On Democracy: The Role of Norms in International Peace Mediation

Mathias Zeller
Hein Schellekens
Publisher
swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation.

About the Project
This publication is part of a research project initiated by NOREF and swisspeace exploring how the growing framework of legal and social norms influences mediation practice. The research involved interviews with more than 20 mediators and mediation experts. The general results were published in a report and a policy brief available on www.swisspeace.ch. In addition, the project resulted in four Essential publications analyzing how specific norms – inclusivity, gender, democracy and transitional justice – influence international mediation processes. The work of swisspeace in the framework of this project was in part covered through the Mediation Support Project (a joint initiative by swisspeace and the Center for Security Studies, ETH Zurich, funded by the Swiss Federal Department of Foreign Affairs).

Essential series
With its Essential series, swisspeace offers expert advice and guidance for practitioners on various topics of civilian peacebuilding. A full publication list can be found online: www.swisspeace.org/publications

Cover picture
Staircase shot, Carlos Andrés Reyes

Partners
swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences (SAHS).
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2. Democracy as a Norm</td>
<td>4</td>
</tr>
<tr>
<td>3. Norms in International Peace Mediation – a Categorization</td>
<td>7</td>
</tr>
<tr>
<td>4. Practical Considerations</td>
<td>16</td>
</tr>
<tr>
<td>5. Conclusion</td>
<td>27</td>
</tr>
<tr>
<td>About the Authors</td>
<td>30</td>
</tr>
<tr>
<td>About swisspeace and NOREF</td>
<td>32</td>
</tr>
</tbody>
</table>
International peacebuilding efforts reflect the geopolitical landscape in which they operate. In line with sentiments that celebrated liberal universalism, the end of the Cold War marked a transformation in how peacebuilding was conducted. Rather than primarily focusing on maintaining order and the settlement of territorial conflicts, peacebuilding efforts began to expand their scope by including institutional reform and state design. By considering liberal democratic states as less vulnerable to conflicts, both between states and within states, peacebuilding aimed to establish the necessary requirements for a liberal state: democracy, a system of (human) rights, the rule of law and opportunities for free trade. In other words, the liberal peace theory started to consider liberal democracy as a 'one-size-fits-all' solution for situations of conflict.1 Peacebuilding has therefore been infused with a set of norms, with democracy providing the ideological framework for it. This so-called liberal peacebuilding has been the topic of a lively academic debate. However, these discussions are focused primarily on the post-agreement phase of peacebuilding interventions.2 Less attention has been paid to the role of such norms in peacemaking, in which mediation activities are a crucial instrument. Mediation is defined here as “a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements3.”

This Essential sheds light on the role of democracy in mediation practice within an analytical framework that was developed as a result of a research project investigating the growing influence of norms in international peace mediation processes.4 In order to do so, it first assesses different interpretations of democracy. Thereby, it identifies equality and collective decision-making as the two core norms of the concept that gain normative power in the framework of the liberal peace theory. Second, it categorizes those two elements in the mentioned analytical framework to understand their normative role in peace mediation activities. Third, it
Introduction

highlights practical considerations with regards to the design of a mediation process as well as the role of mediators in striving for mediation outcomes that respect democratic values.
2  Democracy as a Norm

There is something paradoxical about ‘democracy’: despite its globalized appeal, it is difficult to find agreement on what it actually entails. The World Survey Report indicates that a great majority of the world’s population is in favor of democratic systems of governance. However, such positive attitudes seem to reflect different interpretations. Rather than observing a converging trend towards the adoption of a homogeneous concept of governance, they more likely resemble the “vague endorsement of a popular idea”. A great variety of normative, descriptive and semantic interpretations, however, stand in the way of a clear conceptual understanding. This is illustrated – for instance – by the diversity of countries being considered as part of the family of democratic states. Therefore, rather than understanding democracy as a norm in itself, it is better described as an ideology with various operational forms.

Despite such ambiguity, pragmatic straightforwardness is applied when democracy is ‘promoted’ or becomes part of peacemaking activities. Global governmental institutions such as the United Nations (UN) or the European Union (EU) typically mention democracy in rather general terms and, as such, recognize it as promoting broader international normative frameworks, e.g. the Universal Declaration of Human Rights. In light of the paragraph above, and in order to understand its role in peace mediation processes and operationalize it for analysis, it is thus helpful to first assess the different interpretations of democracy. The Essential takes a look at some of the writings of political philosophy, trying to isolate the fundamental principles used to advocate for democracy as ideology and political system. Based on these reflections, it argues that democracy can be understood as a model of collective decision-making over which members of a community with equal moral worth exercise control. This definition leaves open what particular type of democracy (direct, representative, deliberative, liberal, etc.) is or should be adopted. It merely sets out two core norms any type of democracy ought to entail: equality and collective decision-making.
The first, political equality, is enshrined in the postulate that members of a political community are of equal moral worth. Accepting this premise implies the governing authority has “an abstract responsibility to treat each citizen’s fate as equally important”.\textsuperscript{9} Even though this presumption of equality does not imply citizens ought to be equal along all distributive standards, it does require the minimal condition of political equality: an equal influence of citizens over governmental decisions.

For liberal political theories, with a natural state of individual freedom as their starting point, political equality implies that individuals give up some of their autonomy in order to create an authority for their protection. The objects of protection are things such as private property and self-ownership and can be subsumed under individual (civil) rights. The state, in its Weberian interpretation, serves as a collective enterprise to protect these fundamental rights that are granted to every citizen alike given their equal moral worth.

The second premise holds that collective decisions are legitimate insofar as they rest on agreement from all community members. A collective decision is considered legitimate because it reflects and respects the equal claim to that decision by every individual making up the community. In its pure form, this translates into a system of a direct democracy as practiced in ancient Athens.\textsuperscript{10} By participating in the decision-making process, Singer argues, citizens give their tacit consent to respect any decision that is taken by the collective and be bound by it, even if it contradicts their individual preferences. For practical reasons in today’s world of states much larger and more populous than a city-state, collective decisions are commonly delegated to a few via a representative democracy. According to Singer, this does not alter the original logic of democracy as a system of collective decision-making, albeit executed by representatives.\textsuperscript{11}
Representative democracy

Although the normative foundations of liberal political theories leave open what model of governance should be applied to guarantee political equality and popular sovereignty, in practice they have merged with the concept of a representative democracy, where legislative officials are elected to represent the citizens of a political community. Alternative instruments of popular sovereignty, such as referenda on policy initiatives, or sortition, where public functions are assigned by lot, are typically rejected on the argument that modern states are too large to implement such instruments of direct democracy. Next to such practical considerations, political theorists, from the Federalist Papers to Schumpeter’s description of the ordinary voter, have expressed a belief in the elected representative as more capable and qualified, compared to the average citizen. Consequently, democracy has become synonymous to elections, whereas liberalism has become synonymous to a representative democracy.12 Some argue it is possible to have one without the other and therefore make a distinction between an “electoral democracy” and a “liberal democracy”.13 The electoral democracy is one that meets certain standards for political rights, but fails to adequately protect civil liberties. A liberal democracy is one where both political and civic liberties are protected. Others claim that elections, and the protection of political rights more in general, only become possible after the liberal principles are firmly protected by civil rights.14 It is disputed how the two types of liberties correlate.

13 This distinction is made by Freedom House.
While peace mediation has always existed as a particular practice in international diplomacy, it has received increasing academic attention over the last decades, as it has become a vital and specialized tool for the international community to assist in the resolution of conflicts. Along with this development, there have been increasing efforts to professionalize the mediation field, including through the provision of training opportunities, the analysis of past mediation processes and the publication of various guidelines for mediators. This last point also implies that mediators are not only expected to support conflict parties in finding mutually acceptable agreements, but to do so taking into account various norms. The analytical framework that will be presented in what follows, categorizes these norms and thereby tries to understand their interaction in mediation activities.

3.1 Analytical Framework

The framework, as presented in Graph 1, categorizes norms along three distinctions: content-related or process-related, settled or unsettled and definitional or non-definitional norms.

Graph 1: An analytical framework for categorization.

---


The first distinction is between process- and content-related norms. Process-related norms define how a mediation process is planned or executed, for instance in terms of location, sequencing and participation. An example for a process-related norm is inclusivity, in the sense of including actors beyond the armed political elites. Content-related norms define what topics are included or excluded from the negotiations during a mediation process. Common topics in peace agreements are constitutional reforms, elections, wealth-sharing and security, amongst others. An example for a content-related norm is economic equality as it may influence which topics play a prominent role in mediation processes.

The second distinction is between settled and unsettled norms. Settled norms are accepted as legitimate ‘codes of conduct’. This does not imply that actors necessarily act according to such norms, but that any attempt to deny or ignore them requires special justification. Unsettled norms, on the other hand, do not require such justification. Whether a norm is settled or not can be difficult to define before or during the mediation process. Research typically recognizes such distinctions ex post by examining the discourse and “the norm-induced pattern of behavior” that follows from it. International law serves as a common benchmark with a number of peremptory norms that are internationally recognized as non-negotiable, such as jus cogens for the prohibition of torture, slavery or apartheid. Settled and unsettled norms can be process- or content-related.

The third distinction is between definitional and non-definitional norms. As the name suggests, definitional norms define what characteristics a mediation process ought to possess in order to be defined as such. Definitional norms can be both process- or content-related. Definitions of mediation typically emphasize the voluntary commitment to achieve a non-violent settlement and the consent of all (or most) involved parties. Translated into the framework, the aim of a widely shared agree-
ment on how to proceed, i.e. the consent of the parties, is an example of a process-related definitional norm: it prescribes a certain manner in which a mediation process ought to be conducted. The goal of a non-violent settlement, in turn, is an example of a content-related definitional norm: it sets out what is essentially negotiated. As the original research has shown, mediators have a tendency to prioritize definitional norms over others in case they conflict with each other. This point will be elaborated more in detail further below.

3.2 Democracy within the Analytical Framework

As explained before, this Essential assesses two core norms contained in the ideology of democracy, namely equality and collective decision-making. Operationalized for mediation, efforts to spread the norm of equality take the form of promoting human rights, usually in the framework of legal and constitutional reforms and the rule of law, often with specific attention to transitional justice mechanisms and questions related to dealing with the past. The norm of collective decision-making, albeit conceptually reduced to a maximum, can be operationally converted into activities supporting the planning, organization and conduct of elections. Derived from the theoretical considerations presented above, elections are the tool to guarantee every citizen with the right to vote that her or his opinion is in fact respected within the collective.

Content-related or process-related

Democratic norms are first and foremost content-related, both with respect to the promotion of human rights and elections. Mediation processes typically aim at establishing a society based on individual rights, anchoring these elements in the respective peace agreements. As an illustration, Bell lists various UN documents that contain very specific normative standards that are expected to be considered in the outcome of peace processes, i.e. the formal agreements. Examples for such docu-
Norms in International Peace Mediation – a Categorization


22 Ibid, 21.


ments are the Report of the Secretary-General on Transitional Justice and the Rule of Law or the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity.21 As a result, many mediated peace agreements include provisions that reform law enforcement institutions “in terms of key human rights requirements”.22 In particular, impunity has received considerable attention in recent years, leading to the banning of general amnesties for crimes committed during conflict, among other things. This means that mediators representing an institution like the UN, for instance, are prohibited to officially endorse any peace agreement that contains provisions for blanket amnesties.23

When it comes to elections, as Paris remarked: “all major peacebuilding operations have involved elections or broader democracy-assistance activities”.24 Increasingly and almost with no exceptions, elections have become a concern already during the mediation phase. In the context of the war in Kosovo that ended in 1999, UN Security Council Resolution 1244 not only established the UN Interim Administration Mission in Kosovo (UNMIK) and mandated a Special Envoy to facilitate negotiations to determine Kosovo’s final status, but also laid out how and when elections would take place. The Bonn Agreement signed in 2001 foresaw elections in Afghanistan which were eventually held in 2004. As this could be seen as a natural outcome of an unprejudiced process, a look at mediation mandates suggests a different interpretation. It is not uncommon that the holding of elections is often enshrined in the mandate of a mediator before even becoming a subject of political negotiations. The peace process for Syria serves as an example, in which the UN Security Council drafted the mandate for a mediator requesting a settlement to the conflict that allows for free and fair elections even before negotiations had started.25
In addition to the establishment of an institutional framework for democracy and thus its integration in the content of peace agreements, democratic norms also have a process-related dimension, albeit it is less obvious and almost exclusively focused on collective decision-making. On the one hand, the results of peace mediations can be subjected to democratic decision-making procedures. Peace agreements can be presented to citizens who can decide via a referendum on its implementation, as it happened with the Good Friday Agreement in Northern Ireland or the Cypriot Annan Plan. On the other hand, democratic norms can have a considerable influence on how a process is conducted, illustrated by the growing efforts to make peace processes more inclusive. This reflects the ambition to provide their outcomes with democratic legitimacy. Mediation processes by definition aim for mutually acceptable agreements. In order to reach those, mechanisms for collective decision-making within the limits of the mediation process will be used so as not to lose the consent of any party. Against this backdrop, mediators are increasingly expected to gather a group of actors that form a fair representation of the constituencies affected by the conflict and respect their equal moral worth in the sense that they ideally get an equal say in the mediated negotiations, i.e. the decision-making process.26 Undoubtedly, the more actively a mediator starts pushing for broader inclusion, the more he or she risks to interfere with the interests of the main conflict parties, thereby encroaching on their consent and thus leaving the defined ambit of mediation. This observation will be discussed in more detail further below.

**Settled or unsettled**

Democracy, understood as promoting equality with focus on human rights and collective decision-making through elections, has become a settled norm in terms of process. Whereas the two concepts may not have an immediately visible bearing on mediation processes, they are reflected in the importance apportioned to

---

26 Given that a previous Essential was dedicated to the topic of inclusivity, it will not be explored in detail here. For a more thorough analysis, see: von Burg, C. (2015). On Inclusivity: The Role of Norms in International Peace Mediation. Bern/Oslo: swisspeace/NOREF.
An overview of the arguments pointing to the settled character of inclusivity can be found in the ‘Broadening Participation’ project of the Graduate Institute of International and Development Studies (IHEAD) in Geneva (http://www.inclusivepeace.org/content/broadening-participation). This Essential advocates for a further breakdown of this norm, arguing that there are certain topics in mediation processes that require broad support and others that are ideally discussed in confined circles. However, for the time being, inclusivity is considered a generally settled norm in peace mediation.


Inclusivity can be interpreted as an instrument that merges parts of the two notions examined in this Essential. With an inclusive approach, mediation processes are not subject to elections as such. However, it takes into account larger parts of society and clearly aims to involve them in the decision-making process, in other words making it a collective endeavor. This again emphasizes the equal moral worth those groups beyond the conflict parties have, irrespective of whether they have taken up arms or not.

There are two lines of argumentation that are used for this. On the one hand, it is often instrumentally justified as an effective tool for settling a conflict. Structural causes of a conflict, such as oppression and marginalization, can be addressed by the inclusive nature of democratic decision-making. On the other hand, it is also clearly considered the ‘right’ way to put an end to violent conflict, because all citizens have an equal claim on the future of their country. This has led the UN to adopt inclusivity as one of eight fundamentals of importance in mediation processes, stating that “inclusivity also increases the legitimacy and national ownership of the peace agreement and its implementation”. Some of the mediators interviewed in the research project this Essential builds on said they have felt pressure from their donor parties, i.e. their mandating authorities, to promote those values. It is thus no longer imaginable that mediators could design an engagement that entirely ignores these democratic norms, albeit with some qualifications that will be discussed further below.

When it comes to content, the promotion of human rights is justified by considering them as a necessary requirement for achieving long-term stability. In line with this, democratic societies are thought to be better equipped for non-violent conflict resolution in the future. Indeed, a consensus within the international community, in particular among donors that typically mandate
mediators and finance mediation processes, holds that democratic institutions are the pathway to sustainable peace.\textsuperscript{29} This has made it very difficult for mediators to endorse peace agreements in violation of fundamental human rights. In his analysis of African peace processes, for example, Nathan states that the occasional compromising by African organizations and mediators on democratic norms, among them very often human rights, has resulted in strong local and international criticism in the past.\textsuperscript{30}

Indeed, the same analysis demonstrates that the holding of elections as a result of mediation is a settled norm. The criticism referred to above was also addressed to those mediators who accepted unconstitutional changes of government, in other words regimes installing themselves without the legitimacy of free and fair elections (albeit sometimes only for transitional periods), or who endorsed undemocratic elections.

\textbf{Definitional or non-definitional} Democratic norms can be identified as non-definitional for peace mediation processes. The settlement of a conflict between parties does not need to involve democratic norms for it to be considered peace mediation. A core definitional norm of mediation is the right to life, meaning that any outcome would have to be a non-violent solution to a conflict. This does not necessarily endow all individuals involved in a mediation process with equal moral worth. To the contrary, the supremacy of the right to life is often specifically cited as a justification to neglect and sometimes even openly contradict more far-reaching human rights provisions, if it is expected that a rigid posture on the latter would prolong a conflict and potentially lead to further loss of life. Although it may be perceived this way, it is important to note that these provisions are thus not ignored out of principle but rather due to prioritization. Indeed, Hellmüller et al. suggest that mediators apply a pragmatic interpretation of norms: they are valued in terms of how they can contribute to the mediation


process, less so for ideological reasons. If mediators are confronted with contradicting norms, they tend to prioritize definitional over non-definitional ones.

In other words, where promoting democratic norms might hamper the finding of an agreement, with the risk of continued violence and respective casualties, or where parties give no consent to certain steps or measures, a mediator commonly refrains from insisting. An example that best illustrates this situation with respect to the promotion of human rights is the negotiation that led to the Dayton Agreement settling the conflict in Bosnia and Herzegovina. The agreement foresees the exclusive access to the Presidency for citizens representing one of the three major ethnic groups, namely the Bosniak, the Bosnian Croat or the Bosnian Serb community. Even though this meant a violation of fundamental minority rights, mediators took a pragmatic stance in favor of the right to life: “It was very openly accepted that human rights have to be disregarded in this peace agreement so that the war can end.”

The mediators interviewed for the study by Hellmüller et al. emphasize the need for consent as one of the fundamental definitional norms of mediation. While this could be used as a pretext to argue for collective decision-making – as it respects opinions of all actors involved – consent can also be upheld without this particular focus. Consent as a concept may be interpreted in various forms, including as an implicit agreement by conflict parties or even merely the absence of their explicit objection. Hence, it would be false to endow collective decision-making procedures with definitional character derived from the principle of consent.

Similar to human rights, the norm of collective decision-making in the form of the promotion of elections is often disregarded as Nathan illustrates in his account of numerous African mediation engage-
ments.\textsuperscript{35} Zimbabwe is a case in point, where former President Robert Mugabe lost the first round of presidential elections in 2008 but mounted state-sponsored violence to a level that Morgan Tsvangirai, the leading candidate, pulled out of the race. Instead of insisting on the integrity of the electoral process, the mediator Thabo Mbeki favored ending the conflict and avoiding more bloodshed by brokering a deal that created a coalition government with Mugabe as president and Tsvangirai as prime minister. Furthermore, Nathan counts 15 coups in Africa between 2000 and 2015, of which 13 were resolved through mediation. 9 out of those were successful, meaning the coup-makers managed to remove the leaders in power permanently. The respective mediators did not speak out against this, but tolerated these unconstitutional – and fundamentally undemocratic – transfers of power instead. In all those cases, Nathan argues that mediators did so to secure stability and prevent the further loss of life. Achieving this same stability without compromising democratic norms would have required an approach applying force, which in turn would have violated the norm of consent and most likely that of the right to life as well.\textsuperscript{36} All this is to say that both equality and collective decision-making are non-definitional norms of mediation.


\textsuperscript{36} Ibid, 6–10.
This section provides some practical considerations for instances where mediators or those supporting them are confronted with questions pertaining to the promotion of democratic norms in a mediation process.

The main challenges linked to democracy promotion in mediation can be roughly categorized in four questions. Firstly, it is important to get a clear picture in terms of who does what and who represents which positions in a mediation process. Secondly, in recognition of the conceptual flexibility of democracy, i.e., it can take the form of political systems with substantial differences, practitioners should have a good understanding of what efforts and engagements are appropriate in a given context. Thirdly, it is of relevance how democratic norms are promoted, i.e., whether they are imposed by force or discussed in an open-ended fashion. And fourth, the question of when a mediation takes place, in other words the timing should not be forgotten when considering any form of intervention.

4.1 **Who promotes democracy?**

As mentioned above, mediation actors do not constitute a cohesive and homogenous group when it comes to questions of democracy promotion. It is particularly important to emphasize the difference between those who do mediation and those who provide mediation mandates. This Essential recognizes a certain gap between those two groups when it comes to the overall posture towards democracy promotion. In that regard, Bell distinguishes between conflict managers and democratizers, which points to that crucial difference. Whereas mediators see peace as a precondition for democracy, other actors within the international community seem to perceive democracy as a precondition for peace. The line of argumentation for the latter is that the inclusion of democratic norms is an effective element of peace-making.
This conviction is reflected in the institutional set-up of those entities regularly mandating mediators. UN mediators are bound by the UN Charter, which already in its preamble reaffirms the organization’s “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women […]”. Moreover, when it comes to promoting elections, the UN bases its work on the Universal Declaration of Human Rights “that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority”. This puts clear restrictions as to what a UN mediator can and cannot do.

The EU, meanwhile, makes even more explicit reference to the requirement of all actors working on its behalf to promote democracy: “The European Union is founded on a strong engagement to promote and protect human rights, democracy and the rule of law worldwide. Sustainable peace and stability, long-term development and prosperity cannot exist without respect for human rights and democratic institutions. This commitment underpins all internal and external policies of the European Union”. With respect to its support to electoral processes, the EU considers its objective in “entrenching democracy deep within each nation through the development of national capacities”.

These commitments often translate very directly into mediation mandates. The Intergovernmental Authority on Development (IGAD), for instance takes a stance in its mandate for the peace process in South Sudan in which it “[...] condemns all unconstitutional actions to challenge the constitutional order, democracy and the rule of law and it particularly condemns changing the democratic government of the Republic of South Sudan through use of force”. As has already been mentioned above, UN Special Envoy for Syria, Staffan de Mistura, faces similar expectations by the UN Security Council.

44 Communiqué of the 23rd extra-ordinary session of IGAD Assembly of Heads of State and Government on the situation in South Sudan (27th of December 2013).
The different roles that should be played by different actors involved in peacemaking do not always seem to be taken into account by international observers, as illustrated by Bell, who presents a list of recommendations to mediators on how to push for a democratic agenda.\(^\text{45}\) No consideration is given to whether it would be appropriate for a mediator to do so in the first place. Although she does point out that there is a diversity of opinions when it comes to what the role of a mediator should be, there is still a clear expectation that mediators have ample leverage to make sure certain topics are included in a peace agreement.\(^\text{46}\) This stands in contrast to the interviews conducted in the framework of the original research this Essential is based on. Many mediators not only complained that they are often confronted with substantial pressure to advocate for certain norms, they also stated that their influence seems to be systematically overestimated. In the words of one of the interviewees: “I think a good mediator […] can cajole and influence the parties […] but it is very much in the sense that ‘you can lead a horse to water but you cannot make it drink’.”\(^\text{47}\) Overstepping this line of respecting the parties’ interests and the definitional norm of consent could thus be interpreted as leaving the ambit of mediation,\(^\text{48}\) as is argued by Nathan when he discusses the case of Côte d’Ivoire, where a no-compromise position by the third party prevailed, eventually resulting in a military intervention rather than mediation.\(^\text{49}\) Using this example, the author emphasizes how little power mediators in reality have if confronted with difficult conflict parties, short of applying military pressure.

The sometimes very explicit instructions by mandating authorities potentially put mediators in a complex conundrum. Whereas they are accountable towards their mandating authorities as employees, with mediation being a voluntary exercise, they also have an obligation not to do anything that runs counter the conflict parties’ consent. They should therefore always
seek clarity on what the expectations of various actors are and who is best positioned to defend which cause.

### Key questions for a mediator

- Where does your mandate come from and what implications does this have for your process?
- Is there tension between the interests of conflict parties, you as a mediator and your mandating authority if other than the conflict parties?
- Are there conflicting interests between your basic role as a mediator and the democratic norms that you are expected to promote in your mediation efforts as a representative of the international community, and are you in a position to participate in the respective discussions about these two normative frameworks?

#### 4.2 What is promoted?

The arguably most important question in the realm of democracy promotion is what exactly is advocated for in a given context and how it relates to the system that has been in place before. As already mentioned in the introduction, liberal peacemaking and peacebuilding activities have been the subject of increasing criticism, in part due to their disappointing track records.\(^{50}\) There are several problematic elements in how democratic values are promoted. As a starting point, the notion of universality must be challenged, thus raising the question whether democracy is appropriate in every society, irrespective of its social or cultural background as well as the domestic institutional conditions in place.\(^ {51}\) Before advocating for peace agreements that aim to establish democratic principles, mediators should therefore analyze whether the conditions on the ground are appropriate for it.

---


As a second potential field of tension, the introduction of a democratic agenda can be problematic in places where not the individual but rather the community, tribe or clan is the primary unit of analysis.\textsuperscript{52} The organization of elections, for instance, may then not lead to a competition of political platforms but instead entrench pre-existing affiliations. Examples for this are Bosnia or Lebanon, where voting patterns reflect first and foremost people’s group affiliation, further exacerbating divisions within society.

Finally, it must be questioned whether a tool like mediation is suitable to support the establishment of a democratic system. Despite the discussed efforts to make mediation more inclusive and thus integrate some core democratic values, mediation processes do not necessarily follow democratic principles and are often platforms reserved for elites. If peace agreements in fact represent the (re-)building of state structures, either based on pre-existing institutions or creating them anew, they reflect a top-down approach, thus putting in question their sensitivity to local contexts and sustainability.\textsuperscript{53} Other fora such as constituent assemblies or national dialogues seem more suitable to discuss a country’s or its society’s desired form of state.

These assumptions underpinning democratic norms should be pondered by mediation actors before engaging in a new context. And they should be evaluated against the situation presenting itself, in order to assess to what extent the promotion of democratic principles is appropriate if at all or if it may rather create tension and confusion within the society in question.
4.3 How is democracy promoted?

Mediation actors can advocate for the inclusion of democratic principles in peace agreements and the respective processes in various forms and with various levels of assertiveness. If looked at with the exclusive focus on the mediator herself, this question is related to and has a heavy impact on the mandate of the mediator. If external actors push strongly, in extreme cases even use measures of coercion, the integrity of the mediation process as such is at risk. Nathan recalls the mediation process led by the Southern African Development Community (SADC) following the 2009 coup in Madagascar. The mediator’s mandate foresaw an “inclusive all-party political dialogue owned by the Malagasy people”, including “free, fair and credible elections.” The insistence on the integrity of the electoral process and consequently the rejection of the newly – and undemocratically – installed government turned out to become the main impediment to ending the crisis. This caused the SADC to eventually modify the mandate in a compromise in order to overcome the impasse, also barring the ousted president from competing in the elections. In 2010 in Côte d’Ivoire, the application of force prevailed in order to uphold the principles of democracy. Following Laurent Gbagbo’s defeat against Alassane Ouattare in the presidential elections and his ensuing refusal to step down, the Economic Community of West African States (ECOWAS) threatened to use force to remove him, whereas the African Union (AU)
proposed mediation. As violence intensified, the UN Security Council weighed in opposing a power-sharing deal as it would have compromised democracy, instead sanctioning a UN peacekeeping mission eventually defeating Gbagbo.  

Whereas strong mandates may provide mediators with much needed leverage over parties, external actors must also recognize that a heavy-handed approach in order to impose democratic norms on conflict parties will have a tremendous impact. In the above-mentioned case of Madagascar, for instance, the mediator Joaquim Chissano struggled to win the trust of the regime due to the uncompromising stance the SADC took in the immediate aftermath of the coup, making it extremely difficult for him to make any progress at all. Mediators should therefore reflect on how much pressure conflict parties will find appropriate and where the limitations are before they withdraw consent and assume an unyielding posture.

---

**Key questions for a mediator**

→ Do you have a mandate explicitly referring to democratic principles and giving you instructions to promote them?

→ How much flexibility (both from your mandating authority and conflict parties) do you have to raise concerns linked to democratic principles?

→ What is the parties’ stance towards those principles and how are they expected to react to coercive measures?
4.4 When is democracy promoted?

Established democratic systems were not created overnight. They were built and adapted over decades. It thus appears naïve to believe that countries suffering the consequences of violent conflict will be turned into peaceful democracies via a peace agreement. This is even more true in countries that were not democratic before the eruption of the conflict. The question of timing is thus of utmost importance when thinking of how democratic norms can and should be promoted. In the past, the early organization of elections was often considered the silver bullet to establish a representative political system that would lock in democratic norms in governing structures. By now the international community has moved away from this focus on holding elections immediately after a peace agreement. However, and as explained above, there are still strong tendencies towards incorporating as much (democracy-related) content in a peace agreement as possible. There are certainly convincing arguments for being ambitious when it comes to formulating robust and comprehensive peace agreements, primarily because topics not included in such documents will most likely not be part of respective implementation processes and thus receive little attention thereafter.

This notwithstanding, this Essential argues for a more cautious approach. Given the fact that conflict contexts will vary substantially in terms of their predisposition towards democracy, external interventions should be adapted accordingly. This means that, as opposed to promoting predetermined activities and principles, engagements should respond directly to the conditions confronted, only advocating for those steps of democratization that seem appropriate. In many cases, a sequenced approach with continued efforts outlasting a mediation process may be more promising. In such cases, peace agreements may well serve as stepping stones for further work to come.
4.5. **A mediator’s sphere of influence**

As has been argued, mediators have relatively little power to impose ideas on conflict parties. However, this does not mean that they cannot bring any influence to bear in mediation processes. In principle, they should work very closely with parties and thus enjoy their confidence and trust. This enables the mediator to make propositions and draw parties’ attention to issues they may otherwise neglect or ignore. When it comes to the norms addressed in this Essential, mediators have two main approaches at their disposal.

**Transparency**

In order to avoid misunderstandings, mediators should be transparent about the normative ‘baggage’ they are carrying. The main currency of mediators is the trust that parties put in them. If they suspect mediators to be working according to a hidden agenda or openly pursuing objectives other than those of the parties, they may not only withdraw their trust in them personally but their consent to the mediation process altogether. Mediators should therefore explain in detail what their role is in a given process, who the mandating authority is and what specific objectives – in this case related to the promotion of democratic norms – the mandate entails.
Doing so will first and foremost increase their credibility. However, it can also be the starting point of a thorough and in-depth discussion about the value and usefulness of elements like equality and collective decision-making procedures. Rather than stating their universality and insisting on their inclusion in an eventual peace agreement irrespective of local contexts, mediators should seek a dialogue with parties and jointly work out the benefits and challenges provisions for legal and constitutional reforms and the promotion of the rule of law and the holding of elections imply. Coercing parties into adopting specific provisions is arguably less time-consuming. However, it also bears the risk that parties end up signing an agreement they do not expect to be implemented, as it happened in the case of the Darfur Peace Agreement in 2006.\(^\text{58}\) Where mediators face limitations in terms of their capacities to work with parties on specific topics or prefer not to be intricately involved in such deliberations, mediation support actors may also be considered for this role.

Transmit and connect

In cases where mandating authorities have little patience for the above approach and show little appreciation for mediation’s definitional norm of consent, mediators should act as transmitters. Instead of defending strong positions held by third parties other than the mediators but with a stake in the mediation process, they should try to facilitate direct conversations between these third parties and the conflict parties. Advocating for specific provisions and effectively enter into substantive negotiations with parties will only undermine the mediators’ role as impartial brokers of a mutually acceptable agreement. In contrast, they will have intricate knowledge of all sides involved, which will enable them to initiate direct conversations in which third parties can make their case for the adoption of democratic principles themselves.
Practical Considerations

**Key questions for a mediator**

→ What exactly is the mediator’s mandate? Is there a tension between expectations of external mandating authorities and the conflict parties? Is there a need for clarification?

→ Does the mediator have flexibility to raise the issue of democratic norms with conflict parties? Does she or he feel comfortable in this role or does it imply overstepping her or his authority?

→ Are there external actors with very strong views regarding democratic norms? Is there potential to facilitate direct contact between those actors and conflict parties? If yes, does this have implications on how other issues are addressed?
This Essential assessed the role of democratic norms in peace mediation processes. In its core, democracy represents a model of collective decision-making over which members of a community with equal moral worth exercise control. This Essential operationalizes the norms of equality and collective decision-making as the promotion of individual human rights and the planning, organization and holding of elections. Within the used analytical framework, both of these elements are considered to be mainly content-related and settled.

In contrast, they are non-definitional which has relevant consequences on how they are perceived by mediators and those providing mediation mandates. Whereas mediators see peace as a precondition for democracy, other actors of the international community perceive democracy as a precondition for peace. This leads many mandating authorities to take a principled stance, expecting mediators to apply pressure and if necessary coerce parties into adopting democratic norms in peace agreements. Mediators pursue a different approach, in particular in cases when democratic norms conflict with definitional norms such as the right to life or consent, which they tend to prioritize.

Mediators need to be aware of the normative value democratic principles carry and should be attentive to the respective implications. Especially where conflict parties show resistance, the appropriateness of the described democratic norms in a given context should be reflected on. Depending on the institutional, social and cultural background, mediators may have to adapt what exactly is promoted and when, for example, elections are advocated for. Finally, and as has been repeatedly pointed out in the series this Essential is part of, the role mediators should play is of utmost importance when it comes to who advocates for the inclusion of specific norms. With respect to democratic norms, this Essential sees two main roles mediators can play. On the one hand, they can build on the trust they have with parties to initiate an in-depth conversation about
democratic values, their benefits and challenges and to what extent they may offer constructive solutions to the conflict at hand. On the other hand, mediators should pay attention to strong positions among other external actors with a stake in a conflict. In those cases, they should facilitate separate conversations, letting those actors advocate with parties directly instead of doing it for them.
Mathias Zeller
is a Mediation Program Officer at swisspeace where his main responsibilities are supporting third party mediation and conducting applied research on issues related to peace mediation. His primary thematic focus is on security, including ceasefire negotiations, and on questions related to normative frameworks in mediation. His geographic focus is Colombia.

Hein Schellekens
is currently working as a research assistant at the University of Bern. He holds a BA in Economics from Tilburg University (NL) and is close to finalising his MA in Political, Legal and Economic Philosophy at the University of Bern. From January to April 2017, Hein worked as an Associate Program Officer at swisspeace’s Peacebuilding Analysis & Impact program, where he was involved in the set-up of the South Sudan Conflict Sensitivity Resource Facility (CSRF).
About swisspeace and NOREF

swisspeace
swisspeace is a practice-oriented peace research institute, with headquarters in Bern, Switzerland. It aims to resolve armed conflicts and to enable sustainable conflict transformation. swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences (SAHS).
www.swisspeace.org

NOREF
NOREF Norwegian Centre for Conflict Resolution is an independent foundation working for the peaceful resolution of armed conflicts. It builds on a long Norwegian tradition of informal diplomacy. NOREF’s workload is divided between so-called track II initiatives and supporting more formalised peace negotiations.
www.noref.no