



Just Peace Postponed: Unending peace processes & frozen conflicts

By Karin Aggestam & Annika Björkdahl

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Editorial Team

Karin Aggestam and Annika Björkdahl,
Lund University

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1. Introduction*

The post-cold war years have witnessed a steady proliferation of internationally sponsored peace processes and mediated peace accords aimed at ending violent conflicts. Yet, the transition from war to peace is a highly complex process, characterised by great risks involved. It entails a transition of turning warriors into peacemakers and transforming a culture of conflict to one of negotiation and peace. The peace processes that follow peace accords are often challenged by continuation of tensions, spoiling behaviour and risks of relapsing into conflict. Furthermore, many conflicts are characterised by a high degree of structural asymmetry of power, which produces uncertainties of the outcomes of an agreement. Hence, insecurity usually continues to be a major concern among the parties also in the post-agreement phase and becomes particularly troublesome if it is accompanied with violence. As John Darby (2001: 52-53) underlines, any violence during a peace process may be interpreted as a confirmation that the transition has failed. This is further exacerbated if the political leaders' are evasive in public about the direction and end game of the peace process. Frequently, elite negotiated agreement fails to meet the expectations of ordinary people, which instead come to experience an imperfect peace (Bell & O'Rourke 2007). Hence, it may spread disillusionment, dissatisfaction, fear and insecurity among ordinary people, which ultimately may undermine peace constituencies. Prolonged peace processes are characterised by their failure to realise the peace on the ground. In its place we see a virtual peace often being built in a virtual state (Richmond 2008). Hence, frozen conflicts are often the results of peace processes that fail to address the root causes of conflict and the underlying interests of the parties (Perry 2009). As a consequence, the peace process may run high risk of ending in deadlock and freezing the conflict.

In this paper, we adopt a perspective that emphasises the continuities rather than the discontinuities between war and peace. Frozen conflicts and unending peace processes are two key concepts used to describe why transition from war to peace at times are stalled in the search for a just peace. A frozen conflict is here understood as a conflict in which the direct and immediate physical violence may have decreased. Yet, the root causes of the dispute and the underlying interests of the conflicting parties have neither been addressed nor abated. Such a conflict, which lacks an unambiguous ending, continues to have a negative impact in peacetime politics (c.f. Perry 2009). A frozen conflict is not a static situation, but characterised by continued negotiations, revisions of the peace accord, and

* About the authors: Karin Aggestam is Associate Professor and Director for Peace and Conflict Studies at the Department of Political Science, Lund University. Annika Björkdahl is Associate Professor at Department of Political Science, Lund University.

incremental reforms, which assist in averting the escalation of the conflict. At times a frozen conflict is held in place by the presence of outside actors keeping the peace but not resolving the conflict.

In this paper, peace processes include both the processes towards an aspired outcome and actual outcome. Hence, such processes include both the actual peace negotiations to end violence and the post-agreement phase where the accord is implemented and peace is realised on the ground. These peace processes continue over extensive periods of time and are characterised by cyclical phases of progress, deadlocks and impasses. If a peace agreement eventually is reached during the prolonged peace process, the challenge of implementation remains. Detrimental sticking points rather than favourable turning points illustrate what may become protracted processes (Ramsbothan et al 2005: 172). Hence, the characteristics of frozen conflicts share certain elements with protracted conflicts. During these peace processes, the parties often fail to construct a shared understanding of peace and consequently lack of a common vision of the end goals of the peace process. These unending peace processes are also set apart by the constant challenge of peace spoilers, which persistently threaten and interrupt with violent acts.

Recognising the limited knowledge and insights to the complex dynamics, more systematic studies over time are needed. In this paper, we draw upon the vast research in the fields of peace negotiation and critical peacebuilding for the purpose to explore the international and local dynamics, which create prolonged peace processes and frozen conflict. We delineate three analytical cuts, which are used as a framework for a comparative empirical analysis: (1) comprehensive and gradual approaches (2) peace gaps and spoiling and (3) liberal peace and virtual realities.

The cases selected to empirically illuminate these complex and unending peace processes are taken from Israel-Palestine and Bosnia-Herzegovina. Despite their differences in contexts, it is striking how many features these two peace processes share when focusing on their outcomes. Hence, by drawing upon the empirical richness in each case we believe that such an approach may generate insights beyond the unique case and to theory building on peace processes.

2. Comprehensive and gradual peace processes

Peace agreements vary in the degree of detail they contain. They also vary as to whether conflicts over sovereignty, statehood, and identity are completely resolved, partially resolved and partially postponed. The comprehensive approach to peace making involves pushing the parties to the conflict towards reaching a broad yet often thorny compromise where nothing is agreed until all is agreed. Today, international standards have begun to normatively address and regulate peace agreements, both the processes through which they are negotiated and their substance (Bell 2006). Comprehensive peace accords typically aim to establish or extend a ceasefire by providing framework for governance designed to address the root causes of the conflict and thus to halt the violence more permanent (Bell 2006). This involves establishing new political and legal structures, through some form of a constitutional framework or “power map” for the state. Such peace accords generally comprise what has been referred to as a new social contract to the shape the post-war order (Cousens & Kumar 2001). Ackerman (1992) has termed this a “constitutional moment” where the bodies of government and key legal institutions aimed at addressing the state’s internal and external legitimacy are set out. Hence, the expectations of the peace are often times high. The peace is supposed to right wrongs, contain a new social contract and appropriate institutions. Securing a comprehensive and just peace will therefore need to rest on consensuality, negotiations and compromise in judging the justice of the peace. Post-war moments are often fraught and contested. The legitimation of the peace under such circumstances is “less often a dogmatic judgement than a question of choosing the lesser evil” according to Prins (2007: 236).

In contrast to the comprehensive approach, the basic assumption of gradualism and a step-by-step approach is that sustainable peace agreements may only develop over time by sequencing peacemaking. Due to the immense complexity in several contemporary conflicts and the deep mistrust held between adversaries it is assumed that small and incremental steps are more efficient and less controversial than trying to resolve the core issues of conflict. The gradual approach may also reduce the risk of conflict escalation. By small steps, which are implemented and turned into “realities,” trust may be built between the parties that may transform core conflicting issues more tractable. Despite the inherently cautious approach, it contains a number of weaknesses. First, in asymmetrical conflicts there are great risks that stronger parties may use manipulation to favour their positions. Second, the slow tempo of negotiations provides spoilers with time and great opportunities to derail the peace process. Finally, domestic constituencies often assume tangible results, but with slow and incremental changes in combination with the persistence of violence, pro-peace camps may wane (Weiss 2003:109-112; Kelman 1998).

2.1. The principle of gradualism in practice

From the start of the Middle East Peace Process (MEPP), the principle of gradualism was endorsed. A step-by-step approach, which in some contexts may be seen as a constructive way of conducting negotiations in this case turned destructive and reinforced uncertainties about the outcomes of the peace process. The Israeli leadership continued for several years after the mutual recognition in 1993 to be evasive on issues such as occupation, Jewish settlements and a Palestinian state, which did not only cause frustration on the Palestinian side, but great confusion among the Israeli publics as well. For instance, what did it imply to choose the word "redeployment" rather than "territorial withdrawal" in an agreement? Also the Israeli Labour party first abandoned its rejection of a Palestinian state in the party program in the upcoming elections in 1996. Yet, it took another six years of the UN Security Council to endorse a two-state-solution in resolution 1397, which can be compared with the European Union who endorsed it already in 1999 (Persson 2010: 13).

The principle of gradualism exacerbating an already precarious transition process characterised by existential insecurity (Grosbard 2003; Sucharov 2005). Instead of moving forward in steps, the peace negotiations resulted in status quo diplomacy, which was condoned to a large extent by the international community. It meant a peace process, which focused on stabilising the status quo rather than achieving a more comprehensive settlement. The major and prioritised concern was to keep the negotiations on track, despite the lack of direction and with the continuation of occupation. These negotiation strategies, combined with enormous political, military and economic asymmetry between the Israeli and Palestinian side, were highly damaging since it consolidated rather than removed the barriers to peace. As Daniel Kurtzer and Scott Lasensky (2008: 67) underline "the net impact of our (US) economic assistance too often has been to subsidize the status quo." As the Israelis and Palestinians were reluctant partners to the peace process, mediators, third parties and donors came to play a decisive role in their ambition to affect the parties' incentives to continue the negotiations. For instance, Arafat's autocratic leadership was partly tolerated due to the priority of security issues rather than democratic concerns (Brynen 2008)

Status quo diplomacy is particularly troublesome in asymmetrical conflict since it tend to reinforce rather than weaken asymmetry and freeze the root causes of conflict. At the same time, it is difficult for third parties to intervene in an asymmetrical conflict as the stronger party tend to stipulate the rules of negotiations as well as persist with unilateral strategies. One recurring problem during the peace process was that Israel as the stronger party changed the rules of the negotiations on several occasions. An important lesson learned from this is that third parties may play a vital role not only in monitoring compliance with signed agreements, but also to enforce compliance, responsibility and accountability.

To keep the negotiations on track the diplomatic principle of "constructive ambiguity" was used in order to overcome disagreements. Yet, these ambiguities turned in to a quest of interpreting and re-interpreting previous signed

agreements, which in the end were never fully implemented. Moreover, the prioritised ambition to keep momentum in the negotiation process created a "false sense of normalcy," which inhibited criticism by third parties concerning the parties' lack of compliance of agreements. Also the previously united international stance against building Jewish settlements in the occupied territories began to evaporate and slowly the terminology changed from occupied territories to disputed territories, and Jewish settlements in East Jerusalem to Jewish neighbourhoods. Particularly, the American mediators were frequently inattentive to the Palestinian sense of weakness, whereas they repeatedly reassured the Israelis of America's interest to keep Israel strong and secure. Kurtzer and Lasensky (2008: 4) concludes that this "reveals an alarming pattern of mismanaged diplomacy ... Flaws in US diplomacy stretching back to the Clinton administration have contributed to the worst crisis in the Arab-Israeli relations in a generation."

The breakdown of the negotiations highlights several weaknesses and problems inherent in the peace process (Rothstein et al 2002; Said 2000). The DOP does not constitute a peace agreement, but was originally intended to constitute a first building block of a comprehensive peace accord. The idea of an interim period of five years was that confidence and trust would be built, which in turn would enhance the prospects for resolving the hard-core issues on Jerusalem, Jewish settlements, Palestinian refugees, final status and borders. The final status negotiations should have resolved these issues and concluded an agreement in May 1999. At that time, however, the parties had failed to implement several agreements, most important Oslo II, which stipulates extensive Israeli territorial withdrawal. With the breakdown of the negotiation process, the interim period reached a precarious end without any new agreed-upon arrangements. Moreover, the parties lacked an agreed "road map," which would stipulate a general direction and purpose of the peace process. The "road map" for the Palestinians has been one urgent and persistent aspiration and expectation throughout the peace process to establish a Palestinian state in the West Bank and the Gaza Strip with East Jerusalem as the capital. Their basic assumption about the interim period was that Israel should withdraw from all the territories, except Jerusalem, Jewish settlements and military bases but feared that the interim period would stay interim (Queri 2006).

With the collapse of the peace process and growing international concerns of the violent escalation between Israel and the Palestinian Authority (PA), a Quartet consisting of the US, EU, Russia and UN was formed. Based on the lesson learned from the MEPP, a "road map" was promoted in 2002. The peace plan calls for an independent and democratic Palestinian state besides a secure state of Israel, which will be realised in three phases including Palestinian democratic reforms, cessation of violence and settlement activities. The road map was an attempt to promote a goal- and performance-driven sequencing of the peace process, but it failed to convince the Israeli government headed by Ariel Sharon who presented a long list of prerequisites for negotiations to be resumed. Despite the current efforts by the Obama administration to resume the peace process it has yet to achieve the parties' acceptance of the basic parameters of restarting the negotiation process, such as freezing Jewish settlements in the occupied territories and East Jerusalem.

2.2. A comprehensive peace agreement

The Dayton Peace Accords (DPA) is a comprehensive, framework agreement with a number of details and provisions. After the 1992-1995 secessionist wars in the western Balkans a fragile peace was negotiated at the US air force base in Dayton Ohio and signed in Paris 14 December 1995. At Dayton, the parties committed themselves to the terms of a compromise that deeply dissatisfied everyone, but that was sufficiently ambiguous for all sides to believe it could be used for their respective purposes during implementation. The main objectives of the Dayton Peace Accord were to: 1) create new multi-ethnic and democratic institutions to ensure respect for fundamental human rights and freedoms and the rule of law; 2) provide for post-conflict reconstruction towards sustainable peace; 3) prevent the recurrence of the conflict or its potential spill-over in the region. The ten articles, 11 annexes and 102 maps comprising the Dayton Peace Accords made it a comprehensive treaty, which set the foundation for the newly independent Bosnia-Herzegovina (Dayton Peace Accords 1995). The Constitution of Bosnia and Herzegovina was adopted as an Annex to the Dayton Peace Accords (Annex IV of the DPA) and it has guided the peace- and state-building efforts. As a political-legal act, it determines the organisation of the State and the basic human and citizen rights, which is the legal basis for all laws.

Despite its scope and depth, the DPA was not believed to "constitute a just peace" (New statesman & society 1995). The poor quality of the Dayton Peace Agreement is not atypical of negotiated settlements though it was "a particularly thorny example: ambiguous, at times contradictory, comprehensive in some respects, while incomplete in others" (Cousens 2001: 114). The chief US negotiator, Ambassador Richard Holbrooke, admits that, though many thought they were overly ambitious in outlining the foundation of a democratic and multiethnic Bosnian state in the DPA his "main regret is that we did not attempt more." (Holbrooke 1998: 223). However, already at the time of the signing pessimistic voices predicted "it will be no wonder if the Dayton agreement breaks down sooner rather than later because of its injustice to the Bosnian cause" (New statesman & society 1995: 6).

Although being a comprehensive peace agreement in terms of its provisions and details, it was not comprehensive in terms of participation. Access to the negotiations leading up to the agreement was restricted. The shuttle diplomacy by US Ambassador Richard Holbrooke aimed at reaching a compromise between the political leaders of Bosnia, Croatia and Serbia prioritised "the signing of an agreement among the main war makers" according to Belloni (2001:168). During the talks that preceded the Dayton peace conference, Holbrooke's main focus was on the actors that directly controlled the means of violence. This state-centric view of war and ending war meant that some of the parties to the conflict lacked representation at the table. Alija Izetbegovic represented the Bosniaks, but the Bosnian-Serbs and the Bosnian-Croats were excluded, and represented by Serbian President Slobodan Milosevic and Croatian President Franjo Tudjman, although the DPA did not extend beyond Bosnia-Herzegovina to Croatia and Federal Republic of Yugoslavia. At Dayton, state-centrism and elite focus and lack of broad participation reflected the power asymmetries that characterised the relationship

between the international, regional, national and local levels during the negotiations. At the time of the agreement critics argued that "the Bosnia peace agreement initialled by the presidents of Bosnia, Croatia and Serbia ... after three weeks of gruelling secret negotiations, is a shabby compromise" (New statesman & society 1995). However, the Bosnian president Alija Izetbegovic claimed, the peace is "more just than continuing the war" and "a better peace could not have been obtained" (cited in New statesman & society 1995: 5).

The American and European ambition to end the war in Bosnia- Herzegovina meant that intense pressure was applied on the parties to the conflict and their delegates at Dayton to produce a treaty. The resulting Dayton Peace Accords were acclaimed as the framework for a comprehensive settlement of the conflict in Bosnia. The haste to reach an agreement meant that many details had to be overlooked. One effect was that long-term planning was sacrificed for short-term results. The insistence on promptly reaching a negotiated outcome simply meant that some difficult issues were postponed and these problems remained to obstruct and delay the implementation of the Accords. On the other hand, the DPA stopped the war and the killing, which no doubt was an important achievement. It is not suggested that this comprehensive approach to peace-making is insufficient or impossible to implement, rather that a comprehensive framework agreement needs to allow for revisions as obstacles emerge in the peace implementation phase.

One lesson learned from the DPA is that writing a comprehensive peace agreement intended to last seems to be a mistake. Peace accords born out of urgency and pragmatism needs to be revisited and adapted to post-war realities in order not to become an obstacle to a self-sustainable peace. The DPA is a case in point highlighting the dilemma between expedience and durability of peace agreements. To facilitate reforming certain aspects of the peace accords without necessarily opening up the entire accord, there is a need for a rendez-vous clauses, so that the parties to the agreement can revisit it and alter it to new circumstances (Aggestam & Björkdahl 2010). Throughout the post-Dayton period, international agencies, think tanks and donors have presented various reform proposals that more or less endorse the main elements of the Dayton compromise, such as a common state, constitutional protection for the three constitutive ethnic groups and extensive individual human rights provisions. Noticeably absent from the discussion are realistic articulations of Bosnians' own views (Belloni 2009: 368).

3. Peace gaps and spoiling

As peace negotiations often revolve around thorny issues of security, territory, sovereignty and self-determination, they are inclined to be elite-based. As a consequence, many peace processes are conducted in secret to avoid public pressure and international media attention. However, complex transition from war to peace requires a fine balancing act of politics and negotiation. It is not an easy task for political leaders to transform their rhetoric of war to one of negotiation and compromise. As a consequence, many political leaders are often accused of cowardice and treachery when shifting path from war to peace. This is the reason why secret peace negotiations may be sought at times to avoid arousing public anxiety, despite the fact that secrecy is seen as democratically offensive. Out of fear, political leaders may talk peace in private and but still war in public (Stedman 1996: 350).

Yet, the way negotiations are conducted have implications on how just the peace process is perceived by the domestic constituencies. As a transition from war to peace includes a reassessment of basic attitudes and values, political leaders need to obtain a national consensus and legitimacy from a considerable part of the domestic public in order to negotiate a conflict settlement (Bar-Siman-Tov 1994). Hence, the presence and engagement of peace constituencies is critically important to any sustainable peace agreement. As Wanis-St John (2008:3) underlines, we need much more systematic studies of peace processes that focuses on the interrelationship between elites conducting negotiations, parties sidelined by those negotiations and civil society as well as the dynamic engagement of the international community. Moreover, depending on how active or passive war and peace constituencies are they will determine the effects of spoiling activities.

The sheer fact of being excluded from the negotiations may generate opposition. If the negotiations are framed among a wider public as elitist, exclusive and unjust, the negotiation process may be exposed to spoiling behaviour and thus jeopardise concession making (Aggestam 2006). Hence, to limit the number of parties to the process involve difficult trade-offs concerning public support and mobilisation for peace, which may have consequences for the implementation of a peace agreement. There is a growing recognition of the necessity to have most of the warring parties represented at the negotiation table (Hampson 1996). John Darby (2001:118-119) argues for a "sufficient inclusion," which includes those with power to bring the peace process down by violence, such as militant organisations. As Andrew Kydd and Barbara Walter (2002: 264) underlines, "extremists are surprisingly successful in bringing down peace processes if they so desire." For instance, only twenty five percent of signed peace accords in civil wars between 1988 and 1998 were implemented due to violence taking place during negotiations. Without any violence, sixty percent of the peace agreements were

implemented (Kydd & Walter, 2002: 264). As a consequence, these groups who attempt to spoil the peace process become veto-holders (Darby 2001:118). Their power also increases when political leaders with dubious objectives publicly declare not to negotiate and make concessions under fire. Consequently, the negotiating parties become hostages to these groups who use violence to determine the pace and direction of the peace process

According to Robert Mac Ginty (2006), the disjuncture between the elite negotiated agreement and the popular experience of peace may lead to disillusionment, dissatisfaction and eventually a failed peace. Peace agreements need an honest “buy in” from both elites and non-elites if they are to succeed. To address this peace gap, many internationally sponsored peace accords stipulates holding democratic elections to anchor the elite negotiated peace accord among the citizens and broaden the pro-peace constituency. Elections are the conventional tool to ensure some kind of public participation in the peace efforts. To hold elections is a preferred strategy to boost legitimacy of the peace accord. Hence, elections are often held at an early stage. Holding early elections might also be an attempt of demilitarisation to transform rebel groups into political parties and maintain peace (Stedman et al, 2001). These elections most often are supervised and monitored by international actors who pass judgement if they are fair. Yet, as Roland Paris (2004: 160-65) underlines there are great risks to hold premature elections as they tend to generate counterproductive results, such as ethnically based party systems, polarisation of the electorate, and large-scale violence. Elections provide opportunities for political leaders to portray themselves as democrats. There may for example be politicians who adopt democratic language and symbols rhetorically and use their newly gained platform as elected leaders as a way to undermine the transition towards peace and democracy. Thus, the experience of democratic rhetoric and repressive rule may result in widespread resentment of the idea of democracy.

3.1. Divided peace and the problem of spoiling

Political leaders obviously play a critical role by guiding and injecting certainty and trust in the peace process, while at the same time including and engaging with civil society through various types of peace discourses. However, almost in every biography that has been written by Israelis and Palestinians leaders and senior negotiators, they reflect on the peace gaps and failure to engage and mobilise more actively peace constituencies (Qurie 2006; Savir 2008) After the signing of the Declaration of Principles (DOP) in 1993, Israelis expected as one overriding concern that the peace negotiations would lead to increased personal security, an end to the Palestinian intifada and thus a cessation of violence. However, what the Israelis came to experience was the reverse. In less than a year, Hamas escalated its struggle against Israel by intensifying terror campaigns with suicide attacks on public transportation inside Israel (Grosbard 2003). Likewise, the Palestinians expected that one of the outcomes of the DOP was an end to occupation. However, contrary to what many Palestinians originally assumed, the evolving peace process resulted in collective punishments, restrictions in mobility, unemployment, socio-

economic decline, fragmentation of politics, and an evaporating civil society (Said 2000; Roy 2007).

One of the major challenges during the peace process has been how to manage spoilers, that is, groups who actively and often violently opposed the negotiations. Their power and "effectiveness" is based on their successful use of framing worse case scenarios of the peace process, which have reinforced the existential insecurity among Israelis and Palestinians. The power of these groups has been enhanced by the characteristics of a negotiation process, which allows the parties to keep all options open. Consequently, this has provided great space for the opposition to play out worst-case scenarios. Also the indecisiveness of the political leaders on both sides to engage and guide their domestic publics together with elite-based negotiations proved fatal for the peace process. From the start, there were fierce reactions on the Israeli side by groups framing the Declaration of Principles as a national disaster and thus accusing the Israeli leaders for treason (one contributing factor to the assassination of the Israeli Prime Minister in 1995). As a consequence, the spoilers on both sides formed a tacit alliance and became the veto-holders of the negotiation process, determining its pace and direction (Aggestam & Jönsson 1997).

On the Palestinian side, opposition was growing against Arafat and the PA, which was viewed as providing too many concessions to Israel. The MEPP was seen as excluding the Palestinian Diaspora, and accepting a partial solution, which meant giving up Palestinian national interests without the consent of the majority of the Palestinian people (Said 2000). The Islamic groups rejected the agreements outright on doctrinal grounds, since they included an acceptance of Israel and accused Arafat of being a traitor who has abandoned Palestinian national interests (Gunning 2008). Moreover, the Fatah-led Palestinian Authority was increasingly viewed as corrupt, having abandoned Palestinian rights and resistance. In parallel, there was widespread concern about PLO's commitment to support democracy, civil society, and objections to Arafat's autocratic leadership as well as PLO's ability to transform from running a revolution to state-building (Brown 2003).

Contrary to the general assumption that elections may boost legitimacy to peace processes, both Israeli and Palestinian election results reflected a growing resentment of the MEPP. On the Israeli side the changing political leaders led to a constant revision of the rules of the game of negotiation. During the Rabin-Peres era the step-by-step approach was favoured. In 1996, Benjamin Netanyahu, a strong critic of the peace process and of the recognition of the PLO, gained power on the slogan "peace with security." With the escalation of terror attacks in Israel, this slogan resounded well with the Israeli constituency. The Israeli elections in 1999 shifted the rules of the negotiation game yet again. A new Israeli government rose to power under the leadership of Ehud Barak, which brought hopes about a revival of the peace process. Yet, Barak was a fierce critic of the step-by-step approach and therefore reluctant to implement the Israeli military redeployments as stated in *Oslo II* from 1995. Instead Barak suggested and succeeded to persuade the Palestinians and the Americans to go directly towards permanent status negotiations in order to resolve all outstanding issues and declare an end to the Israeli-Palestinian conflict. The high-level Camp David summit resulted in failure and the legacy is still vividly remembered in the Israeli society where many share

the view that there is no partner to negotiate peace with. This is also one of the reasons why the Israeli public has turned more to the right preferring unilateralism, a policy installed by then Israeli premier Ariel Sharon and practiced by the construction of the security wall/fence and the territorial withdrawal from the Gaza Strip (Makovsky 2005; Kershner 2005). The present Israeli foreign minister, Avigdor Lieberman, has also denounced the idea of achieving peace with the Palestinians in the coming decade (*Haaretz* 11 October 2010).

On the Palestinian side, parliamentary and presidential elections were held for the first time in 1996 as part of the efforts to enhance the legitimacy of the Palestinian Authority, led by Yasir Arafat and his dominating faction al-Fatah, and the peace process in general. The international community has encouraged and assisted the Palestinians who still live under occupation to hold elections despite the precarious and fragile transition phase. The elections have generally been recognised as free and fair by international observers. However, over time the democratic experience turned to be a painful exercise for the Palestinians. The election results have sparked diplomatic isolation, increased political fragmentation, violent competition among Palestinian factions and ultimately contributed to the collapse of the MEPP. As Jeremy Jones (2007: 62) underlines, "to insist on self-determination as an absolute value (democracy) while denying self-determination to a whole people (the Palestinians) is widely regarded in the region as either a profound self-contradiction or the most naked hypocrisy."

Over time the ruling party of al-Fatah turned widely unpopular among the Palestinians since it became associated with the failure of the Palestinian Authority to deliver any economic and political gains from the MEPP. Furthermore, Arafat and his cronies in the PA were tainted by allegations of corruption and paternalism while the Hamas were viewed as a "clean" alternative guided by Islamic principles of honesty, integrity and welfare concerns for the Palestinian local communities (Gunning 2008; Tamimi 2007). Despite indications of the growing popularity of the Hamas, the victory in the elections to the Palestinian Legislative Council in 2006 exceeded all expectations. The explanations to this landslide victory were manifold, such as protest voting to punish al-Fatah and a rejection of the peace process, which has aggravated the Palestinian suffering. The election results caused an immediate crisis of how to form a viable Palestinian government led by the winning party Hamas, since the movement rejects the state of Israel and previous signed agreements between the PA and Israel. After violent escalation between Hamas and Fatah-affiliated groups and by intense mediation by Qatar, Egypt and Saudi Arabia, a national unity government was formed (to the dislike of the US) in March 2006. However, the national unity government was short-lived and within a few months inter-Palestinian violence flared up again in the Gaza Strip. In less than five days, Hamas took control over the strip and soon after the Palestinian president Mahmoud Abbas formed a technocratic government headed by the previous finance minister Salam Fayyad. The Palestinian divide between the West Bank and the Gaza Strip was thereby segmented (Tamimi 2007: 246-64). The Palestinians have faced the tremendous challenge of trying to pursue democratic politics while under occupation. However, as Jeremy Jones (2008: 80) underlines the costs have been high for balancing between preserving pluralism and national unity, which is essential as long as the occupation continues.

3.2. Peace gaps and realising peace

Peace gaps between the peace constructed by elite negotiators and the needs of the populations are common in many post-peace accord societies. The US mediator Holbrooke's strategy effectively "excluded civil society actors in the name of elite compromise and secrecy" (Belloni 2001: 163-180). As in many peace negotiations, there was a trade off between efficiency and legitimacy in the Dayton peace negotiations (Belloni 2001). Often effective negotiations must limit the number of participants in order to reach an agreement. Including civic groups and domestic peace constituencies may on the other hand increase the legitimacy of the peace agreement and facilitate its implementation.

To overcome the peace gap, the DPA, as many internationally sponsored peace accords, stipulated the holding of democratic elections. Elections are often seen as a means to seal the peace deal and put a decisive end to the violent conflict (Reilly 2004; Höglund 2008: 85). Elections are also held to anchor the negotiated peace in the local context, ensure accountability of the elite to their domestic constituencies, legitimise the peace process, and in the end ensure that the citizens accept concessions made in order to achieve a sustainable compromise. Yet, democratic elections may produce counterproductive results, cement ethno-nationalist cleavages and enhance ethno-nationalistic tensions.

As a consequence of such early elections democratic politics in BiH mirrors the ethno-nationalist agenda of militant parties during the war and electoral outcomes continue to favour ethno-nationalist parties. By reversing Clausewitz, Belloni (2009: 360) concludes that, "politics in Bosnia is the continuation of war by other means". The political climate of insecurity makes it rational for Bosnians to vote for ethno-nationalist parties. Many voters feel compelled to vote for their ethnic-based parties in order to counterbalance the expected ethno-nationalistic voting of the other ethnic groups. Hence, the elections continuously produce victory for the ethno-nationalist parties (Pickering 2007). Ethno-nationalist politicians in power exploit the Dayton Peace Accord's partitioning of Bosnia-Herzegovina. Political dialogue in BiH is reminiscent of the immediate pre-war (and early post-war) era. Aggressive rhetoric has escalated the level of uncertainty and tension among Bosnia's citizens to a post-war high (Ashdown & Holbrooke 2008). Politicians from Republika Srpska and the Federation often use language designed to raise tensions and polarise the population. A common view in Bosnia-Herzegovina is that "this is the Balkans, and nationalist rhetoric here tend to lead to war". The escalating tensions and harsh rhetoric compelled the Bosnian Serb leader Dodik (2009) to write an open letter to the New York Times of 21 September 2009, asserting that "there is absolutely no threat of a return to violence".

Although a predominance of ethno-nationalistic parties, a number of NGOs and a few small multi-ethnic political parties are geared towards making a self-sustainable peace take root in the local context. An illustrative example is the NGO turned political party "Nasa Stranka", which gained a few seats in the 2008 municipal elections in the Sarajevo area. It ran on a platform of "new values for new politics" highlighting tolerance, recognition and respect for diversity and gender equality, promoting these values to the broader public. Regarding the

people of Bosnia to have been artificially, forcefully and territorially divided the party strives to turn Bosnia and Herzegovina into a modern, democratic and law-governed secular state. As Bosnians have been pushed out of the process of democratisation of society and the building of peace, the party attempts to find ways and means of including them into these processes and strengthen the local peace constituency (Somun-Krupalija, Interview, Sarajveo 2009). Although the party ran in the 2010 national elections for the first time, the disappointing election results means that the party continues to work in the margins of politics failing to engage the increasingly passive urban electorates that do not sympathise with the ethno-nationalist discourse.

Fifteen years after the signing of the Dayton peace accord Bosnia- Herzegovina continues to be plagued by ethnic tensions. Due to the frozen conflict, the climate of fear and uncertainty prevails long after the signing of the agreement and Bosnia-Herzegovina remains a deeply divided society with unresolved grievances. The daily struggles of multiethnic coexistence demonstrate the wide gap between Bosnia's realities and the peace treaty's lofty goals. The expectation gap between the pro-peace constituency's imagined peace and the popular experience of peace challenges the process of realising the peace. One reason for this gap is that the benefits of the peace fail to materialise at the local level. Partly this is due to the limited will, interest or ability of the elite to ensure that the compromises, concessions and eventually the peace accord is agreed to by the population. Partly it is due to limited state capacity to translate the peace accord into reality.

4. Liberal peace and virtual realities

The liberal peace embraces democracy, peaceful conflict resolution, market values, protection of human rights, good governance, rule of law, reconciliation, etc and has become the favoured approach and panacea of the international community to address contemporary conflicts. Hence, peace negotiators have adopted this influential idea of the liberal democratic peace as the ultimate goal for the peace talks. Both the elite negotiators delivering the peace and the grass roots receiving it become acculturated to the liberal democratic peace idea. As the liberal democratic peace is perceived as superior to alternative understandings of peace, little space is left during the negotiations to explore local varieties of peace and to incorporate local articulations of peace (Mac Ginty 2006). Yet, in conflict-ridden societies little efforts are made to assess the appropriateness of the liberal democratic peace to the existing local post-war reality. Rather than favouring domestic reconciliation and development of locally flavoured political institutions, international assertiveness in these societies has reified domestic cleavages, perpetuated existing hierarchies and cemented power asymmetries. In their desire to shape the local peacebuilding processes, international peacebuilding actors have separated the implementation of peace from politics, regarding peacebuilding as mainly a technical issue, which does not require popular participation. This heavily securitised and institutionally oriented liberal peacebuilding approach separates peace from politics and has often de-politicised local politics. Yet, many internationally sponsored peace agreements are highly political as they outline the new social contract for the post-war order (Cousens & Kumar 2001). Limiting citizen participation to casting votes in elections will leave the society with empty “virtual” institutions and with a peace not of their own making. In order for peace to be perceived as legitimate and carry authority with the local society, the institutions underpinning the peace need to result from domestic processes not be constructed by international actors (Ottaway 2002). As politics and power are constantly present in the mired transition from war to peace, politics cannot be postponed until liberal democratic institutions are constructed as has been argued by Roland Paris (2004). Although politics in the shadow of war is exceptionally competitive as power-holders seek to secure their influence and protect their interests in the new political reality, internationally sponsored peace agreements often stipulates the holding of elections (Papagianni 2009). Broad local participation in “peace politics” beyond exclusive elite negotiations and a ballot box-approach to democratic participation seems vital to localising the peace. Civil society has come to be seen as a key to ensuring that local voices are heard and as counterweight to the powerbrokers, economic exploiters and spoilers who tend to dominate in war-torn societies. It is thought to have the potential for civility, moderation, compromise and a counter force to nationalists’ grip on power (Belloni 2001).

4.1. Virtual statebuilding in a "new Middle East"

The MEPP was from the start framed according to the notion of a liberal peace while the occupation was still in place. The DOP was packed and "marketed" with economic cooperation and prosperity in sight. Shimon Peres (1993) in his timely book on the *New Middle East* outlined his ideas of peace and economic interdependence, drawing heavily on the European experience. Consequently, there was a great influx of international actors and donors after the signing of the Declaration of Principles. As the World Bank has noted, the Palestinian territories receives the highest sustained rate of per capita disbursements to an aid recipient in the world since the Second World War. Yet, in comparison to other places, with extensive peacebuilding missions as in East Timor and Kosovo, where the international community played a leading role, Israel has strongly and successfully resisted such a development in the occupied territories (Brynen 2008: 234).

The construction of a virtual Palestinian entity without any contiguous territory (at most controlling 40 percent of the occupied territories if area A and B are included) enabled Arafat, who at the time was primarily concerned with regime survival, to pursue a divide-and-rule tactic to control and decrease the possibility of a united threat against him and his regime. As Amal Jamal (2005: 166) points out, the type of political regime with the subsequent Palestinian institutional structures were primarily conditioned by the agreements between the PLO and Israel. The institutions did not reflect the internal Palestinian political dynamics and hence emptied formal institutions of legitimate rule. Furthermore, no impartial judicial institutions were in place and in the mid-1990s there was an increase of "quick security trials" in the pursuit to combat terrorists. As Rex Brynen (2008: 231) states, "key donors seemed to be willing to overlook abuses if carried out in the name of security". Consequently, the political patterns stemmed primarily from the tasks given to the PA during the transitional phase where the security forces expanded dramatically in order to meet security demands made by Israel (Jamal 2005).

Many of the peacebuilding efforts by international actors have generated counterproductive results, partly because they have been ill-planned and relied on virtual governmental institutions and local NGOs with little transparency and accountability. There has also been a trend to redirect funds to the newly established Palestinian Authority at the expense of NGOs, which have been reduced in number during the peace process. Moreover, donor assistance, according to Rex Brynen (2008: 236), has partly distorted local institutional developments where donors often seem to play the leading role in setting aid priorities. More seriously, funding to NGOs has exacerbated tensions in the Palestinian society by donors' inclination to fund mainstream Fatah institutions and thus using political affiliation as a key criterion of assistance. Also the "professionalisation" of local NGOs in the way of project logic and vocabulary consistent with Western donors, has resulted according to Isla Jihad (2004) in a greater dependence while harsher competitions of funds among local NGOs. For instance, the people-to-people (P2P) programme, which was supposed to support bi-communal projects, resulted according to Kenneth Brown, *et al* (2008: 17) in a failure because "people from both sides appeared to be more concerned about

fulfilling their donors' agenda rather than focusing on the stakes of those bi-communal activities".

The framing and local ownership of a peace process is intimately related to a just and durable peace. The imported and to large extent imposed liberal peace agenda, which guided the peace process and still does, has created a virtual Palestinian entity in poverty, aid-dependency, and with growing internal and violent division between the Palestinians. Paradoxically, it has assisted to consolidate a status quo situation, which makes the realisation of a two-state-solution more distant. To provide the incentives and opportunities to build on the notion of a two-state-solution, stability, security and institution building is needed to create space for political compromise.

4.2. Virtual peace in BiH

Following the Peace Agreement Bosnia and Herzegovina saw a decade of substantial international engagement and investment. During this time the international community assisted Bosnia and Herzegovina to make steady and measurable progress in peacebuilding and reconstruction including institution-building, governance, security sector reform and judicial reforms, and refugee return. In security terms, the transformation of the country was remarkable. The presence of military personnel has decreased dramatically from three mono-ethnic armies to a single Bosnian army and international troops are now limited to a few thousand EUFOR soldiers (European Stability Initiative 2007). People of all ethnicities have returned to their pre-war homes although not as many as hoped for, but sufficient to create a sense of a multiethnic state.

To oversee the peacebuilding process, the Dayton Accords created the High Representative, a temporary, internationally-appointed representative of the international community. Equipped with executive "Bonn Powers" since 1997, the High Representative is accountable only to the Peace and Implementation Council (PIC). The PIC, which comprises 55 countries and international organisations, is tasked with overseeing the implementation of the Dayton Peace Accord. At first glance the peacebuilding efforts in Bosnia-Herzegovina seems successful, yet a closer look reveals that the OHR is still the highest authority in BiH, the state risks collapse due to political gridlock and dysfunctional institutions, and the post-Dayton peace process has come to an halt. Hence, Bosnia-Herzegovina is far from a poster-child of international peacebuilding.

Adopted as an Annex to the Dayton Peace Accords (Annex IV of the DPA) the Constitution of Bosnia and Herzegovina has guided the peace- and state-building efforts of the international community. Hereby the DPA set the foundation for a decentralized system of governance based on the principles of power-sharing that in practice undermined the state's authority and efficiency and sowed the seeds of instability and political paralysis. This "Frankenstein-Constitution" created a weak federal state where two highly autonomous entities were established eg. the Serb-dominated Republika Srpska and the Bosniak-Croat Federation of Bosnia-Herzegovina with the latter further sub-divided into 10 separate cantons, five of which are generally dominated by Bosniaks and three by Croats, while two are

more or less mixed (c.f. Belloni 2009; Perry 2009).

Most Bosniaks believe that Bosnia cannot function under the Dayton Constitution without international supervision as Republika Srpska can block most state decisions and institutions. The past years have shown that this is a legitimate concern. Hence, reform efforts that can lift the state paralysis and make the Bosnian state functional and efficient are badly needed. A number of initiatives have been taken for reforming the constitution, electoral laws and the functions of the two entities Republika Srpska and the Bosnian-Croat Federation. Such reforms are key to resolving the reoccurring political gridlocks. Many of these initiatives were proposed by representatives of the international community, political parties or by a relatively narrow circle of civil society. At the EU peacekeeper's camp Butmir outside Sarajevo emergency negotiations were convened by senior EU and US officials and attended by the leaders of Bosnia's three main ethnic groups in an effort to break the country's political deadlock and calm ever-more bitter tensions ahead of the October 2010 national elections. The reference to the meeting as a mini-Dayton, the presence of Carl Bildt, James Steinberg and Olli Rehn, and the venue of a military base can be seen as an attempt to evoke the associations of the successful Dayton negotiations at the Wright-Patterson air base in Dayton (Saving Peace in Bosnia 2009). The Butmir process is reminiscent of previous, yet failed attempts at Bosnian constitutional reform: the so-called "April package" between 2005 and 2006, the police-reform process which collapsed in October 2007 and the most recent "Prud-process", referring to a series of meetings among the heads of leading Bosniak, Serb and Croat political parties that began in the village with the same name in November 2008 (Basseuener & Lyon 2009). During the autumn of 2009 at least three rounds of EU- and US-mediated talks to solve the ethnic divisions that block well-needed constitutional reforms, but none has succeeded in reaching an agreement on a set of objectives and conditions to be fulfilled and prepare the country for membership in the EU and NATO. It is noteworthy that the High Representative Inzko was almost completely excluded from the talks and only invited in his capacity of the European Special Representative (EUSR) (ICG 2009).

The central state and its institutions have been painstakingly assembled and upheld by successive high representatives from the first UN High Representative Carl Bildt to the latest Valentin Inzko. As a result, the Bosnian system of governance is cumbersome and ineffective creating political stalemates, a breeding ground for corruption and therefore at times overruled by the High representative's Bonn-powers. Post-war Bosnia is in much need of its ethnic factions pulling together, but rarely have they seemed so far apart. Absent a strong High Representative fears are that BiH would tend to gravitate towards dysfunction and state dissolution. Many Bosniaks as well as international experts fear that Republika Srpska will try to secede if not controlled by the internationals or a strong, reformed Bosnian state. Milorad Dodik the current President of Republika Srpska, however, claims to respect the Dayton Peace Accords and act according to the constitution.

Against this background, the UN Security Council prolong the presence of EU force (EUFOR), tasked with ensuring the compliance with the 1995 Dayton Peace Agreement for another 12 months (UNSCRES 1948) the 19th of November 2010.

Bosnia's progress towards eventual EU membership is fitful at best, delaying the end of both international military and civilian supervision of the peace. In June 2008, Bosnia-Herzegovina finally signed a Stabilisation and Association Agreement (SAA) with the EU bringing it one step closer towards membership (Council Regulations EC no 594/2008). However, the BiH is not on an irreversible path to EU-membership. If existing tensions are not contained, Bosnia could slow integration for the entire region. While BiH sorely needs political reinvigoration, politics is still dominated by nationalist rhetoric and the state appears divided along ethnic lines. This virtual state constructed by international peacebuilders is in deep political crisis, and it seems unable to move forward towards a self-sustainable peace, membership in the EU and NATO and ultimately sovereignty with the departure of the Office of the High Representative.

5. Conclusion

In the last two decades, we have come to witness a tremendous expansion of various peacebuilding missions around the globe. In many ways we live in an "age of peacebuilding " (Philpott & Powers 2010) where ambitious international interventions to settle wars through negotiations and to build sustainable peace have intensified. However, as our empirical analysis illustrates, the transition from war to peace is hampered by several uncertainties about the future. In this paper, we have identified some, but by no means all relevant factors, which may contribute to the freezing of conflicts and consequently the unending nature of peace processes. The characteristics of frozen conflicts and unending peace processes generate fertile ground for the (re-) emergence of conflicts and relapse to violence.

First, the conditions of unending peace processes may be traced to the discrepancy that exists on the one hand between the virtual realities constructed according to an overly ambitious peace agenda by the international community, and on the other hand the contrasting realities on the ground where the root causes of conflict are still being experienced. As our empirical analysis illustrates, status-quo diplomacy has been guiding both peace processes, which have meant that the primary concern has focused on stabilising the status quo rather than resolving the underlying causes to conflict. To revisit and revise a peace accord may be necessary, which the Dayton agreement illustrates. However, the major challenge lies in how to balance reinterpretations and to avoid the vicious circles of re-interpretations of signed peace agreements as a way to avoid implementation as we have seen in the MEPP. In such situations, a third party may constructively engage in the form of "mediation" (Belloni 2009)

Second, uncertainties and lack of progress in a peace process may over time demobilise peace constituencies and result in peace fatigue. Since the underlying causes of conflict are still present the sense of injustice may grow stronger among ordinary people and trigger politics of fear, which provide spoilers with space to play out worst-case scenarios. It is also important to recognise the mobilising power that the history of conflict still have in conflict-ridden societies, which are characterised by existential insecurity. Moreover, peace fatigue is strengthened by the negative experience and legacy of previous peace negotiations.

In conclusion, the importance of making peace visibly in practice for ordinary people should not be underestimated while at the same time allowing space for peace to be locally grounded over time. As our empirical analysis vividly shows, the peace gaps have not only been broad, but widened with the ensuing peace processes. Elections are generally assumed to play a legitimating role, but as recognised in the two cases they have instead generated counterproductive results in the form of intensifying ethnic divide and the fragmentation of peace politics,

which ultimately undermine the prospect of a sustainable peace. Consequently, frozen conflicts and the unending nature of conflicts present a major challenge for the international community to engage constructively in building peace in conflict-ridden societies and requires revisiting most of the practices developed under the umbrella of liberal peacebuilding since the end of the cold war.

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What is Just and Durable Peace?

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The project comprises seven partners: Lund University (coordinator), Bath University, Hebrew University, Jordan Institute of Diplomacy, University of St Andrews, University of East London, Uppsala University.

For more information:

www.justpeace.eu

Contact:

Department of Political Science, Lund University, Sweden.

Karin.Aggestam@svet.lu.se

Annika.Bjorkdahl@svet.lu.se

Phone: +46 46 2224923, alt. +46 46 2220162

