas the MDF represented a significant force with approximately 400 weapons by 2003 (Regan 2010).

Besides creating unity among the Bougainvilleans and avoiding spoiler violence, the inclusive scope of mediation had some advantages that significantly contributed to the durability of the peace process. The inclusive scope of mediation created support for the peace process through a greater understanding since inclusion of key figures from all Bougainvilllean factions ensured that each step of the peace process was understood by all of the factions in Bougainville (Regan 2002b: 39). Awareness programs, largely funded by Australia and New Zealand, enabled these Bougainvilllean leaders to inform their constituents about the consequences of disarmament and autonomy (Regan 2010: 64). That community acceptance was crucial for the success of peace efforts was an important lesson of the peace talks in the early 1990s that mainly involved senior leaders from the main warring parties; which resulted in the leaders having great difficulties in persuading their followers to adhere to the agreements (Regan 2010: 56). In other words, the inclusion of a wide range of parties from Bougainville resulted in a high degree of peace ownership through a greater understanding of the peace process.

The inclusive scope also benefited the legitimacy of the peace process. As explained in the first chapter, inclusion of civil society increases the legitimacy of peace agreements since it usually has greatly suffered during war. A telling example of how inclusion of civil society organizations increased the legitimacy of the peace process is the role women organizations
played in the Bougainville peace talks (Sirivi 2001: 118). As is discussed in the first section of this chapter, women play an important role in the matrilineal Bougainvillean society, but many women felt deprived from their role as landowners due to the mining activities. Yet, the war made matters worse. Women in areas controlled by the PNG military were harassed by both the PNG forces and the BRA, while women in BRA controlled areas suffered from lack of basic supplies - such as food, clothing, and medicine - due to the blockade (Garasu 2002: 29). Both the special role of women in Bougainville and their suffering explain why many peace efforts were undertaken by women. On an individual level, women used their high status in their families to insist on peace in their communities (Garasu 2002: 29). On an organizational level, women organizations, such as the Inter-Church Women’s Forum and the North Solomon’s Provincial Council of Women, organized reconciliation ceremonies and peace marches. In addition, women played an important role in most of the peace talks; for example, the unified voice of women all across Bougainville at the Burnham talks contributed to a feeling of unity among Bougainvilleans (Garasu 2002: 29). In short, inclusion of women enhanced the legitimacy of the peace process since it made the peace more firmly rooted in society. This is in line with the quantitative findings of Wenis-St. John and Kew, mentioned in chapter one, that involvement of civil society increases the prospects for durable peace.

Another way the inclusion of a wide range of actors contributed to the sustainability of the peace process was that the inclusive scope of the negotiations was reflected in the establishment of the Autonomous Bougainville Government (ABG). It was agreed in the BPA that this government, which came into effect on December 21, 2004, would consist out of 33 directly elected members, three women representatives, three ex-combatant representatives, a speaker, and a president (Australian government 2011). The diversity of the government of the Autonomous Region of Bougainville increased its legitimacy and increased the ownership of the peace among the Bougainvilleans in general.

In sum, the inclusive scope of mediation employed in the Bougainville peace process contributed to the development of a common negotiation position for the Bougainvilleans, which made negotiations between the government of PNG and the Bougainvilleans more effective. In addition, the inclusion of civil society resulted in a greater understanding and legitimacy of the peace process, thereby contributing to the durability of the peace.

A More Wide than Narrow Focus of Mediation
After several days of negotiations at Burnham in October 1997, the adversaries agreed on the conclusion of a ceasefire: the Burnham Truce. Signed by representatives from the government
of PNG, the BRA, and the BRF, this ceasefire was a significant step in the Bougainvillean peace process (Tapi 2002: 27). Making further use of the positive momentum, another round of peace talks was held in Cairns, Australia, in November 1997, where a possible schedule for future peace talks was discussed. In January 1998, peace talks held in New Zealand resulted in the signing of the Lincoln Agreement. This agreement partly confirmed all the previous agreements; but most importantly, it set out a permanent ceasefire which would take effect in February 1998 (Regan 2010: 44). Despite this permanent ceasefire, the adversaries continued negotiations; from which it follows that the parties were not only concerned with an end to the fighting, but also sought a wide peace. In fact, the Lincoln Agreement included a roadmap for a peace process which aimed to tackle the political issues (Regan 2003: 151). Attention thus increasingly shifted to a political solution of the underlying issues of the conflict.

As already discussed in the sections above, a common negotiation position was developed by the BPC through a process of analytical problem solving on the issues of a referendum and autonomy in May 1999. Subsequently, Alexander Downer persuaded the government of PNG and the BPC to accept a non-binding referendum in early 2001. With this breakthrough on the referendum, the parties commenced talks about autonomy, on which significant progress was made in March 2001. Moreover, in May 2001, the parties agreed upon another important issue, the disposal of weapons. Finally, the details of the referendum, autonomy, and disposal of weapons were negotiated from May until June 2001, while the final agreement was signed on August 30, 2001.

The main issues the BPA deals with are thus a referendum on Bougainville’s independence, a high degree of autonomy for Bougainville, and demilitarization. The first two main elements of the BPA relate to the problems that could be recognized as the underlying causes of the conflict; the inability of the Bougainvilleans to deal with problems such as grievances about mining, land, environment, and the weak economy (Regan 2010: 91). The ABG, which was created in December 2004, has full legislative powers on wide range of subjects. Besides subjects of concern as land, minerals, petroleum, ocean resources, and the environment; the ABG may also establish its own police force, bureaucracy, courts, taxing authorities, and even has some powers of defense (Regan 2010: 90-91). However, rather than having all these powers immediately, the ABG can demand a transfer of power from the government of PNG by giving a 12 months notice of its intention to assume powers over a certain terrain (Regan 2010: 91). The reason for this transition period is that the ABG’s administrative capacity was low as a result of nine years of war; particularly with regard to educated officials and funding. Nonetheless, whether due to an end to the war or due to a high
degree of autonomy, the lives of Bougainvilleans changed for the better as a result of the peace process; education, health services, and infrastructure were restored.

The provisions in the BPA concerning autonomy provide a good foundation for building durable peace in Bougainville since past grievances relating to the *jus ad bellum* element of justice are addressed. If left undressed these grievances could have been a source of renewed conflict. The same could be said for the referendum on independence. It is stipulated in the BPA that a referendum will be held between 10 to 15 years after the establishment of the ABG. Since the ABG was established in December 2004, the referendum will be held between 2015 and 2020. As already pointed out above, the referendum was at the heart of the agreement since secession was the main issue the war was fought about.

However, it is still unsure whether the referendum will be the integrative solution that ends the conflict satisfactory to all parties, since there is a risk that a majority of the Bougainvilleans will vote for independence, while the government of PNG will not accept Bougainvillean secession. This would mean that the conflict only has been postponed. Nonetheless, the international community, and Australia in particular, has promised to be the guarantor of the referendum. Interestingly, a scenario in which Australia has to transform from being a third-party pursuing a fostering method of mediation into a forceful third party is thus possible.

In short, after a narrow peace was established with the conclusion of the Lincoln agreement, the parties pursued a wide peace. This fully wide focus of mediation concerning the *jus ad bellum* element of justice contributes to the durability of the Bougainville peace process. In the eyes of the Bougainvilleans, the provisions concerning autonomy and a referendum on independence in the BPA corrected the historical injustices. Yet, one has to be careful making definite conclusions about the success of the BPA since the referendum still has to be held.

In contrast to the strong presence of a *jus ad bellum* element, the *jus in bello* element of justice is only scarcely dealt with in the Bougainville peace process. It was stipulated in the BPA that all former combatants would receive amnesty, also the ones that had committed any conflict-related criminal offences (Regan 2010: 91). Indeed, all the parties to the BPA agreed in the BPA that “grants of amnesty and pardon for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities should be expedited, and will cooperate to ensure that they are” (BPA 2001: 76).
Considering the many extrajudicial executions, ill-treatment, and arbitrary arrests and detention, occurring frequently during the entire war; this blanket amnesty is in conflict with the principles of international humanitarian law (Amnesty International 1997). Most of these violations of humanitarian law took place when the PNG military forces managed to reclaim parts of Bougainvillean territory; for example, a summary execution of eight young men at the Pokarai care Centre in the north-west of Bougainville in June 1996 (O’Callaghan 2002: 10). Yet, the members of the BRA also committed violations of international humanitarian law.

Furthermore, the blockade of Bougainville by the PNG army resulted in severe suffering among the civilians on Bougainville. It was only by small motorboats, with the risk of being attacked by PNG forces patrolling the ocean, that supplies could be brought from the Solomon Islands to Bougainville (UCD 2011b). Consequently, large parts of Bougainville ran out of medical supplies and other essentials, which resulted in the deaths of thousands of civilians (O’Callaghan 2002: 10).

Based on the violations of international humanitarian law during the war in Bougainville, one would expect the blanket amnesty for the former combatants to negatively affect the prospects for durable peace. Indeed, one could argue that justice is indispensable for reconciliation and therefore durable peace. But rather than bringing war criminals to justice, parties agreed to a process of reconciliation. In this regard it was stipulated in the BPA that “The parties acknowledge the suffering, pain and loss, which has been caused to so many by the Bougainville conflict. Where tensions and differences between individuals and groups remain unresolved, not only is suffering intensified, but peace itself can be threatened by the risk of renewed conflict” (BPA 2001: 78). It was therefore further stipulated that “The parties commit themselves to continuing to promote and pursue meaningful reconciliation both within Bougainville and between Bougainville and the rest of Papua New Guinea” (BPA 2001: 79).

This process of reconciliation in Bougainville was pursued by drawing on both modern and traditional processes (Tanis 2002: 58). With regard to the modern practices, the several peace talks aimed at uniting the different Bougainvillean factions are important. Joseph Kabui describes this as reconciliation a priori, since he believes that by 1993 all parties in Bougainville realized that they had to reunite and reconcile (Kabui 2001: 33).

The traditional reconciliation efforts involved three main steps. First, the parties acknowledged they were the indigenous people of Bougainville and therefore had to reconcile. Second, the process itself involved the acknowledgment that peace must start from the roots; this means that peace needs to move from the inner self to the families, then to the
clans and later to the nations. The third and last step of a traditional reconciliation process involves putting the spirits of the dead to rest, resulting in a true peace (Tanis 2002: 60). Drawing on these traditional elements of reconciliation was highly effective since it made the reconciliation firmly rooted in the Bougainvillean society. This point is further illustrated by Sir Moi Avei, the former Minister for Bougainville Affairs in the PNG government, who states that “Securing peace is more than a matter of signing agreements. It involves giving the strongest possible foundations in the community it is intended to serve” (Avei 2002: 62). Accordingly, the way the parties dealt with issues concerning the *jus in bello* element of justice is in line with Shriver’s view of justice, as explained in the first chapter; Shriver believes that restorative justice which is aimed at repairing relations is more effective with regard to reconciliation than retributive justice which is aimed at finding suitable punishments for perpetrators.

A wide peace involves respect for human rights and the harmonization of outcomes with principles of international law. Clearly, the blank amnesty is therefore more in line with a narrow peace than a wide peace. But the fact that the parties committed themselves instead to a process of reconciliation makes the peace wider. The focus of mediation with regard to the *jus in bello* element of justice in the Bougainville peace process is therefore more narrow than wide or more wide than narrow, depending on how one defines justice.

Either way, the focus of mediation in the Bougainville peace process in general is more wide than narrow. The BPA addressed many past grievances in Bougainville and therefore laid the foundations for a stable wide peace. Similarly, the reconciliation process contributed to a more durable peace in which the parties could develop constructive relationships. The peace process in Bougainville is thus in line with the view that on the long term peace and justice can be mutual reinforcing.

**Conclusion**

As follows from above, the Bougainville peace process is very much in line with Hoffman’s quote at the beginning of this chapter. The peace process was non-hierarchical and non-coercive since the third-parties pursued a fostering method of mediation. In addition, the outcome of the peace process was derived from the parties themselves, which can be explained by both the fully fostering method and the fully inclusive scope of mediation. Finally, the parties found an integrative solution through a process of analytical problem-solving, which resulted in a peace that was more wide than narrow.
Although the domestic parties controlled the negotiation process, the third-parties significantly contributed to the several breaking points in the peace process. New Zealand played a significant role with regard to the first breaking point, the initiation of peace talks. By 1996, the warring parties felt increasingly trapped in a costly conflict without the possibility of gaining a military victory in the near future; in other words, the parties perceived a MHS, making the conflict ripe for resolution. It was Rene Wilson who seized this ripe moment and persuaded the warring parties to have peace talks at the Burnham military base in New Zealand in July and October 1997. This fully fostering method of mediation thus explains why the parties initiated peace talks.

The method of mediation also explains another breaking point, the warring parties replacing the fighting with talking. The second round of peace talks at Burnham resulted in a ceasefire, and it was agreed that this ceasefire would be permanent in the Lincoln Agreement of early 1998. Both New Zealand and Australia contributed to this breaking point by providing a secure environment in which the parties could build trust. The third-parties also took care of logistics; both the accommodation and transport of the warring parties was arranged.

The scope of mediation also explains why warring parties concluded a permanent truce and replaced fighting with talking in early 1998. Particularly important in this regard is that New Zealand and Australia actively tried to include as many Bougainvillean parties as they could in the first round of the Burnham talks. This allowed the Bougainvillean parties to develop a certain degree of unity which made effective negotiations with the government of PNG possible.

Although the parties agreed on a permanent ceasefire in early 1998, it was only by August 2001 that the BPA was signed. The method, scope, and focus of mediation explain why it took more than three years before the parties reached a final political settlement; yet, they also explain why the peace talks eventually were successful. The fully fostering method of mediation took much time since the parties had to reach a mutual satisfactory agreement all by themselves; but the secure environment and logistics the third-parties provided together with the emphasis of positive dynamics, significantly contributed to the conclusion of a peace agreement. Noel Sinclair's positive and patient way of charring many of the peace talks and Alexander Downer persuading the parties to accept a compromise on the referendum issue are telling examples in this regard.

The fully inclusive scope of mediation also made the peace talks a time-consuming process, but was at the same time essential for effective negotiations between the government
of PNG and the Bougainvilleans. Particularly important events in this regard are the first round of peace talks at Burnham between the different Bougainvillian factions and the creation of the BPC, which both contributed to the unity among the Bougainvilleans.

Not only the method and the scope of mediation, but also the focus of mediation explain why it was only until August 2001 that the war was formally ended. In fact, the permanent truce stipulated in the Lincoln agreement of January 1998 already ended the fighting, but the parties continued negotiations in order to establish a wide peace.

In sum, the method, scope, and focus of mediation all explain why the mediation process took more than three years, but they also explain why the peace agreement was eventually signed.

It follows from above that the negotiations to end the Bougainville conflict were time-consuming; yet, all the factors that contributed to this, also contributed to the sustainability of the peace process. The fully fostering method of mediation allowed the parties to find a mutual satisfactory outcome. As a result, all the former warring parties were committed to the peace process. For example, already by 2005, many former combatants had given up their arms. And from 2007, elements of the MDF have increasingly participated in the disposal of weapons. In fact, the MDF is presently fully participating in the peace process. Most importantly, no violence between PNG forces and Bougainvilleans parties has taken place after the BPA was signed, even though the PMG and UNCOMB left in 2003 and 2005 respectively. In other words, the peace process was largely self-enforcing.

The fully inclusive scope also contributed to the durability of the peace process. The wide range of parties involved in the negotiations resulted in a high degree of peace ownership. This positively influences the post-agreement phase of the peace process since all the parties understand what has been stipulated in the BPA and therefore work to implement these provisions. Besides increasing understanding of the peace process, the inclusive scope also benefited the legitimacy of the peace process, particularly through the inclusion of civil society which had greatly suffered during war.

Finally, the more wide than narrow focus of mediation contributes to the sustainability of the peace process since it resulted in the past grievances being addressed. This indicates that the method of mediation is connected to the focus of mediation. Although it took a significant amount of time before a final agreement was signed, the fostering method of mediation allowed for a process of analytical problem-solving that was satisfactory to all the parties. Moreover, the peace process addressed many significant issues; which is another
indication that the fostering method of mediation in the Bougainville peace process is highly connected to the to the *jus ad bellum* provisions in the BPA. But also the scope of mediation is connected to the wide focus. It was the inclusive scope of mediation that created a common negotiation position among the Bougainvilleans that made effective negotiations possible. In short, the *jus ad bellum* element of the focus of mediation in Bougainville is highly connected to both the method and scope of mediation; moreover, it contributed significantly to a stable peace. This is in line with the view that on the long term peace and justice can be mutual reinforcing.

Yet, the blanket amnesty is more in line with a narrow peace than a wide peace, but the fact that the parties instead committed themselves to a process of reconciliation makes the peace wider. The reconciliation process contributed to the parties developing constructive relationships.

In conclusion, the peace process in Bougainville seems extremely successful, both with regard to the short and the long term. The style of mediation employed by the different third-parties is at least partly responsible for this success. Yet, it is important to be aware that although it seems that everything was carefully planned in the Bougainville peace process, the third-parties and the conflict parties themselves were not always certain of where the peace talks would lead to. Regan notes that “The way intervention developed was not so much a matter of careful planning, but rather a product of complex interactions of numerous distinct interests among both international and local actors” (2010: 162). Moreover, it is important to take into account that the style of mediation employed in Bougainville was only possible due to some contextual factors. The next chapter will address some of these contextual factors, when comparing the Bougainville peace process with the Dayton peace process.
CHAPTER FOUR: CONCLUSION

The purpose of this concluding chapter is to draw attention to some lessons that emerge from the two case studies in the previous two chapters. In the first section of this chapter, the two case studies will be compared with regard to the effectiveness of the two styles of mediation. The second section of this chapter concludes on the basis of this comparison.

A Comparison

It would be difficult to find two peace processes that are as different as those in BiH and Bougainville. As follows from the previous two chapters, both the conflicts and the peace processes in BiH and Bougainville occurred under exceptionally dissimilar circumstances; hence, a comparison is fraught with difficulty. However, this does not mean a comparison should be avoided. Indeed, much can be learned from comparing different styles of mediation in different contexts. This is also recognized by Bercovitch and Gartner, who believe scholars of mediation need to know more about the nexus of dynamics, contexts, and outcomes and argue that “much about mediation is truly contingent; it is a relationship of reciprocal influence, it works under some circumstances but not others” (2009: 11). The following comparison will therefore pay close attention to contextual factors when examining how the method, scope, and focus of mediation affected the prospects for peacemaking and peacebuilding.

Method of Mediation: Forcing versus Fostering

One similarity between the peace processes in BiH and Bougainville is that a MHS could be recognized prior to the initiation of peace talks. However, the way this MHS came about in both conflicts is dissimilar. In the case of BiH, the MHS was imposed by NATO bombings on Serbian targets and the US threatening Bosniaks and Bosnian Croats with sanctions. In contrast, a MHS in the Bougainville conflict was increasingly being perceived after the government of PNG had exhausted all of its options to end the war militarily, while the Bougainvillean leaders realized that continued fighting would imply terrible future costs.

The way the third-parties made use of this MHS is also different. The US maintained pressure on the warring parties through either the threat of force in the case of the Bosnian Serbs or the threat of sanctions against Croats and Bosniaks, which is in line with Zartman’s argument that third-parties have to pressure warring parties during negotiations since the MHS will otherwise disappear. Indeed, the US mediation team effectively employed a fully
forceful method of mediation in order to persuade the warring parties in BiH to sign the DPA. Instead, the third-parties’ approach in the Bougainville peace process was one of cultivating the relationships between the warring parties; a fully fostering method of mediation was effectively employed by the third-parties in the peace process in Bougainville from 1997 until 2001.

The success of the method of mediation employed in BiH supports the argument that a mediator can resolve a conflict by leveraging costs and providing benefits. It also suggests that the warring parties in the war in BiH were sensitive to sticks and carrots and thus behaved rationally. On the other hand, the effectiveness of the fostering method of mediation pursued in Bougainville supports the argument that confidence-building and facilitating communication reduces the disputant’s hostile perceptions of another, thereby increasing the prospects for the conclusion of a peace agreement.

This discrepancy between the effectiveness of two opposite methods of mediation can be explained by the fact that this effectiveness depends on contextual factors. That a forceful method was effective in BiH, which is a high intensity conflict, and that the fostering method of mediation was effective in Bougainville, which is a low intensity conflict, is in line with Bercovitch’s and Gartner’s quantitative findings put forward in the first chapter that forceful mediation is relatively more likely to lead to a ceasefire or a peace agreement in high intensity conflicts. A possible explanation for this quantitative finding is that warring parties in low intensity conflicts will perceive a forceful method of mediation as too coercive in nature. Indeed, due to the Melanesian forms of social organization in Bougainville, a forceful method of mediation would probably not have worked since the leaders could not accept to any agreement without broadly consulting with their communities.

Berovitch and Gartner also find evidence that supports the argument that forceful mediation is always more effective. This is also in line with the findings of this thesis; both methods were effective in ending the conflict with a negotiated agreement, but the Dayton peace talks only took 21 days, whereas negotiations in the Bougainville conflict took from 1997 until 2001. This suggests that a forceful method of mediation is indeed more effective in ending conflicts.

However, besides different effects on the short term, the different methods of mediation affected the prospects for durable peace in different ways. Since the DPA had been imposed on the domestic parties in BiH by outside actors, the subsequent peace process was not self-enforcing. Indeed, an initial IFOR mission of 60,000 troops was necessary to keep the peace and a peacekeeping force is presently still needed. In contrast, the unarmed
peacekeeping force that monitored the implementation of the BPA already left Bougainville by 2003. The parties in Bougainville arrived at the final agreement by themselves; moreover, the fostering method of mediation made it possible for the warring parties to address the underlying issues which make the peace process in Bougainville far more sustainable. This is in line with the quantitative findings of Carment *et al.*, put forward in the first chapter, that a forceful method of mediation may have the greatest impact on the likelihood of reaching a peace agreement fast, but a fostering method of mediation is more effective in increasing the prospects for lasting tension reduction.

In short, the different methods of mediation used in the BiH and the Bougainville peace process were both effective in reaching a negotiated settlement, although the negotiations in Bougainville took much longer due to the fostering method of mediation used by the third-parties. That both methods were eventually successful in making peace can be explained by the effectiveness of the method of mediation depending on the conflict intensity. Finally, the peace process in Bougainville is far more sustainable since the fostering method of mediation made it possible to address the underlying issues in a mutually satisfactory way.

**Scope of Mediation: Inclusiveness versus Exclusiveness**

The Dayton peace talks were fully exclusive with two of the three main warring parties excluded from the main talks. This exclusive scope of mediation was necessary since the high costs of the war in BiH in terms of human suffering required an end to the fighting as soon as possible. The exclusive scope simplified the peace talks due to fewer problems with coordination. In addition, the exclusive scope of mediation was effective since the US had not a lot of leverage over these excluded parties. Although the exclusive scope may have been necessary to end the fighting, it also resulted in little community acceptance of the DPA in BiH. Moreover, the exclusive scope negatively affected the sense of peace ownership. As a result, implementation of the DPA occurred due to involvement of the HR rather than due to local engagement.

In contrast, the peace process in Bougainville was fully inclusive. Aside from the main warring parties - the BRA, the BRF, and the government of PNG - local Bougainvillean chiefs, leaders of women organizations, and other civil society organizations have always been included in the negotiations resulting in around 100 delegates from Bougainville at most of the mediation sessions in New Zealand and Australia between 1997 and 2001. This inclusive scope of mediation was necessary in order to create some unity among the different factions in Bougainville. But is also greatly benefited the legitimacy of the peace process;
additionally, it resulted in a high degree of peace ownership. This high degree of ownership explains why both the government of PNG and the Bougainvillean parties implemented the agreement all by themselves. It also explains the absence of spoiler violence, even after the unarmed peace missions left.

In short, the difference in scope of mediation explains why the parties in Bougainville worked actively to build durable peace after an agreement had been signed, whereas the domestic parties in BiH remained inactive. Yet, both the scope of mediation in BiH and Bougainville were chosen on the basis of contextual factors, rather than long term concerns; in BiH the war needed to end as soon as possible and in Bougainville unity among the Bougainvilleans had to be created first.

Focus of Mediation: Wide Peace versus Narrow Peace

During the Dayton peace talks, priority was often given to war-related issues instead of issues of justice, freedom, and democracy. Despite many gross violations of international humanitarian law committed during the war in BiH a national war tribunal was not included in the DPA. Instead it was stipulated in the agreement that the authorities in BiH shall cooperate with the International Criminal Tribunal for Former Yugoslavia (ICTY), but it was only after several year that local authorities increasingly started to cooperate with the ICTY.

The *jus in bello* element of justice was even less addressed in the BPA; yet, is important to realize that the violations of humanitarian international law in BiH took place on a much greater scale and were much more severe than those in the Bougainville conflict. Moreover, rather than focusing on retributive justice, the focus in the Bougainville peace process was on restorative justice through a process of reconciliation. Since societies throughout PNG shared a same view of what recompilation entails, this process was effective. Another reason why reconciliation in Bougainville was effective is that it drew on both modern and traditional practices. The effectiveness of reconciliation in Bougainville is line with Shriver’s argument put forward in the first chapter that repairing relations is more effective than finding suitable punishments.

With regard to the *jus ad bellum* element of justice in the Dayton peace process, many power-sharing provisions were included in the DPA to tackle the main underlying issues of the conflict; but all of these provisions were at the expense of the sustainability of the peace process. Political power-sharing resulted in a political deadlock. The territorial and military power-sharing also decreased the sustainability of the peace since the three territories each with a separate army and divided by an inter-ethnic boundary line created three highly
autonomous entities. In other words, the way the underlying issues were tackled during the Dayton peace talks were in serious conflict with the goal of a unified state. In fact, the main obstacle in BiH to create effective governance is changing the provisions that were stipulated in the DPA 15 years ago.

In contrast, the Bougainville peace process tackled the underlying issues of the conflict through a process of analytical problems-solving. Many scenarios were discussed and eventually a list was compiled by the Bougainvillean parties in which they ranked their preferred outcome of the mediation process. Although this was a time-consuming process, it provided widespread support for the eventual outcome: a higher degree of autonomy with a deferred referendum on independence for Bougainville from PNG. This wide focus benefits the durability of the peace process in Bougainville. Indeed, one could argue that on the long term peace can only be sustainable when the basic underlying issues have been addressed.

As follows from above both the war in BiH and in Bougainville were conflicts in which the main underlying issue was territory. Although a high degree of autonomy was a political solution to both conflicts, the warring parties in Bougainville supported the solution, whereas the warring parties in BiH all remained dissatisfied. As a result, the peace process in Bougainville is more durable.

**The Style of Mediation**

In summary, the style of mediation during the Dayton peace talks was fully forceful, fully exclusive, and more narrow than wide; whereas the style of mediation employed in the Bougainville peace process was fully fostering, fully inclusive, and more wide than narrow. This is summarized in table 4.1.

<table>
<thead>
<tr>
<th></th>
<th>The Dayton Peace Process</th>
<th>The Bougainville Peace Process</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
<td>Fully Forceful</td>
<td>Fully Fostering</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>Fully Exclusive</td>
<td>Fully Inclusive</td>
</tr>
<tr>
<td><strong>Focus</strong></td>
<td>More Narrow than Wide</td>
<td>More Wide than Narrow</td>
</tr>
</tbody>
</table>

Furthermore, examining how these different styles of mediation affect the subsequent peace process, which is summarized in table 4.2, suggests that a forceful method, exclusive
scope and a narrow focus of mediation followed by credible peacekeeping is a powerful combination in pushing a peace process well into the implementation phase, as follows from the Dayton peace process. But in order to consolidate the peace a certain degree of fostering, inclusiveness and wide focus is necessary, as in the Bougainville peace process. However, while a peace process as in Bougainville seems desirable in terms of sustainability, the case of BiH illustrates that contextual factors - such as a high conflict intensity - can prevent such a mediation style from being effective. In other words, the style of mediation employed in Bougainville is preferable in terms of prospects for durable peace; yet, due to contextual factors a mediation style closer to the one employed in BiH may be necessary.

TABLE 4.2 The Third-Party’s Level of Success

<table>
<thead>
<tr>
<th></th>
<th>The Dayton Peace Process</th>
<th>The Bougainville Peace Process</th>
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<tbody>
<tr>
<td>Dialogue Phase</td>
<td>Several peace talks took place during the armed conflict in BiH, but the dialogue phase that led to the DPA started after diplomatic shuttles initiated in August 1995 that led to a meeting in Geneva on September 8 and a meeting in New York on September 26. The dialogue phase ended when the warring parties agreed to the DPA on November 21, 1995.</td>
<td>Although several peace talks took place during the armed conflict in Bougainville, the dialogue phase that led to the BPA started with the first and second round of the Burnham talks in New Zealand in July and October 1997 respectively. The dialogue phase formally ended after the BPA was signed on August 30, 2001.</td>
</tr>
<tr>
<td>Implementation Phase</td>
<td>The implementation of the DPA took place from December 1995 until July 2011. Most of the provisions stipulated in the DPA have been implemented before 2011, but the arrest of Goran Hadžić, the last remaining fugitive prosecuted by the ICTY, on July</td>
<td>Most of the weapons have currently been disposed and the MDF is since 2007 also participating in the disposal of weapons. The most important provision that still needs to be implemented is the referendum on independence for Bougainville from PNG, which is to be held between</td>
</tr>
</tbody>
</table>
20, 2011, is an important milestone with regard to the implementation of the *jus in bello* element of the DPA.

### Consolidation Phase

After more than fifteen years the peace process in BiH is still in the early stage of the consolidation phase. The parties hold on to certain provisions in the DPA that stipulate a high degree of autonomy for the three entities within BiH. In order to consolidate the peace, the domestic parties need to go beyond the DPA.

Although provisions in the BPA with regard to the referendum still have to be implemented, many other provisions have been implemented. In fact, it could be argued that many provisions stipulated in the BPA are increasingly being internalized by both leaders and the common population.

### Post-Consolidation Phase

N/A.

N/A.

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**Third-Party Peacemaking as a Balancing Act**

Since the two cases compared in this thesis come close to being two ideal types on a continuum of third-party peacemaking, the conclusions that derive from this comparison may appear to be truisms; nonetheless at least two highly important conclusions can be drawn from above. These conclusions contribute to one of the most significant current discussions in the field of Peace and Conflict Studies concerning how third-parties in intra-state conflicts can contribute to making and building peace.

The first conclusion is that the method of mediation is not the only aspect of third-party peacemaking; hence, a third-party should adopt a holistic view of what mediation entails. Although the method is an important dimension of mediation, the distinction between forcing and fostering does not account for other relevant dimensions. Mediation is more than using carrots and sticks to coerce parties to sign an agreement on the one hand or supporting warring parties with information and a safe environment in order to find integrative solutions on the other hand. The scope and focus of mediation are also important.
The reason a holistic view of mediation is important is that it makes it possible to examine how a particular style of mediation interacts with contextual factors and how it affects the prospects for durable peace. For example, the scope of mediation is useful for examining how third-party peacemaking affects the peace ownership among the warring parties. And the focus of mediation is useful for studying how good issues are solved. This leads to a second conclusion: context and time-perspectives are crucial when considering a third-party’s effectiveness. As already mentioned above, forceful, exclusive, and narrow mediation followed by a credible third-party guaranteeing the peace is a powerful combination in pushing a peace process past the dialogue phase and well into the implementation phase. However, in order to solve the underlying issues, a certain degree of fostering, ownership, and a wide focus are necessary. Accordingly, third-party peacemaking should, where possible, have a primary emphasis on the role of supporting a peace process by adopting a fostering method, inclusive scope, and wide focus. However, the “where possible” element of this conclusion is highly important since contextual circumstances - such a high conflict intensity - can make a style of mediation aimed at short term concerns necessary.

This thesis started with a quote by William Simkin, a renowned American labor mediator, that “the variables in mediation are so many that it would be an exercise in futility to attempt to describe typical mediator behavior with respect to sequence, timing or the use or non-use of the various functions theoretically available” (Simkin quoted in Bercovitch and Gartner 2009: 13). Although it is true that the outcome of a mediation process often appears to be the result of a unique set of circumstances, this thesis has illustrated that recognizing the advantages and disadvantages of particular styles of mediation is possible. Although every armed conflict has its unique features, it would be a mistake to describe every war and peace process as unique. Much can be learned from taking context and different time perspectives into account when studying mediation. The effectiveness of a particular style of mediation depends on particular circumstances and has different effects in different stages of the peace process.

Knowing how international mediation works under particular circumstances and under which time horizon is therefore essential to the success of third-party peacemaking; effective mediation is invariably the product of a holistic view of mediation on the one hand and insightful analysis of context and time perspectives on the other hand. By recognizing this, third-parties can find the balance that is necessary in order to both make and build peace.
Bibliography


