

The role of norms in international peace mediation

Sara Hellmüller¹

DRAFT

Do not cite or circulate

Introduction

The expectations towards mediation processes are growing. Not only are mediators supposed to bring violent conflicts to an end, but they are also increasingly asked to integrate gender equality, human rights, justice and other norms into their overall strategy, and ensure these appear in peace agreements. Foreign policies of states and institutional policies of the United Nations (UN) and the European Union (EU) are increasingly value based, inevitably influencing the way mediators are expected to do their work.

With the UN Secretary-General issuing the UN Guidance for Effective Mediation in June 2012, the international community confirmed the growing imperative of normative frameworks in mediation practice.² The document provides guidance on eight fundamentals, among them inclusivity, national ownership, and international law and normative frameworks. Many scholars and practitioners welcome these in-depth discussions about mediation and perceive the concurrent expanding normative framework as a useful step towards increased professionalism in the field.

However, although the role and diffusion of norms have been widely researched in international relations and peacebuilding literature more generally, the same does not count for the field of mediation. With some exceptions (Mandell and Tomlin 1991; Raymond and Kegley 1985; Bluman-Schroeder 2004), the role of mediators in the diffusion of norms has mostly been treated prescriptively and in policy literature. But the question of the exact role of norms in mediation processes is hardly posed from an analytical point of view in scholarly literature. This article therefore seeks to provide reflections around the role of mediators in norm diffusion. It starts with a short literature review, then presents some of the findings of

¹ This paper is based on research conducted together with Julia Palmiano Federer, Matthias Siegfried and Mathias Zeller.

² United Nations 2012.

preliminary research based on interviews with 22 mediators and mediation experts³ and finally makes some conclusions for further discussion.

Norms in literature

The normative turn in international relations theory

Norms are a widely discussed and researched topic in international relations theory. They can be defined as “collective expectations about proper behavior for a given identity” (Katzenstein 1996). Although research on norms has a long history evidenced by strands of literature such as the ones on just war, democratic peace, alliance dynamics and regimes (Raymond 1997: 206-213), the most recent ‘normative turn’ mainly came with the rise of constructivism (Wendt 1992; Checkel 1998: 327; 1999: 107; Guzzini 2000: 154). Prior, state conduct was described by reference to material interests and power distributions based on rationalist approaches dominant during the Cold War (Morgenthau 1948; Waltz 1979; Mearsheimer 1994/95). The assumption that states are purely rational actors largely excludes norms as an independent factor in decision-making. Thus in rationalist approaches, norms are exogenized. They are said not to determine the interests of actors, but to only constrain their behavior (Checkel 1999: 84). Such approaches define norms as “standards of behavior that can alter the calculations of costs and benefits and constrain the options available to policy makers” (Florini 1996: 365). They are seen as “intervening variables between power distribution and international outcomes”, but change in international relations can only come about with a change in the power distribution (Florini 1996: 365; see also Mearsheimer 1994/95: 13; Björkdahl 2002: 11). Even more so, “the norms themselves are dependent upon underlying power distributions” (Checkel 1999: 84).

Rationalist approaches have thus asserted that norms have no causal explanatory force and are at most “unexplained sources of the exogenously given preferences of actors” (Florini 1996: 363). Constructivists challenge this assertion. They have shown that norms have “explanatory power independent of structural and situational constraints” (Florini 1996: 363; see also Legro 1997: 13; Björkdahl 2002: 11). They see norms as independent variables which do not purely constrain or regulate behavior (Checkel 1998: 327; 1999: 84), but “help to determine preferences” (Florini 1996: 366), guide “behavior by providing

³ At the time of interviewing, they represented the following institutions: international organizations (four), nongovernmental organizations (seven), think tanks and academic institutions (four), religious institutions (one) and foreign ministries (six). The interviews took place from May to December 2014. The sample is not representative and only constitutes some initial explorative study that will be further developed over the next three years.

motivations for action” (Björkdahl 2002: 1, 20) and “provide agents/states with understandings of interests (constitute them)” (Checkel 1999: 84). Thus, the status of norms moves from “intervening to independent” variable in the sense that “norms are no longer a superstructure on a material base; rather, they help to create and define that base” (Checkel 1998: 328). At the same time, actors’ identities also constitute norms. Therefore, it is an interaction as agents and structures, such as global norms, are mutually constituted (ibidem).

Since the early post-Cold War years, the role of norms has become widely acknowledged in international relations theory. Most importantly, different authors have provided insights on the diffusion of norms. Three related models have triggered particular interest in this regard. Finnemore and Sikkink (1998) have developed the ‘life cycle model’ which distinguishes three phases of norm diffusion: in the *emergence phase*, norm entrepreneurs persuade actors of the importance of a norm; in the *cascade phase* other actors also take up the norm through imitation, and in the *internalization phase* norms achieve a ‘taken for granted’ quality. The second model is the ‘boomerang pattern’ developed by Keck and Sikkink (1998). It describes how different actors can make a given state respect human rights norms. It shows how non-state actors can put pressure on their respective governments in order for the latter to pressure the government violating the norm either directly or through other non-state actors. Finally, Risse-Kappen and Sikkink (1999) developed the ‘spiral model’. They argue that oppressive states can transform from norm-violators to norm-followers through five steps, which describe a socialization process. The phases are first repression during which human rights defenders activate their networks to put the issue on the international agenda. Second, the accused state usually responds by denying the violation of human rights and refers to its sovereignty to prevent international interference. Third, under increased pressure, the state then makes tactical concessions, which create room for domestic opposition. Fourth, the norms achieve prescriptive status, ending in the fifth step, which is rule-consistent behavior.

Based on such models, scholars have produced a wide range of theoretical and empirical analyses of how norms diffuse (e.g. Nadelmann 1990; Finnemore 1993; Strang and Chang 1993; Soysal 1994; Klotz 1995; Finnemore 1996; Katzenstein 1996; Katzenstein et al. 1998). These included research on norms at the basis of anti-apartheid (Klotz 1995), decolonization (Nadelmann 1990; Strang 1991; Goertz and Diehl 1992) anti-slavery movements (Ray 1989), the ban on anti-personnel mines (Price 1998) or nuclear weapons (Schelling 1994; Tannenwald 1999). However, most of these models remain state-centric in

the sense that they focus on how state actors are socialized to adopt norm-consistent behavior.

Liberal norms in peacebuilding and mediation

In the peacebuilding literature, the focus is less exclusively on state actors who take up specific norms, but a wider set of actors in peacebuilding contexts. In this regard, it has become common to note that the norms that have diffused in recent years have had a predominantly liberal nature, stemming from liberal peace paradigm which denotes the belief that “certain kinds of (liberally constituted) societies will tend to be more peaceful [...] than illiberal states” (Newman et al. 2009: 11). Consequently, international peacebuilding actors have come to see the spread of democracy as a conflict prevention tool: “by adopting market liberalisation, good governance and civil society promotion as universal recipes for peace, donor peacebuilding de facto and rather uncritically endorses democratic peace theory” (Goetschel and Hagman 2009: 62). This liberal peacebuilding paradigm (Paris 2004; Richmond 2004; Barnett 2006) is characterized 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 et al. 2009: 3). These activities go well beyond the stabilization of a conflict context, and involve the spread of liberal norms through the set-up of the basic pillars of a liberal democracy.

The mediation field mirrors the liberal agenda of international peacebuilding. 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: 343). Mediation happens as part of a peace process, which sets the stage for longer-term peacebuilding processes. Mediators are therefore considered strategically well positioned to contribute to the diffusion of liberal norms since the negotiation table is seen as the key moment during which the future disposition of a country is decided upon. Indeed, those mediators interviewed attested that they are asked “to conform to a mushrooming set of norms, whether these are consigned in international law, in Security Council resolutions or in administrative guidance.”⁴ They are not only charged with ending a conflict, but also asked to integrate liberal norms such as gender equality, human rights and democratic standards into their overall strategy (Hancock 2008; Davis 2013).

⁴ Interview with mediator, 16 September 2014.

Different actors bring norms to a mediation process, but three are particularly relevant. First, how extensive concrete demands on mediators are depends largely on the specific organization mandating a particular mediation. Interviewees emphasized the difference it makes if a mediator works for the UN, the EU, a state or a nongovernmental organization (NGO) in terms of his or her normative flexibility. Foreign policies of states and the institutional policies of the UN or EU are increasingly value-based. UN mediators, for instance, are tied to the UN Charter as an overall framework, similar to a constitution in a domestic mediation process. They cannot support anything in violation of it or contrary to any of the international conventions, most importantly the Universal Declaration of Human Rights. NGOs, on the other hand, do not have the same formal restrictions.

Second, mediators' own normative socialization also plays a role. If a mediator is convinced that including a representative group of people is indispensable, she or he will design the process accordingly. This shows again that the question of whether a norm is settled or not is a highly subjective one, and already starts with the mediator's personal view. Those who have internalized a norm for themselves are less likely to question it, and will try to ensure that it will be respected in a peace agreement. Third, the parties' norms also heavily influence the mediation process and are highly relevant for the mediator to take into account.

Irrespective of the mandate-giver, the normative socialization of the mediator and the parties' own norms, however, the interviewees generally confirmed that the normative framework for mediation has been growing. Even if it may constrain mediators to some extent, most interviewees welcomed the increased role that norms play in their work, especially for the longer-term development of the mediation field. As one interviewee said, "the world of mediation found itself improvising for over 20 to 25 years"⁵ before clearer guidelines were established. Norms are therefore often associated with the ambition to set some standards based on lessons learned from the past and with the professionalization of the mediation field. The expanding normative framework provides a basis for the evaluation of mediation efforts. This means that while before there were almost no quality standards, recently introduced norms have provided some guidelines on what counts as a "good" mediation process.⁶ Moreover, norms can sometimes help mediators delineate their room for maneuver, and prevent misunderstandings on what they can support and what is

⁵ Interview with mediator, 08 October 2014.

⁶ Interview with mediation expert, 22 July 2014.

beyond the limits of their sphere of influence. These views reflect a broad consensus among interviewees that the norms per se are positive.

Nonetheless, interviewees also mentioned some challenges. Without necessarily questioning particular norms, they repeatedly underlined that norms must be carefully brought into a process so that they do not make the process too rigid or overloaded. Interviewees identified an “orthodoxy” associated with some norms that brushes aside questions of appropriateness or how they might be implemented in a given context.⁷ More generally, various mediators implicitly said that if an unchecked number of norms are brought into a mediation process, it could get to a point “where there are too many.”⁸ Therefore, it is crucial to analyze the role of norms in order to be more explicit about how exactly they influence a given process.

So far, however, and notwithstanding some exceptions (Mandell and Tomlin 1991; Raymond and Kegley 1985; Bluman-Schroeder 2004), the role of mediators in norm diffusion has mostly been treated prescriptively and in policy literature. This eschewing is surprising in light of the fact that the diffusion of norms, such as liberal ones, through peacebuilding more generally has been assessed by numerous authors (e.g. Mac Ginty 2008; Richmond 2009; Paris 2011; Sabaratnam 2011). The remainder of this article seeks to partly fill this gap. To do so, it will first suggest a categorization of norms that are part of the normative environment in which a mediator acts. It will then explore how mediators prioritize these different norms before analyzing their own role in norm diffusion.

[Norms in mediation practice](#)

[Categorization of norms](#)

Norms can be distinguished according to different categories. Based on the interviews, this article suggests a framework with three distinctions that are particularly helpful for the purposes of this analysis: the distinction between content-related and process-related norms; between settled and unsettled norms; and between definitional and non-definitional norms, as illustrated in figure 1. Although very few interviewees explicitly identified those categories, almost all of them at least implicitly referred to them.

⁷ Interview with mediator, 26 May 2014 and Interview with mediator, 08 October 2014.

⁸ Interview with mediator, 08 October 2014.



Figure 1: Categorization of norms in mediation processes

With regard to the distinction between content-related and process-related norms, content refers to what might (and might not) be negotiated during a mediation process, and what will eventually figure in the final peace agreement. For instance, content-related norms can include the prohibition of any unconstitutional change of government, or pertain to topics such as security, power-sharing or wealth-sharing. They are closely linked to agenda-setting in peace talks, which is, at least in a traditional understanding of mediation, seen as being the main responsibility of the parties. Process-related norms, on the other hand, define how a mediation process is planned and conducted. They include, for instance, norms around inclusivity or the impartiality of a mediator.

Secondly, academic literature makes a distinction between settled and unsettled norms (Frost 1996). A norm is considered settled in international relations when “it is generally recognized that any attempt to deny it requires special justification” (Raymond 1997: 224). These norms are usually not visible, and we are not necessarily aware of them, since they have become internalized and it is “normal” to behave in line with them. Settled norms can relate to content or process. Jus Cogens norms provide an example of content-related

settled norms in the strongest sense. These include, among others, the anti-apartheid, anti-slavery and anti-genocide norms. An example of a process-related settled norm is inclusivity, in the sense of involving all the main stakeholders in a process. It can be seen as settled since it is hard to imagine that any mediator would question the importance of this norm even if there is often no unanimity about who the main stakeholders are. Most mediators justify themselves or refer to later processes, however, if they feel that they do not have an inclusive process.

In contrast, as long as norms can be overridden without justification, they are considered unsettled. Examples are economic equality when it comes to content-related norms, and neutrality when it comes to process-related norms. With regard to the first, economic equality is an important norm in many social systems, but in the mediation field, it is not always included in negotiations. Despite wealth-sharing clauses that might figure in a final peace agreement, the norm is not upheld in all instances and can thus be considered unsettled. With regard to the neutrality of the mediator, this is understood as the absence of decided views or strong feelings. Many mediators actually have both personal opinions as well as principles under their mandate that prevent them from being strictly neutral. However, they do not necessarily feel the need to justify themselves since it is generally accepted that impartiality—defined as being able to run an unbiased and balanced process—is more important than neutrality.⁹ Different mandate-givers, mediators and conflict parties might not view the same norms as being settled. For example, opinions on norms pertaining to aspects of gender equality, transitional justice and some human rights standards are likely to be diverse. These different views cut to the heart of ongoing debates on this topic, which is why most norms discussed in mediation cannot be conclusively assigned to a particular area in figure 1.

Thirdly, some norms underpin the very definition of a mediation process. These pertain to its nature and are thus necessary definitional elements. Some of these norms are content-related and some are process-related. With regard to the former, the objective of a mediation process is based on norms that value a non-violent resolution of conflicts over military action and thus respect the right to life. If a third party started striking arms deals with the conflict parties or making military alliances, the process would not be called mediation anymore. The right to life can therefore be characterized as a content-related definitional norm in mediation.

⁹ This has also become evident in recent literature on insider mediators. See, for instance, Berghof Foundation, Center for Security Studies and swisspeace 2009, and United Nations Development Programme 2015.

With regard to process-related definitional norms, an example is consent. If a process happens without the consent of the parties, it does not qualify as mediation. As soon as a mediator starts negotiating with the parties to forcefully advance his or her own agenda, the process is no longer compatible with the principles of mediation, and it can be at least disputed whether it would still be called a mediation process. In this case, a third-party intervention would more accurately be described as high-powered diplomacy, sanctions or another form of engagement.

Prioritization of norms

It became clear in the interviews that mediators generally prioritize settled and definitional over other norms. It seemed uncontested that both content-related and process-related definitional norms such as the right to life and consent are prioritized by mediators. With regard to the right to life, the majority of those interviewed saw sustainable peace as the result of an ideal mediation process. However, those who have worked directly as mediators or still do so almost unanimously urged for more humble expectations when it comes to normative standards in mediation. They would prioritize ending violence and therefore the definitional norm of the right to life when the situation requires a hard choice. They pointed out the need to weigh the “lesser of two evils” when faced with these challenges.¹⁰ According to their rationale, stopping the killing is paramount and will then also lead to the fulfillment of other norms, such as improved respect for human rights and gender equality. As one respondent said, “the main view we always took was that human rights abuses [...] are basically a consequence of the war, and by far the most important human rights violations were the killings. So if you stop the killings, you would also drastically improve the human rights climate.”¹¹ This argument builds on the assumption that violence is the major source and root cause of a plethora of other human rights violations.

Many of the examples used as illustrations in interviews, ranging from Bosnia to Sri Lanka to Kenya to name but a few, contained a conscious tempering of some normative standards in order to achieve the overarching goal of ending violence and respecting the right to life. Interviewees recognized the important role of those who advocate for certain norms, and

¹⁰ Interview with mediator, 18 August 2014.

¹¹ Interview with mediator, 06 October 2014.

that those actors need to “hold the line firmly”.¹² In turn, however, from the perspective of a mediator, they often described concepts like partial amnesties as the lesser of evils if they can stop a situation in which “thousands of people are dying”.¹³ This seems to stand in contrast to the widespread affirmation that a mediation process should lead to more than just an end of violence. It should not be read to imply, however, that mediators do not strive for more, but that—if push comes to shove—they seem to prioritize ending violence, and thus the definitional norm of the right to life. Even though other norms might also be encouraged, they are not, in the immediate term, prioritized, since they do not form part of the definitional core group of norms in mediation processes.

The process-related definitional norm of consent also seems to be prioritized in mediation processes. This is mostly visible when it comes to its interaction with some of the norms related to transitional justice. Hesitance about including the latter is mostly based on the challenges they contain with regard to the incentive structure that runs against consent. The thinking is that a lingering indictment might weaken consent, since it can go against the interest of the concerned party. At the same time, a rigid approach by mediators themselves, for example, not to be allowed to talk to indicted individuals (a process-related, unsettled, non-definitional norm), may severely constrain their room for maneuver and thus reduce their chances of success. Other norms such as gender equality were also sometimes questioned, especially in terms of whether or not they were really accepted by the conflict parties and had roots in communities. In that sense, interviewees implicitly invoked the norm of consent to say that a mediator’s advocacy for specific norms is opposed to a core principle of mediation. Many mediators attest that in the end, it is the parties’ responsibility to decide, showing that consent is prioritized as a norm.

Having established that definitional norms are generally prioritized, another question is how exactly they relate to settled norms. Here, a distinction needs to be made between settled norms in terms of process and content. It is clear that a mediator cannot violate settled norms of the strongest kind, such as Jus Cogens norms, by invoking a definitional norm. Some process-related settled norms can, however, be tempered, such as inclusivity. If mediators see inclusivity as running against the objective of ending violence in the immediate term, they will not uphold it. The Dayton process serves as an example here. It was highly exclusive as a process, in order to guarantee a quick settlement. If, however, mediators perceive an opportunity to allow for a more inclusive and hence more sustainable

¹² Interview with mediator, 18 August 2014.

¹³ Interview with mediator, 09 October 2014.

process as also the most effective way to end violence, then they will promote it. This was the case in Guatemala which “ranks among the peace processes that made the most determined effort to broaden its agenda and to maximize civil society participation” (Arnault 2014). Similarly, if inclusivity fosters consent of the main parties who themselves push for it, then mediators also strongly defend it. In Afghanistan, the main conflict parties promoted more inclusion to increase their own legitimacy. If, however, the parties might fear a loss of power for themselves or are not in favor of including more actors or topics, mediators might also be hesitant to do so, in order to maintain the consent of the main stakeholders.

Many interviewees saw the fact that no distinction was made in public discourses between very well established norms (settled and definitional) and those that have been gradually developed more recently and are still somewhat under-defined (unsettled and non-definitional) as making prioritization more challenging. A more thorough discussion about the nature of norms in mediation and how they are prioritized would add clarity and create mutual understanding about their relevance and appropriateness. Virtually all the interviewees underlined that such a prioritization should not be seen in terms of a dilemma with associated trade-offs, but rather as a challenge that can be managed. They broadly agreed that different norms are rarely mutually exclusive. It is often not an “either or” question (e.g., inclusivity vs. efficiency), but a question of how norms are sequenced, which mostly depends on what is most appropriate for a given context.

One interviewee said, for instance, that the negotiations in the Kenya process in 2008 did not have an extensive agenda influenced by a broad variety of content-related norms. This was justified, however, because there were only eight people sitting at the negotiation table; important issues had to be addressed in different fora.¹⁴ A second example was Afghanistan. As one interviewee explained, the parties had to navigate how to integrate certain rights in the Constitution as well as include the Taliban in the political system. Justice may have been tempered in this example, but was measured alongside “the benefit of having a stable state”.¹⁵ One can interpret this less as about trade-offs and more as about careful navigation on a case-by-case basis.

¹⁴ Interview with mediation expert, 20 May 2014.

¹⁵ Interview with mediation expert, 07 October 2014.

The role of the mediator

The prioritization of norms raises some questions about the role of the mediator in promoting them. There is a noticeable difference in the role conception between actors supporting mediation processes from a distance and mediators. The former group of respondents generally saw the mediation process as the moment where a country and a society are put on a certain track, and hence, mediators need to bring in the “right” values whenever they can. Since the peace agreement is what will be referred to in the future, it is of utmost importance to lay the foundations for the viable coexistence of conflict parties in that document. These respondents underlined the importance of mediators bringing in norms such as gender, transitional justice and democracy. This is understandable since these actors, especially when it comes to representatives of foreign ministries, the UN or the EU, are mandated to promote these norms.¹⁶ In that sense, they focus primarily on the “how” rather than the “if” of norm inclusion, based on the assumptions that these norms are already settled in mediation and have a clear value added also in the eyes of the conflict parties.

Mediators, in turn, said that the relevance of one central “peace table” is generally overemphasized. The almost exclusive focus on only a small part of a peace process runs the risk of imposing overly high expectations on the mediator. It might be important to consider different norms in the mediation process, but the process itself should not be overstated. As one mediator said, “mediation is just a small part of [the peace process]. There are different dialogues and different actors who have a role in peace processes. Mediation is not the key activity, but many others are there”.¹⁷ This understanding removes some pressure from mediators. It relativizes efforts to re-establish a society according to the normative expectations of third parties, and allows mediators to assist parties in finding an agreement that they understand, that they believe in and that can be implemented afterwards. As one respondent said, “Nepal had its comprehensive peace agreement, but [...] they are still negotiating the fundamentals of the new Constitution. So it would be foolish to not look at it over a broader timeframe and to appreciate that [...] even if that agreement may contain a minimal amount of normative prescriptions, the assumption is that more of those can come in at a later stage”.¹⁸ Most practitioners pointed to the complex

¹⁶ Representatives of foreign ministries tend to be under closer scrutiny, which binds them to a specific set of laws and values. An explanation for this could be the more direct link to their constituencies (i.e., taxpayers) as opposed to representatives of international organizations or NGOs with more diffuse sources of funding.

¹⁷ Interview with mediator, 09 July 2014.

¹⁸ Interview with mediator, 09 July 2014.

network of actors and processes that support a formal mediation process from the outside.¹⁹ They offer many opportunities to establish normative standards not necessarily included directly in a peace agreement, but in parallel processes or at a later stage.

Moreover, many mediators stated that they do not see themselves as advocates of unsettled and non-definitional norms. They said that they can facilitate, cajole and encourage, but not impose, push or control. Mediators can enable parties to consider questions of transitional justice or gender equality, for instance. They can bring in certain norms through the inclusion or exclusion of actors, through the setting of the agenda after consultation with the parties, and through advising parties on issues in dispute. If a point of dispute is over territory for instance, then norms and standards with regard to possession, dispossession, use of land and so forth are important. If a dispute arises over the organization of the state, then norms related to minority protection and equal participation might be brought in. In sum, norms can become relevant at different points of a mediation process and with regard to different issues, but mediators do not decide on this alone. They can serve as a catalyst that sparks a change in the parties' approach and be a role model by respecting norms they hold dear in their own activities (e.g., including women in their teams), but they will not be able to effectively decide on that approach for the parties. Thus, the self-conception of mediators is that they have only partial influence on the content of a negotiation process.

This does not mean to imply that mediators work in a "normative vacuum". They have clear mandates, and certain settled and definitional norms to which they have to adhere. Interviewees clearly underlined the boundaries that they cannot cross and that create obligations that parties need to fulfill if they want to sign their agreement under the auspices of a specific mediator. In case mediators' requirements are incompatible with the norms that the parties want to defend, the interviewees did not see many other alternatives than for the mediator to withdraw. There is a natural power asymmetry between the mediator and the parties in the sense that the former can be easily replaced. It is clear to most mediators that if they push too hard for unsettled and non-definitional norms with which the parties disagree, the parties will seek another mediator. Therefore, they see themselves as there "to help the parties resolve their conflict in the broad interests of peace, stability, and democracy, but they are not going to be overly principled or overly rigid".²⁰

¹⁹ This includes actors involved in development and peacebuilding programs more generally (e.g., on topics such as disarmament, demobilization and reintegration; reconciliation; state-building; security sector reform; etc.).

²⁰ Interview with mediator, 18 August 2014.

In conclusion, the mediators interviewed underlined the importance for those who want to promote certain norms to work directly with the parties. Many mediators criticized the heavy focus that norm advocates put on them when it comes to promoting certain values. They described being constantly lobbied during peace processes to include various provisions in peace agreements. According to the interviewees, however, this method of norms promotion is problematic since it ignores the importance of the parties' content. The interviewees insisted on the need for norm advocates to explain to parties the norms they promote, how they work and why they should be brought into a mediation process. In contrast, the expectation that a mediator can put certain provisions into an agreement regardless of whether the parties want them or not illustrates not only a misunderstanding of mediation and its definitional core norms, but also an overestimation of the power of the mediator. Rather, mediators interviewed argued for a very case-specific use of norms carefully worked out with the parties, according to their needs. They underlined that once the major problems have been identified together with the parties, norms can provide examples and options to deal with those issues. The solution itself, however, will be developed by the parties, tailor-made to their specific circumstances, and hence contributing to making the mediation process more effective.

Conclusion

The normative framework that mediators work in has undoubtedly changed over the past 25 years. Whereas mediation used to be a field of practitioners who were largely left to their own devices, they have a number of normative considerations and restrictions today. This is linked to the broader developments in the peacebuilding field and the spread of liberal norms more generally. However, while the role and diffusion of norms have been widely researched in international relations and peacebuilding literature, the question of the role of norms in mediation is mainly addressed from a prescriptive perspective.

This article has attempted to provide some initial analysis based on 22 interviews with mediators and mediation experts. It has shown that unanimously, the practitioners interviewed welcomed trying to establish some standards and more systematic practices as a step towards the professionalization of the field. While there seems to be unanimity about the generally positive value of different norms such as those related to gender equality, human rights and transitional justice, there is often a debate about how these can be

categorized and prioritized, and what the mediator's role is in promoting them. In order to shed light on these questions, this article has proposed a categorization of norms based on three distinctions: whether norms are content-related or process-related, settled or unsettled, or definitional or non-definitional. Distinguishing norms according to these categories helps to focus the debate, since it makes underlying assumptions about the priority of different norms more explicit, and opens the discussion around which norms belong to which category. As a general principle, those directly mediating peace negotiations tend to have more reservations around advocating for the inclusion of norms than those supporting processes from a distance. The mediators interviewed underlined that these diverging understandings mainly stem from the fact that mediation is just one amongst many phases in a peace process and that the inclusion of norms should be discussed with and decided upon by the parties.

The anecdotal evidence presented in this article underscores the need for a more explicit and open discussion about the role of norms in mediation moving the current implicit prioritization towards a more explicit approach. Key questions at the heart of further research involve for instance the role of the norms of the parties and how and where they come in; what norms belong to the different categories proposed in figure 1; and what the exact sphere of influence of the mediator is in promoting norms and how this can be analyzed. Greater clarification on these and other questions around the role of norms in mediation could help to move mediation processes forward more effectively.

Bibliography

- Arnault, J. 2014. Legitimacy and peace processes: international norms and local realities. *In: WENNMANN, A. & RAMSBOTHAM, A. (eds.) Legitimacy and peace processes: from coercion to consent.*
- Barnett, M. 2006. Building a Republican Peace: Stabilizing States after War. *International Security*, 30, 87-112.
- Bercovitch, J. 2009. Mediation and Conflict Resolution. *In: BERCOVITCH, J., KREMENYUK, V. & ZARTMAN, W. I. (eds.) The SAGE Handbook of Conflict Resolution.* London: SAGE.
- Berghof Foundation, Center for Security Studies & swisspeace 2009. Insider Mediators: Exploring their Key Role in Informal Peace Processes. Berlin: Berghof Foundation.
- Björkdahl, A. 2002. Norms in International Relations: Some Conceptual and Methodological Reflections. *Cambridge Review of International Affairs*, 15, 9-23.
- Bluman-Schroeder, M. 2004. Getting the 'Right' Agreement: How International Norms Influence the Behaviour of International Mediators. Vancouver BC: The University of British Columbia.
- Checkel, J. T. 1998. Review: The Constructivist Turn in International Relations Theory. *World Politics*, 50, 324-348.
- Checkel, J. T. 1999. Norms, Institutions, and National Identity in Contemporary Europe. *International Studies Quarterly*, 43, 83-114.
- Davis, L. 2013. Power shared and justice shelved: the Democratic Republic of Congo. *The International Journal of Human Rights*, 17, 289-306.
- Finnemore, M. 1993. International organizations as teachers of norms: the United Nations Educational, Scientific and Cultural Organization and Science Policy. *International Organization*, 47, 565-597.
- Finnemore, M. 1996. *National Interests in International Society*, Ithaca, Cornell University Press.
- Finnemore, M. & Sikkink, K. 1998. International Norm Dynamics and Political Change. *International Organization*, 52, 887-917.
- Florini, A. 1996. Evolutionary Paradigms in the Social Sciences. *International Studies Quarterly*, 40, 363-389.
- Frost, M. 1996. *International Relations-A Constitutive Theory*, Cambridge, Cambridge University Press.
- Goertz, G. & Diehl, P. F. 1992. Toward a Theory of International Norms: Some Conceptual and Measurement Issues. *Journal of Conflict Resolution*, 36, 634-664.
- Goetschel, L. & Hagman, T. 2009. Civilian Peacebuilding: Peace by Bureaucratic Means? *Conflict, Security & Development*, 9, 55-73.
- Guzzini, S. 2000. A Reconstruction of Constructivism in International Relations. *European Journal of International Relations*, 6, 147-182.
- Hancock, L. E. 2008. The Northern Irish Peace Process: From Top to Bottom. *International Studies Review*, 10, 203-238.
- Katzenstein, P. 1996. *The Culture of National Security: Norms and Identity in World Politics*, New York, Columbia University Press.
- Katzenstein, P. J., Keohane, R. O. & Katzenstein, S. D. 1998. International Organization and the Study of World Politics. *International Organization*, 52, 645-685.
- Keck, M. E. & Sikkink, K. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca and London, Cornell University Press.
- Klotz, A. 1995. *Norms in International Relations: The Struggle Against Apartheid*, New York, Cornell University Press.
- Legro, J. W. 1997. Which norms matter? Revisiting the 'failure' of internationalism. *International Organization*, 51, 31-63.

- Mac Ginty, R. 2008. Indigenous Peace-Making Versus the Liberal Peace. *Cooperation and Conflict: Journal of the Nordic International Studies Association*, 43, 139-163.
- Mandell, B. S. & Tomlin, B. W. 1991. Mediation in the Development of Norms to Manage Conflict: Kissinger in the Middle East. *Journal of Peace Research*, 28, 43-55.
- Mearsheimer, J. J. 1994/95. The False Promise of International Institutions. *International Security*, 19, 5-49.
- Morgenthau, H. J. 1948. *Politics Among Nations: The Struggle for Power and Peace*, New York, Alfred A. Knopf.
- Nadelmann, E. A. 1990. Global Prohibition Regimes: The Evolution of Norms in International Society. *International Organization*, 44, 479-526.
- Newman, E., Paris, R. & Richmond, O. (eds.) 2009. *New perspectives on liberal peacebuilding*, New York: United Nations University Press.
- Paris, R. 2004. *At War's End: Building Peace after Civil Conflict*, Cambridge, Cambridge University Press.
- Paris, R. 2011. Critiques of Liberal Peace. In: CAMPBELL, S., CHANDLER, D. & SABARATNAM, M. (eds.) *A Liberal Peace?: The Problems and Practices of Peacebuilding*. London: Zed Books.
- Price, R. 1998. International norms and the mines taboo: Pulls toward compliance. *Canadian Foreign Policy Journal*, 5, 105-123.
- Ray, J. L. 1989. The abolition of slavery and the end of international war. *International Organization*, 43, 405-439.
- Raymond, G. A. 1997. Problems and Prospects in the Study of International Norms. *Mershon International Studies Review*, 41, 205-245.
- Raymond, G. A. & Kegley, C. W. 1985. Third Party Mediation and International Norms: A test of two Models. *Conflict Management and Peace Science*, 9, 35-52.
- Richmond, O. 2004. The Globalization of Responses to Conflict and the Peacebuilding Consensus. *Cooperation and Conflict: Journal of the Nordic International Studies Association*, 39, 129-150.
- Richmond, O. 2009. *Liberal peace transitions: a rethink is urgent* [Online]. Available: <http://www.opendemocracy.net/oliver-p-richmond/liberal-peace-transitions-rethink-is-urgent>.
- Risse-Kappen, T. & Sikkink, K. 1999. The Socialization of International Human Rights Norms into Domestic Practices: Introduction. In: RISSE-KAPPEN, T., ROPP, S. C. & SIKKINK, K. (eds.) *The Power of Human Rights: International Norms and Domestic Change*. New York: Cambridge University Press.
- Sabaratham, M. 2011. The Liberal Peace? An Intellectual History of International Conflict Management, 1990-2010. In: CAMPBELL, S., CHANDLER, D. & SABARATNAM, M. (eds.) *A Liberal Peace?: The Problems and Practices of Peacebuilding*. London: Zed Books.
- Schelling, T. C. 1994. *The conventional status of nuclear weapons*, Los Angeles, Center for International Relations, University of California.
- Soysal, Y. N. 1994. *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago, University of Chicago Press.
- Strang, D. 1991. Global Patterns of Decolonization: 1500 - 1987. *International Studies Quarterly*, 35, 429-454.
- Strang, D. & Chang, P. M. Y. 1993. The International Labor Organization and the Welfare State: Institutional Effects on National Welfare Spending 1960-1980. *International Organization*, 47, 235-262.
- Tannenwald, N. 1999. The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use. *International Organization*, 53, 433-468.
- UNDP 2015. *Supporting Insider Mediation: Strengthening Resilience to Conflict and Turbulence*. New York: UNDP.

- United Nations. 2012. *UN Guidance for Effective Mediation* [Online]. Available: <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf>.
- Waltz, K. 1979. *Theory of international politics*, Columbus, McGraw-Hill.
- Wendt, A. 1992. Anarchy is what States Make of it: The Social Construction of Power Politics. *International Organization*, 46, 391-425.