

The Mediator's Trap: Dayton's Cultural Negligence for a Culture of Peace

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<https://www.e-ir.info/2021/05/24/the-mediators-trap-daytons-cultural-negligence-for-a-culture-of-peace/>

MAURO TER HEYNE, MAY 24 2021

On the 14th of December 1995, the Dayton Accords concluded the Bosnian war. Richard Holbrooke, the US mediator, was internationally praised for his efforts (Sito-Sucic, 2010). He succeeded where many others like José Cutileiro, Cyrus Vance and Lord Owen failed (Goodby, 1996; Touval, 1996; Van Es, 2002; Levi, 2014). Named “the Raging Bull”, Holbrooke became famous for his coercive tactics, ultimately leading to a change in Serbia's militarist attitude (Touval, 1996; Van Es, 2002; Sito-Sucic, 2010). In retrospect, Holbrooke's mediation efforts were outstanding, combining shuttle diplomacy and coercive diplomacy to reapproximate the positions of the three parties while assuring international support throughout the process (Holbrooke, 1998). Yet, ending the conflict does not necessarily lead to sustainable peace. Holbrooke brokered a peace deal that resulted in the disappearance of physical violence but lacked sufficient impetus for positive peace. What went wrong in the negotiation process and how can we learn from Holbrooke's mediation effort?

To answer this question, I intend to look at a specific feature of mediation which I call the ‘Mediator's Trap’. Mediators face an inherent dilemma when negotiating an agreement between a) the minimally needed actors and topics to be credible and b) striving for maximal comprehensiveness without substantially endangering the chances of a negotiated settlement. Out of fear of an unsuccessful outcome, mediators are prone to focus on the first part of the premise (minimally needed actors and topics) while failing to explore potential issues that broaden the scope of the agreement without increasing the risk of collapse. The Mediator's Trap creates a tunnel-visioned mindset of a *tendency towards sufficient inclusiveness and marginal complexity*. In business and economics, this is also known as the ‘Success Trap’; when companies rigidly follow the known (and often perceived as successful) strategies and neglect the necessity of exploring new terrain to ensure long-term viability (March, 1991; Levinthal & March, 1993). In the next sections, I will develop this idea by looking at the Dayton Agreements' long-term failure to reconcile the different ethnic groups in Bosnia and, afterwards, examining how these problems can be traced back to the particularities of the peace agreement and the Mediator's Trap.

Post-Dayton Bosnia: Negative Peace and Perpetual Instability

Twenty-five years after Dayton, Bosnia's socio-political and economic conditions remain dismal. Recently, Bosnian Serb prime minister Dodik has uttered that this crisis will “only disappear when Bosnia disappears” (Dodik, 2020). In the meantime, the economy remains weak and, more importantly, Bosnia has so far not been able to level EU standards, making a long-desired membership unlikely in the near future (O'Tuathail, 2006; Bieber, 2010; Perry, 2012). The widespread corruption amongst the local elite devalues EU incentives (Keil & Kudlenko, 2015). As a result, a growing social discontent amounted in protests such as the 2013 ‘Baby Revolution’ and the February demonstrations of 2014 (Gilbert and Mujanović 2015; Kartsonakis, 2016).

Essentially, Bosnia's political situation is comparable to the one in 1992. The problems Bosnia faces today are the product of a persistent ethnic mentality (OSCE, 1997; Chandler, 2000). The ethno-nationalist parties rely on mutual prejudices and distrust to stay in power. As a result, they feed into a particular security discourse, creating the perception that only *they* can guarantee the protection of the respective ethnic group rights. Hence, the security dilemma endures and is acting as a destabilizing force throughout the post-Dayton era. Inter-ethnic ‘outbidding’ and

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other competitive dynamics have become increasingly pervasive, hampering international efforts towards conflict regulation, let alone resolution (Sebastián-Aparicio, 2015).

Blueprint State-building without Nation-Building

Bosnians lack an inculcated sense of democratic norms and values and consequently suffer from a weak civil society (Chandler, 2000). Nationalist parties use the flawed democratic system to legitimise their political authority (Chandler, 2000). The generally ignorant voter facilitates demagoguery and ethnic propaganda of the political elite. There is a vicious cycle between the international community having to incentivize the democratic development while the Bosnian people are gradually "less capable of political autonomy" (Chandler, 2000). As Chandler indicates:

The extent of international regulation over Bosnian life, the denial of self-government at local and state level, and with this the inability for Bosnian political representatives to give their constituents a level of accountability for policymaking, is perpetuating a political climate ill-conducive to the development of broader voluntary associational ties.

Chandler, 2000.

This is, in part, the result of a post-Daytonian state-building process based on Western ideals without the necessary dose of nation-building. Without democratic antecedents, the weak political structures existing before the conflict were suddenly transformed into a complex institutional design without a clear picture of how a Bosnian state should, or could, function (Chandler, 2000; O'Tuathail, 2006; Sebastián-Aparicio, 2015; Keil & Kudlenko, 2015). Instead of stimulating ethnic reintegration, state-building became a technocratic and outsourced issue without much opportunity for local ownership (Pehar, 2019). As a result, two inevitable forces of tension appeared between the centralized and international design in Sarajevo and the two regional entities of the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS) (Keil & Kudlenko, 2015).

The International Patriarchy

In the Fragile State Index, Bosnia currently ranks 70,2 compared to Finland's 14,6 and Yemen's 112, hence being closer to a failed state than a full-fledged stable democracy (Fragile State Index, 2021). This partly explains why EU peace-keeping operations are still on-going. The inability to leave the region after 25 years out of fear that the unstable situation will escalate is concerning. More importantly, it tells us something about the failure of Dayton to promote adequate long-term peace-building efforts. A false dichotomy is often portrayed between post-Dayton negative peace and pre-Dayton conflict. Keil and Kudlenko rightfully claim that Dayton "reveals the tension between addressing some of the structural sources of conflict in Bosnia, including building a more inclusive state, and the focus on the implementation of negative peace inherent in the Dayton Agreement" (Keil & Kudlenko, 2015). Dayton prevented the persistence of direct violence through war; however, structural and cultural violence remain present (see Galtung, 1990). In other words, the three ethnic groups have continued their fight through other means (Pehar, 2019).

There is no common vision in Bosnia due to a lack of collective consciousness as a result of the unsuccessful peace-building efforts and enduring partisanship. While Dayton prevented further intractability of the Bosnian conflict, it entrapped the international community into perpetual peace-keeping operations, logistical support and financial aid; "Bosnia has received more per capita aid than any European country under the Marshall Plan" (Pasic, 2011). As such, there exists a *dual reality gap*: one between the international community and the Bosnian people and one between the Bosnian population and the political elite. This enhances people's apathy towards Bosnia's socio-political state of affairs and reinforces the overall scepticism towards a common future. The longer the socio-political impasse endures, the fewer Bosnians will trust the post-Dayton institutional framework to be the solution to their problems. In fact, many have already accepted defeat (Pehar, 2019).

The triple transition, "from war to peace, from authoritarianism to democracy, and from an organized command economy to a capitalist market economy" (O'Tuathail et al., 2006), was always going to be a great challenge.

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Nonetheless, as will be explored in the next section, Dayton's mediators overly focused on political, legal and economic issues related to this triple transition, while the root cause of the conflict, ethnic identity, remained unresolved and reciprocally perceived as an existential threat.

The Mediator's Trap in Dayton

To reach a successfully negotiated settlement, mediators must find a compromise on those issues that are vital for the conflicting parties. The more actors sit at the table, the more difficult a compromise becomes; when more issues are discussed *idem ditto* (though often issues are compromised through 'package deals' in which several issues are agreed simultaneously). Logically, a mediator attempts to restrict the number of actors and issues to those that are essential to reach a credible peace agreement. Pragmatism is necessary and time-constraints severely pressure mediators into this working method. Nonetheless, mediators fall into a trap when they exclude or deprioritize issues such as cultural identity and interethnic reconciliation because of their abstract character and indirect effect. These issues might not have an immediate causal link to the end of the conflict but reflect the inner needs of each party and transcend the short-term success of top-down institutional and material approaches. This is because, in the future, these non-spoken topics can become exploited by the parties.

As part of the Mediator's Trap, the Dayton Agreement reflects the problem of *essential sufficiency*: mediators had a too narrow vision of what was essential to resolve the conflict. The main focus of Dayton was to end the war and construct a Bosnian state in which the three ethnic identities could coexist under a consociational framework (Holbrooke, 1998; O'Tuathail et al., 2006; Keil & Kudlenko, 2015). Apart from this, the attention lay on economic development and human rights (e.g. persecution of war crimes and the repatriation of refugees) (Dayton Agreement, 1995). As such, the Dayton Agreement combined *realpolitik* and neoliberalism by primarily addressing issues of territory, politics, and economics on which each party held strong positions (Van Es, 2002; Sebastián-Aparicio, 2015; Richmond, 2018). With hindsight, this resulted insufficient to resolve the dispute in the long run, as the mediators did not provide enough impetus to mitigate the *conflictive ethos*^[1] in the minds of the Bosnian population.

Cultural Awareness in Mediation for a Culture of Peace

Paradoxically, while the mediators regarded the conflict as one of ethnic character, the agreement lacked comprehensive commitments to ethnic reconciliation and failed to grant sufficient attention to social rebuilding. By emphasizing the material aspects, the mediators deprioritized relational issues. The former are tangible and their outcomes directly discernible. Success is therefore inevitably easier to appraise. After the accords, an immediate ceasefire was reached, the SFOR, IFOR and EUFOR peacekeeping missions in combination with an international policing mission were gradually instigated and a constitutional setup was arranged. However, following Johan Galtung's tripartite division of violence, only direct and, to a lesser extent, structural violence were tackled, thereby missing the chance to address problems of cultural violence which continue to justify adversarial behaviour in today's Bosnia.

The Dayton agreement only mentions cultural heritage, regarding the preservation of property and therefore material by nature (See annex 8 Dayton Agreement, 1995). Yet, the factors threatening Bosnia's stability and integration are not solvable through these issues alone and require, besides economic development, socio-cultural approaches to promote reconciliation from the bottom up. Culture is considered a soft area of peacebuilding, providing an opportunity to include ordinary citizens in the national reconciliation/peace-building processes (Naidu-Silverman, 2015). In order to gradually produce like-mindedness and affiliation, local frameworks that promote an interethnic culture are key to nation-building. These efforts stimulate informal socialization processes in the 'everyday' (Mac Ginty, 2014; Millar, 2020). The 'banality' of the everyday causes repetition of certain behavioural patterns on an unconscious level and therefore enables *tacit reconciliation*.

People adopt many identities depending on the social context (Shapiro, 2016). While each ethnic group maintains an 'authentic' cultural identity, efforts should be directed towards highlighting moments of overlap to produce a second, interethnic, culture. This socio-cultural process cannot be overlooked despite its abstract, ineffable, and implicit nature. The tension between settling for negative peace and risking a no-deal by becoming too inclusive is not always

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so dichotomous. The minimally needed agreement (at the edge of the ZOPA[2]) requires mutual concessions on vital issues related to political control, territorial integrity, socio-economic equality and military disarmament. Clauses on intercultural cooperation, on the other hand, frequently fall outside parties' vital interests and can provide quick win-win scenarios. As such, they do not tend to obstruct a negotiated settlement and show the parties that an agreement on particular issues is possible. Diagram 1 attempts to illustrate how the incorporation of cultural issues alters the ZOPA in cases such as the Dayton Agreement, where culture was not considered of vital interest to the overall negotiation.

As shown in the hypothetical diagram, the alternative scenario includes cultural dimensions and has not diminished the ZOPA horizontally. Vertically, however, it can potentially broaden the final agreement. In particular, the first years after a war provide for an opportunity to alter the mindset of the population and institutions, thereby facilitating the empowerment of women and youth, and the re-establishment of an interethnic or cultural consciousness (Demeritt et al., 2014). Even if the details are not negotiated in the agreement, a written commitment to promote and incentivize cultural exchanges are an important kickstart for these sorts of bottom-up processes. They can be supervised by a cultural commission, managed through local and international NGO's and partly financed by third parties. Considering the amount of money the international community has inadequately spent on Bosnia (Chandler, 2000), the financial funding of cultural issues is relatively inexpensive. Most importantly, many of the cultural dimensions do not inherently constrain the mediation process but can be of great value for the long-term success of the agreement. The Mediator's Trap naturally occurs in times of great pressure, however, proactively addressing the relational dimensions through intercultural commitments is necessary to prevent further intractability in the minds of people.

Conclusion

The Mediator's Trap drives the mediator towards sufficient inclusiveness and marginal complexity. As a result, the mediator focuses mostly on material, tangible and politically essential issues to ensure a minimally negotiated settlement. Mediators are under immense international pressure, financial and time constraints, and the conflicting parties are frequently unable to construct agreements amongst themselves or are blatantly disinterested in the outcome of the negotiation. Yet, even though short-term issues are under such a pressure to be resolved, mediators need to remain open-minded and take a holistic approach to maximize the comprehensiveness of the agreement in which material issues are not degraded but cultural and educational dimensions are *upgraded*. The Dayton Agreement did not take culture into account because it did not seem part of the main problem. However, that culture is not the problem does not mean it cannot be part of the solution. As a post-liberal mediation approach, this critique reflects today's world in which solutions encompass a great array of essential pieces to a complicated puzzle. Reconciliation must necessarily become a more adaptive process depending on each post-conflict context. Incorporating socio-cultural dimensions is, therefore, essential to stimulate *tacit reconciliation* in deep-rooted identity conflicts such as in Bosnia.

Figures

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[1] See Bar-Tal (2000)

[2] Zone Of Possible Agreement.