

### Are Mediators Norm Entrepreneurs? Exploring the Role of Mediators in Norm Diffusion

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# Working Paper

# Are Mediators Norm Entrepreneurs?

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Jamie Pring

3 / 2017

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AU	African Union
ECOWAS	Economic Community of West African States
EU	European Union
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
NGO	Non-Governmental organization
OSCE	Organization for Security and Co-operation in Europe
SADC	Southern African Development Community
SPLM-IO	Sudan People's Liberation Movement-In Opposition
UN	United Nations

Mediators are expected to include or uphold a growing number of norms in their interventions. For instance, inclusivity, gender equality, transitional justice, democracy promotion and the implementing instruments that accompany them are increasingly incorporated into the strategies of international and regional organizations, states and non-state actors that mandate mediation missions in conflicts around the world. This working paper takes one step back and asks whether mediators actually can, or have the agency to, promote these norms. It presents the analytical framework of a three-year multi-case research project on the role of mediators in norm diffusion. It examines what norms form part of the framework for mediation processes, if mediators promote these norms and how and what norms are internalized in the peace process. Through process-tracing, the research project will apply this analytical framework to mediation processes in Syria, South Sudan and Myanmar.

# 1 Introduction

The role of norms in international peace mediation has become more prominent in recent years. Mediation can be defined as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider [...] to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law” (Bercovitch 2009, 244). Mediators are third party actors who assist two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements (United Nations 2012).

As mediation lies at the core of a wider peacebuilding process, an increasing number of actors in the peacebuilding field view mediation processes as an opportune time to promote international norms, such as inclusivity, gender equality, transitional justice and democracy. The UN Guidance for Effective Mediation (United Nations 2012) defines certain principles as essential for more effective mediation, thereby confirming the growing imperative of normative frameworks in mediation. Consequently, mediators are often not only expected to facilitate processes aimed at ending hostilities between warring parties, but are asked to integrate a specific set of norms held by their mandate-givers into their mediation strategies.

This development begets two main questions. The first is whether mediators should promote these norms. Guidance documents published by international organizations and state governments mandating mediation processes have often implicitly assumed an affirmative answer to this question. In contrast, many mediators themselves forward the view that their normative role should be limited as mediation is a voluntary process dependent on the consent of the conflict parties who ultimately determine the content of the peace agreement (Hellmüller, Palmiano Federer, and Zeller 2015). This reasoning, in turn, draws attention to the second, more fundamental issue: whether mediators can, or have the agency to, promote norms in the mediation process.

This working paper addresses this second question inquiring into a mediator’s normative agency. It presents the analytical framework of a three-year multi-case research project on the role of mediators in norm diffusion. It is structured into three parts. The first part provides an overview of the project’s contribution to the current literature. The second part outlines the analytical framework specifying the theories used as well as the main research questions addressed. The third part presents the operationalization of the main research questions. The working paper then concludes on the relevance of the project for both research and practice.

# 2 Literature Review

The research project requires exploration into several bodies of literature. The first is norm diffusion scholarship in international relations (e.g. Wendt 1992, Katzenstein 1996, Finnemore and Sikkink 1998, Price 1998, Checkel 1999, Tannenwald 1999). The second is scholarship on the actors, processes and content of mediation processes (e.g. Mandell and Tomlin 1991, Kleiboer 1996, Zartman 2001, Bercovitch 2006, Lanz 2011, Nathan 2013). The third is political philosophy and ethics (e.g. Kratchowil 1989; Franck 1990; Rawls 1993).

## 2.1 Contribution to the Norms Literature

Norms are a widely researched phenomenon in international relations theory. Katzenstein (1996, 5) defines norms as “collective expectations about proper behavior for a given identity”. In that sense, “rather than representing ‘average’ behavior in a statistical sense, they are regularities commonly believed to oblige general conformity” by the members of a given social system (Raymond 1997, 218). In terms of their effects, norms may regulate (defining what actors can or cannot do), constitute (defining new actors, behaviors and interests) or prescribe human behavior (recommending what actions can or cannot be taken in certain situations) (Katzenstein 1996, Finnemore and Sikkink 1998, Ruggie 1998).

Since the late 1980s, scholarship on norms has taken a constructivist turn (Wendt 1992, Adler 1997, Checkel 1998, Guzzini 2000, Björkdahl 2002, Bluman-Schroeder 2004, Krampf 2013, Bettiza and Dionigi 2014). Being an alternative to rationalist approaches to studying international relations, it emphasizes that the environment through which actors take action is social as well as material; that these material structures are given meaning through collective ideas; and that these collective understandings become social facts by human agreement (Adler 1997, Checkel 1998, 325).

The scholarly interest in how norms spread triggered the development of models of norm diffusion processes in international relations including persuasion (Finnemore and Sikkink 1998), socialization (Katzenstein 1996), translation (Bettiza and Dionigi 2014), framing (Payne 2001) and localization (Acharya 2004). Several authors used these models to examine the diffusion of norms, such as anti-slavery movements (Ray 1989), decolonization (Nadelmann 1990, Strang 1991), anti-apartheid (Klotz 1995), humanitarian work (Finnemore 1996), the ban on anti-personnel mines (Price 1998), nuclear weapons (Schelling 1994, Tannenwald 1999), labor standards (Payne 2001), European regionalism (Krampf 2013) and religious norms (Bettiza and Dionigi 2014).

By focusing on mediators’ normative agency, the research project addresses two main biases in the existing literature on norm diffusion. Firstly, the norms literature initially focused on norms that diffused and overlooked those that did not (Checkel 1999, 86). Only more recently, scholars started to look into instances of non-diffusion (Acharya 2012),<sup>1</sup> norm rejection (Hirata 2004) and norm contestation (Contessi 2010). The research project adds to

<sup>1</sup> Legro (1997, 34) was an early exception.

this literature by analyzing mediators' normative agency in choosing which norms to promote or not to promote from the normative framework they act in and in shaping the norms as they are diffused.

Second, for a long time, the norms literature focused on structures rather than agents (Checkel 1998, 1999). Despite the fact that constructivism is based on the assumption of the mutual constitution of agents and structures, most analyses used "a largely structure-centered ontology, where structures (typically norms) provide agents [...] with new understandings of their interests" (Checkel 1999, 85). Thereby, the agency of actors remained largely unaccounted for because constructivism overemphasized "the role of social structures and norms at the expense of the agents who help create and change them in the first place" (Checkel 1998, 325, 1999, 86). Since the 2010s, calls for a more agent-focused analysis have gained momentum. Sikkink (2011, 3), for instance, attempts to draw more "theoretical and empirical attention to the agency side of the [agent-structure] debate" through her focus on 'agentic constructivism'. Agentic constructivism focuses on the role of human agency in norm emergence and diffusion. Despite such attempts, however, constructivism continues to be associated with its more structural proponents (Sikkink 2011). The research project contributes to the move from a structure-centered to an agent-centered approach by focusing on mediators' normative agency through an analysis of how mediators influence structures through norm diffusion.

## 2.2 Contribution to the Mediation Literature

International peacebuilding has been characterized by attempts to diffuse liberal norms (Richmond 2009, Newman, Paris, and Richmond 2009, Paris 2010). The liberal peace paradigm holds that "certain kinds of (liberally constituted) societies will tend to be more peaceful [...] than illiberal states" (Newman, Paris, and Richmond 2009, 11). Different activities related to peacebuilding ranging from brokering a ceasefire between warring parties to dealing with past atrocities and human rights abuses are increasingly underpinned by "the promotion of democracy, market-based economic reforms and a range of other institutions associated with 'modern' states as a driving force for building 'peace'" (Newman, Paris, and Richmond 2009, 3). These activities are designed to broker a 'just and sustainable peace', well beyond the cessation of hostilities in a given conflict context, and thus involve the spread of liberal norms through the set-up of the basic pillars of a liberal democracy.

This liberal agenda of international peacebuilding is mirrored in the mediation field. This is illustrated by the fact that international actors, such as the UN, often already call for elections even before a mediation process starts.<sup>2</sup> Moreover, almost every internationally sponsored ceasefire or peace agreement contains provisions on elections and democratic governance (Daley 2006, 303). Since mediation sets the stage for longer term peacebuilding processes and the future disposition of a country, mediation guidelines and handbooks assume that mediators are strategically well-positioned to contri-

<sup>2</sup> For instance, in the case of the Democratic Republic of Congo, UN Security Council resolution 1234 adopted in April 1999 stressed the importance of "holding on an early date of democratic, free and fair elections". This was three months before the signing of a ceasefire agreement by the parties in Lusaka. Similarly, in the case of Syria, UN Security Council resolution 2254 adopted in December 2015 stressed the UN's support for elections within 18 months. This was before the intra-Syrian talks started in Geneva on 29 January 2016.

bute to the diffusion of norms. Therefore, they are increasingly faced with normative demands reflecting the liberal norms of their mandate-givers and the wider peacebuilding environment.

These developments with regard to the role of mediators in norm diffusion have mostly been treated prescriptively and in policy papers, rather than in scholarly contributions.<sup>3</sup> This is due to the fact that the mediation literature largely focuses on factors leading to a successful outcome of a peace process, examining either context or process factors. The former encompass aspects such as the nature of the conflict, the parties and their relationship, the mediator and the international context (Kleiboer 1996, 361). Studies on the ripeness of a conflict are an example of such context factors that mostly describe the "parameters within which mediators must act" (Mandell and Tomlin 1991, 43–44, Zartman 2001, Greig 2001). Process factors, in turn, analyze the mediators' activities and the "effects of various strategies and tactics that may be employed by mediators in efforts to manage conflict" (Mandell and Tomlin 1991, 44). What is missing is a discussion about the ideational factors that influence the behavior of mediators and how mediators influence the normative aspects of peace processes. The research project addresses this gap.

## 2.3 Nexus between Legitimacy, Norm Diffusion and Mediation

As mediators typically do not wield coercive power on the conflict parties, the concept of legitimacy is important in understanding their normative agency. In this sense, legitimacy is a form of non-coercive power<sup>4</sup> that pulls actors to comply with norms. Recognizing the manifold contested meanings surrounding the concept, one way this research project understands legitimate power is "the normative dimension of power relations, and the ideas and practices that give those in power their moral authority" (Beetham 2013, x). In other words, power is legitimate if those pulled to comply by it acknowledge or believe it to be rightful. The 'rightfulness' underpinning these claims to exert power are often moral and universalistic in nature: any rational person in any context or society would endorse and accept them based on common human reason.<sup>5</sup>

Investigating the legitimacy of mediators is central to the discussion of their normative agency because it comprises the moral aspects of the power relationships between a mediator and conflict parties. In other words, the legitimacy of a mediator forms the basis of their agency to promote norms to the parties and to have the parties comply or internalize the norms they are promoting. Discussions on the moral and ethical basis of power and norm diffusion can be located within a wealth of scholarship on ideas, norms and power (Beetham 2013, Franck 1990, Kratchowil 1989, Price 1998, Price and Reus-Smit 1998, Rawls 1993, Tannenwald 1999, Vukovic 2015). However, these scholarly discussions are not robustly applied to mediation. A noteworthy exception is Vukovic's (2015) notion of legitimate power of the mediator as an

<sup>3</sup> Some exceptions include Raymond and Kegley (1985), Mandell and Tomlin (1991), Bluman-Schroeder (2004).

<sup>4</sup> The concept of legitimacy is complex and multi-dimensional, despite its ubiquity as one of the most common terms of everyday political discourse. There are entire strands of political philosophy and social sciences dedicated to understanding the relationship between power, normativity and morality. Therefore, this research project uses David Beetham's (2013) 'update' of Max Weber's notion of legitimacy as a point of departure.

<sup>5</sup> This is a central yet contested claim in many strands of political philosophy. For one such take on legitimacy in relation to justice and reason, see Rawls (1993).

# 3

## Conceptualization of the Research

institutionalized version of soft power. In his view, legitimate power in the form of soft power derives from a set of social norms such as position, reciprocity, equity and responsibility. These elements lend to the consent or acceptance of mediation by the conflict parties (Vukovic 2015, 427). This research project further contributes to linking the literature on norm diffusion and legitimacy to mediation. It attempts to understand what comprises a mediator's legitimacy in the eyes of the conflict parties and how this perceived legitimacy may contribute to their ability to promote certain norms to the conflict parties.

### 3.1 Analytical Framework

One of the most prominent models to study norm diffusion is the 'life cycle model' developed by Finnemore and Sikkink (1998). They introduced the model to analyze how justice and human rights norms develop and get incorporated in international institutions. Within this model, they define norm entrepreneurs as actors who "attempt to convince a critical mass of [actors] to embrace new norms" (Finnemore and Sikkink 1998, 895). They describe the "purposive efforts of individuals and groups to change social understandings" (Finnemore and Sikkink 2001, 400). Such norm entrepreneurs work through different techniques, such as the "strategic use of information, symbolic politics, leverage politics and accountability politics, issue framing, and shaming" in order to diffuse norms (Finnemore and Sikkink 2001, 400).

The life cycle model distinguishes three phases of norm diffusion: emergence, cascade and internalization. In the norm emergence phase, norm entrepreneurs communicate their issue to reach and persuade a broader audience. In the norm cascade phase, other actors adopt the norm through imitation. Lastly, in the norm internalization phase, norms assume a 'taken for granted' quality. In defining the actors in these phases, Finnemore and Sikkink (1998) distinguish between 'norm-makers' (mostly transnational networks and non-governmental organizations (NGOs) often supported by intergovernmental organizations) and 'norm-takers' (states). The 'life cycle' model thus provides the general framework within which norm diffusion takes place. At the same time, Finnemore and Sikkink (1998) encourage further research to examine the processes in each stage of the model as well as to account for the dynamics that allow them to progress from one phase of the model to another.

Applied to mediation, the model needs three adaptations. First, in Finnemore and Sikkink's model, transnational networks and NGOs (sometimes supported by intergovernmental organizations) are mostly seen as norm-makers and states are seen as norm-takers. In a mediation process, the distribution of the roles of norm-makers and norm-takers between mandate-givers, mediators and conflict parties is fluid. Mediators can be mandated by states, international or regional intergovernmental organizations or NGOs. They can be norm-makers in the sense of them being norm entrepreneurs. The norm-takers are then the conflict parties who start to imitate the behavior and internalize certain norms. However, mediators can also be norm-takers since they are working within the normative framework of their mandate-givers and they also have to take the conflict parties' norms into consideration when designing the process and proposing arrangements amenable for the conflict parties.

This is linked to the second adaptation. While in Finnemore and Sikkink's model, the norm-makers mostly act on their own behalf, mediators have mandate-givers who set the normative framework for instance in institutional policies. This distinction is important in order to differentiate between the norms stemming from the institutional normative framework in which mediators act and norms from the normative socialization of mediators themselves. More-

over, it indicates the norms that might have emerged in international peace-building and mediation generally, but are not diffused by mediators and hence do not cascade to be internalized by conflict parties. This gives important insights into norm non-diffusion as stated above.

Thirdly, the phases of norm emergence, cascade and internalization happen in different social systems at the same time. This is linked to the third adaption of the life cycle model. Norms can emerge, cascade and be internalized within mandate-givers, mediators as well as conflict parties. While acknowledging this, the project focuses on those norms that are diffused by mediators to the conflict parties, but takes into account that the mandate-givers' and the parties' normative frameworks obviously influence the types of norms that mediators diffuse.

### 3.2 Research Questions

The overall research question of the three-year research project is to what extent mediators are norm entrepreneurs. To answer it, our research addresses three sub-questions of 1) what norms form part of the normative framework for mediation processes; 2) whether mediators promote norms and how; and 3) which norms have been internalized through mediation processes.

#### What Norms Form Part of the Normative Framework for Mediation Processes?

This first sub-question relates to the normative frameworks that delineate the parameters for a mediator's behavior in a given mediation process. It assesses which normative parameters mediators are expected to adhere to when designing their overall strategy and interacting with the conflict parties.

The legal basis for mediation is enshrined in the UN Charter, Chapter VI, Article 33. This article calls on parties to any dispute to seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means if the continuance of a dispute may threaten international peace and security. In addition to the UN Charter, mediators mandated by a state or an intergovernmental organization are bound by specific framework documents, such as national constitutions or constitutive acts of regional organizations. They are also bound by other legal obligations that include "global and regional conventions, international humanitarian law, human rights and refugee law, and international criminal law, including, where applicable, the Rome Statute of the International Criminal Court (ICC)" (United Nations 2012, 16).

However, norms are not exclusively a legal phenomenon. Hence, besides legal normative frameworks, mediators are also bound by non-legal norms, some of them enshrined in the UN Guidance for Effective Mediation (United Nations 2012), African Union Mediation Support Handbook (African Union 2014), Mediation and Dialogue Facilitation in the Organization for Security and Co-operation in Europe (OSCE Conflict Prevention Centre 2014) and other

guidance documents. While the UN Guidance points out the "growing international consensus on some norms", it recognizes that the interpretation of norms depends on the national contexts (United Nations 2012, 16). Thus, any normative framework has to be assessed in the particular context it is applied.

In order to assess what norms are relevant in mediation processes, figure 1 provides a framework to categorize different types of norms that comprise the normative framework for mediation (Hellmüller, Palmiano Federer, and Zeller 2015). It distinguishes between process-related norms (how a mediation process is planned or conducted) and content-related norms (what is or is not negotiated); unsettled and settled norms [norms that cannot be overridden without "special justification" (Raymond 1997, Frost 1996)]; and between non-definitional and definitional norms, the latter being those norms that are at the core of any mediation process and without which a process would not be called mediation anymore.

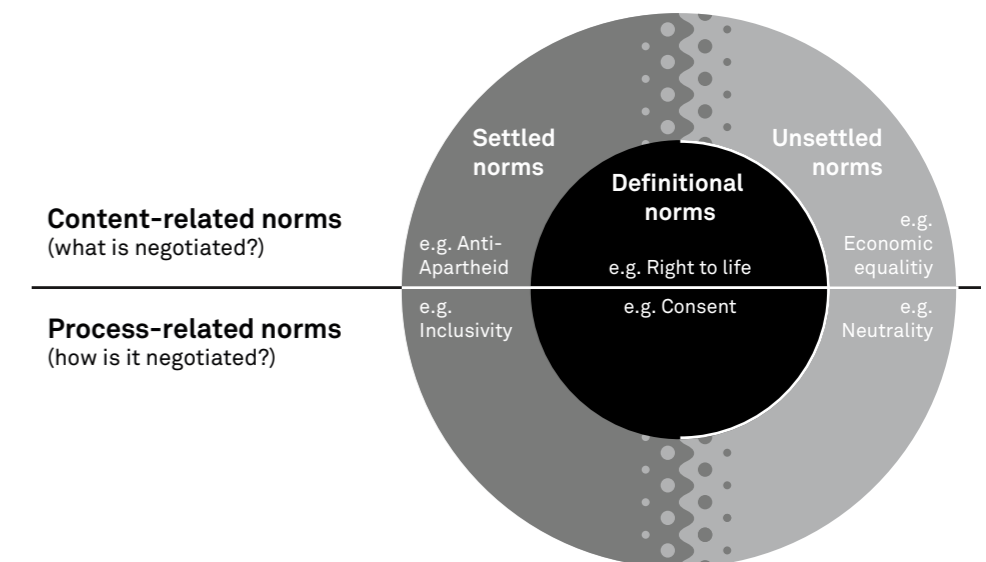


Figure 1: Categorization of norms in a mediation process (Hellmüller, Palmiano Federer, and Zeller 2015)



This categorization can guide the formulation of hypotheses on patterns of norm diffusion and the agency of the mediator. According to the definition of mediation (Bercovitch 2009, 343), the conflict parties have greater agency when it comes to content-related norms, while the mediator often plays a bigger role with regard to process-related norms.<sup>6</sup> Unsettled norms may be more or less diffused in the mediation process depending on the priorities of the conflict parties, the mediator and the mandate-giver while settled norms have often featured in mediation processes especially when they are closely linked to definitional norms. Lastly, a mediator tries to uphold definitional norms throughout the process as they are vital to the integrity of the mediation process, while non-definitional norms' salience in the peace process varies more widely (Hellmüller, Palmiano Federer, and Zeller 2015).

#### Do Mediators Promote Norms and How?

The second sub-question analyzes whether mediators promote norms and how. It is operationalized through the investigation into a mediator's normative agency. Drawing further from the constructivist notion of the mutually constitutive relationship between agent and structure, the mediator's normative agency in diffusing norms in mediation processes can be conceptualized in three ways, based on a framework developed by Wight (2006).

Firstly, Spivak's notion of the 'freedom of subjectivity' (Spivak 1996, see Wight 2006) implies the possibility of introspection of a mediator's own position vis-à-vis his or her environment. For the mediators' normative agency, this entails that they have a level of autonomy in making sense of the conflict at hand and the interplay of actors, including themselves (e.g. their interpretation of the conflict, the range of possible solutions, etc.). It also entails the interpretation of the substantive elements of the norms in their mandate (e.g. their judgement on which norms are crucial and which are not, or the elements within a given norm they prioritize over other elements).

Secondly, the notion of 'intentional transformative praxis' originally developed by Bhaskar (2008, 393) indicates not only an action from the normative agent, but also that the action is based on an intention (Wight 2006, 212). For mediators, this can be indicated by their strategy-based actions in that their active promotion of a certain norm is not merely a reaction towards events as they surface, but that there is initiative to promote the norm in the first place and the responses even to unexpected events are guided by an overarching pre-conceived strategy.

Thirdly, this intended action is embodied within a position in which the practice takes place, also termed 'position-place' (Sikkink 2011). This means that a mediator's agency is also indicated by how they utilize their individual (and often fluid) positions in their institutions and the power dynamics between them and the conflict parties in order to carry out their intention. The mediators' position-place can most usefully be ascertained by investigating their legitimacy. In line with Walton (2012, 19–20), this research project considers legitimacy to be a "complex sociological phenomenon to be unravelled through

<sup>6</sup> In reality, this distinction also depends on whether the style of the mediator is facilitative or directive (Bercovitch 2009).

empirical analysis". This also points to the fact that legitimacy is not given once and for all, but that actors constantly seek to build it. Therefore, it is important to inductively assess what attributes of legitimacy are most salient in the eyes of the conflict parties themselves. As described above, investigating the relationship between the legitimacy of mediators and norm diffusion gives insights into why actors may comply to norms in the absence of coercive power.

Once established, mediators can use their normative agency in four main ways. They can take process-related decisions, advise parties on content-related decisions such as in formulating the draft agreement, ensure outside communication (blame and shame) and create incentives and disincentives for norm-consistent behavior (Bluman-Schroeder 2004, 36).

Through these actions, mediators, by engaging with the parties and other actors in a peace process, engage in dynamic processes that shape and reshape the constitutive elements of a norm as it is diffused. These measures include three forms. First, norm framing, defined as highlighting and creating issues by using terms that label, interpret and dramatize them (Finnemore and Sikkink, 1998). Second, norm grafting, meaning to anchor the norm being promoted on parties' pre-existing strongly held values (Price, 1997). Lastly, norm pruning, leaving out selected constitutive elements of the norm in order to be accommodated more effectively with the target audience (Acharya, 2009).

#### What Are the Internalized Norms in Mediation Processes?

The last sub-question asks what norms are internalized in a mediation process in the sense that parties adopt norm-consistent behavior. This is not easily established since internalized norms are "hard to discern because actors do not seriously consider or discuss whether to conform" (Finnemore and Sikkink 1998, 904). The research project utilizes the concept of constitutive localization (Acharya 2004, 240), which is a process of "reinterpretation and rerepresentation of the outside norm, including framing and grafting, but may extend into more complex processes of reconstitution to make an outside norm congruent with a pre-existing local normative order" (Acharya 2004, 244).

Local agents, who are neither entirely transnational norm entrepreneurs nor passive norm-takers, play a central role in norm internalization. They directly engage in congruence-building in the process of taking or incorporating the new norms in their local contexts. In this regard, the local agents do not merely adopt norms, but actively remold them to be in line with the existing local normative order. The outcome of constitutive localization is the integration of the external norm at the same time as the reinforcement and congruence-building with existing local beliefs and practices.

Therefore, in this third sub-question, the research project specifically looks at how the norms that are promoted through mediation are re-adapted and re-shaped by the conflict parties and stakeholders in a local context and the possible facilitating role of the mediator in the convergence of these transnational and local norms.<sup>7</sup>

<sup>7</sup> Where mediators are seen as insiders themselves, which has been the case for many mediation missions of regional organizations (Elgström, Bercovitch, and Skau 2003), mediators can be seen as local agents and constitutive localization could be directly undertaken by them as early as in the process of norm cascade.

# Operationalization of the Research Question

The inquiry into the role of mediators as norm entrepreneurs concerns social processes and seeks to show nuances and variations from one case to the other. Thus, it is most appropriately made through qualitative methods using case study and process-tracing methodology.

## 4.1 Case Studies

Case studies are ideally suited to assess to what extent mediators are norm entrepreneurs because they allow thorough insights into a particular phenomenon (Gerring 2004, 341, see also Levy 2008, 2). In this research project, the case studies vary with regard to the institution mandating a specific mediator. Mason and Sguaitamatti (2011) outline five main types of mandate-givers: the United Nations, inter-governmental (regional) organizations, states, NGOs and organizations headed by eminent individuals. These mandate-givers vary in terms of their normative frameworks.<sup>8</sup> For the research project, we have chosen three of them, being the most common ones, namely the United Nations, an intergovernmental sub-regional organization and NGOs in order to compare the normative agency of the mediators mandated by them. Based on the focus on mediators as norm entrepreneurs, the mediators themselves are the main unit of analysis.

In each case study, we trace the diffusion of the norm of inclusivity. The UN Guidance for Effective Mediation defines inclusivity as “the extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort” (United Nations 2012). This definition implies that inclusivity is both a process-related and content-related norm. The choice of inclusivity in the research project is justified by the fact that both academics and practitioners have come to consider it as highly relevant and rarely question it anymore (Lanz 2011, Paffenholz 2014, von Burg 2015). Thus, it can be argued that it is a settled norm forming part of the normative framework in which a mediator acts. However, while there is wide agreement at the level of mandate-givers, the modalities of who is included and excluded at different stages of mediation processes are still subject to intense debates. Indeed, mediators may resist the expansion of the peace process to include other stakeholders arguing that it makes the process more complex and thus postpones an agreement (Wanis-St. John and Kew 2008). The main conflict parties may also be reluctant to extend participation at the negotiation table (Wanis-St. John and Kew 2008, 12–13). This also points to the fact that inclusivity is not a definitional norm, because a process which is not inclusive can still be defined as mediation.

By holding inclusivity constant among the cases, this study aims to generate insights on how its diffusion varied among the different mediation processes. This not only provides insights on the role of inclusivity in mediation, but by assessing how mediators prioritize it (or not) in relation to other norms, it allows answers to the three sub-questions specified above: what norms form part of the normative framework for mediation, whether mediators promote

norms and how and what norms are internalized in mediation processes. For each of the three mandate-givers, we trace the diffusion of inclusivity and its interaction with other norms.

### UN Mediation in Syria

First, the UN led mediation processes in numerous conflicts (Mason and Sguaitamatti 2011, 18–20), for example in Afghanistan, Angola, Bougainville, Georgia, Haiti, Nepal, Western Sahara and Syria. In other cases, the UN teamed up with partners, such as in Burundi, Cambodia, Democratic Republic of Congo, Somalia, Sudan and Uganda. The UN enjoys specific legitimacy to mandate mediators based on its almost universal membership as well as on its charter. Article 2, §3 requires member states to settle disputes by peaceful means, article 33 equally holds that states are required to peacefully settle their disputes if their continuance is likely to threaten international peace and security and article 99 confers to the Secretary-General good offices responsibilities. Most often, the Secretary-General appoints mediators as Special Representatives or Special Envoys. The UN Security Council then further specifies their mandate. The UN also has a Mediation Support Unit that supports mediators through training, guidance, research and institutional knowledge. Thereby, it also contributes to shaping the normative framework in which UN mediators act.

Most recently, the UN has played a key role in mediating the Syrian conflict. The research project analyzes the changing normative agency of mediators with regard to inclusivity in the Syrian case from Kofi Annan to Lakhdar Brahimi to Staffan de Mistura. The mandate-giver changed from a joint UN-Arab League mediation to a UN mediation and arguably inclusivity has become increasingly settled since 2012. Against this backdrop, the case study compares the choices of the three mediators with regard to which actors to include at which stage of the mediation process, how it has influenced their own as well as the process' legitimacy in the perception of the conflict parties and how the latter respond to and adapt these norms.

### IGAD Mediation in South Sudan

Second, regional and sub-regional organizations have increasingly engaged in mediation since the end of the Cold War. The African Union (AU) and the continents' sub-regional organizations, such as the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD) and the Economic Community of West African States (ECOWAS), have led various peace talks, for instance in Burundi, Comoros, the Ivory Coast, Guinea, Burkina Faso, Madagascar and South Sudan. The AU, in cooperation with the sub-regional organizations, has begun to develop an overarching framework, the African Peace and Security Council, with the aim of having a more systematic and institutional approach to mediation. Despite these efforts, the actual practice of mediation by African intergovernmental organizations has largely remained ad-hoc and anchored on elite personalities of the mediators or the leverage of the state(s) leading the sub-regional organization in the mission.

<sup>8</sup> See Nathan for a discussion of the effects of different types of mandates on the mediation process.

The research project examines the agency of the Special Envoys mandated by the Intergovernmental Authority for Development (IGAD) to mediate in South Sudan. IGAD placed a high imperative to expand the negotiations beyond the two warring parties, the Government of South Sudan and the Sudan People's Liberation Movement /Army in Opposition (SPLM-IO), and to include former political detainees, civil society organizations, faith-based groups and other stakeholders. This mandate manifested to an extent in the negotiation processes and its outcome documents. Upon first examination, the efforts of these regional mediators are not only bounded by international norms and conventions, but also by an imperative to uphold regional norms such as (but not limited to) the AU prohibition on unconstitutional changes in government (Nathan 2013) and the ownership of the regional organization in the peace process (Francis 2005). These regional norms at times conflict with inclusivity. For example, the AU prohibition on unconstitutional changes in government has served as grounds for AU member states not to support talks that include armed groups that have gained control of the government through force.

The case study on South Sudan assesses the dynamics between these regional norms and inclusivity with a focus on the role of the mediator in striking a balance between them. Within the norm localization framework, the study examines two potential entrepreneurial roles for the IGAD mediators. First, they may facilitate local agents to engage in the peace process and formulate more inclusive mechanisms in the agreement. Second, IGAD mediators may be local agents in their own right, using their regional status and insider knowledge of regional dynamics to institutionalize inclusivity and strengthen its links with other more strongly supported norms in the region.

#### NGO Mediation in Myanmar

Third, NGOs have played active mediation roles in armed conflicts, most prominently in South East Asian peace processes such as in Myanmar, the Philippines and Indonesia. International NGOs specializing in mediation and conflict resolution range from institutions such as the Centre for Humanitarian Dialogue, the Crisis Management Initiative, the Center for Peace and Conflict Studies, Intermediate, Conciliation Resources and the Dialogue Advisory Group to faith-based organizations such as Community of Sant'Egidio and Muhammadiyah, as well as organizations led by prominent individuals such as the Carter Center and the Kofi Annan Foundation. These organizations have sent individuals to directly engage with conflict parties in ongoing peace processes.

Due to their relative lack of political power vis-à-vis states, regional organizations and the UN, NGO mediators often work discreetly behind the scenes and early on in the process. This lack of political leverage can afford them a high degree of flexibility and access when working with conflict parties, as their normative frameworks are more tacit and diffused. This creates greater room for manoeuvre when it comes to contentious norms such as engaging with proscribed or illegal armed groups. This political flexibility

combined with their inherent moral authority, technical expertise and access to resources can create an alternative type of 'NGO legitimacy' for conflict parties that are less willing to internationalize conflicts through an external third party. In these situations, NGO mediators play important informal and unofficial roles in conflict contexts that are sensitive to external intervention.

The research project examines how NGO mediators use their legitimacy to promote the inclusion of excluded armed groups in mediation processes. Through this engagement, they promote their own interpretation of the inclusivity norm, namely that engaging with all relevant armed groups, excluded or not, is not only possible, but often necessary. The research project investigates the case of Myanmar. As the national peace process actors in Myanmar have chosen not to have external and official third party peace mediation, NGOs directly engage with conflict parties. These informal modalities under which mediation activities take place present an interesting case for investigation.

The three cases will provide in-depth within-case studies of the mediators' normative agency, particularly with regard to the norm of inclusivity. Moreover, a cross-case analysis will shed light on how the approaches taken by the different mediators towards the inclusivity norm compare.

## 4.2 Process-tracing

The project conducts process-tracing at the within-case level. Process-tracing can be defined as "attempts to identify the intervening causal process [...] between an independent variable (or variables) and the outcome of the dependent variable" (George and Bennett 2005, 206). As Berman (2001, 244) says, process-tracing "involves reconstructing actors' motivations, as well as their definitions and evaluations of situations". This is highly relevant for the research project, because whereas models of norm diffusion, such as the life cycle model mentioned above, exist, the processes through which norms are diffused are usually not traced in-depth. However, even if actors start to behave in a congruent way to a given norm, it does not mean that it was the norm that caused the behavior change in the first place (George and Bennett 2005, 207, Bennett and Checkel 2015, 18). Process-tracing helps to overcome this challenge. It is on the one hand founded on careful description as it "inherently analyses trajectories of change" (Collier 2011, 823). On the other hand, it "gives close attention to sequences of independent, dependent, and intervening variables" (Collier 2011, 823) and thus minimizes the risk of confusing correlation and causation (Checkel 1999, 85, Rohlfing 2012).<sup>9</sup>

This research project traces the process of how mediators contribute to constitutive localization of inclusivity in a given mediation process along the three sub-questions mentioned above. First, it examines the overall normative environment in sub-question 1 and analyzes how the mandate-givers, the mediator as well as the conflict parties place inclusivity within the categorization of norms suggested above (context-/process-related, settled/unsettled,

<sup>9</sup> It is sometimes argued that causal mechanisms and constructivism are not compatible. This project takes a different approach. A constructivist ontology "turns interpretation into an intrinsic part of a scientific enterprise that seeks to explain the social construction of reality" (Adler 1997, 328). This leads to subjectivist epistemologies (Guba and Lincoln 2005, 193), which allow for a view on causality in which reasons are seen as causes (Davidson 1963). Any attempt to understand the intersubjective meanings embedded in social life is at the same time an "attempt to explain why people act the way they do" (Gibbons 1987, 3). In that context, norms and rules "structure and therefore socially constitute – 'cause' – the things people do" (Finnemore 1996, 28).

definitional/non-definitional) at the outset of the period under study and what it means for its prioritization vis-à-vis other norms.

Sub-question 2 analyzes the independent variable being the mediator’s mandate to promote inclusivity. It does so by assessing both the main components of a mediator’s normative agency (freedom of subjectivity, intentional transformative praxis, position-place) as well as the four main activities through which mediators can promote norms (take process-related decisions, advise parties on content-related decisions, ensure outside communication (blame and shame), create incentives and disincentives for norm-consistent behavior). Most importantly, through these activities mediators engage in processes that modify the substance of the inclusivity norm (framing, pruning) and/or strengthen its link with more strongly supported norms (grafting) as it is diffused.

Lastly, sub-question 3 links the mediator’s actions as the hypothesized cause of the norm-consistent behavior of conflict parties indicating their internalization of the norm. Internalization means a change in terms of how conflict parties categorize inclusivity in the analytical framework presented above, namely a move from an unsettled to a settled norm in the context of a given mediation process. Thus, it involves a comparison of the categorization of norms at the outset and the end of the process.

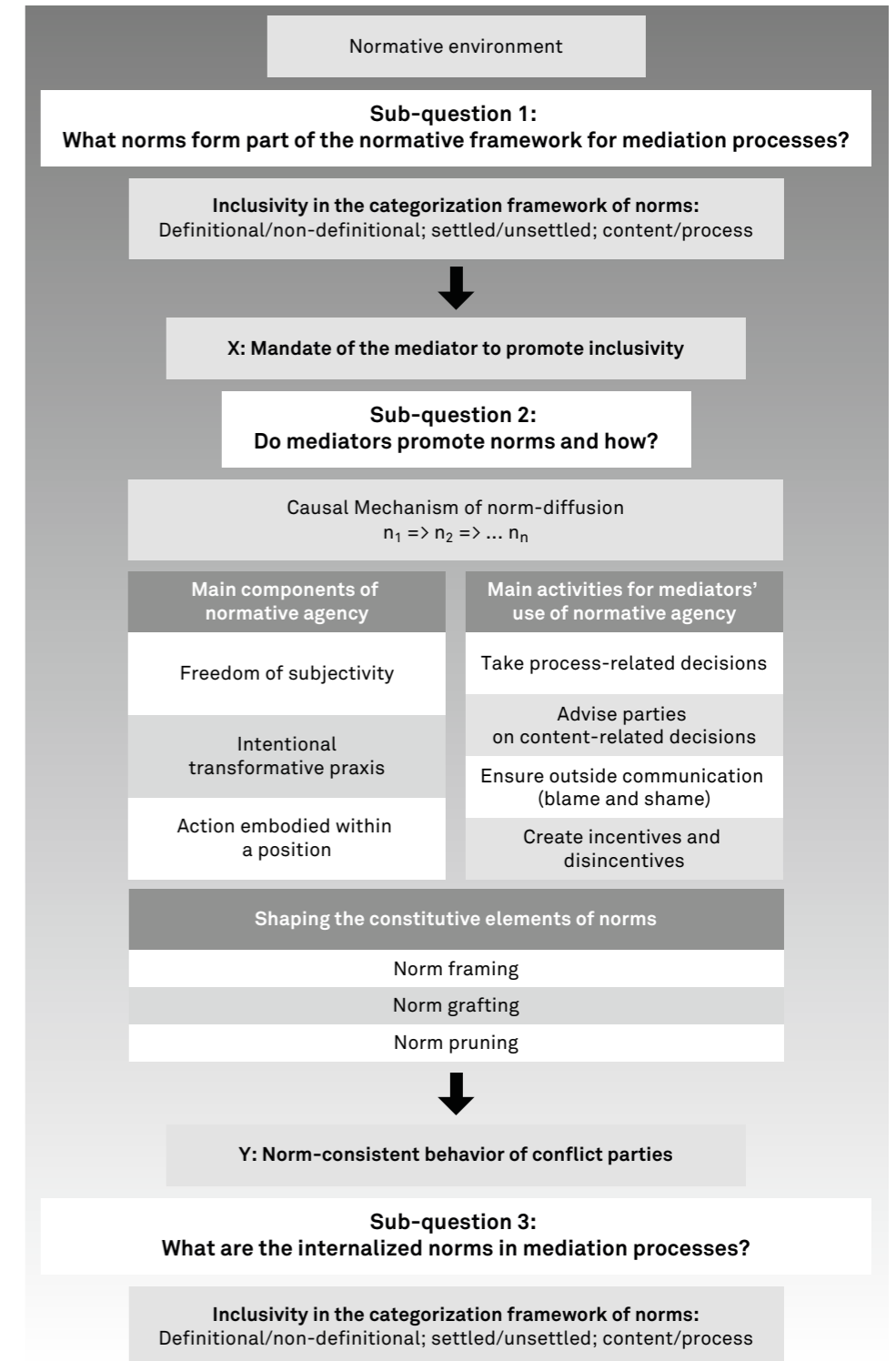


Figure 2: Overview of process-tracing method in the research project “Are Mediators Norm Entrepreneurs?”.

# 5

## Conclusion

The research project links the constructivist literature on norms with the mediation literature. Thereby, it makes three important contributions. First, with regard to the norms literature, it allows for norm non-diffusion as well as changes to norms as they are diffused and it focuses on agents, rather than structures, examining the agency of mediators. Second, by analyzing the ideational role of mediators as norm entrepreneurs it adds academic insights to a highly under-researched topic of study. Third, it creates a nexus between legitimacy, norm diffusion and mediation. Thus, one of the main impacts of the study lies in its cumulative contribution to scientific debates on norm diffusion and mediation.

At the same time, the research project assesses a question highly relevant for mediation practice. The normative framework in which mediation takes place is growing. While the debates have largely focused on either requiring mediators to promote specific norms or calling for more pragmatism with regard to the demands addressed at mediators, no study exists to date that empirically assesses the influence that mediators have in norm diffusion. The research project provides first-hand data on specific cases and thereby adds empirical evidence to the often merely prescriptive and policy-based debate. It therefore enhances the understanding of the role of mediators in norm diffusion.

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