Determinants of Mediation Success in Post-Conflict Bosnia: A Focused Comparison

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Abstract

The main goal of our study is to look at factors determining mediation success in post-conflict environments. More specifically, we focus on the level of involvement of the mediator in a post-conflict setting and argue that relational mediation strategies should fare better in such environments. A most similar systems comparison of the European Union/United States and Turkish mediation efforts in Bosnia Herzegovina, both of which started in October 2009, renders support for our argument. Our analysis of these two cases suggests that Turkey's relational mediation strategy delivered concrete outcomes in post-Dayton Bosnia compared to the structural intervention style adopted by the European Union/United States. We conclude that relational mediation strategy facilitates the achievement of constructive solutions by helping third parties to make broader assessment of the conflict situation, and by offering flexible options in issue selection and process design.

1. Introduction

The main goal of this study is to look at factors determining mediation success or failure in post-conflict environments. More specifically, we focus on the level of involvement of the mediator in a post-agreement setting. In doing so, we compare the European Union (EU)/U.S. and Turkey mediations in Bosnia Herzegovina.[1] The overarching goal of the two mediations, both of which started in October 2009, was to maintain Bosnia's sovereignty and territorial integrity, which was threatened by a political deadlock. Both engagements were similar in many ways; both attempts took place in the same geography, in the same time frame. Characteristics of the conflicting parties and the goal of the interventions were almost identical. The two mediators were biased interveners in the eye of the conflicting parties. Despite of these similarities, the two attempts varied considerably in terms of the outcomes they have produced. Through focused comparison methodology, we attempt to explain why the EU/US mediation was unable to deliver tangible results whereas the Turkish mediation has been mostly considered as a success. An initial observation of the cases suggests that difference in mediators' strategies, have direct relevance with our research puzzle.

Bosnia Herzegovina (BiH) is a country still in transition. Although the war came to an end in 1995 and the Bosniaks, Bosnian Serbs and Bosnian Croats negotiated a peace agreement mediated by the United States, the EU and Russia, the possibility for conflict remains notable. Republika Srpska (RS), one of the two semi-autonomous entities founded with the 1995 Dayton Agreement, has repeatedly asserted its right to secede from Bosnia Herzegovina. Furthermore, two major Croat parties excluded from the government of the other entity, the Federation of Bosnia and Herzegovina, refused to recognize its legitimacy and formed their own assembly. The Croat parties' occasional calls for separation from the Federation further threaten the stability of the country. Despite this precarious situation, and its possible negative spillovers in the region, the international community has lost interest and become increasingly unwilling to intervene, leaving the EU as the main actor to assist the consolidation of the Bosnian State.

Said that, two relatively recent mediation attempts have marked this otherwise neglected area of conflict by the international community: the EU/US efforts under the framework of the "Butmir" process, and the Turkish efforts. The two cases allow us to employ structured focused comparison methodology to analyze (a) what factors influenced the efficacy of these two mediation efforts following the settlement brought about by the Dayton Accords, and (b) how our

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[1]Bosnia-Herzegovina, Bosnia and BiH will be used interchangeably in this paper.

inferences from the analysis of the two mediation processes stand vis-à-vis current literature on mediation success.

Our focus is further warranted by post-conflict mediation failures in other significant conflict cases. The UN mediation on the Cyprus dispute, for instance, exemplifies another post-conflict structural mediation, which failed to bring a comprehensive peace to a long lasting conflict. The plan was basically geared towards the establishment of the institutions on the island, and entailed issues related with the constitution of the United Cyprus Republic (constitutional laws, federal laws, property issues etc.). Matters related to reconciliation and trust between the two communities, were addressed, again, by referring to the establishment of another institution, a reconciliation commission on the island. The role of the EU as a third party was also interesting along the process. The EU officially backed the Annan Plan and mostly used pressing tactics and some rewards to push the related parties to reconcile with the terms of the Annan Plan. EU's punitive measures comprised actions such as withdrawing rewards or membership prospects, or imposing embargoes. Rewards on the other hand were in the form of offering financial assistance (Eralp and Beriker, 2005).

This paper will present its arguments in six sections. The next section will give an overview of the mediation literature and develop a set of arguments as to why relational approaches may be more effective in post-conflict settings. Section Three gives a short background of the two cases we examine in depth in this paper. A discussion of the methodology utilized follows in Section Four. In Section Five, we render a systematic analysis of the two mediation efforts in Bosnia., which lead to our conclusions where we also discuss the policy implications of our findings and avenues for further research.

2. Mediation Strategy and Success: An Overview

Mediation is a widely used conflict resolution technique in dealing with international and inter-ethnic conflicts. Literature on international mediation often dwells upon third party engagements that succeed major phases of violence. International practices, however, suggest that, once a peace agreement is signed, the implementation stage could be yet another challenging episode. Numerous factors have been put forward as possible determinants of successful mediation. Kleiboer's (1996) classical work reports four sets of variables that influence mediation success; a) characteristics of the dispute, b) parties and their interrelationship, c) characteristics of mediation and e) international context. Bercovitch and Houston (2000) subsume these factors under two main categories: contextual and process-related attributes. Contextual variables concern the characteristics of the disputants, the mediator, or the dispute itself. Regime type of

the disputing actors and relative power levels between disputants and the nature of disputants' former relationship exemplify disputant-related contextual variables. The strategy a mediator employs exemplifies the process-related component of this approach.

The literature on mediation style heavily relies on the findings generated by social psychologists in early 1970's (Kressel and Wall 2012). Kressel's (1972) three-type typology for mediator roles (reflexive, nondirective and directive) later paved a way to other are similar taxonomies in international context such as communication, facilitation and manipulation styles (Zartman & Touval, 1985). Research on armed conflict (mostly quantitative), offers other related categories for mediation strategies; communications; procedural; and directive, which are also referred as facilitation, formulation, and manipulation (Bercovitch and Gartner 2006; Beardsley et al. 2006; Quinn et al. 2013; Gartner 2014). Communication and facilitation strategies are generally considered "light" strategies, compared to the manipulation strategy. While activities such as facilitating communication, working on trust issues, and dealing with perceptual matters are associated with the communication and facilitation roles, carrot and stick tactics, directive roles that require some sort of execution of power are generally considered mediators' manipulative roles.

Early arguments have suggested the efficacy of manipulative and pressing strategies (Hiltrop, 1985; Kressel & Pruitt, 1989; Bercovitch, 1989). Beriker (2008) later emphasized complementarities of different third party approaches. However, Beardsley (2011:119) argued that directive strategies lead to agreements that have a relatively short time-span, from five to ten years as powerful mediators "artificially inflate the incentives for peace and leave the actors with an arrangement that is not self-enforcing." Similarly, Gartner (2014) claimed, directive style has a negative direct effect on durability but positive indirect effect on reaching full settlement. Wilkenfeld et al. (2003) contributed to this discussion by drawing attention to two distinct goals/outcomes; crisis management and conflict resolution, and concluded that a manipulative mediation style is more likely yield better crisis management outcomes than facilitative style. Similarly, Beardsley et al. (2006) and Bercovitch and Gartner (2006) suggested that facilitative mediation is best able to resolve commitment problems and ensure a reduction in post crisis tensions, whereas manipulative mediation is more useful and effective in securing formal agreements and achieving overall crisis termination. Building on these findings, Wallensteen and Svensson (2014) noted hybrid characteristics of the mediation strategies and difficulties in making causal inferences regarding mediation success.

Given the nature of the post-agreement phase that we discuss later, we reduced the above listed styles and approaches into three: structural, relational and pressing styles.[2] Structural interventions focus on immediate structural problems that cause conflict, such as weak institutions. Such interventions are content-specific and analytical. Relational style aims to improve relations, ease communication and/or reach an agreement (Wall & Kressel, 2012). The pressing style however comprises initiative to "move the disputants off positions and toward each other," "reduce disputants' aspirations," and "to diminish the perceived value of the BATNA [Best Alternative to a Negotiated Agreement]" (Wall & Kressel, 2012: 414).[3]

Despite the burgeoning interest on what makes mediation attempts successful, few have distinguished between mediation during conflict and similar efforts during post-conflict stage.[4] In the post-conflict phase, attempts to strengthen governance go hand in hand with the process of reconciliation and, sometimes, management of sporadic armed conflict. Therefore, we argue that while structural interventions by mediators may address problems related to institutional deficiencies, relational interventions could help parties to achieve functional relationships. Similarly, pressing strategies could assist in ending violence and/or convincing parties to take necessary measures to transform existing institutions.

We posit –and provide evidence- that relational mediation may be a more effective strategy in post-conflict situations. This advantage stems from three interrelated reasons. First, relational mediation offers more flexibility to the mediators in selecting the issues, designing the intervention processes, and in extending immediate incentives and concrete rewards. In structural interventions, on the other hand, the content of the intervention mostly determines the process.[5] Second, to build legitimate institutions via mediation could prove to be a very difficult task in an

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[2] *Structural mediation* is a new category, which denotes those third party attempts that aim to deal with structural/institutional issues only. *Relational mediation* is a hybrid category comprising of communications and procedural strategies. *Pressing mediation* is equivalent of directive strategy.

[3] These three mediation styles in peace studies and international relations traditions are conceptualized as different forms of third party interventions/activities. *Structural mediation* corresponds to peace-building interventions that are geared towards institution building, the establishment of rule of law and effective governance, security sector reform among others. Similarly, *relational mediation* corresponds to regional cooperation initiatives that enable communication and trust building among major stakeholders. Finally, third party activities designed towards imposing economic sanctions or withdrawal of aid overlaps with what is described as *pressing mediation style*.

[4] Recent literature mostly emphasizes the third party role of truth and reconciliation committees in justice issues in post-conflict environments (e.g. see, for example, Taylor and Dukalskis (2012), and Millar (2012)), or gives descriptive accounts of structural and relational interventions of the EU (e.g. Giannaki, 2007). One notable exception is Diaz (2008).

[5] Engagements to achieve constitutional reform, for example, are task specific engagements.

environment composed of complex, and often, obscure web of relations, where parties have little trust for each other, while the leaders of these parties prioritize consolidating their legitimacy and do not feel acute existential threats. In such a setting, structural interventions very often have to be accompanied with pressing style where mediators try to put pressure upon the parties to concede from their initial positions. However, such interventions directly geared towards institution building could face resistance in the absence of trust based functional relationships among conflicting parties. In relation, adopting a pressing strategy would require a mediator to commit substantial resources over a long time period. In other words, "external attempts to influence power relationships [among conflicting parties] are a long-term project" (Pugh & Cobble, 2001: 44). Most of the time, disputing parties will not perceive such long-term commitments by a mediator as credible.

Relational mediation better takes the political calculations of the parties into account. This style of mediation is hardly accompanied by power-based strategies. Instead, strategies such as confidence building measures ex-ante recognize the political clout of the disputants. This recognition also increases the legitimacy of the disputants, domestically and internationally, thereby assisting parties to consolidate their hold onto power. Such focus on legitimization of the parties can also help disputing parties overcoming the emotional baggage carried over from the past. Furthermore, relational mediation's focus on the interactions could enable frequent meetings among the parties that in turn help them to redefine their relations constructively. Moreover, relational mediation necessitates a broader assessment of the conflict situation and an encompassing and participatory intervention design. Such inclusive approach takes all stakeholders into account, including regional actors that are secondary parties to the conflict.

The discussion on post-conflict mediation renders the following hypothesis:

Hypothesis: Mediation in post-conflict environments is more likely to be successful when the mediator uses relational strategies.

3. Bosnia – A Brief Background

Three and a half years of vicious fighting, which led to the loss of tens of thousands of lives and the displacement of hundreds of thousands in Bosnia, was brought to an end with the Dayton Agreement in 1995. The Dayton Agreement, mediated by major Western powers, established a federation in which the Federation of Bosnia-Herzegovina occupied 51% of BiH and the Bosnian Serbs occupying the remaining. The agreement established a multi-ethnic veto pillar, where each

ethnic group holds veto-power on enactment of major policies and constitutional change. To this day, the international community has remained highly present in civilian and military affairs of Bosnia. High profile international efforts, however, have not been able to eradicate the fears of a renewal of the conflict. The level of support for ethnic based parties remain high, mostly drawing on the fact that almost 40 percent of the displaced returnees have not preoccupied their homes yet (O'Laughlin et al., 2009). The multiple ethnic-veto schemes further exacerbate normalization efforts, as effective policy implementation towards sustaining peace becomes a difficult task under such institutional inertia.

The recent decade has witnessed two main mediation attempts to overcome the current deadlock in Bosnia, namely those of the EU/US and Turkey. The European Union, in collaboration with the United States, has initiated two mediation attempts, the "Prud Process" in November 2008, and the "Butmir Process" in October 2009, both of which endeavored to initiate dialogue between key domestic political stakeholders in Bosnia on concrete institutional reforms. However, both mediations have failed so far.

On the other hand, the Turkish government focused on the international dimension of the issue by reconciling the states of Bosnia, Croatia and Serbia towards maintaining BiH's sovereignty and territorial integrity. More specifically, Turkey held formal mediation processes between Serbia and Bosnia-Herzegovina in October 2009 and between Croatia and Bosnia-Herzegovina in January 2010. A number of tangible outcomes followed; Serbia agreed to accept the Bosnian ambassador to Belgrade on February 10, 2010, the Serbian Parliament adopted the *Declaration of Srebrenica* on March 30, 2010 by which it officially apologized for its role in the Massacre in 1995, and the *Istanbul Declaration on Peace and Stability in the Balkans* was signed by Bosnia- Herzegovina and Serbia on April 24, 2010.

The difference in the levels of success observed in these two approaches posits an interesting theoretical puzzle. Both mediation attempts were held in the same region, almost conterminously, and with very similar aims. These similarities allow us to conduct a controlled comparative case study to identify the factors that contributed to the success of the Turkish efforts.

4. Methodology

Operating on the framework developed above, one can argue that many similarities regarding mediator-related attributes exist between the EU and Turkey. Despite these similarities, the level of success in these two mediation attempts varied significantly. In this study, we leverage on the

ex-ante similarities between the EU and Turkey as mediators, adopt a most-similar-systems design (MSSD) (Faure, 1994), and focus on the few differences in similar cases to draw inferences on why the latter's attempt may have been more successful. MSSD was introduced originally by John Stuart Mill and follows the logic of experimentation (Druckman, 2005). In this design, varying explanatory variables are held constant through the selection of the cases. This, in turn, enables the investigator to establish a relationship between the dependent and the independent variables. In selecting the cases, we categorically omit the mediation attempts made before and during the Bosnian war since these mediation attempts had a completely different scope and objective from those made after the war.

The criterion for "success" are retrieved from the literature, measured from the starting point until the end of the process, and defined as success if the parties formally commit through the conclusion of an agreement (Bercovitch et al., 1991; Kriesberg, 1991; Susskind & Babbitt, 1992). As noted in the previous section, we group the factors that may affect the success of an outcome in four major categories: (1) the characteristics of the negotiating parties, which include (a) the regime type of the disputants, (b) their power status vis-à-vis each other, and (c) the nature of previous relations between them; (2) the nature of the dispute, which include (a) how intense the dispute is, (b) the issues parties disagree on, and (c) the duration and timing of the intervention; (3) the characteristics of the mediator comprising its (a) power, (b) rank and identity, (c) relations with the parties, (d) previous mediation experiences; and (4) mediation strategies that contrast (a) relational strategy, with (b) structural intervention (c) pressing strategy. In relation, the next section executes the logic of MSSD by highlighting selected attributes of the two mediation efforts in Bosnia. More specifically, it demonstrates how the two mediation efforts are similar in terms of their contextual attributes, but different with respect to process variables.

Although we are comfortable with this design, the adaptation of the logic of experimentation to qualitative work has its challenges. For the sake of methodological consistency, we had to start with some priors to establish equivalency across our two cases with respect to the independent variables we control. For instance, the contested issues initially may seem different across our two cases: the EU mediation focused on building a better-functioning governance mechanism in Bosnia while Turkey seemed to be mainly concerned with securing the recognition of BiH's borders. However, when we zoom out from the immediate policy outputs the mediators aimed to produce, we see that the main underlying issue in both mediation attempts relates to securing the territorial integrity of Bosnia. Similarly, one can also argue that the nature of conflicting parties differs: while the EU mediated between communities within a state, Turkey's attempted to reconcile differences among three sovereign states. Still, the identities and

the ensuing interests of the corresponding parties across the two cases are quite similar. To illustrate, Republika Srpska and Serbia's interests are strongly aligned with respect to how BiH's future political setup should be.

5. Analysis

The EU/US Mediation process

The Butmir Process, overseen by the EU and the U.S., was the most serious mediation attempt after Dayton. The political crisis that occurred in 2009 in BiH demonstrated the nascency of the country's institutions, and the government's inability to overcome institutional paralysis. The process reacted to such political impasse by aiming to further strengthen central governance in Bosnia. Towards this end, several revisions to the political arrangements of the Dayton Accord were suggested. Some of these revisions included replacing the Ministerial Council with a better functioning government arm and extending the authority of the office of the President.

The main mediator of the Butmir process, the European Union, supported by the United States, initiated talks among the major political figures in BiH.[6] The aim of the talks was to accommodate the aforementioned constitutional changes and pave the way to self- administration by terminating the Office of the High Representative in Bosnia-Herzegovina (Youngs, 2010: 43). The negotiation process was held in two rounds, between 19 – 20 October 2009. The mediation attempt, however, did not deliver a concrete outcome.

Characteristics of the Parties: The post-war Bosnian state was founded on the principles of a multi-party democracy based on the rule of law and free elections. Therefore, all negotiating parties in the Butmir process were elected official representatives of their respective ethnic groups in Bosnia. The dominant political parties in Bosnia and Herzegovina, namely the Party of Democratic Action (SDA), and the Croatian Democratic Union of *Bosnia* and Herzegovina (HDZ), base their party programs primarily on the protection of interests of their respective ethnic groups (European Commission, 2011: 31). Other parties transcending ethnic lines, such as the Social Democratic Party (SDP) or the Party for Bosnia and Herzegovina (SBiH) have received relatively little support among the voters (European Commission, 2011: 35). Even voters predisposed to vote for non-ethnic platforms tend to switch to their ethnically-based parties when

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[6]These figures included Milorad Dodik, Prime Minister of Republika Srpska, Sulejman Tihić of the Party of Democratic Action (SDA), Haris Silajdžić of the party for Bosnia-Herzegovina, Zlatko Lagumdžija of the Social Democratic Party (SDP), Dragan Čović of the Croat Democratic Union (HDZ), Božo Ljubić of the Croatian Democratic Union 90 (HDZ 90), and the Party of Democratic Progress (PDP) leader Branislav Borenović.

parties representing other ethnicities also compete in their district (Hulsey, 2010). The prominence of ethnic-based agendas, coupled with the lack of a consociational political culture has characterized BiH's inefficient institutions plagued by burdensome decision-making processes.

As for the power status among the parties, the Dayton Agreement tried to invest the three main ethnic groups with adequate political and legal representation in the country's governing institutions between those who favored an independent central state and those who claimed for autonomy from such a centralized state (Mansfield, 2003). This design aimed at reversing ethnic cleansing. To maintain a system of checks and balances, all main seats at important state level institutions, also called "common institutions," are shared among Bosniak, Croatian Serbian parties. For instance, the Presidency consists of three representatives from the ethnic groups who rotate the position of the Chair; all three representatives need to act in consensus in order to adopt a particular provision. The bicameral Parliamentary Assembly and the Constitutional Court also operate on similar premises.

The resulting performance of the Bosnian government at all levels has been dismal. The parties that have an ethnically based political program, found it in their interest to impede implementation of policies across the whole spectrum of the government. This political bickering has also been dubbed as "the continuation of war by other means" (Chandler, 2006: 17), and "all brakes, no motor" (Chivvis and Dogo, 2010: 105). For instance, the construction of a new freeway, which would have been critical for economic growth, has stalled due to disagreement over which ethnic group will benefit more from its route. Similarly, maintaining an ethnic balance seems to trump over merit or allegiance to BiH in its entirety in the selection of government officials (National Democratic Institute, 2009: 4).

Nature of the Dispute: Although the Dayton Agreement effectively ended inter-ethnic violence in Bosnia, the ensuing political stalemate, mainly due to the multi-pillar veto structure implemented with the agreement, exacted considerable tolls on the society. The political impasse put the economy in shatters. The system's failure to address the problems of the internally displaced, amounting to 120,000 citizens, further increased the tally of the war's social and economic costs. The state of the conflict in Bosnia Herzegovina mostly resembles to a "stalemate" as all ethnic groups remain deeply divided over the status of the state. While Bosniaks have demanded for a stronger government, Serbs have supported a weak federal state that would provide them with autonomy rights. Croatians have occasionally aspired for a third autonomous entity within Bosnia given the internal power struggles.

As for the timing of the mediation, the EU/US initiated its attempts at a point when three ethnic parties were preparing for electoral campaigns, and thus having little incentive to cooperate (Nenadovic, 2010). The EU was certainly aware of the challenge upcoming elections posed for its mediation attempts; however, further delays to constitutional reform could have jeopardized Bosnia's future into the structures of European Union and NATO. These delays, such as the decision to postpone visa liberalization for Bosnia Herzegovina, would further strengthen the belief that the EU was discriminating against the Bosniaks and reaffirm their perception regarding the BiH government's inaptitude (Abasphaic & Bajrovic, 2010).[7]

The type and nature of the issues discussed at the Butmir negotiations varied. Constitutional reform, the division of state and military property among local governments, and the future of the Office for High Representative was among the most important issues on the table. The package the mediators offered to overcome the political impasse that was plaguing the country contained a number constitutional, governance and political reforms. Adhering to these reforms, from the conflicting parties' perspective, would mean reformulating the country's power structures and transferring more power to centralized institutions. Bosniaks and Bosnian Croats agreed on changing the balance of power, but found the reforms as not sufficiently substantive. On the other hand, Bosnian Serbs were vehemently against the centralization of BiH as the leader of Republika Srpska, Milorad Dodik, claimed that he would not going to concede any Serb autonomy (Karajkov, 2009). The parties' positions also differed regarding the future of OHR. This time, RS representatives were warm to the demise of OHR (possibly due to OHR's vetoing power on RS policies promoting further ethnic cleansing), and open to negotiations on state and military properties. In contrast, the main Bosniak parties (SBiH and SDP) considered the OHR as their main negotiating leverage and objected to its demise until the constitutional reforms were completed.

Characteristics of the Mediator: The EU and the U.S. remain the most powerful actors that can impact Bosnia economically, politically and militarily. The EU's biggest asset that makes it an influential actor as a mediator is its ability to offer EU membership. Traditionally, the EU has mostly been characterized as a regional "civilian power," implying the preference to employ diplomatic and economic tools rather than military force. Since 1996, it assisted Bosnia

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[7]Interestingly, the EU representatives continued to associate this delay with the "bad faith" conflicting parties demonstrated in their negotiations, and used visa-liberalization as a stick. However, since Bosnian-Serbs and Bosnian-Croats could easily get a second citizenship from their kin states, EU's approach was perceived as singling out Bosniaks for punishment.

Herzegovina in economic, governance, energy and infrastructure projects by providing support for sustainable economic development and preparing Bosnia-Herzegovina for EU integration. This assistance has also carried a normative dimension, and promoted reforms on human rights, democracy and the rule of law, and encouraged cooperation in the Balkan region. These normative aspects aimed at creating a framework for long-term solutions to the conflicts BiH was experiencing. The Butmir process integrated this longer-term and softer EU power in the region with the United States' short-term hard(er) power.[8] On the security dimension, the U.S. has strongly supported Bosnia- Herzegovina's integration into the Euro-Atlantic structure.[9]

Interestingly, since the successfully concluded Dayton Agreement, both the U.S. and the EU have failed so far in all their post-war initiatives to reconcile the local ethnic parties towards a more centralized state system. In March 2006, the transatlantic partners managed to convince the leaders of major political parties to agree on some sort of constitutional amendments, known as the "April Package." The amendments, however, failed to secure a qualified majority (two-thirds) in the parliament (Joseph & Hitchner, 2008: 5). The Prud process, another initiative undertaken by the EU and the U.S. to resolve issues related to the constitutional amendment on the status of Brcko district and on the organization of population census in 2011, met an even worse fate.

Mediation Strategies: The EU/U.S. mediation adopted a structural intervention style by setting "constitutional change" as its primary goal during the Butmir process. In doing so, the EU and the U.S. frequently resorted to pressing tactics in the negotiations by threatening to take the EU and NATO memberships off the table if Bosnian parties could not overcome the current political stalemate. Carl Bildt, the EU representative, continuously repeated that "Bosnia Herzegovina cannot get a free ticket to Europe" and that "[i]f conditions for participation in Euro-Atlantic integration are not met, Bosnia-Herzegovina will fall behind other countries in the region" (SETimes, 2009). For instance, the EU presented a list of centralization measures to the parties as a precondition for visa liberalization. The mediators hoped that such messages would cause Bosnian voters to pressure local parties towards reaching a solution.

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[8]Interestingly, while many Balkan states and people view the European Union as the most prominent framework to establish stabilization in the region, many are unconvinced with the EU's capability to realize reforms. Some doubts regarding the EU's capability emanate from the long and tiring accession process, during which the implementation strategies and the benefits of reform have not been made clear (Sebastien, 2010).

[9]Despite its strong presence in the region especially during the war years, the local parties perceive a declining U.S. impact since 2004. The plans to eliminate the OHR in which US diplomats play a significant roles, signals further decline of U.S. impact in BiH (Woehrel, 2011, 2012).

In addition to the carrot and stick strategies, the two mediators played a pressing role by offering a reform package themselves. However, the Bosnian political leaders were unsatisfied with such strategies. Dodik stated that the talks were mainly directed towards principles rather than details of the constitutional reform. According to Dodik, the negotiation process should have initially dealt with technical issues such as state property and conditions for visa liberalization and European integration, leaving more contentious points where parties diverge substantially, such as constitutional reforms for later. The Croatian Representatives declared that the mediators offered a document that was too ambitious and almost unacceptable for all parties. The leader of the Party for BiH and the then Bosniak member of the presidency Haris Silajdzic considered the process harmful since it did not address the gridlock effect the current voting scheme in the country had on policy-making.

The Mediation of Turkey

Turkey's mediation efforts, which took place roughly at the same time with that of its trans-Atlantic partners, differed in a number of ways. In October 2009, the Turkish government initiated its own mediation efforts to strengthen the sovereignty and territorial integrity of Bosnia through series of processes. Turkey's interest in intervening in Bosnia was partly triggered by its concern regarding EU policies that Turkey perceived as favoring the Bosnian Serbs and ignoring the rights of Bosniaks. Turkey also criticized the U.S. for its unwillingness and lack of interest to deal with the Bosnian problem (Yinanc, 2010). Turkey adopted an original approach, and invited the governments of the neighboring states, namely Serbia and Croatia to the table.

Characteristics of the Parties: Despite Croatia's relatively better economic and political performance, one cannot speak of a dominant power among the three countries. In terms of power status, Bosnia remains to be the weakest. Politically, it lacks a consolidated state structure as the international community still retains an extraordinary civilian and military presence. Economically, Bosnia is one of the poorest countries in Europe. In contrast, democratic transitions in Serbia and Croatia were characterized by the transition from war to peace, from command economy to liberal market economy and from single party rule to pluralist democracy (Ljubojevic, 2011). Internationally, EU remained a strong actor in supporting democratic consolidation in these two countries (Bunce and Wolchik, 2009: 98). Domestically, the establishment of a multi-party system and holding of regular elections were key democratic improvements in post-2000 Serbia and Croatia (Maldini & Vjodovic, 2007: 57). Still, unemployment, high corruption and labor unrest still constitute challenges to the Serbia.

Similarly, while Croatia's performance has been the most successful (e.g. EU accession and NATO performance), substantial challenges remain for Croatia such as high levels of unemployment and foreign debt.

As regards to their past relationship, Bosnia, Croatia and Serbia have a history of intense conflict. The memories of massive killings and destruction in the three years of war after Bosnians self-declaration of independence are still fresh in the region. Despite the truce reached in 1995, relations had not been normalized until 2009. While Bosnia's relations with Croatia improved due to the latter's apology for crimes committed in Bosnia from 1992-1995, relations with Serbia remained hostile. Although Serbia signed the Dayton Agreement, which indicates Serbia's de facto recognition of the territorial sovereignty and integrity of Bosnia Herzegovina, the relations between the two countries remained less than cordial. A main reason for this tension related to Bosnia's perception that Serbia did little to halt the Bosnian Serb leader Milorad Dodik's actions aiming to undermine the effectiveness of Bosnia's central government institutions.

Nature of the Dispute: Turkey's mediation effort in October 2009 took place when negotiations over Bosnia was at a stalemate. The Dayton Peace Accord had not included any arrangement for the reduction of armed forces and demobilization of ex-combatants. Rather, the main aims of the Dayton negotiators, rather, were to end the war, separate the parties as and maintain a weak federal Bosnian State with two strong constituent entities. This omission left the country without any concrete confidence-building measures ad establishing sustainable peace (Pietz 2006, p. 156). Although the parties signed a separate agreement on Confidence and Security Measures in Bosnia and Herzegovina in 1996, its framework included only measurements on armed forces and military agreements. The political deadlock spilled over to economic and refugee issues; at the time, a quarter of the population was unemployed and tens of thousands remained as internally displaced. This period also marked increasing dissatisfaction of Bosnian Serbs and Croats with their respective positions in the Bosnian state and with the lack of cordial relations between Bosnia-Herzegovina with Bosnian Serb and Croats' respective kin states (Bancroft, 2010). Turkey's mediation effort in October 2009 took place when Bosnia was at a stalemate. The political deadlock spilled over to economic and refugee issues; at the time, a quarter of the population was unemployed and tens of thousands remained as internally displaced. This period also marked increasing dissatisfaction of Bosnian Serbs and Croats with their

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This domestic implication made improving Bosnia's relations with Serbia and Croatia one of Turkey's main aims as a mediator. Accordingly, the negotiations initially focused on establishing a permanent recognition of Bosnia's the territorial integrity by Serbia and Croatia. Furthermore, Turkey considered regional stability as another key precondition for a successful reconciliation process. For that reason, Turkey offered a number of economy, energy, culture and environment-related projects upon which the three countries could cooperate (Biserko, 2010). Finally, negotiations mediated by Turkey focused on the issues of war crimes, victims as well as Serbia's policies toward RS.

Characteristics of the Mediator: The cultural and social bonds the two countries have enjoyed give Bosnia a special place in Turkey's foreign policy agenda. Turkey supported Bosnia-Herzegovina in many capacities: during the dissolution of former Yugoslavia, Turkey supplied arms to the Bosnian fighters despite a United Nations-sponsored arms embargo. Following the Dayton agreement, Turkey has engaged with the Implementation Council. Military-wise, it takes an active part in Althea, the EU's peacekeeping operation to assist BiH consolidate its statehood. Economically, Turkey has significantly contributed to the reconstruction of Bosnia-Herzegovina. The two countries also concluded a Free Trade Agreement in 2002. Lastly, Turkey supported Bosnia-Herzegovina's integration with Euro-Atlantic institutions including NATO and the EU. Similarly, Turkey and Croatia have shared common goals such as integration to the Euro-Atlantic structures, and the establishment of regional cooperation schemes. Turkey had also supported Croatia's mediation efforts to bring Bosnian Croats and Bosnian Muslims under the Federation of Bosnia-Herzegovina under the 1994 Washington agreement.

Unlike its relations with Bosnia and Croatia, Turkey's relations with Serbia were icy at best. The bilateral relations were highly problematic during the Bosnian war from 1992-1995 during which Turkey strongly supported the NATO decision to deploy a naval force to monitor the economic sanctions against Serbia. Moreover, Turkey-Serbia relations were strained again in 2008 when Turkey became one of the first countries to recognize the secession of Kosovo from Serbia. Despite these tensions, Turkey did not overlook the key role Serbia could play to establish peace and stability in the troubled regions of the Balkans. As the Turkish ambassador to Serbia, Ahmet Süha Umar, declared in a 2011 interview: "Serbia is the key western Balkan country,

without which no peace and stability can happen. And if you want war, you need Serbia again!" (Interview: Turkish Ambassador to Serbia, 2011).

To conclude, past relations of Turkey with Bosnia, Serbia and Croatia have evolved in different ways. Turkey has always been close to Bosnia-Herzegovina, and took a firm position in defending Bosnia's territorial integrity and sovereignty. This stance led Turkey to occasionally confront Croatia and Serbia when the latter two refused to recognize Bosnia's independence. Turkey, however, has not hesitated to improve relations when the two countries changed positions towards recognizing a sovereign and independent Bosnia. The final encompassing goal of Turkey has been to secure permanent peace and stability among these three countries within the umbrella of NATO and the EU.

Mediation Strategies: Turkey's initiative to mediate the conflict in Bosnia was based on the main assumption that the region's stability depends on the consolidation of Bosnia-Herzegovina. Towards this purpose, Turkey relied on relational mediation strategies, and focused on measures that would foster trust-based relations among the parties. The first mechanism that Turkey applied as a mediator in the post-Dayton Bosnia conflict has been initiating a number of meetings between the leaders of the three countries. A result of this initiative was the formation of Trilateral Consultation Mechanisms between (i) Turkey, Bosnia-Herzegovina and Serbia, and (ii) Turkey, Bosnia-Herzegovina and Croatia. Turkey, BiH and Serbia first convened in Istanbul on 10 October 2009 during the South East European Cooperation Process meeting. This meeting was followed by two other meetings in November and December 2009; one after the Standing Committee for Economic and Commercial Cooperation of the Organization of the Islamic Conference and the other during the conference of the Alliance of Civilizations for Southeast Europe. Turkey identified the resolution of diplomatic tensions as the first stage of improving relations. As such, the fourth meeting of the same format organized in Belgrade on January 2010 resulted with an agreement between BiH and Serbia in which BiH had decided to appoint its ambassador to Serbia, thus officially establishing direct relations between the two countries (Agence France Press, 2009).

The fifth trilateral meeting in February 2010 was organized by the heads of the states in Ankara, and resulted in signing the Istanbul Declaration. The Declaration guaranteed territorial integrity and sovereignty of BiH. The countries agreed on a common vision based on the pillars of security for all, high-level political dialogue, improved economic relations and the preservation

of multi-ethnic, multi- cultural and multi-religious social composition of the region.[10] Serbia followed the momentum created by the Declaration and approved a resolution on March 2010 apologizing for the 1995 Srebrenica Massacre. Apart from the apology, Serbia's president Boris Tadic also paid an official visit to Bosnia-Herzegovina accompanied by Turkey's Prime Minister Erdoğan, to attend the ceremony commemorating the 15th anniversary of the Srebrenica Massacre in Bosnia Herzegovina. Throughout this mediation process, Turkish officials applied a very low intervention policy in trying to help the two sides reach an understanding over the content of the apology.

In a similar format, Turkey organized tri-lateral meetings between Turkey, BiH and Croatia. The group's first trilateral meeting was organized in January 2010. These meetings resulted with an agreement announcing that Turkey and Croatia supported BiH's unity and its aspirations to become a member of international organizations. To realize this aspiration, Turkey and Croatia supported Bosnia's Membership Action Plan which is a prerequisite to full membership in NATO. The Foreign Minister of BiH considered the support of both countries as extraordinary and declared that getting the Membership Action Plan wouldn't be possible without the constant and active support of Turkey and Croatia (Today's Zaman, 2010).

An interesting approach Turkey took was to keep the two sets of dialogues separate but on parallel tracks. In addition, Turkey offered various carrots, i.e. expanding cooperation with Serbia, Croatia and BiH on diplomatic and economic levels, accompanying these talks. After the trilateral meetings, Turkey and Serbia signed six agreements including the free visa travel agreement, cooperation in the construction sector and reviewed their military, cultural and administrative relations. They also held several talks on the prospect of selling Serbia's financially distressed main airliner (JAT Airways) to Turkish Airlines. Lastly, Turkey has started undertaking projects to help develop the infrastructure in Sandzac, a Serbian province populated with Muslims. Similarly, Turkey and Croatia agreed to raise the trade volume between the two countries to one billion Euros by the end of 2013 (Turkish American Chamber of Commerce & Industry Newsletter, 2010).

Case comparisons and discussion

The Butmir process and the Turkish mediation started with the goal of ensuring state sovereignty and territorial integrity of Bosnia. Controlling most of the contextual factors and the characteristics of the mediators across the two cases, we conclude that strategies employed in

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[10]"24 April Istanbul Triletaral Summit Declaration" Southeast European Cooperation Process: Turkish Chairmanship in Office. 2010. http://www.seecp-turkey.org/icerik.php?no=60, retrieved on 30 May 2011

these mediation attempts remain as the main explanatory variable in understanding the varying levels of success. The Turkish representatives adopted a relational approach to conduct Turkey's mediation process. The EU/U.S. mediation, however, aimed at improving political institutions crippling the political system, and was designed as a structural intervention. It is important to note here that, we make this general conclusion by treating each factor, i.e., characteristics of the parties, characteristics of the mediators, nature of dispute and mediation strategies, as aggregate categories. When we look at the detailed picture, however, we also conclude that in post-conflict environments mediators' strategic preference also determine their selection of the issues, the parties and frequencies and types of the meetings organized.

The EU/U.S. tried to mediate between democratically elected political parties, which based most of their programs on the protection of interests of their respective ethnicities. Similarly, Turkey's mediation focused on the countries of Serbia, Croatia and Bosnia, again accountable to domestic audiences. In both cases, the power difference between the negotiating parties was small. In the EU/U.S. mediation, the constitution that came out of the Dayton Accord introduced a political map where no single ethnic power would dominate national, legal or political structures. In the Turkish mediation, the power difference between conflicting parties was also small. Still, Bosnia-Herzegovina remained slightly weaker due to the lack of a consolidated state structure, poor economy and an outdated infrastructure. Croatia, on the other hand, was slightly stronger thanks to its membership in NATO, its candidacy to the EU, and most importantly, its progress in managing its own post-conflict issues. Thirdly, in both cases the relations between parties were at a stalemate.

Both mediations started in October 2009, as post-conflict efforts, and passed through several phases. Both attempts were initiated at times of political impasse; the EU/U.S. mediation took place just before the electoral campaigns in which parties were actually consolidating their nationalistic positions to increase the support for their electorate rather than reevaluating their policies in order to create space for compromise. Similarly, the Turkish effort was undertaken at a time when continuous debates on constitutional reforms had brought the country to a stalemate. While peace was threatened by such political deadlock, both mediators aimed to ensure state sovereignty and territorial integrity threatened by political deadlock. The two mediators were perceived as partial mediators by the conflicting parties. As brokers of the 1995 Dayton agreement, the EU and the U.S. had employed pressing strategies –mostly geared against the Serbians- to end the violence in the region. Similarly, Turkey had strenuous relations with Serbia and Croatia during the Bosnian conflict.

A major difference, however, was on the strategies employed by the mediators. To change the positions of conflicting parties, the EU/US employed pressing tactics and relied on issuing threats and offering long term incentives. Turkey, however, got engaged in trust-building and cooperative engagements. The EU/US mediation initiative was led by a structural intervention strategy on substantive issues such as constitutional reforms and the closure of OHR. The mediators offered a constitutional reform package to the negotiating parties which called for the establishment of a centralized state system as a precondition for the closure of OHR, which has also been set as a precondition for BiH accession to the European Union. Lastly, it offered a "quick fix" solution to the parties by giving a sense of emergency to the situation and suggesting coercive means to change the current political structure.

While such an interventionist approach by the EU/U.S. had worked towards the conclusion of the Dayton agreement to end the acute conflict in Bosnia, it was unable to address political and relational concerns of conflicting parties towards a permanent solution in Bosnia. A number of reasons led to the failure of the EU/U.S. process. First, and most importantly, without trust and a working relationship among them, the conflicting parties mostly adopted an all-or-nothing approach against the EU/US mediation attempts. The exogenous nature of Western demands, especially regarding how centralized the BiH should be, jeopardized the political well-being of the ethnically based Bosnian parties. In a party system that is "well-consolidated and competitive," but nevertheless is "still largely based on ethnicity" (Hulsey 2010: 1138), compliance with such an exogenously imposed polity design could also easily delegitimize these parties or simply relegate them to an electorally inconsequential position. On a related note, the sticks the Western mediators threatened with unless their quick fix offer was accepted were not perceived as credible. To illustrate, the conflicting parties believed that NATO would keep Balkans under its security umbrella regardless of the outcome of negotiations. Similarly, many of these sticks emanated from powers vested in the OHR, the efficacy and future of which was already questionable at the time. Furthermore, as the U.S. distanced itself from the conflict and transferred responsibility to the EU (Woehrel, 2012), the EU could not decide how to formulate its response to the exacerbating deadlock in Bosnia. For instance, Chivvis (2010: 108) pointed out to the mismatch between the strategy the EU has employed, and its forte as a mediator by stating that "[w]hile the European Union has shown that its accession process has attractive power that can be very effective at fostering long-term change, it is much less well equipped with the hard power necessary to coerce adversaries into line." Indeed, the International Crisis Group (2009: 4-5) also noted the difficulty of obtaining "a far-reaching deal" within the operational framework of

the EU/US mediation, as "an atmosphere of confusion … encouraged the intransigent to hold out for better deals."

In contrast with the EU/U.S. efforts, Turkey worked through a relational strategy by facilitating the meetings and building confidence measures through consultative mechanisms. This relational approach was demonstrated through the formation of two separate trilateral mechanisms among Turkey-BiH –Serbia and Turkey- BiH – Croatia. In addition, Turkey applied a participatory approach in solving the victims of war issue which ended up with a parliamentary resolution from the Serbian side apologizing for the massacre. This apology from the Serbian state stands in stark contrast with Republika Srpska's leader Dodik' stance, who "has yet to acknowledge Serb responsibility for the war" (Chivvis, 2010: 102). Turkish officials expressed that they helped the parties in only reaching an understanding over the content of the apology as any pressure from a foreign country would not certainly work. Therefore this study showed, relational mediation produced a more successful outcome than structural mediation in a post-conflict setting.

6. CONCLUSION

Our findings support the claims of Beardsley et al. (2006) and Bercovitch and Gartner (2006) on the effectiveness of the relational mediation in reducing post crisis tensions and allow us to make further qualifications on post-conflict mediation. Our conclusions are based on the observation that while the EU/U.S. relied on pressing tactics in delivering the Dayton agreement (Beriker, 1995), a similar mediation strategy in post-conflict Bosnia by the same actors failed. In contrast, a coterminous attempt by Turkey in the region was successful due to its facilitative tactics.

Following the logic of contingency approach to third party intervention (Fisher and Keashly, 1991), we claim that the type and style of third party involvements should depend upon the nature of conflict and the context within which it occurs, both in conflict and post-conflict episodes. Taking this general picture as a basis, we argue that political dynamics in post-conflict settings differ from those in acute conflict in five main points. First, following Millar's (2012) argument, we posit that national, religious or ethnic differences per se lose salience in post-conflict episodes. Rather, "[e]nduring uncertainties regarding the country's political and economic future allow parties to perpetuate and exploit ethnically defined security dilemmas" (Manning, 2004: 69-70). Such uncertainty, combined with the absence of transparency and accountability, may make political representatives resistant to change. The preferences of outside actors in this new web of relationships could further complicate the picture.

Second, a post-conflict environment carries considerable emotional baggage for the conflicting parties and their representatives accumulated during the acute stage of the conflict. Peace treaties are generally designed to achieve negotiated settlements of the disputes; they rarely address intangible issues that are crucial in the achievement of sustainable long-term solutions (Burton, 1990). Un-dealt trust and justice issues can become important impediments in the achievement of post-conflict peace. Such issues could also be used by the politicians to get support from their audience; often tempting these leaders "to play the ethnic card" (Reilly, 2006).

Third, the political setup within which conflicting parties bargain also differs significantly among conflict and post-conflict settings. Institution building, consolidation, and an arduous process of domestic bickering among factions mark the political environment in post-conflict polities. Having carried most (if not all) of their conflicts to non-violent platforms, domestic parties now operate on a longer time-horizon. Absent immediate security threats, parties no longer discount time as heavily. These parties have an incentive to hold out longer for concessions since an ensuing delay does not impose unbearable human and/or pecuniary costs on them. That the political institutions are nascent further motivate these parties to dig in their heels with the understanding that small political gains during these institutions' formation can translate into substantial positional advantages in the future. Therefore, each constitutional amendment may become a serious struggle on its own. In a similar fashion, while terminating acute crises may necessitate whole cities to change hands between conflicting parties, once a post-conflict situation is reached, relatively unimportant pieces of land may prove to be significant impediments towards a longer-term settlement. To illustrate, numerous pieces of land, many of which were uninhabited, became serious issues of contention in Cyprus as the Annan plan was being drawn towards a long-term solution. Similarly,"[d]espite its tiny size and lack of any apparent strategic or economic value," the village of Badme on the Eritrean-Ethiopian border has stirred nationalist feelings on both sides of the border, and took on "great symbolic significance," thus acting as a significant impediment towards a permanent peace settlement between the two parties (Pratt, 2006: 330).

Fourth, outside actors, who are coalition partners to one of the conflicting parties, continue to influence political dynamics and processes within the newly established political entities. Very often outside actors offer support to their protégées in this post-conflict environment, and exert influence on post-conflict redistribution negotiations that carry the potential to shape the future of these outside actors' allies.

Lastly, gaining legitimacy, both domestically and internationally, becomes an important goal for domestic political leaders in post-conflict settings. Preserving and enhancing local power

status while getting acceptance by the international community becomes a major dilemma for these leaders. These leaders will be sensitive to power based interventions conducted by the outsiders. Any settlement in this phase should enhance the representatives' status in the eye of domestic and international constituents. Styles that foster communication, trust and face saving options will be more valuable compared to the approaches perceived as intrusion and manipulation by outsiders.

Another contribution of our research is the introduction of "structural intervention" as a specific form of mediation in post-conflict settings, as opposed pressing and relation mediation styles. The selection of a mediation strategy has a binding effect on the selection of the issues, parties and format of the talks. This difference is more obvious between structural mediation and others. While structural intervention aims to solve concrete issues with almost predetermined steps, relational mediation offers flexible and creative approaches in issue selection and process design. Similarly, the nature of the incentives offered by the mediators in both strategies differs. In structural intervention mediator commit long-term resources to reciprocate concessions given by the conflicting parties. In the latter, however, rewards are concrete and quick.

A thorough and systematic empirical analysis on the impact of the above mentioned political dynamics on the selection of mediation strategies could be an interesting study for future research. Similarly, we observe that the existing datasets (and especially the DeRouen & Bercovitch dataset) do not distinguish between conflict and post-conflict episodes. As a matter of fact, the operationalization of 'post-conflict' episodes versus 'conflict' episodes in quantitative research has not been sufficiently addressed by scholars. Generation of a post-conflict dataset could be a valuable contribution in the systematic study of post-conflict mediation. Our study supports Wallensteen and Svensson's (2014) claim on the hybrid nature of the strategies. Systematic studies conducted in the qualitative tradition, offer rich insights on the complexity of theses categories and introduce additional typologies. The large-N tradition could benefit from this literature, to further nuance their classical categorization (directive, procedural, communication) and effectively operationalize the concept of post-conflict, in their efforts to achieve more refined and robust causal conclusions. Lastly, Gartner's (2014) discussion on the direct and indirect effects of the mediation strategies could be an interesting research area to be conducted in post-conflict mediation settings.

As per policy implications, our study does not necessarily suggest that one mediation strategy is better than the other. On the contrary, we highlight the complementarities of different approaches where structural and relational styles should be considered in conjuncture with each other. In doing so, policy makers should also realize the differences in the challenges acute

conflict and post-conflict episodes pose. Another interesting policy-related side note that emanates from our study suggests that relational mediation has mostly been confined to Track 2 efforts in post-conflict environments, as the case of Cyprus evinces (see Fisher, 2001, for an elaborate list of mediation attempts in Cyprus leading to the Annan Plan). While some of these efforts may have delivered concrete results, the lack of resources and long-term commitment capabilities Track 2 players may suffer from notably limit the extent to which such players can play a key-role (as opposed to a supporting one) in post-conflict settings. Our analysis suggests that relational mediation via Track 1 mediators, on the other hand, can render significant leverage towards the solution of a post-conflict stalemate.

Finally, in post-conflict environments, we argue that mediators' previous record of strategic preference could have an impact on their later preferences. Parties that broker peace agreements through pressing strategies may have the tendency of dealing with the remaining issues by engaging in similar high level strategies such as structural intervention, ignoring the relational aspects of the issues. As we suggest that mediators should be aware of the risk of path dependency in selecting a strategy for a fresh intervention. As such, schemes of division of labor or collaboration among potential mediators should be further considered.

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