



TWENTY-FIRST CENTURY PERSPECTIVES ON
WAR, PEACE, AND HUMAN CONFLICT

NGOs Mediating Peace Promoting Inclusion in Myanmar's Nationwide Ceasefire Negotiations

Julia Palmiano Federer

OPEN ACCESS

palgrave
macmillan

Twenty-first Century Perspectives on War, Peace, and Human Conflict

Series Editors

Christine Cheng
King's College London
London, UK

John Karlsrud
Norwegian Institute of International Affairs
Oslo, Norway

This Palgrave Macmillan book series invites methodologically pluralist and interdisciplinary approaches to the study of peace and conflict. We aim to bring new knowledge and pathways for understanding conflicts and conflict actors. Thematically, we welcome monographs, strong edited works, and handbooks on peacekeeping, peacebuilding, trauma, war-to-peace transitions, statebuilding, violent extremism, corruption, non-state armed groups, global and regional organisations, and inter-organisationalism relating to conflict management.

We are particularly keen on interdisciplinary work – especially where politics and international relations intersect with sociology, anthropology, law, psychology, geography, criminology, technology, gender studies, and area studies. And we are broadly interested in conflict writ large, beyond the bounds of civil and interstate war, stretching over into urban violence, sexual violence, post-colonial reparations, transitional justice, etc. Our goal is not just for your manuscript to be published, but to be read, discussed, contemplated, and acted upon. To that end, we seek research findings that are compelling, and writing that is memorable and immersive.

The principal aim of this series is to provide educators and students, decision-makers, and everyday citizens with contemporary, cutting-edge thinking about the roots of conflict, international responses, and the conditions for just and enduring peace. The series includes unorthodox and cross-disciplinary approaches to these topics, as well as more traditional social scientific and humanistic monographs.

We strongly encourage early-career scholars and innovative researchers – especially those from under-represented backgrounds – to submit manuscripts for review. All titles in the series are peer-reviewed and we aim to provide rapid and constructive feedback. We also welcome open access arrangements.

For an informal discussion for a book in the series, please contact the series editors Christine Cheng (christine.cheng@kcl.ac.uk) and John Karlsrud (jka@nupi.no).

For the correct copy of Palgrave's book proposal form, please contact Palgrave editor Isobel Comper-Coles, Editor for International Studies, isobel.compercoles@palgrave.com

Julia Palmiano Federer

NGOs Mediating Peace

Promoting Inclusion in Myanmar's Nationwide
Ceasefire Negotiations

palgrave
macmillan

Julia Palmiano Federer
Bern, Switzerland



ISSN 2945-6053 ISSN 2945-6061 (electronic)
Twenty-first Century Perspectives on War, Peace, and Human Conflict
ISBN 978-3-031-42173-0 ISBN 978-3-031-42174-7 (eBook)
<https://doi.org/10.1007/978-3-031-42174-7>

© The Editor(s) (if applicable) and The Author(s) 2024. This book is an open access publication.

Open Access This book is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this book are included in the book's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the book's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use. The publisher, the authors, and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Palgrave Macmillan imprint is published by the registered company Springer Nature Switzerland AG.

The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Paper in this product is recyclable.

For Wendelin

FOREWORD

The field of conflict resolution (CR) has seen extraordinary growth and development in recent decades, both in terms of practice and in terms of research and scholarship. One aspect of the CR field that has been particularly active is that of unofficial mediation by nongovernmental organizations (NGOs). Often going where governments (and especially Western governments) are unable, or unwilling, to tread, and speaking to people and tackling issues that are beyond the reach of official diplomacy, a network of NGOs has sprung up, which is now an integral part of the CR landscape. Some of these are small, boutique operations which are barely visible. Others are as large and well resourced as a small foreign ministry.

This development brings with it a host of important issues. By what professional metrics shall these NGOs and their work be judged? How are they to be held accountable and by whom? What are the ethical standards for those who embark upon these efforts? Who sets and enforces them? These are all critical issues, and the field is grappling with them.

Another key question for the field is whether these NGO mediators have a responsibility to act as impartial facilitators of dialogue, or to try to use their agency in these processes to advocate the adoption of certain norms and standards of behavior into a peace process. If the latter, what norms? Perhaps more importantly, whose norms? It is this critical question which this important book tackles.

Are the norms embodied in documents such as the Universal Declaration of Human Rights or other such documents sacrosanct or fungible? Are they universal, or subject to subtle variations in different contexts? Though they may argue the former to both questions, most Western governments

and NGOs accept that it is the latter, in practice. How fungible? Under what circumstances? Who decides?

Are these norms truly “universal,” or do they actually reflect more Western, liberal ideas of what peace is and should be? Though they may express sentiments with which few would argue in theory, are these norms, in practice, just another form of justification for the selective intervention by agents of the developed world into the less developed?

Drawing on an exemplary grasp of the issues and the scholarship on the question, and an exhaustive amount of fieldwork, Dr. Julia Palmiano Federer examines this issue in the context of one of the most vexing and troubled conflicts in the world today: Myanmar. She finds that NGO efforts to export the inclusive peace norm into that process may have been superficially successful, but had little lasting impact. Local elites were more than able, while adopting the language, to put aside the real objectives of this norm.

As might be expected from an in-depth and penetrating study of a conflict in which there are no entirely black-and-white situations or easy answers, Dr. Palmiano Federer’s conclusions are uncomfortable for those who champion the liberal peace agenda. But this book raises questions which the field cannot afford to ignore. The objectives of those who champion the inclusive peace norm are that it should be more than a “check-the-box” funding criteria for Western governments and foundations, but should really have an impact on peace processes on the ground. This book is destined to be a key part of the discussion as to how that goal is to be achieved.

Graduate School of Public and International Affairs,
University of Ottawa
Ottawa Dialogue, University of Ottawa
December, 2023

Peter Jones

PREFACE

In 2015, I had the privilege and honor of sitting with an individual from Myanmar who was seen by some as a de facto mediator at the heart of their country's negotiations that ran from 2011 to 2015, leading to the signing of a Nationwide Ceasefire Agreement (NCA). The NCA negotiations ran over thousands of meetings and aimed to address hundreds of deep-seated issues and conflicts that have bedeviled the country for decades. At the time, I was part of an NGO that was supporting the ongoing peace process(es). In this context, our team sought to provide key political actors with the physical and psychological time and space to rest and reflect on the past, present and future of the process. When the mediator learned that I was researching the NCA process, he told me to make sure that my research and interviews "help the peace process [and] do not harm it."

These words have stayed close to me. It is why I wrote this book: the aim is not to simply critique, but provide peacemakers, mediators and those who dedicate their lives to building peace (myself included) some reflection space to ask themselves some difficult questions. Why do they do the work that they do? What practices, beliefs and narratives inform their work? What aspects of the work are helpful? Which ones may be doing harm? Such soul-searching questions are important and necessary to revisit often.

With that, this book is first and foremost dedicated to those building peace in Myanmar. As I write this Preface, countless numbers of peace actors in Myanmar have witnessed or experienced horrific abuses of their human rights and have seen their life's work in promoting peace hijacked during the aftermath of the coup d'état that took place on 1 February

2021 by the *Tatmadaw* (Myanmar Armed Forces). While this book analyses the period in the peace process that precedes the coup (2011–2015), the current iteration of the military junta is still pushing the outcomes of the NCA forward, with many of the similar dynamics at the root of the decades-long armed conflict remaining unaddressed. While the book does not address the post-coup context in-depth, I would be remiss to not mention the herculean efforts of many Myanmar peace actors and allies sustaining a vision of peace and trying to remain hopeful and committed amidst the backdrop of unimaginable loss, fear and anger.

In particular, I am indebted to the respondents hailing from the NGO mediation community of research and practice in Myanmar for taking the time to share their passion and views with me. Myanmar has become a second home for me during the research process and I have so many to thank for this. Thank you to all my interview respondents and friends in Myanmar, who took time to share their deeply personal thoughts and opinions. I hope that this book highlights the tireless and thankless work of those who continue to dedicate their life and work to the pursuit of peace in Myanmar. I hope that you hear your voices here.

This book would also not have been possible without the support and friendship of mentors, colleagues, friends and family. I would like to give a heartfelt thanks to the researchers past and present of the Swiss Peace Foundation, including Laurent Goetschel, Sara Hellmüller, Jamie Pring, Ulrike Lühe, Elizabeth Mesok, Julie Bernath, Toon Dirx, Dana Landau, Sergio Gemperle, David Lanz, Martina Santschi, Alexandre Raffoul and many others for their support, camaraderie and guidance throughout the research process. I am particularly grateful for the support of the mediation/Myanmar team at swisspeace (past and present) throughout this process, especially the sisterhood of Rachel Gasser who brought me to Yangon for the first time in 2013 and helped inspire me to go on this journey, as well as Rina Alluri, whose family gave me a home away from home. I am also lucky to have connected with many other researchers along this journey, including Maren Larsen, Owen Frazer, Valerie Sticher, Francesca Rickli and Paroma Ghose.

I would also like to thank my colleagues at the Ottawa Dialogue at the University of Ottawa, especially Peter Jones for his steadfast mentorship and Laura O'Connor for her fresh insights, as well as for their initial reviews of the manuscript. Thanks to Mariana Savka for her reviews of the manuscript proofs. I would also like to especially thank Richard Price, Sophie Haspeslagh and Isak Svensson for their inspirational guidance as

scholars and educators who have engaged with or supported my research during the development of this book. Thanks also to Shona Loong, Sofia Busch, Matthew Walton, Harriet Martin, Edgard Rodriguez and so many others in the Burma studies research and practice community that have commented on, informed or engaged with my research and welcomed me with open arms.

The research for this book was carried out in the framework of the Swiss National Science Foundation project “Are mediators norm entrepreneurs?” at the University of Basel, and I am grateful to both institutions for making this work possible. The manuscript for this book was produced with the institutional and financial support of the Ottawa Dialogue. A heartfelt thanks to Kelly Burch for her work on the Index of this book, as well as my dear friends Jackson Bahn and Haidee Kongprecha for their editing work on the manuscript.

Finally, I am so grateful to those who have supported me through the brightest and darkest moments of this journey. To my family and friends in the city of Vancouver located on the unceded traditional territories of the *xʷməθkʷəy̓əm* (Musqueam), *Skwxwú7mesh* (Squamish) and *səlilwətał* (Tseil-Waututh) Nations, especially Leanne Saratan, Sarah Vernier, Ashley Macdonald, eastvanwomen and the feminatrix. To Rica Yatco, Ron Yatco, Rielle and Roman: for bringing unbridled love, joy and support into my life. To Monika and Jakob Federer: for your earnest and loving support. To my parents, Benito and Catherine Palmiano: for giving everything so that I could be here.

Lastly, to my husband Wendelin Federer, whose insight, intelligence and love have both lifted me up and grounded me when it counted most. I could not have done this without you (and your early reviews of countless manuscript drafts!)—I am so lucky. To my little ones Alva and Maren, who have brought unmeasured joy and inspiration to my life. I hope that this book makes you proud.

Bern, Switzerland

Julia Palmiano Federer

Praise for *NGOs Mediating Peace*

“A timely and extremely well-researched study, which asks exactly the right questions and draws conclusions of critical importance to peace processes everywhere.”

—Thant Myint-U, author of *The Hidden History of Burma: Race, Capitalism, and the Crisis of Democracy in the 21st Century*

“A joy to read, even including the footnotes! Palmiano Federer’s critical decolonizing lens brings to life experiences in Myanmar’s Nationwide Ceasefire Agreement negotiations to explore limitations and unintended consequences of the inclusivity norm diffusing practices in NGO-convened mediation efforts. A must-read for all those working in and studying unofficial dialogue processes, the book offers a cautionary tale for all but the most elicitive of conflict resolution processes, and poses probing questions for field-wide reflection: to the extent that we [practitioners of NGO mediation] can spread our norms (such as inclusivity), should we? If so, how?”

—Susan H. Allen, *Henry Hart Rice Professor of Conflict Analysis and Resolution and Director of the Center for Peacemaking Practice, George Mason University*

“‘NGOs Mediating Peace’ is a timely and hands-on contribution to current debates on inclusion in peacebuilding. It shows very well the evolvement of the private mediation scene and its close interconnectedness with normative approaches in peacebuilding. Julia Palmiano Federer’s account is critical in confronting the growing amount of literature that engages with the inclusion paradigm with concrete practices. The case study of Myanmar offers important insights of significant relevance for other so-perceived inclusive peace processes as well.”

—Jan Pospisil, *Associate Professor (Research) at Coventry University’s Centre for Trust, Peace and Social Relations*

“In the midst of many academic and “insider” accounts of Myanmar’s peace process, Julia Palmiano Federer’s book makes distinctive contributions that robustly engage with all of the nuance and messiness of the concept of “inclusion.” While looking honestly at the interventions of NGOs to promote “inclusion,” she also critically assesses the targeted use of “spoiler” discourses by both domestic and international actors to practically limit inclusion, as well as the strategic deployment of language of inclusion by armed actors seeking leverage with the military and government. The result is a novel reading of the peace process that generates

important insights for peace practitioners and for those who will be part of future negotiations over Myanmar's political future.”

—Matthew Walton, *Assistant Professor of Comparative Political Theory,
Department of Political Science, University of Toronto*

“This book breaks new grounds by looking at the role of NGO mediators in conflict resolution and particularly their agency in norm promotion. Based on an impressive wealth of first-hand data, Julia Palmiano Federer analyzes how the inclusivity norm promoted by NGO mediators was localized in the Myanmar peace process and shows how it counter-intuitively contributed to an exclusive, rather than inclusive, outcome. She thereby makes crucial contributions by combining the conflict resolution and norms literatures, by providing an in-depth case study of mediation in Myanmar, and by furthering our understanding of inclusion in peace processes.”

—Sara Hellmüller, *Swiss National Science Foundation Assistant
Professor, Geneva Graduate Institute*

“This book is not only a must-read to those interested in Myanmar, but is a highly welcome contribution to peace mediation literature in general. NGO mediators have remained a surprisingly little researched theme, even though their significance has become crucial in promotion of inclusive and locally owned processes in the current peacemaking ecosystem.”

—Marko Lehti, *Research Director of Tampere Peace Research
Institute (TAPRI), Tampere University, Finland*

CONTENTS

1	Introduction: Unsettled Reflections From Golden Valley, Myanmar	1
2	Promoting Peace or Pushing Norms? Normative Agency and Mediators as Norm Entrepreneurs	19
3	New Kids on the Block: The Rise of NGO Mediators in Peace Mediation	45
4	The Promised Land of Inclusive Peace: NGO Mediators as Norm Entrepreneurs of Inclusion	73
5	What’s in a Norm? What Normative Frameworks in Myanmar Reveal About Inclusivity	95
6	Chronicles of a Norm for Sale: Norm Entrepreneurship in the Myanmar NCA Negotiations	123
7	“The Trouble With Inclusivity:” How Promoting Inclusive Peace Led to an Exclusive Outcome	153

8 Conclusion: Should NGO Mediators Promote Norms?	179
Appendix: Interview List	195
Index	199

ABOUT THE AUTHOR

Julia Palmiano Federer is a Postdoctoral Fellow in the Faculty of Social Sciences at the University of Ottawa and the Head of Research at the Ottawa Dialogue, where she runs a research program focusing on Track Two Diplomacy and multitrack approaches to peace processes. She holds a PhD in Political Science from the University of Basel and a Master's in International Affairs from The Graduate Institute of International and Development Studies in Geneva. Her research interests include normative and decolonized approaches to conflict resolution, for instance on how norms such as inclusivity and gender equality affect the outcomes of peace negotiations and the role of nongovernmental organizations producing knowledge and expertise on peacemaking. Her work can be found in journals such as *International Journal*, *Negotiation Journal*, *Journal of Intervention and Statebuilding* and *Politics and Governance*. Until 2019, Dr. Palmiano Federer was a Program Officer in the mediation team at the Swiss Peace Foundation (swisspeace). In this role, she provided support to civil society actors and the negotiating teams involved in Myanmar's peace processes. She is Filipina-Canadian and is currently based in Bern, Switzerland, with her husband and two daughters.

LIST OF ABBREVIATIONS

AA:	Arakan Army
ABSDF:	All Burma Students' Democratic Front
AFPFL:	Anti-Fascist People's Freedom League
ANC:	Arakan National Council
ASEAN:	Association of Southeast Asian Nations
AU:	African Union
BGF:	Border Guard Force
BIA:	Burma Independence Army
BSPP:	Burma Socialist Program Party
CMI:	Crisis Management Initiative
CNF:	Chin National Front
CPB:	Communist Party of Burma
CPCS:	Centre for Peace and Conflict Studies
CSO:	Civil Society Organization
DAG:	Dialogue Advisory Group
EAG:	Ethnic armed group
EAO:	Ethnic armed organization
EBO:	Euro Burma Office
EEAS:	European External Action Service
EU:	European Union
GA:	General Assembly
HD Centre:	Centre for Humanitarian Dialogue
ICC:	International Criminal Court
ICG:	International Contact Group
ICISS:	International Commission on Intervention and State Sovereignty
IPSG:	International Peace Support Group
IR:	International Relations

KIO/A:	Kachin Independence Organization/Army
KNPP:	Karenni National Progressive Party
KNU:	Karen National Union
LDU:	Lahu Democratic Union
MFT:	Moral Foundations Theory
MNDAA:	Myanmar National Democratic Alliance Army
MPC:	Myanmar Peace Center
MPDF:	Myanmar Peace and Democracy Front
MPSI:	Myanmar Peace Support Initiative
MSN:	Mediation Support Network
MSU:	Mediation Support Unit
NCA:	Nationwide Ceasefire Agreement
NCCT:	Nationwide Ceasefire Coordination Team
NDF:	National Democratic Front
NGO:	Non-governmental organization
NLD:	National League for Democracy
NMSP:	New Mon State Party
NSCN-K:	National Socialist Council of Nagaland—Khaplang
OSCE:	Office for Security and Co-operation in Europe
PDSG:	Peace Donor Support Group
R2P:	Responsibility to Protect
RCSS:	Restoration Council of Shan State
SD:	Senior Delegation
SG:	Secretary General
SLORC:	State Law and Order Restoration Council
SPDC:	State Peace and Development Council
SMSG:	Special Representative of the Secretary General
SSPP/SSA:	Shan State Progressive Party/Shan State Army
TNLA:	Ta'ang National Liberation Army
TOR:	Terms of Reference
UK:	United Kingdom
UN:	United Nations
UNFC:	United Nationalities Federal Council
UPCC:	Union Peace Central Committee
UPWC:	Union Peace Working Committee
USIP:	United States Institute of Peace
UWSA:	United Wa State Army
WGEC:	Working Group on Ethnic Coordination
WNO:	Wa National Organization
ZIB:	Zeitschrift für Internationale Beziehungen

LIST OF FIGURES

Fig. 2.1	Linking norm entrepreneurship to normative agency	36
Fig. 7.1	Effects of norm localization on the NCA process	169



Introduction: Unsettled Reflections From Golden Valley, Myanmar

1.1 INTRODUCTION

Despite the staggering differences between each of these countries—in terms of geographies, cultures, people, languages, dynamics of violence, and conflict histories—the interveners who worked in them shared the same daily modes of operation [...]. As I moved from one place to another and found the same kinds of environments, the same types of actors, and sometimes even the same individuals, I started to feel part of a transnational community, a community of expatriates who devote their lives to working in conflict zones. I felt that I had become part of a new world: Peaceland.¹

In Myanmar, under U Thein Sein’s quasi-civilian government in the first half of the 2010s, Peaceland had a name and a postal code: Golden Valley (*Shwe Taung Gyar*), 11201 Bahan Township, Yangon. Around gargantuan houses, barbed wire was juxtaposed with jasmine flowers lined up the winding streets. Sometimes one could glimpse the discreet, gold-plated signs of private residences. Nestled in uptown Yangon’s Bahan Township, Golden Valley was the unofficial name of the enclosed gated community where embassies, United Nations (UN) agencies, and international NGOs that comprise Myanmar’s quickly growing

¹See Autesserre 2014, 2 (“Peaceland” is a “neologism” paraphrased from the word “Aidland” introduced by Apthorpe 2005).

“international community” resided.² No longer home to the few border teachers and humanitarian workers among the first to be allowed limited access to the country, Golden Valley then housed a new set of expatriates: peace professionals, actors that have come specifically to support the nascent peace process initiated by Thein Sein’s newly elected government. Much of this expatriate community came to Yangon after 2013, buoyed by the unprecedented easing of restrictions for foreigner visas.

I had been to Golden Valley several times for meetings and lived adjacent to the exclusive neighborhood’s edge in 2017. I was always struck by the palpable barrier between the serene calm of the quarter and the orchestra of Yangon’s traffic and buzzing energy. The Myanmar Peace Centre (MPC), at the time the epicenter of Myanmar’s peace process, was constructed on one of Golden Valley’s quiet side streets just outside the residential areas. It was here that the majority of the ensuing peace negotiations between the government of Myanmar and representatives of multiple armed groups took place. In an upscale refurbished boutique hotel (a favorite hangout spot of “Peacelanders”), information meetings among international peace supporters would take place monthly. In early 2014, when I first attended this meeting along with 10 other members in the small alcove above the Savoy’s swimming pool, I was struck by the peculiarity of it: why was this group of UN staff, diplomatic representatives and conflict resolution NGOs discussing intricate details to the peace process and their support without the stakeholders themselves? What was their role? Are they facilitators? Mediators? Donors? All of the above?

The meeting attendees were sharing report findings and advocacy papers on how Myanmar’s peace process could include the voices of women and grassroots communities from conflict-affected areas. What did *not* happen in this meeting? Open discussion on what kinds of activities they were actually conducting with the national peace process actors. In 2015, months before the signing of the Nationwide Ceasefire Agreement (NCA) between representatives of ethnic armed groups (EAGs) and the government of Myanmar, the venue was moved out from the small boutique hotel to a much larger one, and again, I witnessed 30 participants crammed into the small meeting space to listen to an international analyst

²The “international community” is a contested term, as it is unclear what or who comprises this label. See Hellmüller 2018 for a critical discussion on the label of “international” (versus local).

discuss how a policy of all-inclusiveness³ had put the negotiating parties at loggerheads and threatened to derail the whole process (a wholly different meaning to the inclusion of women and grassroots communities in the peace process). This analyst, everyone knew, worked directly with the negotiating parties and was worried about this all-inclusiveness position, which dictated that none of the armed ethnic organizations in the 16-member negotiating bloc would sign the ceasefire agreement unless all of them signed. As with my first meeting, there were no national peace process actors in the room.

Being one of these many NGO professionals all trying to support the same national peace process actors made me uneasy. Hearing that this strangely worded all-inclusiveness discourse ended up derailing the process made me more uneasy still. What did it mean? The inclusion of civil society or the women of certain armed actors? Or both? Where did such a normative imperative come from in conflicts fought over political power and territory? I thought back to my first meeting—did the influx of these Golden Valley “Peacelanders” have anything to do with the notion of all-inclusiveness being used by the parties? I knew that a large number of trainings, workshops and coachings on gender sensitivity, human rights and other international norms were being conducted with the negotiating parties and civil society actors (these were never reported at the meetings), but I did not know whether there was a connection between them. If indeed there was a connection, then NGO mediators⁴ promotion of inclusive peace processes may have had unintended consequences on the outcome of the NCA process. As Myanmar actors chose not to have a third-party mediator, how did conflict resolution and mediation NGOs housed in Golden Valley take on these roles? Did they promote the idea to the negotiating parties that inclusivity would lead to a better outcome of the NCA process? The interconnection between NGO mediators, the promotion of the inclusivity norm, and the all-inclusiveness discourse at the end of the NCA process in 2015 reverberated in my head, and has formed the focus of this puzzle: Can NGO mediators promote norms to negotiating parties in ongoing peace processes? How does this happen?

³ A rather awkward and unwieldy phrase in the English language, originally transliterated as အားလုံးပါဝင်မှု in Burmese. Hereafter referred to without quotations.

⁴ NGOs can be understood as “private actors taking on discreet or public ‘mediative’ or facilitative functions among and between the negotiating parties in a peace process” (Palmiano Federer 2021, 71).

In this book, I explore this puzzle by investigating NGO mediators' promotion of inclusivity in Myanmar. I aim to do so by uncovering the *agency* an NGO mediator has in promoting the inclusivity norm to the negotiating parties during the NCA process (2011–2015). Even if NGO mediators *should* promote norms, is this possible? *Can* they do so? To answer these questions, I look to norms diffusion literature and scholarship on international peace mediation, and the role that ideas, narratives and identities play in international peace mediation: to what extent peace processes are the site for norm promotion and diffusion, and to what extent NGO mediators are norm entrepreneurs.

1.2 ARE MEDIATORS NORM ENTREPRENEURS?

The practice of international peace mediation has grown more political in nature (Hellmüller et al. 2015), as mediators are increasingly asked to or themselves willingly consider incorporating norms such as gender equality, human rights, and transitional justice and inclusivity in their interventions.⁵ The question of inclusivity, or which actors should be included in a peace process and *how* they should be included is a central issue for mediators. As mediation developed as an important tool for conflict resolution after the Cold War (Kriesberg 2001), scholars researching questions on inclusion and exclusion focused on which armed actors should be represented at the negotiating table within a theoretical framework of bargaining theory (Zartman and Touval 1985). While mediators' roles in determining who gets a seat at the table are mentioned in mediation literature within the topic of process design, it was not until the development of a literature on “spoilers” (Stedman 1997) in mediation processes that mediators were linked to managing inclusivity. Literature on civil war termination discussed how third parties, such as mediators, should engage with actors designated as spoilers (Zahar 2010). Mediation literature began to take a normative turn with the advent of the liberal peacebuilding paradigm. The body of literature discussing the promises and perils of peacebuilding shifted from describing the role of mediators as peace brokers to describing them as peacebuilders: mediators, in this view, not only had to support negotiating parties stop violence through political

⁵The research for this book was done in the three-year Swiss National Science Foundation-funded project “Are mediators norm entrepreneurs?” conducted at the Swiss Peace Foundation and the University of Basel. For more information, see Hellmüller et al. 2017.

settlements, but encourage the development of democratic markets and institutions in post-conflict and transitioning societies (Richmond 2018). The debates around inclusivity in mediation literature have also shifted towards the modalities of including non-armed actors in civil society, in particular women, youth actors and minority populations. Mediators are often pressured by their mandate-givers (e.g. donors) and civil society organizations supporting peace processes from a distance to meaningfully include non-armed actors in negotiations (Hellmüller et al. 2015). The professionalization of the mediation field has also resulted in explicitly normative conduct guidelines for mediators, evidenced by the United Nations Secretary General issuing the *UN Guidance for Effective Mediation* (United Nations 2012). This policy document provides eight “fundamentals” of effective mediation and includes normative imperatives such as inclusivity, defined as “the extent and manner in which the views and needs of the conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort” (United Nations 2012, 11). The centering of inclusivity as a salient norm (Paffenholz and Zartman 2019) that mediators *should* promote is an example of how the role of mediators has shifted from peace brokers to peacebuilders; not only do they have to end conflicts, but must also integrate norms into the process design of mediation processes and ensure their appearance in peace agreement texts. Despite this development in practice, the role that mediators play in promoting norms around inclusion is under-researched in academic literature.

To address this gap, my book links mediation literature with the wide body of scholarly work on the role of norms in global politics and change. Understanding how ideas shape interests and how norms can be promoted, accepted, rejected, or contested between and among different actors, can shed light on the role that mediators play in promoting norms in mediation processes. One of the most prominent theories of norm diffusion puts forth the notion of “norm entrepreneurs:” actors that attempt to convince a critical mass of actors to adopt a certain norm (Finnemore and Sikkink 1998). As these actors were studied at the state and transnational levels, norm diffusion theories also sought to explain why some norms found greater acceptance in certain contexts and not in others. Theories around the localization of external norms addressed this question by positing that local agents reshaped external norms and incorporated them into local contexts through a process of congruence building with existing normative frameworks (Acharya 2004). Norm entrepreneurs

diffusing norms from a transnational context to a local one highlights the agency of the “norm-takers” and the “norm-makers,” as norms localize through a process of contestation and reconstitution (Wiener 2004). So are mediators norm entrepreneurs? (Hellmüller et al. 2017).

So the question “are mediators norm entrepreneurs” can be narrowed to the following: *to what extent can (should?) mediators promote the inclusivity norm to negotiating parties in peace processes?* This requires focusing on mediators as norm entrepreneurs of inclusion and therefore, on the normative agency they have to promote norms to negotiating parties in a given conflict context. In this book, I seek to understand the conditions under which mediators can influence the behavior of parties regarding the inclusion and exclusion of different actors in a mediation process. I do not assume mediators have normative agency from the beginning, but construct it through a complex process of discursive framing, specific sets of social practices and power dynamics.

1.3 WHY NGO MEDIATORS IN MYANMAR?

There is a considerable research gap on NGO mediators.⁶ This dearth of previously existing work meant that I had to generate my own data on what NGO mediators’ normative frameworks and normative socialization could be. Looking at the universe of cases where NGOs played a prominent role and which could offer such data, I found that peace processes concentrated on conflict contexts in South East Asia and specifically, ASEAN contexts (e.g. Philippines, Nepal, Aceh and Myanmar) were promising single case studies. Myanmar, like other ASEAN states, adhere to the ASEAN Way, a strongly held normative framework that emphasizes sovereignty and non-intervention. This framework has opened space for private diplomacy actors like the Centre for Humanitarian Dialogue, the Crisis Management Initiative, who pioneered contemporary NGO-led mediation in by the peace processes between the Indonesian government and the GAM (Free Aceh Movement) in Aceh. In Myanmar, where there is no formal mediator and NGO mediators have taken on mediation rather than facilitation roles.

For Myanmar, I chose the timeframe of 2011–2015 in terms of collecting data, focusing on the NCA process from the opening of the process in

⁶With the notable exception of Lehti’s 2019 book *The Era of Private Peacemakers: A New Dialogic Approach to Mediation*, who provides a sophisticated explanation for such a gap.

August 2011 to the signing of the peace agreement in October 2015, under the reform government of Thein Sein. This is the timeline of my process tracing and the period in which I refer to in my data collection. Within the contemporary history of Myanmar, this represents an exceptionally well-delimited timeframe, as Myanmar was going through an extraordinary reform period. Until 2011, Myanmar had been ruled for decades by the military government, while post-2015 is defined by the historic first “free and fair” election that saw the election of the first democratic government headed by national icon Aung San Suu Kyi and her National League for Democracy party and the current conditions under the military coup of February 2021. The focus on this period between the shifts allows me to focus my analysis on this time period accordingly.

Myanmar is the largest country in South East Asia, and one of diverse peoples and geographies. From the mountainous northern regions to the watery plains of the southern delta area, Myanmar is a country whose strategic location on the Andaman Sea, abundance in natural resources, and five shared borders⁷ has contributed to its tumultuous and, at many times, tragic history. It has a population of over 50 million people, although actual numbers are contested and politically sensitive, as some ethnic groups are excluded because they are not considered citizens. Recent attempts to label *lum yo* (race, ethnicity or nationality) identity have been intensely criticized by scholars and analysts. The UN’s 2014 attempt at a nationwide census was widely criticized as a contextually inappropriate and dangerous exercise that risked “shattering” Myanmar’s peace and stability at a time of tenuous political transition from a military regime to democracy (Callahan 2014). The ultimately botched census project provides a glimpse into the restive grievances around a central

⁷From east to west, Myanmar borders Laos, Bangladesh, India, China and Thailand.

issue: what does it mean to be *Myanmar*?⁸ Who is included in this national identity, and who is excluded? Questions around fundamental rights to national belonging form the crux of Myanmar politics: ethnic minorities in the borderlands waging decades-long insurgencies for self-determination, but also incendiary inter-communal and religious⁹ tensions between Buddhists and Muslims in Rakhine state¹⁰ (Crouch 2016), are telling examples. Already in 1982, Robert Taylor offered the somewhat cryptic

⁸ I discuss the difference between Myanmar vs Burma for naming the country in this chapter. However, these distinctions become more complex when differentiating what it means for those who live in the country referring to themselves as Myanmar or Burmese. Those who live in the country are often referred to as Burmese, despite the heterogeneity of ethnic diversity beyond the Bamar or Burmese ethnicity. I also refer use the term armed ethnic groups (EAGs) and the *Tatmadaw* (Myanmar Armed Forces) as they were terms widely used during the period under analysis (2011–2021) in Myanmar politics. In the post-coup period, terms such as Ethnic Resistance Organizations and the “sit-tat” (military) are used respectively and reflect the current political dynamics of resistance to the coup, in which the broad population does not view the military institution as deserving of the title of Myanmar’s armed forces. For more, see <https://teacircleoxford.com/politics/sit-tat-or-tatmadaw-debates-on-what-to-call-the-most-powerful-institution-in-burma/>.

⁹ While a comprehensive discussion on the influence of religion in ethnic identification (see Chap. 5) is beyond the scope of my research, a central undercurrent to both the EAGs’ and *Tatmadaw*’s narratives around national unity is religion. As Taylor writes, religion and ethnicity are “twin themes in the Myanmar nationalist narrative” (Taylor 2015, 5). Especially for the Bamar-Buddhist majority in general, and the *Tatmadaw* leadership in particular, the moral universe of Theravada Buddhism is a dominant lens through which to understand the world. However, this view is often given short shrift in more political analysis of ethnicity and nationalism, and despite notable works on the topic these ideas are not sufficiently explored in dominant analyses of the ongoing peace process. Burmese cosmology (or Theravada cosmology) is important to consider as it legitimates power and provides models of political organization (Walton 2012). As Steinberg (2013) argues, “Buddhism became the surrogate indicator of Burmese nationalism” as a “primordial value” of Bamar society.

¹⁰ While my research focuses on the “ethnic” peace process, I would be remiss not to describe the politics of Rakhine State that have now spilled over to the rest of the country. The crisis in Rakhine is extremely complex, but can be described as an incendiary mix of the notions of ethnicity, nationalism, identity, authority and belonging, all compounded by religion and poverty. While the mass exodus and genocide of over 700,000 Rohingya (almost the entire population not already confined to camps) from Rakhine state in 2017–2018 led to a worldwide outcry over alleged human rights abuses, rape and ethnic cleansing perpetrated by the Myanmar military, it is only the latest chapter in a long history of outbursts of inter-communal violence. Debates, scapegoating and strongly held opinions around citizenship and belonging form the heart of the matter. Oddly, even as these themes around inclusion and exclusion and the cognitive prior of “unity” in diversity are an obvious commonality with the other instances of conflict in Myanmar described at length above, the crisis in Rakhine has always been viewed by both nationals and internationals as a separate matter.

observation: “ethnic politics is the obverse of the politics of unity in Myanmar” (Taylor 1982, 7). Over 35 years later, it remains the most pressing issue for the country and requires much soul-searching.

Studying Myanmar entails three caveats for the “Burma studies” researcher, let alone the political scientist. First, I travel through “contested histories” (Baechtold 2016) to glean the narratives, norms, beliefs and identities of political actors in Myanmar. Clearly, a comprehensive account of the political and socioeconomic history of the country is far beyond the scope of my research. Nevertheless, I aim to avoid what Thant Myint-U observes in many analyses and debates occurring on Myanmar today: “the most striking aspect of the Burma debate today is its absence of nuance and its singularly ahistorical nature” (Thant Myint-U 2006, 41). In a related vein, I position my analysis of Myanmar politics firmly in between the dichotomy that many of those studying Myanmar fall prey to: on one hand, treating Burma as applicable to international templates of analysis and prescription, and on the other hand, seeing Burma as unique and eluding any comparative perspectives. As Steinberg argues, many analysts ascribe to their case study a certain uniqueness (and at its worse, a form of exoticism)¹¹ that eludes any type of foreign formulae (Steinberg 2013) or comparison with other contexts. At the other end of the spectrum, the use of Myanmar as an increasingly popular “case study” in policy literature risks sweeping generalizations or forcing a theoretical and conceptual “fit” for a theory or foreign policy. Risks of romanticizing or exoticizing Myanmar are also high, particularly due to its isolation for the past few decades.¹²

Second, I recognize the special relationship that Myanmar politics has to information, truth and narrative. Many scholars write about having to navigate through the thickets of “information and misinformation” (Taylor 2008, 219), the complexity of the Burmese language and the politics of labelling. My use of either Burma or Myanmar to name the country is a clear example of this. Calling the country either Burma or Myanmar can signal a political position: when the military government changed the country’s name from “Burma” to “Myanmar” in 1989, governments, individuals and organizations refused to recognize a change they deemed

¹¹ Thanks to Julie Bernath for this point.

¹² See Oxford’s Tea Circle blog for more discussions on the romanticization of Burma and the positionality of researchers, available at <https://teacircleoxford.com/2017/06/09/reflections-on-the-soas-oxford-graduate-student-conference-part-ii/>.

illegitimate by extension of the illegitimacy of the regime. I choose to use “Myanmar” when describing the country after 1989 and “Burma” when describing the country before 1989. I use “Myanmar” when describing the country in general terms and the word “Burmese” to describe the inhabitants of the country. This label is a misnomer of sorts as it is associated with the Bamar, the dominant ethnic group of the country, but is used frequently in the country as well. Myanmar has never had a multi-ethnic identity before independence, so finding a word expressing a truly civic rather than ethnic identity marker is a massive challenge for the country. These labels pose challenges in my research but are essential to distinguish.

Third, I must be aware of any bias of selecting particular flashpoints of such contested histories and avoid the tendency to place Myanmar histories into “tropes” of isolation and decline juxtaposed with “opening” to the outside world (Wittekind and Rhoads 2018). Doing so decenters prevailing discourses around what constitutes history for certain audiences concerning certain “objects” (e.g. Burma or Burmese people) that risk centering or decentering specific Burmese voices (Prasse-Freeman 2014). Language matters. Some Burma studies scholars lament the transposition of “Western” terms and concepts and phrases onto analyses of Burmese culture and politics. There is no direct Burmese translation for “inclusivity” and its salience is in English newspapers, appearing in Burmese as the English term “all-inclusiveness.” To the extent possible, my book attempts to decenter English phrases and explain cognitive priors that include Burmese terms and concepts in my analysis. In the following section, I choose particular historical eras that illustrate my argumentation rather than provide a comprehensive historiography or chronology of the country.

1.4 MY ARGUMENT

First, NGO mediators *can* effectively promote norms, using mediation processes as a site of norm diffusion. Bespoke international conflict resolution NGOs have become key mediation actors, within the last three decades through creating the niche world of “private diplomacy” and acting as “norm entrepreneurs” at the same time. As informal third parties, these NGO mediators directly engage with politically sensitive actors or convene unofficial peace talks. As NGOs, they are part of an epistemic community of mediation practice, professionalizing the field and

producing knowledge on what peace mediation is and what it *ought* to be. This dual identity as both NGOs and mediators nicely sets them up with a unique agency to promote and diffuse norms. These norms often reflect the liberal peacebuilding paradigm promoted from the Global North, such as inclusion, gender equality and transitional justice, with the view that these norms are not ends in themselves but as necessary ingredients for effective mediation. This evolution sets up the central dichotomy in this book: whether the purpose of mediation processes is to facilitate dialogues among warring parties to end violence, or to facilitate dialogues to end violence and also rewrite societies around normative lines?

Therefore, even if NGO mediators can promote norms, I question whether they *should* promote norms in the first place. The outcome of the NCA process presents a critical and cautionary tale of promoting a presumed universal norm into a given locale and expecting a certain outcome without understanding how an external norm interacts with existing normative frameworks. The book illustrates that while NGO mediators do possess the normative agency to effectively promote norms to negotiating parties, my empirical research analyses how their promotion of the inclusivity norm to the negotiating parties in Myanmar's NCA paradoxically resulted in exclusionary outcomes: only half of the armed groups in the ethnic armed groups' negotiating bloc signed, and civil society was effectively crowded out from meaningful participation despite lofty rhetoric.

In terms of analytical contributions to scholarship, I draw from constructivist ontology and norm diffusion theories in international relations to build a novel analytical framework that unpacks what normative agency actually means and the actual mechanisms NGO mediators use to promote international norms to negotiating parties in a given context. By applying norm diffusion scholarship to mediation theory, I suggest that normative agency is built on three elements: framing, practices and power. More specifically, the extent of a mediator's normative agency depends on their ability to (1) discursively frame a given norm as important to effective peace; (2) "localize" a norm in a given peace process context through a set of practices; and (3) possess the legitimacy to navigating arising power dynamics in processes of norm contestation, such as resistance or displacement of a norm. By reframing the elements of what constitutes "peace," NGO mediators are, effectively, establishing the parameters of acceptable outcomes in cases of conflict. Rather than acting as impartial facilitators of dialogue, which had long been the norm in the unofficial peacemaker space, they are inserting their own values and standards, often

Western and liberal ones, into the conflict. This is a development which needs to be recognized and reflected upon.

In terms of empirical contributions, the research for this book is based on one and a half years of field research and 109 semi-structured interviews conducted with NGO mediators, Myanmar negotiators at the heart of the NCA negotiations and civil society representatives at the national, state and township level. First, I illustrate that NGO mediators do possess normative agency through their practice of eschewing formal mandates into unofficial entry points with the parties and through their promotion of inclusivity through convening informal dialogues and providing technical expertise to the conflict parties. Second, my empirics show that while NGO mediators were successful in centering the normative imperative that the NCA negotiations should be more “inclusive,” the negotiating parties localized and redefined the norm to correspond to strongly embedded existing normative frameworks around national unity and ethnonationalism in Myanmar history and politics. Ultimately, the NGO mediators effectively lost control of their influence in the outcome of the process. This suggests that their normative agency was limited to diffusing inclusivity rather than influencing an inclusive outcome. Paradoxically, the way in which the negotiating parties localized inclusivity led to a deadlock in the negotiations and ultimately, led to an exclusive outcome of the NCA agreement.

1.5 HOW I DID THE RESEARCH FOR THIS BOOK

My research follows an approach that is qualitative and interpretative in nature. The methodology underlining this approach is a single case study bolstered by empiric-heavy process tracing. I conduct process tracing through several intersecting methodologies, a combination of discourse analysis (Keller 2013) and a close analysis of the everyday practices of NGO mediators and the negotiating parties they engage with, akin to what Pouliot (2015) terms “practice tracing.” The methods I choose to gather information are semi-structured qualitative interviews and the collection of primary documents, opinion pieces and analyses and news articles.

In the fall of 2016 (October to December) I spent three months conducting field research and interviews with NGO mediators to understand the normative framework and normative socialization of NGO mediators in the different contexts that they work in. In 2017, I travelled to Myanmar

to conduct the bulk of my field research. I wanted to understand the nature of mediation in Myanmar: what mediation means in the context, who plays mediation roles, and the specific roles that NGO mediators play in Myanmar. Within the first few weeks of my field research, it quickly became apparent that the mediation space in Myanmar is messy and undefined: mediation was a sensitive word because it implied third-party intervention, which contradicts the country's history of claiming non-interference and strongly entrenched regional norms of sovereignty. In Myanmar, mediation activities were nevertheless being conducted, but under the moniker of dialogue and facilitation. For this work, I was based in Yangon from January to June 2017. I returned to Myanmar in late August 2017 and conducted additional interviews in the fall of 2017. At this stage, I was no longer based in Yangon, but in Mawlamyine, the capital of the minority ethnic Mon state in the southeast of Myanmar. I lived in Mawlamyine for one year, from August 2017 to August 2018 (including two trips back to Switzerland for writing retreats in between). The ability to be based in Myanmar for one and a half years (18 months) was an extreme privilege. My main sources of data were semi-structured interviews conducted between January 2016 and March 2018. In total, I conducted 90 in-depth interviews and conversations with peace process actors in Myanmar and abroad, two focus group discussions totaling to 109 respondents (see Appendix).

I chose to also focus on textual analysis because of the contextual relevance of public documents, newspaper articles, public correspondences and social media postings in the country. The NCA process was unprecedented in its transparency and access to both nationals and internationals. After decades of military rule where freedom of association and freedom of the press were curbed, the peace process was now extraordinarily public. Therefore, there was an abundance of news analyses and policy documents from a variety of sources. As such, my second source of data came from English language or transliterated policy documents, newspaper articles and analyses, meeting minutes and timelines, speeches given by members of the negotiating parties, blog posts, private email correspondences, NCA text drafts, social media accounts, and both public and private statements issued by the EAGs.

While scholarship on norms offers rich theoretical contributions on how norms are promoted, contested, internalized or rejected, there is little empirical work addressing the role of norms in mediation processes or the role that mediators play in promoting norms. Furthermore, mediation

literature is dominated by strategic bargaining theories that focus on material and contextual factors such as political leverage and resources rather than norms, ideas and identities. My research attempts to fill this research gap regarding the role of mediators in norm diffusion by linking norms research and mediation literature. My research also contributes to both mediation and norms literature by looking at norms and norm entrepreneurship in an *a priori* manner, which addresses the overemphasis on progressive norms by looking at inclusivity not as an inherently “good” norm (Hellmüller et al. 2017). I remain open to multiple interpretations of the inclusivity norm by different actors and do not necessarily assume that more inclusive mediation processes lead to more “effective” agreements or outcomes, contrary to an emerging set of mediation literature on the benefits of inclusivity (Nilsson 2012; Paffenholz 2014).

1.6 OVERVIEW OF THIS BOOK

The following three chapters of the book explore the concept of normative agency applied to NGO mediators promoting inclusive peace. In Chap. 2, through discussing the evolution of the role of mediators from peace brokers to peace builders, I present an analytical framework around a mediator’s normative agency, or their ability to promote norms. Chapter 3 unpacks the actors I call “NGO mediators” through discussing their alternative legitimacy vis-à-vis formal mediators and their “normative socializations,” or the way they interpret norms. In Chap. 4, I discuss NGO mediators’ normative agency in regard to the norm of inclusivity, assessing their ability to frame the norm as important, engage in practices that intentionally promote the norm, and the power they have to do so.

Chapters 5 through 7 focus on NGO mediators promoting inclusivity to the negotiating parties in the Myanmar NCA negotiations. In Chap. 5, I discuss existing normative frameworks of inclusion and exclusion in Myanmar history and politics, centering around the contested concept of “unity” in the country. Chapter 6 provides granular empirical analysis of the interaction between NGO mediators and negotiating parties, who fundamentally reinterpreted and redefined the norm according to existing normative frameworks in Myanmar. In Chap. 7, I illustrate how the “successful” diffusion of inclusivity resulted in both intended and unintended consequences and ultimately, an exclusive outcome of the negotiations and crowding out of civil society.

In Chap. 8, I conclude the book with a synthesis of my argument, implications for mediation, peacemaking and conflict resolution research, policy and practice. I also discuss policy recommendations for practitioners and future research agendas for scholars, wrapping up with some philosophical and ethical food for thought about the ultimate purpose of mediation processes, leaving the reader to decide for themselves.

REFERENCES

- Acharya, Amitav. 2004. How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. *International Organization* 58: 239–257.
- Apthorpe, Raymond. 2005. *Postcards from Aidland*, 10. Brighton: Institute of Development Studies (IDS).
- Autesserre, Séverine. 2014. *Peaceland: Conflict resolution and the everyday politics of international intervention (Problems of international politics)*. Cambridge: Cambridge University Press.
- Baechtold, Stefan. 2016. Managed pacification: Aid, peacebuilding and the focus on results in Myanmar's transition. In *Doktors der Philosophie*. Philosophisch-Historische Fakultät, Basel: Universität Basel.
- Callahan, Mary. 2014. Distorted, dangerous data? *Lumyo* in the 2014 Myanmar population and housing census. *Journal of Social Issues in Southeast Asia* 32 (2): 452–478.
- Crouch, Melissa. 2016. *Islam and the state in Myanmar: Muslim-Buddhist relations and the politics of belonging*. Oxford: Oxford University Press.
- Finnemore, Martha, and Kathryn Sikkink. 1998. International norm dynamics and political change. *International Organization* 52 (4): 887–917.
- Hellmüller, Sara. 2018. *The interaction between local and international actors: Partners for peace*. Basingstoke: Palgrave Macmillan.
- Hellmüller, Sara, Julia Palmiano Federer, and Mathias Zeller. 2015. *The role of norms in international peace mediation*. https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/The_Role_of_Norms_in_International_Peace_Mediation.pdf. Accessed 14 December 2022.
- Hellmüller, Sara, Palmiano Federer, Julia, and Jamie Pring. 2017. *Are mediators norm entrepreneurs?* https://www.swisspeace.ch/assets/publications/downloads/Working-Papers/b59c7cb279/Arc-Mediators-Norm-Entrepreneurs-17-swisspeace-sara_hellmueller-julia_palmiano_federer-jamie_pring.pdf. Accessed 10 November 2023.
- Keller, Reiner. 2013. *Doing discourse research: An introduction for social scientists*. London: Sage Publications Ltd.

- Kriesberg, Louis. 2001. The growth of the conflict resolution field. In *Turbulent peace: The challenges of managing international conflict*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 407–427. Washington DC: United States Institute of Peace.
- Myint-U, Thant. 2006. *The river of lost footsteps: a personal history of Burma*. New York NY: Farrar, Strauss and Giroux.
- Paffenholz, Thania. 2014. Civil society and peace negotiations: Beyond the inclusion-exclusion dichotomy. *Negotiation Journal* 30 (1): 69–91.
- Paffenholz, Thania., and William Zartman. 2019. Inclusive Peace Negotiations – From a Neglected Topic to New Hype. *International Negotiation* 24 (1): 1–6.
- Palmiano Federer, Julia. 2021. Towards a normative turn in track two diplomacy? A review of the literature. *Negotiation Journal* 37 (4): 427–450.
- Pouliot, Vincent. 2015. Practice tracing. In *Process tracing: from philosophical roots to best practices*, ed. Andrew Bennett and Jeffrey T. Checkel, 237–259. Cambridge: Cambridge University Press.
- Prasse-Freeman, Elliott. 2014. Fostering an objectionable Burma discourse. *Journal of Burma Studies* 18 (1): 97–122.
- Rhoads, Elizabeth L., and Courtney T. Wittekind. 2018. Rethinking land and property in a “transitioning” Myanmar: Representations of isolation, neglect, and natural decline. *Journal of Burma Studies* 22 (2): 171–213.
- Richmond, Oliver P. 2018. A genealogy of mediation in international relations: From ‘analogue’ to ‘digital’ forms of global justice or managed war? *Cooperation and Conflict* 53 (3): 301–319.
- Stedman, Stephen J. 1997. Spoiler problems in peace processes. *International Security* 22 (2): 5–53.
- Steinberg, David. 2013. *Burma/Myanmar: What everyone needs to know*. Oxford: Oxford University Press.
- Taylor, Robert H. 1982. Perceptions of ethnicity in the politics of Burma. *Southeast Asian Journal of Social Science* 10 (1): 7–22.
- . 2008. Finding the political in Myanmar, a.k.a. Burma. *Journal of Southeast Asian Studies* 39 (2): 219–237.
- . 2015. Refighting old battles, compounding misconceptions: the politics of ethnicity in Myanmar today. In *ISEAS Perspective*. Singapore: Institute of Southeast Asian Studies.
- United Nations. 2012. *UN guidance for effective mediation*. New York: United Nations.
- Walton, Matthew. 2012. Politics in the moral universe: Burmese Buddhist political thought. Dissertation, University of Washington. https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/21768/Walton_washington_0250E_10956.pdf?sequence=1. Accessed on 10 November 2023.

- Wiener, Antje. 2004. Contested compliance: Interventions on the normative structure of world politics. *European Journal of International Relations* 10 (2): 189–234.
- Zahar, Marie-Joëlle. 2010. SRSG mediation in civil wars: Revisiting the “spoiler” debate. *Global Governance* 16 (2): 265–280.
- Zartman, William I., and Saadia Touval. 1985. International mediation: Conflict resolution and power politics. *Journal of Social Issues* 41 (2): 27–45.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copy-right holder.





Promoting Peace or Pushing Norms? Normative Agency and Mediators as Norm Entrepreneurs

2.1 THE NORMATIVE TURN OF INTERNATIONAL PEACE MEDIATION

The normative framework of international peace mediation¹ has grown (Hellmüller et al. 2015; Turner and Wählisch 2021) to emphasize the

¹Several key terms in my research include: mediators, peace processes, norms and norm entrepreneur. First, “mediators” are defined as third-party actors that assist two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements (UN 2012). They are influenced by but distinct from their mandate-givers, clarified as inter-governmental organizations, both international and regional, states and NGOs. Second, “peace processes” are defined as processes in which mediation processes (processes which are convened to hold negotiations between conflict parties assisted by a third party) are embedded. The main actors involved in peace processes are conflict actors, negotiating parties (which are not necessarily the same) mediators and other third-party actors such as donors who mandate or fund mediation efforts, and civil society actors. Third, “norms” are commonly defined as “collective expectations for the proper behaviour of actors with a given identity” (Katzenstein 1996, 5). Norms can be classified according to a number of typologies (Björkdahl 2002). These norms can also be social, political, legal, moral, liberal and illiberal in nature. Fourth, a norm entrepreneur is an actor that “attempts to convince a critical mass of [actors] to embrace new norms” (Finnemore and Sikkink 1998, 895). A norm entrepreneur engages in a process of norm diffusion that can undergo a “life cycle” model of emergence (norm entrepreneurs communicate their issue to a broader audience); cascade (actors adopt a norm through imitative behavior); and internalization (norms assume a “taken for granted” quality) (Finnemore and Sikkink 1998; Hellmüller et al. 2017). I view norm entrepreneurship less in terms of a “life cycle” model and more as a tool to understand the notion of normative agency. The term “normative agency” provides greater dimensions for exploring the role of mediators in norm diffusion (or non-diffusion) in mediation processes and will be conceptualized in greater depth in this chapter.

importance of norms such as gender equality, human rights and transitional justice in mediation processes (Paffenholz and Zartman 2019; Hirblinger and Laundau 2020; Bell and O'Rourke 2010; Fuentes Julio and Drummond 2017; Hayner 2018). A key role of mediators is designing peace processes and influencing who is included or excluded at peace negotiations (Lanz 2011). When mediation developed as a prominent tool for conflict resolution after the Cold War (Zartman 1985; Bercovitch and Rubin 1992), questions of inclusion and exclusion focused on which armed actors should be (or needed to be) included at the negotiating table (Stedman 1997; Nilsson and Söderberg Kovacs 2011; Zahar 2010; Blaydes and De Maio 2010; Palmiano Federer 2019) in the framework of bargaining theory and negotiations (Kydd 2010; Rauchhaus 2006; Smith and Stam 2003). However, the development of liberal peacebuilding as the dominant paradigm in which mediation occurs (Newman, Paris and Richmond 2009; Mac Ginty 2011; Pugh 2005; Campbell et al. 2011) has created an imperative for mediators to also include the perspectives of non-armed actors, namely civil society actors (Paffenholz 2014; Wanis-St. John and Kew 2008; Nilsson 2012, including women (Anderson 2010), youth (Grizelj 2019) and minority groups (Raffoul 2018; Lijphart 2007) when assisting conflict parties at the negotiation table or drafting a peace agreement (Hellmüller 2019).

Despite these practical developments, the roles mediators play in promoting norms around inclusion are under-researched in academic literature (Hellmüller et al. 2017).² The literature on mediation is preoccupied with material and contextual factors (such as process factors, environmental factors and mediator strategies) that lead to successful or effective outcomes (Kleiboer 1996). What is missing from this literature is a “discussion about the ideational factors [such as norms and identities] that influence the behaviour of mediators and how mediators influence the normative aspects of peace processes” (Hellmüller et al. 2017, 9). Therefore, the objects of my inquiry are mediators³ as norm entrepreneurs of inclusion. This focus begets two main inquiries: *should* mediators promote norms and if so, *can* they do so? To shed light on these questions, I journey through scholarship on the role of mediators in mediation processes (Zartman 1985; Kleiboer 1996; Mandell and Tomlin 1991; Lanz 2011);

² Some exceptions include (Bluman-Schroeder 2004 and Mandell and Tomlin 1991).

³ In this book, I analyze mediators at the institutional and organizational level rather than individual level when examining the effects of their promotion of certain norms.

and theories around norm entrepreneurship in world politics (Finnemore and Sikkink 1998; Katzenstein 1996; Price 2008; Wiener 2014).

2.2 FROM PEACE BROKER TO PEACEBUILDER: THE ROLE OF MEDIATORS IN CONFLICT RESOLUTION

Mediators as Peace Brokers

Literature on international peace mediation draws upon two main bodies of scholarship: conflict resolution literature (Kriesberg 2001) and peace research (Galtung 1985; Lederach 1997). Mediation is commonly defined as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider [...] to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law” (Bercovitch, 2009, 244). Although mediation has been used as a tool for conflict resolution between warring parties since antiquity (Touval and Zartman 2001, 427) it grew in prominence at the end of the Cold War as the use of military force and intervention were increasingly called into question (Luttwak 2001). Conflict resolution literature, built on realist assumptions that “unified states used force to pursue security” (Nye 2001, 358), started to turn to non-violent dispute settlement mechanisms. Early literature drew heavily from game theory, cooperation and bargaining theory to look at historical and contemporary cases of third-party intervention (Raiffa 1982) to theorize mediation. As a result, scholarship on mediation was characterized by a realist/rationalist perspective that views mediation as “an exercise in which the mediator has interests and operates in the context of power politics and cost-benefit calculation” (Zartman 1985, 27).

The last two decades of conflict resolution literature on mediation built on this perspective and produced a vast array of contributions (Duursma 2014; Wall and Dunne 2012) on understanding and explaining the conditions under which mediation occurs (Maundi et al. 2006, how mediation is conducted (Beardsley 2009; Bercovitch and Wells 1993), and the outcomes of mediation, such as peace agreements. Zartman’s (1985) “Ripeness Theory” has provided one of the most salient explanations of why parties enter into negotiations: the parties’ perceptions of high conflict costs allow a “Mutually Hurting Stalemate” and a “Way Out” to

bring them into negotiations to find a “Mutually Enticing Option.” Zartman’s “Ripeness Theory” provides clear parameters for the role of mediators within a cost-benefit analysis (Touval and Zartman 2001). The main assumption is that mediators are self-interested actors whose motivations can be understood from a rational-actor approach (*ibidem*).

Within this paradigm, a wealth of mediation literature has been dedicated to the mediator as a unit of analysis (Svensson 2007) and characterize mediator behavior in terms of strategies, modes and functions (Regan and Stam 2000). Bercovitch and Wells (1993) use a strategic choice model to build an analytical framework on mediator strategies that bring the parties to agreement. They offer three types of strategies that each feature specific behavioral tactics.⁴ These strategies and tactics are influenced by antecedent conditions, including the nature of dispute, the nature of issues, the nature of parties, the nature of relationship, and the identity and rank of the mediator. The second characterization is mediators taking on different modes of action that spell out specific functions. Zartman and Touval (2001) build on Bercovitch’s theory, attaching functions and activities to these three modes of behavior: mediators as communicators (acting as a conduit, opening contacts, carrying messages, helping parties interpret messages); mediators as formulators (persuading parties and suggesting solutions); and mediators as manipulators (bringing the parties to an agreement by providing incentives or using political leverage) (Zartman and Touval 2001, 435). Wall and Dunne’s (2012) review of mediation

⁴Some of these behavioral tactics include (1) Communication-Facilitation Strategies: make contact with the parties, gain the trust and confidence of the parties, arrange for interactions between the parties, identify issues and interests, clarify the situation, avoid taking sides, develop a rapport with the parties, supply missing information, develop a framework of understanding, encourage meaningful communication, offer positive evaluations, allow the interests of all parties to be discussed; (2) Formulation Strategies: choose meeting sites, control the pace and formality of meetings, control the physical environment, establish protocol, suggest procedures, highlight common interests, reduce tensions, control timing, deal with simple issues first, structure the agenda, keep the parties at the table, keep the process focused on the issues; and (3) Manipulation (or Directive) Strategies: change the parties’ expectations, take responsibility for concessions, make substantive suggestions and proposals, make the parties aware of the costs of non-agreement, supply and filter information, suggestion concessions that the parties can make, help negotiators undo a commitment, reward the parties’ concessions, help devise a framework for acceptable outcomes, change expectations, press the parties to show flexibility, promise resources or threaten withdrawal, offer to verify compliance with agreement (Bercovitch and Wells 1993, 8–9).

literature⁵ reveals around 100 strategies and techniques that guide mediator behavior,⁶ underscoring the centrality of mediator behavior in the body of scholarship. The strategies of a mediator vis-à-vis negotiating parties were also influenced by important works on civil wars and negotiations at the time, such as Fearon's (1995) highly influential text on rationalist explanations and Walter's (1997) study on bargaining and civil war.

While the functions, strategies and roles of mediators are discussed in detail, there is limited scholarship on what mediators actually accomplish substantively, past the broad strokes of bringing parties closer to an agreement. While it is commonly understood in mediation literature that mediators design the mediation or negotiating process and invite parties to the negotiating table, there was limited research beyond specific case studies and personal accounts of (Western) mediators such as Henry Kissinger, Richard Holbrooke, Jimmy Carter, Carl Bildt and George Mitchell. There are two possible reasons. First, the dearth of literature on a mediator's role on who to bring to the peace table stems from a lack of literature on mediation mandates (Wallensteen and Svensson 2014; Nathan 2017) in which these prerogatives would normally lie. Second, mainstream literature on mediation tends to conceive of mediators and the negotiating parties in a unitary logic in the framework of bargaining theory and rational actor approaches. In the post-Cold War context, mediation was theorized as a power-driven exercise by statesmen and diplomats that used a mixture of diplomacy, status and leverage and aimed to uphold a fragile balance of power between states and their elite leaders (Richmond 2018). Mediators were brought in to use techniques, resources, legitimacy or knowledge to support negotiations between warring parties in an *ad hoc* and impermanent fashion (ibidem). Bargaining theory and rational actor approaches captured the status quo of how mediation was understood and conducted (security, power, neutrality, authority), and power was often considered over justice. Debates over inclusion and exclusion were not prominent in the mediation literature as key stakeholders were elite or official representatives of warring parties.

⁵Wall and Dunne's review is not limited to international peace mediation.

⁶There is a wealth of strategies described, but they can be summed up as analytic, broad/focused, bottom up, differentiated, evaluative, facilitative, insight, mediation-arbitration, narrative, neutral, power broker, power-political, pressing, problem solving, proper sequenced, pragmatic, transformative, transformative-narrative and understanding-based strategies (Wall and Dunne 2012, 227).

Mediation literature implicitly acknowledges mediators' roles in determining who is at the table through an understanding of process design, for instance, mediators initiating the process of talks, providing venues and legitimizing contacts and meetings (Mitchell 2008). In practice, mediators already acknowledged that diplomatic representatives or leaders of armed groups would act as negotiators in processes that took place at an elite level (Wanis-St. John 2008). However, recent conflict literature acknowledges that a mediator's tasks "now do not end with the signing of the agreement of the set of accords" (ibidem, 101) but encompass a wider range of political decisions (Lanz 2011).

This gap was addressed in the development of literature on "spoilers," actors opposed to ending conflict through dialogue (Stedman 1997), that influenced a large body of scholarship on who should or who should not be included in peace processes. The notion of "bargaining with bullets" or the "violence-negotiation nexus" that connected civil war literature to mediation (Sisk 2009, 2) has produced a strand of literature focusing on the effects of "spoilers" on ending civil wars through dialogue processes like negotiation and mediation (Greenhill and Major 2007). Literature on civil war termination focused on key warring parties as a unit of analysis when discussing inclusion and exclusion because of the stakes involved: actors that have used violence and can use it again have a clear stake in the armed conflict and warrant attention (Nilsson and Söderberg Kovacs 2011). The utility of the spoiler concept has been debated (Zahar 2003). Furthermore, the designation of an individual or entity as a spoiler is a normative claim, rife with political and normative bias (Haspeslagh 2021).

Civil war scholars have tried to nuance this approach by suggesting that actors other than armed belligerents could also potentially act as spoilers (Newman and Richmond 2006) thus widening the net of who spoilers are and what accounts for spoiler behavior. These actors include diaspora actors, foreign patrons or multinational corporations (Nilsson and Söderberg Kovacs 2011). The literature on spoilers also debates how third parties should engage with spoilers. While Stedman's (1997) spoiler management strategies of "inducement," "socialization" or "coercion" are debated, they all called for engagement over non-engagement (Palmiano Federer 2019) and introduced a whole other role for mediators: deciding not only who *would* be, but who *should* be present and represented at peace negotiations. Despite the debates in the literature, the spoiler concept in mediation emphasizes the link to inclusivity, as violence from

spoilers directly affects “the question of inclusion and exclusion in peace processes [and can] influence the terms of settlement itself” (Sisk 2009, 3).

Notions of inclusion and exclusion in peace processes and the role of mediators in conflict resolution literature began to shift with the advent of the liberal peacebuilding paradigm: studies began to look at civil society actors’ claims to greater participation in peace processes as part of a normative turn (Frost 1998) in mediation literature. This shift is reflected in the development of mediation literature in the framework of the peace research discipline.

Mediators as Peacebuilders?

At the same time that civil war literature and critical peace studies was moving forward with the debate on spoilers, the development of the liberal peacebuilding paradigm (Richmond 2011) and its growing connection to mediation practice (Richmond 2018) was reflected in the growth of the field of peace research. Peace research reflected the paradigm of conceptualizing peace as “positive” (attitudes, structures and institutions that underpin peaceful societies) rather than “negative” (the absence of violence) and infusing a normative imperative; research is conducted to understand the conditions under which positive peace can occur. Peace research also bolstered former UN Secretary General Boutros-Boutros Ghali’s 1992 report *Agenda for Peace* and other policy developments, catapulting the notion of positive peace into a multi-dimensional concept called “peacebuilding.” The term peacebuilding, though highly contested, is commonly understood as a complex interaction that encompasses conflict resolution and the rebuilding of governance, security and economic and judicial institutions in post-conflict societies (Chetail 2009). Peacebuilding missions go beyond negotiating and mediating political settlements to end violence—they actively promote democratization and marketization (Paris 2004) in the process of rebuilding post-conflict societies. Because of the shortcomings of peacebuilding practice (Lidén 2006) and the ethics of using humanitarian intervention in tandem with regime change, and transposing liberal democracies in given locales (Call 2012), the literature on peacebuilding thus shifted to debates on liberal peace. The liberal peace theory contends that societies that espouse liberal components such as democracy promotion, rule of law, good governance, market economies and human rights are more stable than those that do not (Doyle 2005).

The liberal peacebuilding paradigm has also been heavily criticized by scholars. Critical peacebuilding literature has called out certain Western-led and dominated “northern epistemologies” that do not equally value “local” or Indigenous approaches to peacemaking (Lidén et al. 2009). While a “local turn” in peacebuilding has been attempted by actors working to build the liberal peace in conflict affected areas, the results have been mixed at best, and dangerous, neocolonial and destabilizing at worst. These attempts have also been critiqued for their inconsistent applications and results, which range from “resistance, cooption, compliance and rejection” to a hybrid peace (Lidén et al. 2009, 588). Despite these numerous critiques, liberal peacebuilding remains the dominant paradigm in which many mediation processes are currently conducted. Furthermore, mediation literature has not reflected critiques of liberal peacebuilding to the same extent as peacebuilding literature writ large.

Instead, mediation literature started to focus on the “sustainability” of peace agreements and their legitimacy through the notion of participatory inclusion of a whole new set of actors. The liberal peacebuilding paradigm was embedded in a context of globalization and new forms of “global governance” after the ending of the Cold War. This phenomenon saw the rise in prominence of non-state actors, including NGOs and inter-governmental organizations such as the World Bank and the International Monetary Fund playing a direct role in peacebuilding processes (Josselin and Wallace 2001). The liberal peacebuilding paradigm also brought with it a focus on institution-building and “participatory governance” as parameters for sustainable peace that featured multi-level, multi-layered processes that incorporated civil society and private actors into the “peacebuilding consensus” (Richmond 2008, 257). This new outlook on war, conflict and peace promoted democracy, human rights and free trade as pillars of liberal peacebuilding. This explicitly normative outlook espoused the importance of basic human rights norms, which afforded non-state actors such as civil society organizations and NGOs the ability to play an unprecedented role in peace processes and negotiations. Due to these developments, the content of mediation processes also became more political in nature, buoyed by activists calling for the inclusion of rights-based norms in peace processes. The normative framework in mediation has grown (Hellmüller et al. 2015) to include more “ambitious objectives entering its normative and cosmopolitan repertoire” (Richmond 2018, 8).

2.3 NORM DIFFUSION AND NORM ENTREPRENEURSHIP IN INTERNATIONAL RELATIONS

If a mediator should promote norms, can they? What are mechanisms through which international norms are promoted? In this section, I review how the “constructivist turn” to norms in IR theory has provided theories of norm diffusion such as norm entrepreneurship and norm localization that shed light on how mediators can promote norms in theory.

Research on norms has produced important theoretical contributions on how ideas shape interests. This normative turn in constructivist international relations literature has provided important inputs on conceptualizing the vast array of social and political norms (Björkdahl 2002); how norms spread (Finnemore and Sikkink 1998), how norms localize in a given context through matching, grafting or pruning (Acharya 2004; Price 1998; Checkel 1998) and how norms are contested and decay (Bloomfield 2015).

Within constructivist IR ontology, norms are defined as “collective expectations for the proper behaviour of actors with a given identity” (Katzenstein 1996, 5). Within the last 20 years, scholarship on norms has taken a constructivist turn (Wendt 1992). One of the most prominent theories of norm diffusion put forth the notion of “norm entrepreneurs.” Norm entrepreneurs attempt to convince a critical mass of actors to adopt a certain norm. This process of norm adoption is distinguished in three phases of a “life cycle:” emergence, cascade, and internalization, where norms take on a “taken for granted” quality (Finnemore and Sikkink 1998).⁷ These early models of norm diffusion focused on state actors and how norms and identities can constitute state interests. Many empirical studies followed that utilized how norms shape interests in relation to a host of contemporary issues in IR such as nuclear and chemical weapons, apartheid, and global prohibition regimes around piracy, drug-trafficking and slavery (Tannenwald 1999; Price 1998; Klotz 1995; Nadelmann 1990; Strang 1991).

In the 2000s, a second wave of norms scholarship attempted to fill a gap in norm diffusion theory: why do some norms find greater acceptance in a particular locale than in others? How does norm diffusion in local contexts complement processes of norm diffusion taking place at an international level? Amitav Acharya’s (2004) theory of norm localization led

⁷ Other models include the boomerang model and spiral model (see Risse-Kappen, Ropp and Sikkink 1999) or the role of norm entrepreneurs in the ASEAN context (Job 2003).

this second wave of scholarship by looking at how foreign norms are incorporated into different locales. Rather than a dichotomous acceptance or rejection of norms by norm-takers, Acharya's theory of constitutive localization outlines a complex "process by which norm-takers build congruence between transnational norms and local beliefs and practices" (Acharya 2004, 241). This theory allows for more scope in the agency of norm-takers who are not just taught norms by "moral cosmopolitanists" diffusing them in a top-down manner (*ibidem*). In constitutive localization, norm-takers can combine outside moral principles with pre-existing normative frameworks through a consideration of their efficiency and utility (Acharya 2004, 243) for a given purpose.

Norm localization emphasizes a dynamic process of congruence building (Acharya 2004). International or foreign norms do not necessarily localize because of a "cultural match" (Checkel 1998), but can go through a process of framing, grafting and pruning. Through these actions, norm entrepreneurs engage in fluid processes that shape and reform the constitutive elements of a given norm as it is diffused. Norm framing highlights and creates salience around a norm by using terms that label, interpret and dramatize them. The increased salience of said norm may result in global norms appearing more congruent in a given locale (Finnemore and Sikkink 1998). Norm grafting institutionalizes or anchors a new norm onto a pre-existing one with the aim of reinterpreting the previously held value (Price 1998). Norm pruning leaves out certain constitutive elements of an outside norm in order to be accommodated more effectively with the local audience (Acharya 2004; Kaye 2009).

Acharya's focus on how norm entrepreneurs diffuse norms from a transnational context to a local⁸ one offers important refinements in norm diffusion theory in at least two ways. Firstly, it highlights the importance of normative agency of both the "norm-maker" and the "norm-taker" (Finnemore and Sikkink 1998). Secondly, it emphasizes the notion that norms change through a process of contestation. While the elements of congruence building narrowly focus on actions undertaken by norm entrepreneurs, norm localization extends into more complex processes of norm reconstitution to make an outside norm congruent with a pre-existing local order. This broader understanding is largely achieved by recognizing the agency of the local audience. Therefore, activities such as norm framing, grafting and pruning can be combined under a single

⁸In many bodies of literature, the term "local" is contested, see Hellmüller 2018 and Hellmüller and Santschi 2013 for a discussion on the "local" in peacebuilding.

framework defined as constitutive localization, or “the active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices” (Acharya 2004, 245). For norm localization to occur, Acharya points to the following conditions: a strong and legitimate cognitive prior (pre-existing normative order); credible and willing insider proponents; some scope for grafting between the external norm and the cognitive prior; and some scope for elements in an existing normative hierarchy to receive wider external recognition through an association with an external norm (Acharya 2004, 251). As such, norm localization and the shift in focus to the “local” norm-taker also offers a basis to understand instances of failed norm diffusion.

The misadventures of emerging norms in international security around the turn of the millennium such as the Responsibility to Protect (Welsh 2013) and the creation of the International Criminal Court led norms scholars to question not only which norms matter, but “whose norms matter?” (Lidén 2006; Acharya 2011, 2013). This critique placed the “moral cosmopolitan” emphasis of early norm diffusion literature into the fore, rendering the simplistic narrative of “good” global norms promoted by Western norm entrepreneurs fixing or displacing “bad” local norms found in the “Global South” (Acharya 2013; Palmiano Federer 2019) increasingly untenable. Acharya challenges this old narrative through two important refinements to his norm localization theory (1) norm subsidiarity, where local feedback that preserves local actors’ autonomy is “repatriated” back to a global context in a way that modifies or possibly strengthens the global norm (Acharya 2011) and (2) norm circulation, a combination of norm localization and norm subsidiarity that allows for multiple sources, contexts, and agents to inform how norms travel and change through different locales. Acharya’s corpus on how norms spread dovetailed with another wave of norms scholarship highlighting the dynamic nature of norms. Norms do not only spread through localization: they can also be contested, decay, regress or die.

Similar to Acharya, critical, or “reflexive,” “consistent” or “post-positivist” constructivism (Ralph 2017) posits that norms are contested through a discursive process that repeatedly constructs different meanings. Wiener has contributed significantly to the debate through her work on norm contestation through “meanings-in-use,” which are constitutive to norm change (Wiener 2009). Her work reflects IR constructivism’s shift towards a more “dynamic” (Bloomfield 2015) conception of norms and political change. Scholars Deitelhoff and Zimmerman hold that norms

do not spread in a linear or one-way progressive path, but can regress, erode, decay or die (2020). This shift again illustrates more recent norm scholars' efforts to address the focus on progressive norms and the failure of the first waves of norm literature to "accord equal analytical status" (Bloomfield 2015, 311) to actors that resist efforts to change global norms.

Norm contestation research has recently focused on "the agency of the governed" (Draude 2018), which critically challenges the assumption that liberal norms are "settled" and universal in nature. The "taken-for-granted" quality that liberal norms arguably take on is predicated on their assumed universality and their "goodness" (Palmiano Federer 2019). This consequentially renders non-liberal or illiberal norms "illegitimate" or "bad" (Wolff and Zimmerman 2016), creating binaries between so-called liberal democracies and illiberal (read: authoritarian) regimes." The turn in norms literature to focusing on the "agency of the governed" draws from postcolonial perspectives that uncover the inherent Eurocentrism and Western-centric nature of the liberal peacebuilding paradigm's robust normative framework. These scholars also critique the direction of so-called "global norms" spreading from the Global North to the Global South, which "[reifies] the epistemic dominance of the West vis-à-vis non-Western perspectives and realities" (Zimmermann et al. 2018, 693). To mitigate this, greater focus on the agents who create and change norms is needed (Pring and Palmiano Federer 2020).

While the focus on progressive norms in norms literature has been recognized, this has not been the case for the mediation literature. Despite the increasing normativity of the mediation field, there is a gap on critical approaches to mediation that explicitly critiques the underpinning liberal bias. With the exception of Richmond (2018), norms in mediation literature and peace research literature are uncritically assumed as positive or "good." There are two main factors for the lack of critical approaches to norms in mediation literature. The first is the dominance of rationalist and positivist approaches to understanding mediation processes because the main goal of mediation literature is to determine the conditions under which a settlement can be reached. This material conception of "successful" mediation obfuscates more ideational conditions for success. Furthermore, success is not easily defined in mediation. The search for the elusive "Golden Formula" of successful mediation in mediation literature (Kleiboer 1996, 360) highlights the difficult nature of defining what success means—and perhaps more importantly—who defines it. Kleiboer (1996) cites several groups of authors who range from prescribing tight criteria for success to

using rather broad definitions (Kriesberg 2001). In general, scholarship on success in mediation moves towards a goal-based approach where scholars (Touval and Zartman 1985) equate success with effectiveness (Kleiboer 1996, 362). Scholarship on success has moved from looking at contextual and material factors surrounding the process to the outcome of the mediation effort itself: the peace agreement. Numerous studies on factors that lead to the conclusion of peace agreements as a marker of success have been conducted, supplemented later by studies that look at the durability, sustainability and quality of these agreements. Despite considerable progress made in this regard, Kleiboer laments that an “Archimedean point for evaluating attempts at mediation” remains elusive. Objective analyses of what constitutes success are susceptible to “idiosyncratic values, interpretations and labelling [...] embedded in a systematic normative and analytic perspective put forward by the analyst” (1996, 362). Despite the observation that the analytical frameworks commonly used to conceptualize and evaluate mediation are not easily reconciled with the symbolic objectives and the messiness of politics (Kleiboer 1996), mediation literature tends to operate under the central assumption that positivist rather than interpretivist approaches are more useful for understanding the conditions of effectiveness in peace agreements. There is no critical questioning of the enterprise of reaching peace agreements as a measure of success.

The second reason mediation literature has not addressed the emphasis on progressive norms is because mainstream literature views actors in a mediation as rational, ideal-type unitary actors. Bercovitch and Wells (1993) posit that “Mediators are usually rational actors” or most directly, “we do not believe the interpretive, or the prescriptive approaches, alas, account for the complexity of international mediation” (4, *ibidem*). Research on the role of mediators has consequently focused on mediators’ roles as approaches, tasks or strategies. Researchers have also been focused on mediation styles ranging from facilitative to manipulative and power-based mediators (Beardsley 2009; Svensson 2007; Vukovic 2015) rather than looking at norms and identities of mediators, as “third parties are treated as unitary actors” (Duursma 2014, 86). In sum, with a few exceptions that look explicitly at norm diffusion in peace processes (Zahar 2012; Anderson 2010), mediators forwarding certain norms to negotiating parties (Mandell and Tomlin 1991; Bluman-Schroeder 2004; Ingebritsen 2002) and the legal normativity of conflict resolution (Kastner 2015), mediators’ normative agency and their mechanisms of norm diffusion has not been sufficiently addressed in mediation literature.

2.4 A THEORY OF NORMATIVE AGENCY

This brings us back to understanding whether mediators are norm entrepreneurs. A narrower take asks the question: *to what extent can mediators promote norms to negotiating parties in peace processes?* Answering this question requires looking at a mediator's *normative agency* to do so, and the conditions under which mediators can influence the behavior of the negotiating parties through norm promotion.

While I am interested in understanding what elements comprise a mediators' normative agency, I do not assume that mediators inherently possess normative agency or possess it when they enter into a mediation process. Furthermore, rather than viewing normative agency as a tool that brings the inclusivity norm from Point A (onset of mediation) to Point B (end of mediation through signing a peace agreement and early implementation), I view normative agency itself as constituted and constructed through a complex process and interaction of legitimated power, a constellation of social practices, and meaning-imbued discourse. This process may not be spatially and temporally linear. I build this framework through two steps.

Norm Entrepreneurship and Normative Agency

In a first step, I link the concepts of norm entrepreneurship and normative agency by conceptualizing normative agency as a necessary condition for norm entrepreneurship (Finnemore and Sikkink 1998). Normative agency is a central aspect of international relations theory on norm diffusion. Agency is an important and contested concept in international relations theory on norms. It can be broadly defined as the ability of actors to think and act consciously in pursuing their intentions (Finnemore 1996). I conceive normative agency as comprised of three main elements: framing, practices and power. These elements are drawn from Wight's (2006) three theoretical aspects of agency adapted by Hellmüller et al. to mediation (2017).⁹

⁹“Freedom of subjectivity” is the possibility of introspection of a mediator's own position vis-à-vis their own environment; (2) “intentional transformative praxis,” or a mediator's ability to act based on an intention; and (3) “action embodied in a position,” or a mediator's ability to forward an intention based on their position-place in an environment (Hellmüller et al. 2017, 14).

As each of these concepts are intimidatingly large in scope and scale, I harness these concepts by analyzing them through the lens of constructivist IR scholars who engage with each in a specific manner and for a specific purpose. These epistemological foundations draw from diverse strands of literature following Katzenstein and Sil's (2008) call for "eclectic theorizing"¹⁰ conducted in the spirit of "problem-driven rather than paradigm-driven research" (110). Therefore, this part of the book dives into three broad inter-related concepts relevant to understanding norm diffusion on a deeper level. First, the most relevant international practice through which norm diffusion takes place is through discursive framing, which necessarily refers to the IR debate on the role of communicative action, arguing and persuasion in norm diffusion (Risse 2000; Deitelhoff and Müller 2005) which itself draws on the corpus of Jürgen Habermas. Second, power dynamics are infused in social practices and thus draw on "practice IR theorists" Adler and Pouliot's (2011) reading of international practices (2011) that in turn draws from the work of a diverse set of social theorists and sociologists. Third, my interpretation of power and legitimate authority stems from constructivist and IR norm theorists concerned with the underlying power dynamics ever-present in norm diffusion processes (Price 2008; Barnett and Duvall 2005) and inspired by the works of critical theorists and post-structuralist scholars (Foucault 1980; Giddens 1984; Linklater 1998).

The first element of normative agency is discursive framing, or simply "framing." The concept of discursive framing forms the heart of norm diffusion practice, especially in the context of international peace mediation. To theorists of norm diffusion, framing "highlights and creates issues by using terms that label, interpret, or dramatize them with the result of global, international or foreign norms appearing more local" (Finnemore and Sikkink 1998, 897). This understanding obfuscates the discursive nature of framing in norm diffusion processes. The discursive nature of framing relates to the persuasion, socialization, communication and argumentation happening in the background of all norm diffusion processes and is central to understanding how, as Schelling puts it above, one person makes another person believe something (Schelling 1960). In a mediation

¹⁰Theoretical eclecticism is the premise that "features of analysis in theories initially embedded in separate research traditions can be separated from their respective foundations, translated meaningfully, and recombined as part of an original permutation of concepts, methods, analytics and empirics" (Katzenstein and Sil 2008, 110–111).

context, this requires a mediator to form their own interpretation of the normative parameters of their mandate and frame this interpretation to the negotiating parties. In this way, framing is an essential element of a mediator's normative agency.

The second element of normative agency are social practices. Looking at peace mediation as a set of international practices addresses the agency-structure challenge (Wendt 1992). Practices are material and meaningful, and can bridge the discursive and material worlds; they can change the physical environment as well as the ideas that people hold about the world (Adler and Pouliot 2011, 7). Practices redefine the agent-structure dichotomy, as they are “suspended” between structure and agency; practices are simultaneously acted by individual social beings (agency) and inserted within a social context or political order (structure). This approach allows agency *and* structure to jointly constitute and enable practices. In this vein, the practice of mediation provides a structure through which agents can maneuver. At the same time, mediators (agents) and negotiating parties (agents) can maneuver and constitutively change the mediation field (structure). Practices are a key element of normative agency because they denote mediators engaging in various actions promoting norms that stem from strategy and not reaction (Hellmüller et al. 2017).

The third element of normative agency is power. In conflict resolution literature, the power of mediators is conceptualized in two ways. First, “power mediation” occurs when a mediator uses material or political resourced-based leverage to apply pressure or coerce negotiating parties. Second, “pure mediation” occurs when mediators use non-coercive means such as persuasion, reasoning and facilitation to influence the behavior of the parties (Beardsley 2009; Vukovic 2015). In mediation processes, power distributions can also be roughly identified between dominant and subordinate: a mediator is subordinate to international law parameters (bound by law); their mandate-givers (bound by varying institutional normative frameworks for mediation); and the negotiating parties (bound by the need for their consent). Power is distributed between international legal parameters (dominant) and mediators (subordinate); between mandate-givers (dominant) and mediators (subordinate); and between negotiating parties (dominant) and mediators

(subordinate).¹¹ Once these power structures are identified, it is possible to explore different avenues of what confers legitimacy on a mediator. Adapting Beetham's criteria for legitimation (Beetham 2013) provides some avenues for inductive exploration, primarily how mediators conform to the parameters of their mandated normative framework versus their own normative socialization in mediation processes and how they are conferred the legitimate authority to promote norms to the negotiating parties. Therefore, given the mechanics of norm promotion and the subordinate power dynamics of mediators to the negotiating parties and their mandate givers, I view power in the sense of mediators' legitimate authority to facilitate or influence parties' behavior towards certain outcomes. Understanding the relative power that mediators hold vis-à-vis their mandate-givers and the negotiating parties sheds light on the power mediators have to forward their actions. In terms of norm promotion, the power of a mediator is directly related to their ability to promote norms.

Conceptualizing mediation processes as a site of norm diffusion provides the space for the mutually constitutive relationship between agency and structure. I focus rather on the agency of a mediator in diffusing these norms *within* this structure. Therefore, the concept of a mediator's normative agency is the red thread tying the concepts of framing, power and practice together. Normative agency is a central aspect of international relations theory on norm diffusion (Finnemore and Sikkink 1998). Finnemore (1996) sees agency, in the broadest sense, as the ability of actors to think and act consciously in pursuing their intentions.

In sum, I investigate a mediator's normative agency by inductively assessing the ability to which (1) mediators can interpret norms in their normative framework from their mandate-givers and frame them in certain ways to the negotiating parties, (2) mediators engage in a set of practices that intentionally promote norms (their interpretation), and (3) mediators wield the power to frame discourses and conduct these practices in the first place.

Figure 2.1 Shows my research question in graphical terms:

¹¹The concept of "consent" vis-à-vis legitimacy is complex and requires further exploration than the scope of this book. Furthermore, in mediation processes, a mediator could also be dominant and the parties subordinate, as the mediator guides key elements of the mediation process.

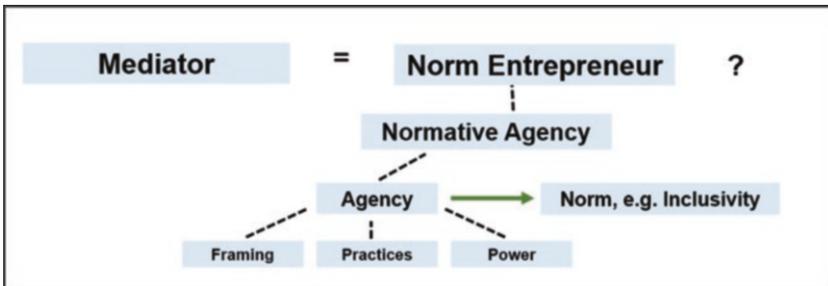


Fig. 2.1 Linking norm entrepreneurship to normative agency

2.5 CONCLUDING THOUGHTS: PROMOTING PEACE OR PUSHING NORMS?

In this book, I use the words norms and normativity often, which are related but distinct. While norms are standards for behavior set by societies, normativity entails an action one “ought” to do or a state one “ought” to be in—normativity is concerned with the ethics of a situation. In his 2008 volume on negotiation and conflict management, William Zartman outlines two of the central ethical dilemmas for mediators (2008): (1) whether to simultaneously pursue the double goal of stopping war and settling issues in a dispute; or (2) whether to facilitate an attainable settlement that violates international norms or to hold out for one consistent with principles adopted by the international community (171–172). The centrality of these ethical dilemmas in any mediation process illustrates the need to deal directly with normative theorizing and ethics in international peace mediation.

In my conceptual framework, linking theories around norm entrepreneurship, normative agency and applying them to peace mediation scholarship is essential in combining the ethical with the empirical (Reus-Smit and Snidal 2008). Scholars (Frost 1998; Price 2008; Reus-Smit and Snidal 2008, Linklater 1998) have long called for normative theorizing in IR. Viewing these concepts through a constructivist lens makes a “contribution to ethics that takes power seriously” by unpacking and identifying the sources and types of moral dilemmas (Price 2008, 244). Therefore, investigating how power is wielded through the particular practice of framing in norm diffusion effectively bridges the normative and the empirical, a central ambition of my research project. Applying this to mediation

literature with the aim of conceptualizing this particular political process as a site for norm diffusion brings “the centrality of power to the study of norms” as it acknowledges that “the resolution of any genuine moral dilemma entails the trumping of some morally substantive visions of politics over others” (Price 2008). This approach makes the inherently normative, and thus political nature of peace mediation practice explicit. This necessarily brings up the questions: Whose norms? Who promotes them and to what end? What happens empirically when a norm is promoted? The next two chapters flesh out this framework further, spotlighting the actors who promote the norms, and the norms being promoted.

REFERENCES

- Acharya, Amitav. 2004. How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. *International Organization* 58: 239–257.
- . 2011. Norm subsidiarity and regional orders: Sovereignty, regionalism, and rule-making in the third world. *International Studies Quarterly* 55 (1): 95–123.
- . 2013. The R2P and norm diffusion: Towards a framework of norm circulation. *Global Responsibility to Protect* 5 (4): 466–479.
- Adler, Emanuel, and Vincent Pouliot. 2011. International practices. *International Theory* 3 (1): 1–36.
- Anderson, Miriam J. 2010. Transnational feminism and norm diffusion in peace processes: The cases of Burundi and Northern Ireland. *Journal of Intervention and Statebuilding* 4 (1): 1–21.
- Barnett, Michael, and Raymond Duvall. 2005. Power in international relations. *International Organization* 59: 39–75.
- Beardsley, Kyle. 2009. Intervention without leverage: Explaining the prevalence of weak mediators. *International Interactions* 35 (3): 272–297.
- Beetham, David. 2013. *The legitimization of power, issues in political theory*. Basingstoke: Palgrave Macmillan.
- Bell, Christine, and Catherine O'Rourke. 2010. Peace agreements or pieces of paper? The impact of UNSC resolution 1325 on peace processes and their agreements. *International and Comparative Law Quarterly* 59 (4): 941–980.
- Bercovitch, Jacob. 2009. Mediation and conflict resolution. In *The SAGE handbook of conflict resolution*, ed. Jacob Bercovitch, Victor Kremenyuk, and William I. Zartman, 340–354. London: SAGE Publications Ltd.
- Bercovitch, Jacob, and Jeffrey Z. Rubin. 1992. *Mediation in international relations*. London: The Macmillan Press.

- Bercovitch, Jacob, and Richard Wells. 1993. Evaluating mediation strategies: A theoretical and empirical analysis. *Peace & Change* 18 (1): 3–25.
- Björkdahl, Annika. 2002. Norms in international relations: Some conceptual and methodological reflections. *Cambridge Review of International Affairs* 15 (1): 9–23.
- Blaydes, Lisa, and Jennifer de Maio. 2010. Spoiling the peace? Peace process exclusivity and political violence in north-central Africa. *Civil Wars* 12: 3–28.
- Bloomfield, Alan. 2015. Norm entrepreneurs and theorising resistance to normative change. *Review of International Studies* 42 (2): 310–333.
- Bluman-Schroeder, Michael. 2004. *Getting to the 'right' agreement: How international norms influence the behaviour of mediators*. Unpublished Masters Thesis, Department of Political Science, Vancouver: The University of British Columbia.
- Call, Charles. 2012. *Why peace fails: The causes and prevention of civil war recurrence*. Washington DC: Georgetown University Press.
- Campbell, Susanna, David Chandler, and Meera Sabaratnam. 2011. *A liberal peace? The problems and practices of peacebuilding*. London: Zed Books Ltd.
- Checkel, Jeffrey T. 1998. Review: The constructivist turn in international relations theory. *World Politics* 50 (2): 324–348.
- Checkel, Jeffrey T. 1999. Norms, institutions, and national identity in contemporary Europe. *International Studies Quarterly* 43: 83–114.
- Chetail, Vincent. 2009. *Post-conflict peacebuilding: A lexicon*. Oxford: Oxford University Press.
- Deitelhoff, Nicole, and Harald Müller. 2005. Theoretical paradise—Empirically lost? Arguing with Habermas. *Review of International Studies* 31 (1): 167–179.
- Deitelhoff, Nicole, and Lisbeth Zimmerman. 2020. Things we lost in the fire: How different types of contestation affect the validity of international norms. *International Studies Review* 22 (1): 51–76.
- Doyle, Michael W. 2005. Three pillars of the liberal peace. *American Political Science Review* 99 (3): 463–466.
- Draude, Anke. 2018. The agency of the governed in transfer and diffusion studies. *Third World Thematics: A TWQ Journal* 2 (5): 577–587.
- Duursma, Allard. 2014. A current literature review of international mediation. *International Journal of Conflict Management* 25 (1): 81–98.
- Fearon, James D. 1995. Does peacekeeping keep peace? International intervention and the duration of peace after civil war. *International Organization* 49 (3): 379–414.
- Finnemore, Martha, and Kathryn Sikkink. 1998. International norm dynamics and political change. *International Organization* 52 (4): 887–917.
- Foucault, Michel. 1980. *Power/Knowledge*. New York NY: Pantheon Books.
- Frost, Mervyn. 1998. A turn not taken: Ethics in IR at the millennium. *Review of International Studies* 24 (5): 119–132.

- Fuentes Julio, Claudia, and Paula Drummond, eds. 2017. *Human rights and conflict resolution: bridging the theoretical and practical divide*. New York NY: Routledge.
- Galtung, Johan. 1985. Twenty-five years of peace research: Ten challenges and some responses. *Journal of Peace Research* 22 (2): 141–158.
- Giddens, Anthony. 1984. *The constitution of society*. Cambridge: Polity Press.
- Ginty, Mac, and Roger. 2011. *International peacebuilding and local resistance: Hybrid forms of peace*. Basingstoke: Palgrave Macmillan.
- Greenhill, Kelly, and Solomon Major. 2007. The perils of profiling: Civil war spoilers and the collapse of the intrastate peace accords. *International Security* 31: 7–40.
- Greig, Michael, and Paul F. Diehl. 2012. *International mediation*. Cambridge: Polity Press.
- Grizelj, I. 2019. Engaging the next generation: A field perspective of youth inclusion in Myanmar's peace negotiations. *International Negotiation* 24 (1): 164–188.
- Haspeslagh, Sophie. 2021. *Proscribing peace: How listing armed groups as terrorists hurts negotiations*. Manchester: Manchester University Press.
- Hayner, Priscilla. 2018. *The peacemaker's paradox: Pursuing justice in the shadow of conflict*. Abingdon: Routledge.
- Hellmüller, Sara. 2018. *The interaction between local and international peacebuilding actors*. Basingstoke: Palgrave Macmillan.
- Hellmüller, Sara, and Martina Santschi, eds. 2013. *Is local beautiful?: peacebuilding between international interventions and locally led initiatives*. Vol. 11. Berlin: Springer Science & Business Media.
- Hellmüller, Sara. 2019. Beyond buzzwords: Civil society inclusion in mediation. In *In Conflict intervention and transformation: theory and practice*, ed. Ho-Won Jeong. Lanham, MA: Rowman & Littlefield International.
- Hellmüller, Sara, Julia Palmiano Federer, and Mathias Zeller. 2015. *The role of norms in international peace mediation*. Bern: swisspeace https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/The_Role_of_Norms_in_International_Peace_Mediation.pdf. Accessed 14 December 2022.
- Hellmüller, Sara, Julia Palmiano Federer, and Jamie Pring. 2017. *Are mediators norm entrepreneurs?* Bern: swisspeace. https://www.swisspeace.ch/assets/publications/downloads/Working-Papers/b59c7cb279/Are-Mediators-Norm-Entrepreneurs-17-swisspeace-sara_hellmueller-julia_palmiano_federer-jamie_pring.pdf. Accessed 14 December 2022.
- Hirblinger, A., and D. Landau. 2020. Daring to differ? Strategies of inclusion in peacemaking. *Security Dialogue* 51 (4): 305–322.
- Ingebritsen, Christine. 2002. Norm entrepreneurs: Scandinavia's role in world politics. *Cooperation and Conflict* 37 (1): 11–23.

- Job, Brian. 2003. Track 2 diplomacy: Ideational contribution to the evolving Asian security order. *Asian Security Order: Instrumental and Normative Features*, 241–279.
- Josselin, Daphné, and William Wallace. 2001. *Non-state actors in world politics*. New York NY: Palgrave.
- Kastner, Philipp. 2015. *Legal normativity in the resolution of internal armed conflict*. Cambridge UK: Cambridge University Press.
- Katzenstein, Peter. 1996. *The culture of national security: Norms and identity in world politics*. New York NY: Columbia University Press.
- Katzenstein, Peter, and Rudra Sil. 2008. Eclectic theorizing in the study and practice of international relations. In *The Oxford handbook of international relations, Christian Reus-Smit and Duncan Snidal*, 109–130. Oxford: Oxford University Press.
- Kaye, Dalia Dassa. 2009. *Rethinking track two diplomacy: The middle east and south Asia*. The Hague: Netherlands Institute of International Relations Clingendael.
- Kleiboer, Marieke. 1996. Understanding success and failure of international mediation. *The Journal of Conflict Resolution* 40 (2): 360–389.
- Klotz, Audie. 1995. Norms reconstituting interests: Global racial equality and US sanctions against South Africa. *International Organization* 49 (3): 451–478.
- Kriesberg, Louis. 2001. The growth of the conflict resolution field. In *Turbulent peace: The challenges of managing international conflict*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 407–427. Washington DC: United States Institute of Peace.
- Kydd, Andrew. 2010. Rationalist approaches to conflict prevention and resolution. *Annual Review of Political Science* 13: 101–121.
- Lanz, David. 2011. Who gets a seat at the table? A framework for understanding the dynamics of inclusion and exclusion in peace negotiations. *International Negotiation* 16 (2): 275–295.
- Lederach, John Paul. 1997. *Building peace: Sustainable reconciliation in divided societies*. Washington DC: United States Institute of Peace Press.
- Lidén, Kristoffer. 2006. Whose peace? Which peace? On the political architecture of liberal peacebuilding. In *Institute IPR (ed)*. Oslo: International Peace Research Institute.
- Lidén, Kristoffer, Roger Mac Ginty, and Oliver P. Richmond. 2009. Introduction: Beyond northern epistemologies of peace: Peacebuilding reconstructed? *International Peacekeeping* 16 (5): 587–598.
- Lijphart, Arend. 2007. *Thinking about democracy: Power sharing and majority rule in theory and practice*. New York NY: Routledge.
- Linklater, Andrew. 1998. *The transformation of political community: Ethical foundations of the post-Westphalian era*. Columbia: University of South Carolina Press.
- Luttwak, Edward N. 2001. *Strategy: The logic of war and peace*. Cambridge MA: The Belknap Press of Harvard University Press.

- Mandell, Brian S., and Brian W. Tomlin. 1991. Mediation in the development of norms to manage conflict: Kissinger in the Middle East. *Journal of Peace Research* 28 (1): 43–55.
- Maundi, Mohammed O., William I. Zartman, Gilbert M. Khadiagala, and Kwaku Nuamah. 2006. *Getting in: Mediators' entry into the settlement of African conflicts*. Washington DC: United States Institute of Peace.
- Mitchell, Christopher. 2008. Mediation and the ending of conflicts. In *Contemporary peacemaking: Conflict, peacemaking and post-war reconstruction*. John Darby and Roger Mac Ginty. Basingstoke: Palgrave Macmillan.
- Nadelmann, Ethan A. 1990. Global prohibition regimes: The evolution of norms in international society. *International Organization* 44 (4): 479–526.
- Nathan, Laurie. 2017. Marching orders: Exploring the mediation mandate. *African Security* 10 (3-4): 155–175.
- Newman, Edward, and Oliver P. Richmond. 2006. *Challenges to peacebuilding: Managing spoilers during conflict resolution*. Tokyo: United Nations University Press.
- Newman, Edward, Roland Paris, and Oliver P. Richmond. 2009. *New perspectives on liberal peacebuilding*. Tokyo: United Nations University Press.
- Nilsson, Desirée. 2012. Anchoring the peace: Civil society actors in peace accords and durable peace. *International Interactions* 38: 243–266.
- Nilsson, Desirée, and Mimmi Söderberg Kovacs. 2011. Revisiting an elusive concept: A review of the debate on spoilers in peace processes. *International Studies Review* 13: 606–626.
- Nye, Joseph S., Jr. 2001. Soft power and conflict management in the information age. In *Turbulent peace: The challenges of managing international conflict*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 353–363. Washington DC: United States Institute of Peace.
- Paffenholz, Thania. 2014. Civil society and peace negotiations: Beyond the inclusion-exclusion dichotomy. *Negotiation Journal* 30 (1): 69–91.
- Paffenholz, Thania, and I. William Zartman. 2019. Inclusive peace negotiations— from a neglected topic to new hype. *International Negotiation* 24 (1): 1–6.
- Palmiano Federer, Julia. 2019. We do negotiate with terrorists: Navigating liberal and illiberal norms in peace mediation. *Critical Studies on Terrorism* 12 (1): 19–39.
- Paris, Roland. 2004. *At war's end: Building peace after civil conflict*. Cambridge: Cambridge University Press.
- Price, Richard. 1998. International norms and the mines taboo: Pulls toward compliance. *Canadian Foreign Policy Journal* 5 (3): 105–123.
- . 2008. Moral limit and possibility in world politics. *International Organization* 62 (2): 191–220.
- Pring, Jamie, and Palmiano Federer, Julia. 2020. The normative agency of regional organizations and non-governmental organizations in international peace mediation. *Swiss Political Science Review* 26 (4) 429–448.

- Pugh, Michael M. 2005. The political economy of peacebuilding: A critical theory perspective. *International Journal of Peace Studies* 10 (2): 23–42.
- Raffoul, Alexandre W. 2018. The politics of association: Power-sharing and the depoliticization of ethnicity in post-war Burundi. *Ethnopolitics* 19 (1): 1–18.
- Raiffa, Howard. 1982. *The art and science of negotiation*. Cambridge MA and London: The Belknap Press of Harvard University Press.
- Ralph, Jason. 2017. What should be done? Pragmatic constructivist ethics and the responsibility to protect. *International Organization* 72 (1): 173–203.
- Rauchhaus, Robert W. 2006. Asymmetric information, mediation and conflict management. *World Politics* 58: 207–241.
- Regan, Patrick M., and Allan C. Stam. 2000. In the nick of time: Conflict management, mediation timing, and the duration of interstate disputes. *International Studies Quarterly* 44: 239–260.
- Reus-Smit, Christian, and Duncan Snidal. 2008. *The Oxford Handbook of International Relations*. Oxford: Oxford University Press.
- Richmond, O. 2008. The UN and liberal peacebuilding: Consensus and challenges. In *Contemporary peacemaking: Conflict, peace processes and post-war reconstruction* (pp. 257–270). London: Palgrave Macmillan UK.
- Richmond, Oliver P. 2011. *A post-liberal peace*. Abingdon: Routledge.
- . 2018. A genealogy of mediation in international relations: From ‘analogue’ to ‘digital’ forms of global justice or managed war? *Cooperation and Conflict* 53 (3): 301–319.
- Risse, Thomas. 2000. Let’s argue! Communicative action in world politics. *International Organization* 54 (1): 1–39.
- Risse, Thomas., Risse-Kappen, T., Ropp, S. C., & Sikkink, K. (Eds.). (1999). *The power of human rights: International norms and domestic change* (Vol. 66). Cambridge University Press.
- Schelling, Thomas C. 1960. *The strategy of conflict*. Cambridge MA: Harvard University Press.
- Sisk, Timothy D. 2009. *International mediation in civil wars: Bargaining with bullets*. Abingdon: Routledge.
- Smith, Alistair, and Charles Stam. 2003. Mediation and peacekeeping in a random walk model of civil and interstate war. *International Studies Review* 5 (4): 115–135.
- Stedman, Stephen J. 1997. Spoiler problems in peace processes. *International Security* 22 (2): 5–53.
- Strang, David. 1991. Global patterns of decolonization: 1500–1987. *International Studies Quarterly* 35: 429–454.
- Svensson, Isak. 2007. Mediation with muscles or minds? Exploring power mediators and pure mediators in civil wars. *International Negotiation* 12: 229–248.
- Tannenwald, Nina. 1999. The nuclear taboo: The United States and the normative basis of nuclear non-use. *International Organization* 53 (3): 433–468.

- Touval, Saadia., and William I. Zartman. 2001. International mediation in the post-Cold War era. In *Turbulent peace: The challenges of managing international conflict*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 427–444. Washington DC: United States Institute of Peace.
- Turner, C., and M. Waelisch. 2021. *Rethinking peace mediation: Challenges of contemporary peacemaking practice*. Bristol: Bristol University Press.
- Vukovic, Sinisa. 2015. Soft power, bias and manipulation of international negotiations in international mediation. *International Negotiation* 20: 414–443.
- Wall, James A., and Timothy C. Dunne. 2012. Mediation research: A current review. *Negotiation Journal* 28 (2): 217–244.
- Wallensteen, Peter, and Isak Svensson. 2014. Talking peace: International mediation in armed conflicts. *Journal of Peace Research* 51 (2): 315–327. <https://doi.org/10.1177/0022343313512223>.
- Walter, Barbara. 1997. The critical barrier to civil war settlement. *International Organization* 51 (3): 335–364.
- Wanis St-John, Anthony. 2008. Peace processes, secret negotiations and civil society: Dynamics of inclusion and exclusion. *International Negotiation* 13 (1): 1–9.
- Wanis St-John, Anthony, and Darren Kew. 2008. Civil society and peace negotiations: Confronting exclusion. *International Negotiation* 13: 11–36.
- Welsh, Jennifer M. 2013. Norm contestation and the responsibility to protect. *Global Responsibility to Protect* 5 (4): 365–396.
- Wendt, Alexander. 1992. Anarchy is what states make of it: The social construction of power politics. *International Organization* 46 (2): 391–425.
- Wiener, Antje. 2009. Enacting meaning-in-use: Qualitative research on norms and international relations. *Review of International Studies* 35 (1): 175.
- . 2014. *A theory of contestation*. Heidelberg: Springer.
- Wight, Colin. 2006. *Agents, structures and international relations: Politics as ontology*. Cambridge: Cambridge University Press.
- Wolff, Jonas, and Lisbeth Zimmermann. 2016. Between Banyans and battle scenes: Liberal norms, contestation, and the limits of critique. *Review of International Studies* 42 (3): 513–534.
- Zahar, Marie-Joelle. 2003. Reframing the spoilers debate. In *Contemporary peace making: Conflict, violence and peace processes*, ed. John Darby and Roger Mac Ginty, 114–124. New York: Palgrave Macmillan.
- . 2010. SRSF mediation in civil wars: Revisiting the “spoiler” debate. *Global Governance* 16 (2): 265–280.
- . 2012. Norm transmission in peace- and statebuilding: Lessons from democracy promotion in Sudan and Lebanon. *Global Governance* 18 (1): 73–88.
- Zartman, William I. 1985. *Ripe for resolution: Conflict and intervention in Africa*. Oxford: Oxford University Press.
- Zimmermann, Lisbeth, Nicole Deitelhoff, and Max Lesch. 2018. Unlocking the agency of the governed: contestation and norm dynamics. *Third World Thematics: A TWQ Journal* 2 (5): 691–708.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





New Kids on the Block: The Rise of NGO Mediators in Peace Mediation

3.1 THE RISE OF NGO MEDIATORS IN CONTEMPORARY PEACEMAKING

The increasing prevalence and salience of NGO mediators (Aall 1996; Taulbee and Creekmore 2003; Lanz et al. 2009; Babbitt 2009; Bandarage 2011; Shea 2016; Lehti and Lehpomäki 2017) offer a promising avenue for norm diffusion in mediation. NGOs “bridge the normative and the material gap” (28) by socializing states into accepting and complying with global norms and are concerned with building normative consensus on various topics.

A number of studies have analyzed this new development in peacemaking (Lehrs 2016; Lehti 2019) and suggest a range of factors that have facilitated the rise of private diplomacy and mediation on both the demand and supply side of peacemaking. Lanz et al. (2009) sought to define this new phenomenon, describing NGO mediators as “non-state actors that are not formally part of a government or an inter-governmental organization and who work as intermediaries in conflict settings” (3). While international NGOs existed before the modern era, with missionaries, religious orders and scientific communities conducting activities across continents, the term “non-governmental organization” was catapulted into use via the United

Nations Charter.¹ Chapter X, Article 71 of the UN Charter allowed for UN ECOSOC to consult with NGOs, which greatly altered their legitimacy in the international arena:

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.²

Since then, the number of international NGOs working around the globe on a vast array of issue areas, from the environment to human rights, has increased sharply. In the arena of humanitarian aid, NGOs have had a formative impact on the field early on, from the 1834 creation of the “International Association,” to the Parisian “Leave of the Just,” to the “International Shipwreck Society,” to, most critically, the Red Cross movement in 1863 aiming to provide neutral assistance to those wounded in armed conflict. Almost a century later, the destruction of World War II facilitated the emergence of many of the field’s most prominent NGOs, including Oxfam and Care International. The prominence of these NGOs characterized them as neutral relief and aid organizations first and foremost—they did not play a political role, and their existence, legitimacy and reach was predicated on their perceived neutrality amongst the communities they reached.³

The post–Cold War period ushered in shift away from a state-centric focus to a more diffused and decentralized environment for a multitude of actors. It is in this globalized and decentralized context (Toepler et al. 1999) that a booming number of NGOs became active in peacemaking (Anheier et al. 2001).⁴ Not only were NGOs increasing in

¹Nothias, Jean-Christophe. 2017. *NGOs: A Long and Turbulent History*, available at: <https://www.ngoadvisor.net/ngos-a-long-and-turbulent-history/> accessed on 26 June 2019.

²Codification Division, Office of Legal Affairs. 2019. *Repertory of Practice of United Nations Organs*, available at: <http://legal.un.org/repertory/art71.shtml> accessed on 26 June 2019.

³See the Geneva Conventions from 1949 as well as the principles for the ICRC for the humanitarian approach.

⁴Bercovitch’s dataset also charts the exponential growth of NGOs conducting peacemaking activities. See Bercovitch’s International Conflict Management Dataset (ICM), available at: <http://www.arts.canterbury.ac.nz/bercovitch/databases.shtml>.

number, but their roles were changing as well. Debiel and Sticht (2005) note that NGOs were changing fields: in addition to the “classic” fields of humanitarian aid and relief, poverty reduction, healthcare provision, working with rural populations and education, “a new type of NGO has appeared, conflict resolution NGOs” (2).

Faith-based NGOs and religious entities such as the Quakers and the Vatican are perceived as early examples of private and unofficial mediation actors. The mediation experiences of the Quakers have already been documented in academic literature, such as: American Quaker Elmore Jackson’s assignment with the UN in Kashmir in 1952–1953; American Friends Service Committee’s Clarence E. Pickett’s involvement in the Israeli-Palestinian conflict as an “impartial presence in Jerusalem” during the critical juncture of 1948; and the Quaker mediation in the two Germanys (1962–1973), the India-Pakistan war of 1965, and Southern Rhodesia/Zimbabwe between 1972 and 1980 (Yarrow 1978; Bailey 1985). The Vatican’s mediation of the 1978–1979 Beagle Channel Dispute between Chile and Argentina is a significant case study on “alternative” forms of legitimated power and influence (Greig and Diehl 2012). The US Ambassador to the Holy See called the Vatican the “world’s best listening post” that could draw its “subtle bases of influence” not from military resources but from the Catholic Church’s moral legitimacy, confidentiality, international audience and information network (Princen 1992, 171). Private individuals such as scholars or scholar practitioners (Hare 1992; Kelman 1992; Bercovitch and Kadayifci-Orellana 2009) played important facilitative roles with parties to conflict through “interactional problem solving workshops” (Kelman 1992, 64) that served as informal relationship and trust-building opportunities. Eminent persons also mediating outside formal roles include former US president Jimmy Carter mediating in Ethiopia and Eritrea in 1989, Haiti in 1994 and Sudan in 1995, and Julius Nyerere’s multiple mediation attempts in Burundi (Greig and Diehl 2012). Moreover, former South African president Nelson Mandela, former UN Secretary General Kofi Annan, former Finnish president Maarti Ahtisaari and the late Archbishop Desmond Tutu have all played prominent mediation roles as eminent persons tasked to resolve protracted conflicts (Grieg and Diehl 2012).

A key uniting element are these private actors’ power of deniability (Lehrs 2022). For instance, the Quakers and other private (non-state) actors describe their unofficial status and their political flexibility as a way to increase their political room for maneuver. The personal account of Hare’s involvement in the Cyprus negotiations in the early 1970s illustrate this point:

I approached the Chief UN Political Officer “I noted that we were on Cyprus to work along the lines of the UN mandate and in cooperation with them. I asked what our relationship would be. ‘You have no relationship,’ was the reply. [...] it finally dawned on me. ‘You mean we have no (official) relationship.’ [...] it was obvious, then, that the UN could have no responsibility for whatever we might say or do’. (Hare 1992, 59)

While these cases of private and unofficial mediation set an important precedent in analyses of peacemaking efforts, scholars note that mediations of this kind were “rare and generally confined to humanitarian objectives” like ceasefires and aid delivery (Crocker et al. 1999, 6). The case of Community of Sant’Egidio, a public lay organization of the Catholic Church, mediating between the socialist FRELIMO government and the rebel group RENAMO in Mozambique’s long-running civil war and brokering a peace agreement in 1992, is an important turning point in conceptualizing NGO mediators (Hume 1994; Babbitt 2009). Bartoli’s (1999) insider account of Sant’Egidio’s role in the peace process showed how a private organization used trusted relationships and connections built over time with key influencers (e.g. Mozambiquan bishop of Beira Goncalves) and stakeholders (Enrico Berlinguer, head of Communist Party of Italy) to offer its support first as observers and then as third party hosting the talks in their headquarters at a former convent of Carmelite nuns in Rome. Sant’Egidio built relationships with big powers like the US, through regular contact with the American Ambassador to the Holy See, and with UN with regular communication with the UN headquarters (*ibidem*). Aall posits that this strategy did not allow a single powerful actor to force itself into negotiations, and that this series of strategic alliances allowed Sant’Egidio to “borrow power to reward and coerce” (2001, 375). Bartoli (1999) also touts their approach of incremental steps, building trust, employing emotional intelligence and not taking any monetary compensation for mediation as key elements to their engagement. While Sant’Egidio remains distinct from “professional NGOs” as their mandates for preventing and mediating violent conflicts are explicitly faith based in nature, the case of Mozambique allowed the international community to empirically discover that NGOs can contribute positively to peace processes and under certain circumstances, “may be better placed than more traditional diplomatic actors to play the lead role in conflict resolution initiatives” (Bartoli 1999, 255).

Over the last 30 years, private diplomacy became increasingly professionalized, with private NGOs taking on political roles in peace processes (Diebel and Sticht 2005). Early pioneers in the field such as International Alert, Search for Common Ground and the Carter Center (Haiti, North Korea, Bosnia, Great Lakes Region) (Aall 2001, 374) were established in the 1980s and quickly expanded their sphere of activities from health services provision and arms control towards mediation (Rupesinghe 1997; Taulbee and Creekmore 2003; Lehti and Lehpomäki 2017). Policy-makers in the peacemaking field were not quite sure what to make of this development, as cited in conference proceedings from a Swedish-organized international conference on “Government-NGO Relations in Preventing Violence, Transforming Conflict and Building Peace” in 1997. The conference proceedings stated that conflict resolution NGOs are understood as “professional NGOs focused on practitioner skills of conflict resolution, mediation and reconciliation,” while also positing that this field is “so new” that these professional organizations exist primarily as national organizations (Boulding 1997, 74). They grouped these “professional NGOs” (Boulding 1997) amongst peace research and peace studies programs; scientists focused on peace and disarmament; peacebuilding training centers; bodies maintaining databases (or peace research institutes); peace teams/peace services; youth and women peace NGOs, and NGOs acting within an NGO-UN interface.

The emergence of the Centre for Humanitarian Dialogue (HD Centre)⁵ in 1999 and the Crisis Management Initiative (CMI) in 2000 brought new actors to the fore in the field of private diplomacy: actors that not only supported mediation, but brokered peace agreements themselves. The notion of “professional” organizations dedicated wholly to mediation and conflict resolution was attributed in part to these high-profile NGOs whose leadership actively brokered agreements between conflicting parties (Martin 2006; Gorman and Kivomäki 2008; Lehti and Lepomäki 2017). For instance, the HD Centre is seen by many as one of the most prominent NGO mediators in the field, and their propagation of an “unconventional” (Martin 2006) and ground-breaking method combining professional expertise and private diplomacy as a modular form of operations has ushered in a new set of actors into the mediation field. The Aceh conflict remains the most researched and high-profile experience of NGO mediation. Martin Griffiths, the founder of the HD Centre dubbed “the

⁵ Formerly known as the Henry Dunant Centre for Humanitarian Dialogue.

Professional Maverick” by journalist Harriet Martin in her treatise on different mediator types (Martin 2006), encountered his first litmus test mediating the decades-long armed conflict between the government of Indonesia and the Free Aceh Movement (Huber 2004; Gorman and Kivomäki 2008; Shea 2016).

While the HD Centre-led process overseen by Griffiths succeeded early on in getting both parties to the table, the ceasefire soon fell through and the process was handed over to another NGO, newly minted CMI helmed by veteran Finnish mediator Marti Ahtissari. Despite the “promises and pitfalls” (Huber 2004) of the mediation, the Aceh process set a new precedent for NGO mediation. As the *Economist* noted in 2011 in an article titled “Privatizing Peace,”⁶ the onset of NGO mediation marks a shift in the way diplomats and other conventional political actors try to solve conflicts. After Aceh, NGOs were no longer confined to aid-giving and disaster relief, but were seen as playing an ever-greater role in conflict resolution.

The rise in prominence of NGO mediators was further bolstered by a shift in the mediation field in the mid-2000s towards professionalization and expertise (Lehmann-Larsen 2014; Convergne 2016). Following the 2009 UN Report of the Secretary General on “Enhancing mediation and its support activities” (United Nations 2009), the emergence of bespoke *mediation support* entities in the mid-2000s modeled after the UN’s prototypical Mediation Support Unit (Whitfield 2015) has invited new actors into the fold. Now, NGOs can “do” mediation as in the Mozambique and Aceh cases, “support” mediation through research, capacity building and operational support (Stenner 2017; Lehmann-Larsen 2014; Lanz et al. 2017), or undertake a bit of both. While Stenner (2017) argues that mediation support has existed as long as mediation itself, mediation support entities—mostly states creating dedicated mediation support units in their foreign ministries⁷ or networks of NGOs supporting peace processes (Lanz et al. 2017)—are a relatively recent phenomenon. The comparative advantage of NGOs acting as both mediators and mediation support actors has further cemented their role as key players in contemporary peacemaking.

⁶The Economist. 2011. *Privatising peace*, available at: <https://www.economist.com/node/18895458> accessed on 26 June 2019.

⁷See for example Belgium, Finland, Germany, Norway, Sweden, Switzerland and Turkey (see Lanz et al. 2017).

3.2 THE ALTERNATIVE LEGITIMACY OF NGOS AS MEDIATORS

NGO mediators subscribe to two main identities: mediation actors and members of an epistemic community of mediation practitioners (Haas and Haas 2002). These multiple identities require NGO mediators to walk the tightrope between a normative and pragmatic approach; an orientation towards a normative good or towards strategic consequences (see Ambos et al. 2009; Sriram 2007). Their dual roles as both *doing* mediation as mediation practitioners while also *assessing* the mediation field as part of an epistemic community (Haas 1992) raises many questions related to their normative agency. NGO mediators have carved a very powerful niche for themselves in the peacemaking world: they capitalize on the moral claims of representing a “global civil society that transcends national boundaries in its concern for human wellbeing” (Boulding 1997, 70) while undertaking political roles previously reserved for state or inter-governmental actors. In an environment where conflicts are no longer territorial in nature, but increasingly result from crises of legitimacy and governance (Paris 2004), NGOs are important actors. An NGO mediator’s normative agency is predicated on this “niche” form of NGO legitimacy made up of characteristics specific to NGO mediators. As previously mentioned, NGOs do not possess the political leverage sometimes needed to bring parties to agreement when the context requires mediation with more “muscle” (Touval 1996). Therefore, their particular set of traits and comparative advantages (Vukovic 2015) forms a sort of alternative form of legitimacy emphasizing “soft” power, such as persuasion and influence that underpins all aspects of their normative agency discussed in this book.

“Our weakness is our strength”⁸ is a common refrain among NGO mediators. It is widely acknowledged among mediation scholars and mediation practitioners that NGO mediators do not wield a high amount of leverage, as they often do not have official mandates (Nathan 2017). As one private mediator shared, “mandated mediators have a greater degree of leverage. You don’t have leverage as a private mediator.”⁹ Another NGO mediator observed that if an NGO mediator does gain a mandate from the parties, they have very little authority to impose any conditions—authority

⁸ Interview number 27, 1 November 2016.

⁹ Interview number 25, 27 October 2016.

on decision-making comes from the parties.¹⁰ Given their limited ability to coerce or provide incentives to negotiating parties, what then accounts for their increased prominence in peace processes?

Several studies offer an explanation for this, helping us understand the prevalence of weak mediators in mediation processes. To be sure, “weak” mediation does not mean ineffective or irrelevant, but rather refers to the limited “carrots and sticks” available to the mediator (Beardsley 2009). Citing former UN Secretary General Kofi Annan mediation of a power-sharing agreement during election-related violence in Kenya in 2008, and Martii Ahtisaari’s brokering of a peace agreement through CMI in Aceh, Beardsley attempts to provide explanations for mediators succeeding without leverage in mediation processes. He posits that firstly, on the “supply side” of mediation, weak mediators are a product of the outsourcing of certain tasks by third parties with greater leverage, who do not have the political will to conduct all elements of mediation themselves. Secondly, on the “demand side” of mediation, Beardsley argues that weak mediators are chosen by conflict parties who want to retain control over the peace process and therefore choose a weak mediator precisely because of their limited leverage. Leverage is not the only modality of power in mediation processes, although it is often treated as such (Kleiboer 2002; Svensson 2007). Power can be compulsory, institutional, structural or productive and the modalities of the power of a mediator are much more complex than simply how much political leverage a mediator yields (Barnett and Duvall 2005; Jones 2015). Two recent studies have challenged outright the notion of a weak mediator. In the first study, Vukovic (2015) argues that the notion of hard power is limiting, especially when analyzing mediators that do not wield it. To Vukovic, other forms of social power, specifically soft power and legitimate power, can also be used by mediators to “manipulate the process and guide the parties” towards a solution in line with the mediator’s interests (2015, 438). Indeed, assertive mediation strategies do not equate to coercion and material awards, but can consist of more productive forms of power (Barnett and Duval 2005) that co-opt parties into accepting solutions initially outside their range of options. In a similar vein, Lehrs’ (2022) study of private peace entrepreneurs (private citizens with no official authority who take on official diplomatic roles in a conflict process) who are distinct from individuals mandated by private organizations such as NGOs, argues that while NGO mediators are seen to have little political power,

¹⁰Interview number 87, 11 October 2017.

they are considered to possess a high amount of moral authority, technical expertise and large room for maneuver when it comes to contentious norms such as engaging with proscribed or illegal armed groups or negotiating amnesties. This creates an alternative type of “NGO-legitimacy” in the eyes of some negotiating parties. Certain negotiating parties do not want traditionally powerful actors such as states, UN envoys or inter-governmental and/or regional organizations to intervene as a third-party mediator. These states instead work discreetly with nongovernmental mediators early on in peace processes. In many situations, negotiating parties choose not to invite formal mediators at all. Nongovernmental mediators play important informal roles in these situations.

For instance, private diplomacy is especially relevant in the Asia-Pacific region, specifically in Association of Southeast Asian Nations (ASEAN). Member states adhere to the norms of the “ASEAN Way” an extremely strong normative framework that espouses discrete diplomacy and strongly resists international involvement in conflict resolution among ASEAN nation states (Haacke 2003).¹¹ The ASEAN Way has important complications for peacemaking. The practice of private and unofficial diplomacy and preference for informal institutions (*ibidem*) is predicated on the norm of sovereignty. This has meant that classical mediation by state, UN or, especially, regional actors, is not preferred and even actively rejected. This preference has opened up space for private diplomacy actors, illustrated by the peace processes between the Indonesian government and the GAM (Free Aceh Movement) in Aceh and between the Bangsamoro peace process between the Philippine government and the Moro Islamic Liberation Front (MILF) in the Philippines. The resistance to outside norms and preference for private diplomacy makes the role of NGO mediators operating in peace processes in this region particularly relevant, as it tests the limits of mediator agency and diffusion by actors without formal mandates or political leverage, possessing only “ideational” leverage and soft power.

In mediation literature, powerful mediators, who are described as having “muscle,” have a high amount of leverage. Much of this leverage comes

¹¹ The ASEAN Way, or the non-interference in domestic affairs of other ASEAN member states, is espoused as an almost sacrosanct principle (Caballero-Anthony 2002). The ASEAN Way is constituted by the “core” norms of “sovereign equality, non-interference, the non-resort to the threat or use of force, quiet diplomacy [and] the non-involvement of the Association in the resolution of bilateral disputes and mutual respect” (Haacke 2003, 59), and has been widely discussed in literature on collective security, diplomacy and area studies of South East Asia.

from having an official, constitutional or political mandate. However, in mediation as elsewhere, one cannot equate power and legitimacy, as the relationship between them is more complex. As one private mediator explained, “mediators default to authority as a source of mandate when they cannot claim legitimacy through relationships and conversation [...] the biggest mistake is to assume that because you have a mandate, you have legitimacy.”¹² Private mediators can use informal means to build legitimacy through personal relationships and the trust of the parties, which does not necessarily stem from an official mandate. For instance, a private mediator recounted an instance where he informally met parties to conflict in a private dining room in London: “at first the conversation was awkward but then they warmed up, and by main course, I asked, “what are the conversations we have to have?”¹³ This private actor was able to start the conversation with the parties informally, without a mandate. After this entry point, they discussed legal principles, which were then translated into written agreements. NGO mediators draw on similar alternative sources of power (Slim 2002) to gain legitimacy in the eyes of the negotiating parties and among other mediators in the community of practice.

Because NGO mediators draw their legitimacy from a self-sustaining mandate from the parties (Lehti 2019), the consent of the parties is paramount. Kleiboer (1996) attributes the acceptance of a mediator by the parties to a mediator’s impartiality, leverage and status—in other words, characteristics that legitimate a mediator to intervene in a process. However, consent becomes a finicky and perhaps tautological concept when thinking of NGO mediators, as they draw their legitimacy from the consent of the parties. To avoid such tautological formulations of legitimacy as a function of consent and vice versa, a more inductive approach to gauging the attributes of the legitimacy of an NGO mediator in the eyes of a negotiating party proves to be a more useful approach. I ascribe more to Vukovic (2015) and Lehr’s (2016) conception of power and sources of power, and further argue that the “weak” and “strong” labels do not sufficiently account for the elevated roles that NGO mediators now play in contemporary peacemaking. Because of the underlying power dynamics in mediation processes, even traditionally “strong” mediators are bound to their mandate-givers. NGO mediators on the other hand, have even more room for maneuver and can be more flexible.

¹²Interview number 25, 27 October 2016.

¹³Ibidem.

Therefore, the notion of *legitimacy* better encompasses the power dynamics and modalities of a mediator vis-à-vis its mandate-giver and the negotiating parties—which in the case of NGO mediators can be one and the same. NGO legitimacy mirrors many of the same resources that Lehrs (2016) describes for private peace entrepreneurs. The HD Centre’s description of its strengths and distinguishing traits are a comprehensive illustration of the sources of NGO mediator legitimacy: “the ability to conduct mediation at the leadership level of parties in conflict; political independence and impartiality; rapid, flexible response and the effective management of discreet processes; readiness to support other lead mediators; relationships with high-level networks; creativity and willingness to take risks for peace; and the capacity to convene.”¹⁴ CMI’s self-conception is also telling, not only positing that private and independent mediation is more important than ever, but that NGO mediators have certain traits that allow them to conduct NGO mediation effectively:

The work of independent actors is needed now more than ever, as the number of violent conflicts in the world is on the rise, and these conflicts are becoming increasingly complex. Independent actors such as CMI have a crucial role in supporting and supplementing the conflict resolution efforts of official institutions and governments. Our independent status gives us space to act where official actors cannot. We can flexibly move between the various formal and informal processes and actors, bridging gaps where they exist and adding to the overall effectiveness of peace efforts. Our regional expertise, professional methods and relationships have developed over many years, drawing on the legacy of Nobel Peace laureate Martti Ahtisaari, enabling us to do this work effectively and flexibly.¹⁵

NGOs make claims about their weakness as strengths, or in other words, as a comparative advantage within a “crowded field” (Lanz and Gasser 2013) of mediators. Often, their value added in a mediation process is a function of their comparative advantage over other mediators. NGO mediators often claim that their ability to engage with excluded, proscribed or politically marginalized actors in ways that other actors cannot is a

¹⁴The Centre for Humanitarian Dialogue website available at: <https://www.hdcentre.org/who-we-are/about/> accessed 31 December 2018. Hereafter referred to as (HD Centre website, 2018).

¹⁵Crisis Management Initiative website available at: <http://cmi.fi/about-us/> accessed 2018. Hereafter referred to as (CMI website, 2018).

comparative advantage. One inter-governmental organization representative said, “NGOs such as HD [...] have had very leading roles in very discreet processes where no other international actor has been able to work for reasons that are difficult for them to talk about.”¹⁶ An NGO mediator cited the Global War on Terror and the creation of lists of proscribed armed groups as a hindrance to engagement. “By creating [lists], I think the states and multi-laterals who created them shot themselves in the foot, by limiting their possibility of continuing engagement [...] they self-excluded themselves [...] and left this field for the NGOs only.”¹⁷ Another NGO mediator argued that NGOs can be flexible in providing support and money to national peace process actors in a way that larger organizations cannot “because then it becomes formal politics and formal relations between countries.”¹⁸

NGO mediators’ comparative advantage has indeed been utilized by larger, more formal organizations like the UN that outsource politically risky tasks to NGO mediators. For instance, one UN official said that the UN had asked the HD Centre to engage with certain people that they themselves could not reach.¹⁹ In the framework of extremely fragmented contexts, it has become essential for the UN to “better use available external resources that are provided, in particular by NGOs.”²⁰ This can become relevant in many different contexts, including places where the UN is not active, in remote parts of countries, in countries descending into conflict or fragility, or when a process reaches a level of complexity that makes managing all aspects of it extremely difficult for a UN mediator.²¹ For instance, the Office of the Special Envoy Staffan de Mistura asking the NGO swisspeace to help manage the Civil Society Support Room in the Syrian peace process. UN actors also ask NGOs for support on specific tasks that feed into a main process. For instance, SRSGs entrust NGOs to work directly with negotiating parties to “forge a workable degree of unity amongst a group of opposition leaders, or help another opposition group reach a common platform.”²² Embassies or state actors often also enlist in the support of NGO mediators. In Myanmar, an Embassy official observed that “in the beginning, nobody

¹⁶ Interview number 30, 7 November 2016.

¹⁷ Interview number 23, 26 October 2016.

¹⁸ Interview number 49, 16 February 2017.

¹⁹ Interview number 31, 7 November 2016.

²⁰ *Ibidem*.

²¹ *Ibidem*.

²² Interview number 30, 7 November 2016.

talked to the ethnic armed groups. Embassies used the NGOs to talk to the armed ethnic groups. Overtime, the EAGs needed more specific resources”²³ so the Embassy, the HD Centre and swisspeace shared the responsibilities. Furthermore, NGOs can establish a strong presence in field offices in a context for decades²⁴ or work in countries that are resistant to official mediation from foreign/Western countries.²⁵ As an NGO mediator working on the conflicts in southern Philippines commented, “Having NGOs does not internationalize the conflict.”²⁶ Some respondents also commented that NGO mediators can work outside a bureaucracy, thereby allowing them to be more entrepreneurial and open to taking risks.²⁷ To summarize, NGO mediators wield comparative advantages that strengthen the outlook for their normative agency in regard to power and legitimacy.

NGO mediators’ “alternative” legitimacy can therefore be conceptualized in three main ways. First, *moral authority* is a salient component of NGO mediator legitimacy. As NGOs are relied on in order to monitor the ethical practices of governments and to undertake humanitarian challenges (Gourevitch et al. 2012), much of their credibility stems from this reputational virtue. Lehrs (2016) also describes private peace actors being perceived as moral actors. Their image as neutral and reliable actors contributes to this type of “moral legitimacy” (Lehrs 2016, 390). As one mediator said, “You don’t have leverage as a private mediator. You do have moral authority, as everyone has a moral framework.”²⁸ While NGOs writ large claim moral legitimacy because they are broadly seen as “bearers of values” (Boulding 1997). For instance, Community of Sant’Egidio is a common example of a faith-based organization wielding moral authority in the Mozambique conflict. The Quakers and the Vatican (Bercovitch and Rubin 1992) are also examples of faith-based organizations. Indonesian religious organization Muhammadiyah was part of the Philippines’ Bangsamoro peace process as a member of the International Contact Group (ICG), one of the first officially mandated consortiums of NGO mediators in contemporary peace processes. Having a faith-based organization in the ICG was important for the Moro Islamic Liberation Front because they wielded moral authority as a faith-based organization.

²³ Interview number 57, 14 March 2017.

²⁴ Interview number 49, 16 February 2017.

²⁵ Interview number 48, 2 March 2017.

²⁶ Interview number 42, 21 January 2017.

²⁷ Interview number 28, 2 November 2016.

²⁸ Interview number 25, 26 October 2016.

Second, speaking for people at the grassroots level is a claim (DeMars and Dijkzeul 2015) that many NGO mediators make in their mission and value statements. The HD Centre, for instance, aims to deploy their expertise to “support local processes that protect civilians and foster lasting and just peace” (HD Centre website, 2018). CITPax uses mediation, facilitation and bridging proposals to find solutions to national and international conflicts via second-track diplomacy, which involves civil society actors with a capacity to influence decision makers. Forward Thinking, a British NGO mediator focusing on conflicts in the Middle East, cites this grassroots normative claim through several practices, including attempting to engage all groups in constructive dialogues and operating a number of inter-cultural political dialogues to bring together diverse communities from across perceived divides. Through these dialogues, Forward Thinking “seeks to enable participants to identify shared challenges and opportunities, work towards better understanding and develop practical initiatives in areas of mutual interests (Forward Thinking website, 2018)”.

NGO mediators also couch their interventions in terms of global, cosmopolitan norms. For instance, CMI’s main aim is “the pursuit of sustainable peace” (CMI website, 2018) while the Berghof Foundation includes in their main value statement: “our engagement is based on the values of inclusivity, ownership and reflection, which guide our decisions” (Berghof Foundation website, 2018). Conciliation Resources envisions “a world where people work together to resolve conflicts and promote peaceful and inclusive societies,”²⁹ while Inter Mediate’s central aim of “not to simply end the suffering directly caused by conflict, but also address the problems of poverty, disease and economic stagnation” speaks directly to the liberal peacebuilding paradigm (Inter Mediate website, 2018).

The concrete activities NGO mediators take on early in the process, such as fact-finding, conducting outreach towards hard-to-reach groups, building networks or being a messenger on behalf of armed groups also allow NGO mediators to fulfil a normative claim: they represent unofficial actors vying for greater legitimacy, often at the grassroots level. For instance, NGO mediators can work closely with other civil society actors in a peace process at a similar “level.” An example of this is NGO mediators swisspace and the Norwegian Peacebuilding Resource Centre (NOREF)

²⁹ Conciliation Resources website, available at <http://www.c-r.org/> accessed 2018. Hereafter referred to as (Conciliation Resources website, 2018).

manning the “Civil Society Support Room” in support of the UN Office of the Special Envoy for Syria (Hellmüller and Zahar 2019).

The second component of an NGO mediators’ legitimacy is their *informality* as private actors. This claim is highlighted by an NGO mediator respondent who stated that the comparative advantage of NGO mediators is that they are private actors that fulfil the functions of states with NGO structures.³⁰ NGO mediators’ informality means that NGO mediators are not bound by rigid normative and legal frameworks. This can result in greater political flexibility for NGO mediators. One NGO professional working in mediation stated that NGOs can be “extremely informal and *ad hoc*,” with an anarchical and organic way of working.³¹

Consequently, a key practice of NGOs is engaging with actors that more formal actors like the UN do not have the time or ability to engage with for political reasons.³² As one UN official working in mediation stated: “And then [the armed group] might go to an NGO or be open to an NGO, because they have been sitting there, wanting, thinking that we need to be engaging more [...] there are some benefits to engaging, maybe we want to explore a political process. The government just wants to think of us as terrorists, but outside actors could help.”³³ This is why NGOs often work with armed groups that are too hardline or too politically sensitive for more formal actors to engage with (Haspelslagh 2021). They also work with actors that are not prioritized by formal actors. As one NGO mediator shared: “To be honest, most of the cases where we are working, the armed groups that we engage with, are generally quite desperate. They are generally quite excluded [...] For different reasons, the groups that the international community isn’t engaging with much, and so what I think we find is that when you go, if you make the effort to meet with them, you get a lot of trust quite quickly, because they are not meeting others, and because they want to reach out to others, they want to tell their story, they want to explain their position, so I think that’s why we are able to work quite well.”³⁴

This informality also secures what Lehrs (2016) calls the power of deniability, in which NGO mediators can test out new ideas, while more powerful actors can distance themselves if things go awry. For instance, an NGO

³⁰ Interview number 29, 11 November 2016.

³¹ Interview number 23, 26 October 2016.

³² Interview number 30, 7 November 2016.

³³ Ibidem.

³⁴ Interview number 26, 1 November 2016.

active in mediation and peacebuilding helped set up the Nepal Transition to Peace Forum, which was established as an alternative forum for political elites in the process. The NGO argued that because it had a “certain level of informality and that it wasn’t part of the formal architecture of the process,” it was able to offer a safe space for informal or politically sensitive actors whose inclusion in formal talks would be difficult.³⁵ For NGOs, creative innovations are possible without the fear of high political blowback. This was apparent in the Carter Center’s private peace mission to North Korea in 1994. As Marion V. Creekmore, who accompanied Jimmy Carter on this mission, stated, “If he were successful, the administration could claim credit; if he failed [...] the administration could distance itself from this initiative” (Creekmore 2006, 60). As one mediator says, “Ironically, mediators can get further if they behaved as if they didn’t have a mandate.”³⁶ NGO mediators who can navigate within their own organization and institution have a lot of room for maneuver because of the political flexibility that comes with being a private or informal actor, especially when it comes to working with difficult actors: “to be honest, you gotta work with, I don’t know, the ‘bad guys,’ you know, the guys who actually have the power to control the guns and the money, and they’re not always going to be the nice civil society reformist group, right?”³⁷

The flexibility of NGO mediators also allows them to respond to quickly shifting mediation contexts. If a process gets stuck, an NGO mediator may not face the same choice of opting out or withdrawing. One NGO mediator described their flexibility in shifting contexts:

Things can change very quickly, so all of a sudden, you are doing something useful with a group, and then it stops for a year. And then a year later, it is a different situation, and you can do something more useful for them at that point, after having not done anything for a year [...] That is why we are set up the way we are, because we see that things fluctuate, so it doesn’t make sense to stick to something if it’s not moving. You keep contacts, and keep relationships, but stay flexible.³⁸

Informality and flexibility allow private mediators to conduct their work confidentially. CMI states that their “niche” is informal, yet high-level

³⁵ Interview number 49, 16 February 2017.

³⁶ Interview number 25, 26 October 2016.

³⁷ Interview number 49, 16 February 2017.

³⁸ Interview number 26, 1 November 2016.

interactions, as the “major added value of our work lies precisely in the unofficial nature of these engagements (CMI website, 2018).

Third, the NGO practice of *partnering* with a variety of actors is an important source of legitimacy (DeMars and Dijkzeul 2015). NGO mediators can draw on access to the UN, insider mediators, hard-to-reach actors or politically unsavory actors. This gives them knowledge and access on a high level that can render them legitimate. NGOs can also create a connection between the parties and states, as many NGOs are funded by governments.³⁹ NGOs are appealing to armed groups as interlocutors because the armed groups might be open to having greater access to the outside world, but cannot obtain it due to security concerns or questions surrounding political legitimacy. They are “not going to go in the front door.”⁴⁰ Armed groups, according to one respondent, are also nowadays well informed about what different peacemaking actors are doing. Sometimes an armed group can access peace processes through an NGO mediator that has been involved in the process or has different networks. For instance, one of the core values underlying the Berghof Foundation’s approach is the belief that “partnerships lead to better results,”⁴¹ (Berghof Foundation website, 2018) as it allows them to create higher levels of synergy and effectiveness. Inter Mediate also referred to the increase in effectiveness that cultivating partnerships yields: “Wherever possible Inter Mediate will draw on and leverage the resources of larger organizations—governments and international institutions that spend billions of dollars annually to deal with the effects of conflict from peacekeeping to humanitarian intervention. Our aim is to increase the effectiveness of some of that spending.”⁴²

Furthermore, the institutional structure of international NGOs (Reimann 2006) requires the funds and a budget for many peace process interventions to come in the form of either core funding or project funding. Therefore, maintaining relations and taking into account the political will of donors becomes essential. This is evidenced by the vast number of donors that some of the more high-profile NGO mediators have (often published for transparency and accountability purposes). For instance, in 2018, the HD Centre’s annual income was 31 million Swiss Francs from 25

³⁹ Interview number 24, 28 October 2016.

⁴⁰ Interview number 30, 7 November 2016.

⁴¹ Berghof Foundation website, available at <https://www.berghof-foundation.org/> accessed 31 December 2018. Hereafter referred to as (Berghof Foundation website, 2018).

⁴² Inter Mediate website, available at <http://www.inter-mediate.org/> accessed 31 December 2018. Hereafter referred to as (Inter Mediate website, 2018).

donors comprised of governments, private foundations and individuals (HD Centre website, 2018).⁴³ The HD Centre also relies on the Swiss government for its headquarters and other administrative and legal functions. In another example, CMI's largest funder is the government of Finland, which funded 53% of the organization in 2016. The Initiative also employs a hybrid of government funding (Sweden, the Netherlands, Ireland, Belgium, Switzerland, the United Kingdom and Australia), regional organizations such as the EU, foundations and private sources (CMI website, 2018). The breakdown is similar for British Conciliation Resources, with 22 donors (Conciliation Resources website, 2018) and the German Berghof Foundation have also had 22 "past and present donors" in their 40-year existence (Berghof Foundation website, 2018).

Such an institutional structure that allows them to stay in a given context for a long time lends to their legitimacy in the eyes of the negotiating parties and the larger public. For instance, much of the Asia Foundation's involvement in the ICG was carried out by a single staff member who had been living and working in the Philippines for around two decades. Because of the ICG's track record and contributions to the Philippine peace process over a continuous period, "you kind of end up having the trust and the networks [...] that allow you to get involved. Or people come to you and ask you to help out with stuff."⁴⁴ As Amsterdam-based NGO mediator Dialogue Advisory Group (DAG) claims, its low profile and capacity to maintain relationships over time allows it to discreetly address sensitive issues and build trust.⁴⁵ As Lehrs (2016) argues, NGOs advocate for a "sustained level of engagement over a longer time-period" working to open spaces for dialogue and peacebuilding initiatives over the longer term. NGOs, as private actors, can "fulfill the functions of states but with NGO structures, as specialized actors with specific roles and expertise—this is apparent as contemporary conflicts are more complex and fragmented, and NGOs do not have to be caught up with "status heavy conversations" that

⁴³ Donors including Australia, Canada, Denmark, Germany, the European Union, Ireland, Italy, Liechtenstein, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom, the United States, the Peace Support Fund, the Bosch Foundation, the Hoffmann Foundation, the Third Millennium Foundation, Humanity United, the United Nations and the City of Geneva.

⁴⁴ Interview number 49, 16 February 2017.

⁴⁵ Dialogue Advisory Group website, available at <https://dialogueadvisorygroup.org/> accessed 31 December 2018. Hereafter referred to as DAG website, 2018).

don't leave room for pragmatic questions and issues.⁴⁶ These developments are described in the pithily titled *Economist* article, "Not your average diplomats,"⁴⁷ which features NGO mediators the HD Centre, CMI, Inter Mediate, the Ottawa Dialogue and the European Institute of Peace, among many others.

3.3 THREE TYPES OF NGO MEDIATORS

The "normative socialization" of NGO mediators varies due to the heterogeneity of the growing number of NGO mediators active in the "crowded field" (Lanz and Gasser 2013) of peace mediation today. There have been various attempts to map out the number and type of NGO mediators, for instance Herrberg and Kumpulainen's (2008) mapping of "high-profile" private diplomacy actors, as well as networks such as the Applied Conflict Resolution' Organizations Network (founded in 2000), the Mediation Support Network (founded in 2008), the Network for Religious and Traditional Peacemakers (founded in 2013), Convenor's Community of Practice (founded in 2018) and the European Union Community of Practice (founded in 2017) and the "rapidly increasing" (Fellin and Turner 2021, 287) number of Women's mediator networks, such as the Nordic Women Mediators Network launched in 2015, the Mediterranean Women Mediator's Network launched in 2017, the African Network of Women in Conflict Prevention and Peace Mediation (FemWise-Africa) launched in 2017, Women Mediators Across the Commonwealth launched in 2018, and the Global Alliance of Women's Mediator Networks launched in 2018. Therefore, the "continuously changing" profiles, numbers and agendas of NGO mediators (Lehti 2019) makes counting and mapping them less useful than understanding a rough typology of mediators' "self-conceptualizations" that directly inform how they view, interpret or treat norms in peace processes.

First, "*local-insider*" NGO mediators claim "insider status" (Svensson and Lindgren 2013) based on the claims of what Pring and Palmiano Federer refer to as "local agency": "proximity to the conflict, embedded expertise in the context, and long-standing formal and informal channels as

⁴⁶ Interview number 29, 4 November 2016.

⁴⁷ The Economist, 2020. *Not your average diplomats*, available from: <https://www.economist.com/international/2020/01/21/conflict-resolution-relies-increasingly-on-diplomatic-back-channels>, accessed on 18 November 2022.

their advantage” (2020, 5). Organizations like the Euro Burma Office (Myanmar), CINEP or the Zimbabwe Institute could be seen as local-insider NGO mediators. Second, there are a group of NGO mediators that can be understood as “*regional outsiders*”⁴⁸ that operate within a certain geographical region, who also similarly claim insider status and local agency, but with specific characteristics such as “geographic proximity, shared political, cultural and historical ties,” and importantly, “shared value systems” (Pring and Palmiano Federer 2020, 4) influence their normative socializations. The West Africa Network for Peacebuilding and ACCORD are examples in the African region, while the Centre for Peace and Conflict Studies is based in Siem Reap but works in peace processes all over South East Asia. The “regional outsider” type can, in the case of CPCS, “sleep outside the fray and come in with clean energy.” This regional proximity gives CPCS normative independence on how and when they want to engage in a context.⁴⁹ Third, the largest group of NGO mediators can be termed the “international” NGO mediator, which are professionalized international NGOs that work in a large number of contexts outside the region where they are based. The most prominent international NGO mediator is the Centre for Humanitarian Dialogue, or the HD Centre. The HD Centre illustrates an international model of how a private organization conducts mediation in a large number of varied conflict contexts. Given their history and prominence in the NGO mediation field, they constitute a type of international NGO mediator that espouses a “modular technique” of private mediation. They “were active in more than 75% of the world’s most dangerous conflicts.”⁵⁰ The HD Centre is an example of an NGO mediator “self-mandating” through entry points developed from arriving in the conflict context, conducting outreach and scoping missions, employing national staff, gaining the trust of local partners and eventually forging the trust of the negotiating parties. According to respondents, HD’s Myanmar program and activities is the largest staff/team the organization employs “on the ground.”⁵¹ Perhaps to a greater degree than the other two types of NGO mediators, the international modular also couch their interventions in different conflict context in terms of global, cosmopolitan

⁴⁸ Interview number 87, 25 September 2018.

⁴⁹ Interview number 87, 25 September 2018.

⁵⁰ HD Centre. Annual Report 2021, available from: <https://hdcentre.org/> accessed on 18 November 2022. Page 7.

⁵¹ Interview 87, 11 October 2017.

norms, some of which are defining elements of their self-conceptualizations. For instance, the HD Centre's activity is predicated on one of the most morally untouchable global norms, the norms of humanitarianism (even their name assumes a wholly principled *raison d'être*).⁵² For others, such as the Crisis Management Institute, their normative foundation rests on the "Finnish Way" approach to resolving conflicts (Lehti 2019), while for others such as swisspeace and the Berghof Foundation, their normative framework rests on the interplay of research and practice, while for others still, their normative foundation rests on a niche form of conducting dialogue itself, such as Ottawa Dialogue's focus on Track Two Diplomacy or the Sasakawa Peace Foundation's focus on ocean governance.

3.4 CONCLUDING THOUGHTS

Since their foray into the mediation field, NGO mediators have also been met with a range of critical responses, from incredulity to derision. Aall outlined the main worry at hand when experts first gathered to discuss the new role of NGOs in peace processes: "are NGOs fully equipped to handle all dimensions of complex emergencies, including violent conflict? (1996, preface, v)." However, given the current reality of NGO mediation, the main critique is presently not one of capacity, but of accountability. The informality of NGO mediators can be a boon for the more formal actors that seek to outsource more politically risky activities to them. However, in a mediation environment that is competitive, crowded and uncoordinated, this behavior can be off-putting to other actors (Hara 1999), described in one account of an NGO mediator acting like "cowboys" engaging directly with negotiating parties without, in their opinion, consulting and coordinating with other mediation actors working in the context (Martin 2006). Are NGO mediators then mavericks or cowboys (Palmiano Federer 2021)? While a binary conception is not helpful, it must be acknowledged that NGO mediators are niche actors (Martin 2006), and because they work in a private capacity, have greater room for maneuvering to fill that niche. What perhaps is a more fundamental ethical critique is the preponderance

⁵²Through its Charter and mission statements, HD Centre recounts its founding objective as the pursuit of Swiss philanthropist and humanitarian Henri Dunant's vision of a more humane world. The Centre embraces "a set of values that foster integrity, professionalism and respect for diversity in all areas of its work" and "subscribe to the core humanitarian principles of humanity, impartiality and operational independence" (HD Centre website, 2019).

of NGO mediators hailing from the Global North working in contexts in the Global South, heavily critiqued by some as “a world of professional mediators curiously uninterested in the particulars—cultural, political and historical—of conflicts” that “fly in, settle conflict, and fly out” without understanding and embracing the “thicker normative values that must accompany any truly successful conflict resolution” (Chan 2011, 271). How this complex portrait of NGO mediators’ normative socializations plays out when promoting the norm of “inclusive peace” is explored in the following chapter.

REFERENCES

- Aall, Pamela. 1996. NGOs and conflict management. In *Peaceworks*. Washington DC: United States Institute of Peace. <https://www.usip.org/publications/1996/02/ngos-and-conflict-management>. Accessed 14 December 2022.
- . 2001. What do NGOs bring to peacemaking? In *Turbulent peace: The challenges of managing international conflict*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 365–384. Washington DC: United States Institute of Peace.
- Ambos, Kai, Judith Large, and Marieke Wierda. 2009. *Building a future on peace and justice: Studies on transitional justice, peace and development. The Nuremberg declaration on peace and justice*. New York: Springer.
- Anheier, Helmut, Marlies Glasius, and Mary Kaldor. 2001. Introducing global civil society. *Global Civil Society* 2001: 3–22.
- Babbitt, Eileen F. 2009. The evolution of international conflict resolution: From Cold War to peacebuilding. *Negotiation Journal* 25 (4): 539–549.
- Bailey, Sydney D. 1985. Non-official mediation in disputes: Reflections on Quaker experiences. *International Affairs (Royal Institute of International Affairs 1944-)* 61 (2): 205–222.
- Bandarage, Asoka. 2011. The “Norwegian model”: Political economy of NGO peacemaking. *The Brown Journal of World Affairs* 17 (2): 221–242.
- Barnett, Michael, and Raymond Duvall. 2005. Power in international relations. *International Organization* 59: 39–75.
- Bartoli, Andrea. 1999. Mediating peace in Mozambique: The role of the community of Sant’Egidio. In *Herding cats: Multiparty mediation in a complex world*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 245–274. Washington DC: United States Institute of Peace Press.
- Beardsley, Kyle. 2009. Intervention without leverage: Explaining the prevalence of weak mediators. *International Interactions* 35 (3): 272–297.
- Bercovitch, Jacob, and Jeffrey Z. Rubin. 1992. *Mediation in International Relations*. London: The Macmillan Press.

- Bercovitch, Jacob, and Ayse S. Kadayifci-Orellana. 2009. Religion and mediation: The role of faith-based actors in international conflict resolution. *International Negotiation* 14 (1): 175–204.
- Boulding. 1997. *Report from a conference in Mariefred, Sweden* September 4–6, 1997. Government-NGO relations in preventing violence, transforming conflict and building peace, Sweden.
- Caballero-Anthony, Mely. 2002. Partnership for peace in Asia: ASEAN, the ARF, and the United Nations. *Contemporary Southeast Asia* 24 (3): 528–548.
- Chan, S. 2011. Conclusion: Mediating the mediation with difference. *Mediating Across Difference: Oceanic and Asian Approaches to Conflict Resolution*, 270–74.
- Convergne, Elodie. 2016. Learning to mediate? The mediation support unit and the production of expertise by the UN. *Journal of Intervention and Statebuilding* 10 (2): 181–199.
- Creekmore, M. 2006. *A moment of crisis: Jimmy Carter, the power of a peacemaker, and North Korea's nuclear ambitions*. Public Affairs.
- Crocker, Chester A., Fen Osler Hampson, and Pamela R. Aall. 1999. *Herding cats: Multiparty mediation in a complex world*. Washington DC: US Institute of Peace Press.
- Debiel, Tobias, and Monika Sticht. 2005. Towards a new profile? Development, humanitarian, and conflict-resolution NGOs in an age of globalization. In *INEF Report*. Institute for Development and Peace.
- DeMars, William E., and Dennis Dijkzeul. 2015. *The NGO challenge for international relations theory*. Abingdon: Routledge.
- Fellin, I., and Turner, C. 2021. Women's mediator networks: Reflections on an emerging global trend. In *Rethinking Peace Mediation* (pp. 285–306). Bristol University Press.
- Gorman, David, and T. Kivimäki. 2008. *Non-governmental actors in peace processes, the case of Aceh*. Geneva: The Centre for Humanitarian Dialogue. https://www.files.ethz.ch/isn/57186/NGO_Peace_Processes_Aceh.pdf Accessed 15 December 2022.
- Gourevitch, Peter A., Lake, David A., and Stein, Janice Gross. 2012. *The Credibility of transnational NGOs: When virtue is not enough*. New York: Cambridge University Press.
- Greig, Michael, and Paul F. Diehl. 2012. *International Mediation*. Cambridge: Polity Press.
- Haacke, Jürgen. 2003. ASEAN's diplomatic and security culture: A constructivist assessment. *International Relations of the Asia-Pacific* 3: 57–87.
- Haas, Peter M. 1992. Introduction: epistemic communities and international policy coordination. *International Organization* 46 (1): 1–35.
- Haas, Peter M., and Ernst B. Haas. 2002. Pragmatic constructivism and the study of international institutions. *Journal of International Studies* 31 (3): 573–601.

- Hara, Fabienne. 1999. Burundi: A case of parallel diplomacy. In *Herding cats: Multiparty mediation in a complex world*, ed. Chester Crocker, Fen Hampson, and Pamela Aall, 135–158. Washington DC: United States Institute of Peace Press.
- Hare, A. Paul. 1992. Informal mediation by private individuals. In *Mediation in international relations*, ed. Jacob Bercovitch and Jeffrey Rubin, 52–63. London: Palgrave Macmillan UK.
- Haspelslagh, Sophie. 2021. *Proscribing peace: How listing armed groups as terrorists hurts negotiations*. Manchester: Manchester University Press.
- Hellmüller, Sara, Julia Palmiano Federer, and Mathias Zeller. 2015. *The role of norms in international peace mediation*. Bern: swisspeace.
- Hellmüller, Sara, and Marie-Joëlle Zahar. 2019. *UN-led mediation in Syria and civil society accord issue on “Navigating inclusion in peace processes”*. London: Conciliation Resources. <https://www.c-r.org/accord/inclusion-peace-processes/un-led-mediation-syria-and-civil-society>. Accessed 15 December 2022.
- Herrberg, Antje, and Kumpulainen, Heidi. The Private Diplomacy Survey 2008. Initiative for Peacebuilding.
- Huber, Konrad. 2004. The HDC in Aceh: Promises and pitfalls of NGO mediation and implementation. In *Policy studies*. Washington DC: East-West Center Washington. <https://www.eastwestcenter.org/publications/hdc-aceh-promises-and-pitfalls-ngo-mediation-and-implementation>. Accessed 15 December 2022.
- Hume, David. 1994. *Hume: Political essays*. Cambridge: Cambridge University Press.
- Jones, Peter. 2015. *Track two diplomacy*. Stanford: Stanford University Press.
- Kelman, Herbert C. 1992. Informal mediation by the scholar/practitioner. In *Mediation in international relations*, ed. Jacob Bercovitch and Jeffrey Rubin, 64–96. London: Palgrave Macmillan UK.
- Kleiboer, Marieke. 1996. Understanding success and failure of international mediation. *The Journal of Conflict Resolution* 40 (2): 360–389.
- . 2002. Great power mediation: Using leverage to make peace. In *Studies in international mediation: Essays in honor of Jeffrey Z. Rubin*, ed. Jacob Bercovitch, 127–140. London: Palgrave Macmillan UK.
- Lanz, David, and Rachel Gasser. 2013. A crowded field: Competition and coordination in international peace mediation. In *Mediation Arguments*. Pretoria: Centre for Mediation in Africa, University of Pretoria. <https://www.swisspeace.ch/publications/reports/a-crowded-field-competition-and-coordination-in-international-peace-mediation>. Accessed 15 December 2022.
- Lanz, David, Jamie Pring, Corinne Von Burg, and Mathias Zeller. 2017. *Understanding mediation support structures*. Bern: swisspeace. <https://www.swisspeace.ch/publications/reports/understanding-mediation-support-structures>. Accessed 15 December 2022.

- Lanz, David, Damiano Sguaitamatti, and Matthias Siegfried. 2009. *Towards realizing the strengths and mitigating the challenges of NGO mediators*. Bern and Zurich: swisspeace and Center for Security Studies ETH Zurich. <https://mediacionesjusticia.files.wordpress.com/2013/04/ngo-mediators-final-report-political.pdf>. Accessed 15 December 2022.
- Lehmann-Larsen, Stine. 2014. *Effectively supporting mediation: Developments, challenges and requirements*. Geneva: The Centre for Humanitarian Dialogue. <https://hdcentre.org/insights/effectively-supporting-mediation-developments-challenges-and-requirements/>. Accessed 15 December 2022.
- Lehrs, Lior. 2016. Private peace entrepreneurs in conflict resolution processes. *International Negotiation* 21 (3): 381–408.
- . 2022. *Unofficial peace diplomacy: Private peace entrepreneurs in conflict resolution processes*. Manchester: Manchester University Press.
- Lehti, Marko. 2019. *The era of private peacemakers: A new dialogic approach to mediation*. Berlin: Springer.
- Lehti, Marko, and Maiju Lepomäki. 2017. *The era of private peacemakers: A new dialogic approach to mediation*. Tampere: Tampere Peace Research Institute. https://um.fi/documents/35732/48132/the_era_of_private_peacemakers_a_new_dialogic_approach_to/66830ecc-b175-ee3f-a252-b9a2e052156d?t=1525645981371. Accessed 15 December 2022.
- Lekha Sriram, Chandra. 2007. Justice as Peace? Liberal peacebuilding and strategies of transitional justice. *Global Society* 21 (4): 579–591.
- Martin, Harriet. 2006. *Kings of peace, pawns of war: The untold story of peacemaking*. London: Continuum.
- Nathan, Laurie. 2017. Marching orders: Exploring the mediation mandate. *African Security* 10 (3–4): 155–175.
- Palmiano Federer, J. 2021. Cowboys or mavericks? The normative agency of NGO mediators. In *Rethinking peace mediation: Challenges of contemporary peacemaking practice*, ed. Catherine Turner and Martin Wählisch, 71–91. Bristol: Bristol University Press.
- Paris, Roland. 2004. *At war's end: Building peace after civil conflict*. Cambridge: Cambridge University Press.
- Princen, Thomas. 1992. Mediation by a transnational organization: The case of the Vatican. In *Mediation in international relations: Multiple approaches to conflict management*, ed. Jacob Bercovitch and Jeffrey Rubin, 149–175. London: Palgrave Macmillan UK.
- Pring, Jamie, and Palmiano Federer, Julia. 2020. The normative agency of regional organizations and non-governmental organizations in international peace mediation. *Swiss Political Science Review* 26 (4): 429–448.
- Reimann, Kim. D. 2006. A view from the top: International politics, norms and the worldwide growth of NGOs. *International Studies Quarterly* 50 (1): 45–67.
- Rupesinghe, Kumar. 1997. *The general principles of multi-track diplomacy*. African Centre for the Constructive Resolution of Disputes (ACCORD).

- Secretary-General, United Nations. 2009. *S/2009/189. Report on “Enhancing mediation and its support activities”*. New York: United Nations.
- Shea, Nathan. 2016. Nongovernment organisations as mediators: Making peace in Aceh, Indonesia. *Global Change, Peace & Security* 28 (2): 177–196.
- Slim, Hugo. 2002. By what authority? The legitimacy and accountability of non-governmental organizations. *The Journal of Humanitarian Assistance*.
- Stenner, Christina. 2017. *The institutionalization of mediation support: Are mediation support entities there yet?* Berlin: Berghof Foundation. <https://berghof-foundation.org/library/the-institutionalization-of-mediation-support-are-mediation-support-entities-there-yet>. Accessed 15 December 2022.
- Svensson, Isak. 2007. Mediation with muscles or minds? Exploring power mediators and pure mediators in civil wars. *International Negotiation* 12: 229–248.
- Svensson, I., and Lindgren, M. 2013. Peace from the inside: Exploring the role of the insider-partial mediator. *International Interactions* 39(5): 698–722.
- Taulbee, James Larry, and Marion V. Creekmore. 2003. NGO mediation: The carter center. *International Peacekeeping* 10 (1): 156–171.
- Toepler, Stefan, Lester Salamon, Anheier Helmut, S. Sokolowski, and Regina List. 1999. *Global civil society: Dimensions of the nonprofit sector*. Baltimore: Johns Hopkins University Press.
- Touval, Saadia. 1996. Coercive mediation on the road to Dayton. *International Negotiation* 1 (3): 547–570.
- Vukovic, Sinisa. 2015. Soft power, bias and manipulation of international negotiations in international mediation. *International Negotiation* 20: 414–443.
- Whitfield, Teresa. 2015. *Support mechanisms: Multi-lateral, multi-level, and mush-rooming*. Global peace operations review. <http://peaceoperationsreview.org/thematic-essays/support-mechanisms-multilateral-multi-level-and-mushrooming/>. Accessed 15 December 2022.
- Yarrow, C.H. Mike. 1978. *Quaker experiences in international conciliation*. Connecticut: Yale University Press.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





The Promised Land of Inclusive Peace: NGO Mediators as Norm Entrepreneurs of Inclusion

4.1 INTRODUCTION: THE PROMISED LAND OF INCLUSIVE PEACE

My conceptualization of the inclusivity norm draws from the *UN Guidance for Effective Mediation*'s definition of inclusivity: “the extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort” (UN 2012). In this book, my analysis remains open to multiple interpretations of norms. These include, for instance, the “mediator’s mantra” of including all relevant armed actors at the table (including proscribed or politically sensitive actors) and/or the UN’s liberal cosmopolitan norm of including non-armed actors through increased modalities of participation and representation (Nilsson and Svensson 2023). I remain open to inductively understand how the inclusivity norm manifests in a given context (both positively and negatively) and include analysis on both interpretations of inclusivity.

Why do I focus on the inclusivity norm in this book? The normative imperative to make peace processes more “inclusive” has become central in contemporary peacemaking scholarship and practice, so much in fact, that inclusivity has been called “the new hype” (Paffenholz and Zartman 2019). The inclusivity norm is at the forefront of the normative turn in mediation research and practice, in which certain norms and values, many of them hailing from an explicitly liberal international basket of

rights-based norms, are increasingly seen as necessary for effective peace processes (Hellmüller et al. 2015; Turner and Waelisch 2021; Hellmüller et al. 2020). To resist the assumption that the more inclusive a peace process is, the more effective the outcome, my research remains open to instances where the inclusivity norm may have unintended consequences or have negative effects on the mediation process. I also focus on the inclusivity norm because, interestingly, two central strands of mediation literature (peace research literature and civil war termination literature) focus on inclusivity of relevant actors but bifurcate at *who* is deemed a relevant actor, as argued by de Waal (2017) along the lines of armed vs-non armed actors in a peace process. For instance, the exclusionary policies of proscription (Boon-Kuo et al. 2015) and other exclusive approaches to actors deemed as spoilers can be seen as diametrically opposed to a key “mediator’s norm” of talking to everyone (Garrigues 2015), no matter how beyond the pale they might seem (Haspeslagh 2021). The clashing normative interpretations and frameworks around inclusion—and by extension exclusion—in peace processes provide a rich field for understanding the different effects and outcomes of norm promotion efforts (Hellmüller 2020; Pring and Palmiano Federer 2020; Pring 2023).

Scholarly debates around “inclusion” are found in literature on civil wars over which armed actors should be included at the table or not—a debate that has at certain points been dominated by the concept of “spoilers” in peace processes (Söderberg-Kovacs and Nilsson 2011). However, in the last three decades, the growing debate surrounding the tension between inclusive and exclusive peace processes (Wanis-St. John and Kew 2008) has increasingly focused on the inclusion of civil society actors rather than the inclusion of those defined in debates over spoilers (Orjuela 2003; Belloni 2008; Zanker 2014; Hellmüller 2020). This shift in scholarship, in part a response to critiques of the elite and exclusive nature of peace negotiations, demarcates a departure in some major assumptions under which peace processes are conducted: peace processes that take place between elite, armed actors (more often than not, men) are not *enough*.

A growing body of empirical literature (Krause et al. 2018) focusing on the impacts of civil society inclusion in peace processes purports that civil society inclusion can result in more legitimate (Lanz 2011), implementable and durable agreements (Nilsson 2012). This focus on effectiveness means that peace processes must be inclusive of *non-armed* actors beyond the elite to be seen as legitimate, sustainable and durable. Despite these empirically based arguments, research on including civil society organizations is

at its core, normative, as it aims to broaden the proverbial and literal peace table past the elite and power-driven processes that characterized mediation processes during the Cold War:

... [...] the concept of civil society inclusion in peacemaking is thus threading its way through the discourses of academics, think tanks, national diplomats, international organizations and most important of all—civil society groups who clamor for a voice, a role, and even a seat at the negotiation table to work on ending the conflicts that have caused them so much suffering. (Wanis- St. John 2008, 4)

Debates on inclusion and exclusion in peace processes have prompted further research on frameworks for determining *how* inclusivity can be achieved (Paffenholz 2014), the role of inclusion in achieving political settlements (Bell and Pospisil 2017) and power sharing arrangements (Raffoul 2018) and how certain categories of non-armed actors, such as women and youth can be meaningfully included in peace negotiations beyond tokenization (Bell and O'Rourke 2007; Lorentzen 2020; Grizelj 2019). Scholars have also increasingly studied the dynamics of the inclusivity norm in and of itself, looking at how the norm of inclusion has been diffused through UN normative instruments such as the Women, Peace and Security Agenda (True and Wiener 2019) or legal frameworks (Kastner 2021). Despite more “ambivalent” (Holper and Kyselova 2021) takes on the interrogation of the multiple purposes of inclusivity that are not made visible in inclusivity discourse (Hirblinger and Landau 2020), on the whole, inclusivity is largely seen as a “good” norm that should be promoted in peace processes, influenced largely by the dynamics of the multilateral discourse of international organizations such as the United Nations, who heavily promote the “promise” of inclusive peace (UN and World Bank 2018).

But who then should be promoting this norm to the parties? In practice, the assumption is often that the third party, who is charged with making process-related decisions should be up to task. Consequently, the question who does get a seat at the proverbial table often falls under the auspices of the third party—the mediator. While it is widely acknowledged that the negotiating parties have ownership over the peacemaking enterprise writ large (Bercovitch and Rubin 1992), mediators “often have significant leverage over conflict parties, and as a consequence, they have a say as to who is included in peace talks” (Lanz 2011, 291). Therefore, as

the normative framework in mediation grows more explicit (Hellmüller et al. 2015, 2017) and crystallizes in debates over inclusion and exclusion, what role do mediators play in the promotion of inclusivity? Emerging research on the role of mediators in norm promotion shows that the inclusivity norm has been heavily promoted by mediators, for instance by the United Nations (Hellmüller 2020), promoted by regional organizations in their mandates (Pring 2017) and promoted by regional organizations and NGO mediators (Pring and Palmiano Federer 2020). Yet these examples show a more complicated picture: mediators often push back on the increasing imperative to include the inclusion agenda in their mediation strategies, while those supporting mediation processes from a distance (Hellmüller et al. 2015) tend to more explicitly advocate for increased inclusion. This dynamic also has implications for funding entities that outline the mandates for many mediators—mandates increasingly require a certain approach to inclusion for those projects they will consider supporting.

4.2 APPLYING THE ANALYTICAL FRAMEWORK: ASSESSING NGO MEDIATORS' NORMATIVE AGENCY

As discussed earlier in this book, scholarship and policy discourse over the last 25 years shows that the role of mediators has shifted from simply brokering cessation of hostilities and peace deals between warring parties to designing holistic peace processes that meet the needs of both armed and non-armed actors (such as civil society and women's organizers). Mediators are increasingly pressured, now explicitly in some mandates (Pring 2017) to promote the inclusive processes (inclusivity) norm in their interventions. In view of the increasing number of policy imperatives directing that mediators *should* promote inclusivity in mediation processes, as well as the increasing number of academic studies touting the effectiveness of inclusive processes in producing durable peace agreements (Wanis-St. John and Kew 2008; Paffenholz 2014; Nilsson 2012; Hellmüller 2019), how can we empirically understand an NGO mediator's normative agency in promoting inclusive peace?

We can do this by pulling the pieces together on NGO mediator's normative agency (framing, practices and power) to the idea of "norm localization" developed by International Relations and norm diffusion scholar Amitav Acharya in the early 2000s. Acharya argues that norms not only

spread, but are “localized” in a given context through the interaction of external norm entrepreneurs promoting a given norm and “local agents.” A local agent is neither entirely a norm entrepreneur nor a passive norm-taker, but a combination of both. They accept the norm through a process of reshaping and redefining the norm that makes it more “congruent” with an existing normative framework in the context. Acharya calls this existing normative framework a “cognitive prior” (Acharya 2004).

We can apply this theory to mediation processes, nuancing the theory to allow for greater complexity and multi-directionality (Hellmüller et al. 2020). Acharya accounts for complexity in his concept of: “norm circulation.” Norm circulation is a combination of norm localization with his (2011) notion of norm subsidiarity.¹ Norm circulation importantly redefines norm localization not just as a one-way linear process in which a “moral cosmopolitan” norm entrepreneur promotes norms to a recipient. Norm promotion occurs as a circuitous loop. After norms are localized by local agents, this “local feedback” is sent back “to the wider global context along with other locally constructed norms and help to modify and possibly defend and strengthen the global norm in question (subsidiarity)” (Acharya 2013, 469).

Norm circulation allows for theoretical complexity in three ways. Firstly, norms have “multiple sources” (Acharya 2013, 466). In regard to the inclusivity norm, the norm is in of itself a product of diffusion within the mediation community, from an official text such as the *UN Guidance to Effective Mediation* to discussions about inclusivity at the Oslo Forum.² Secondly, “norms can have multiple agents or norm entrepreneurs.” This is important in tracing the path of a norm, especially when there are (as is now usually the case) multiple mediation actors working coherently or incoherently on a given context. Thirdly, after a norm is presented, it can be contested (Acharya 2013, 479), which does not necessarily weaken the norm, and can make it more legitimate and applicable. This is important when adapting a norm to fit a given existing normative framework. In a mediation process with two or more conflict parties, these parties may have different cognitive priors and this theory must account for multiple

¹Norm subsidiarity concerns “the process whereby local actors create rules with a view to preserve their autonomy from dominance, neglect, violation, or abuse by more powerful central actors” (Acharya 2011, 96).

²An annual high-level gathering of mediators hosted by the Centre for the Humanitarian Dialogue and the Norwegian government.

and concurrent processes of norm diffusion in different contexts. Therefore, adapting norm localization to mediation processes requires accounting for a diversity of sources, a multiplicity of agents, and a plurality of contexts (*ibidem*) that appreciates a broader framework of normative agency and the complexity of conflict histories.

I suggest that applying the concept normative agency to norm circulation theory is an important step in understanding just how NGO mediators are norm entrepreneurs of inclusion. If we take the starting point of viewing inclusivity as an “external” norm (and not a universal one!), NGO mediators easily take on the role of transnational norm entrepreneurs who interpret the inclusivity norm within their mandate and frame the norm to the negotiating parties based on their interpretation. The negotiating parties can then act as the local agents who build “congruence” by grafting and pruning certain elements of the norm to fit the norm into their existing normative frameworks. The power balance between the mediator and negotiating parties in a mediation may shape the outcome of the norm diffusion process: resistance, localization or displacement. This concept is depicted visually in the table below (Table 4.1).

NGO Mediators and Framing Inclusivity

The first step in assessing normative agency is all about “framing.” In other words, how do NGO mediators frame the inclusivity norm to negotiating parties? How do they describe it and how do they discuss it?

Table 4.1 Norm localization and normative agency applied to mediation processes

<i>Norm localization</i>	<i>Normative agency</i>	<i>Mediators and inclusivity</i>
Norm entrepreneur	Interprets and frames norm	Mediators interpret and/or frame inclusivity to negotiating parties
Local agents and Norm entrepreneur engage in congruence building	Interact through a set of social practices that reshape norm	Mediators and negotiating parties reshape norm through different practices during peace negotiations
Outcome of norm diffusion (resistance or localization)	Power dynamics between norm entrepreneur and local agents shape norm diffusion outcome	Mediators’ perceived legitimacy among negotiating parties shape the outcome of norm diffusion at critical points in negotiations

Framing is based on two elements: how NGO mediators interpret inclusivity in their own normative socializations, as I discussed in the previous chapter, and how they communicate the inclusivity norm to negotiating parties. In the chapters that follow, I also look at how NGO mediators *discursively* frame inclusivity to negotiating parties.³ Discourse as a concept matters in this book, because it elucidates how mediators actually promote norms through communication, and reveals a central assumption that all mediation processes hinge upon: that finding common ground between conflict parties is possible because of the principle of *universality*. For instance, Habermasian discourse ethics reveals the deontological and universal nature of international peace mediation, and by extension, the liberal peacebuilding paradigm. The current normative framework of mediation is governed by universal “fundamentals” about how mediation should be conducted and the ideal outcomes. Therefore, discursive framing by mediation actors (the norm entrepreneurs in question) assumes that international norms are universal in nature and form part of a *gemeinsame Lebenswelt* (“common lifeworld”) in which the mediators help parties find this “common ground.” This assumption has been critiqued by skeptics, who posit that a common lifeworld may be difficult to back up in political reality. However, Deitelhoff and Müller’s (2005) attempt to operationalize Habermasian discourse theory in multi-lateral negotiations finds that while trying to transplant theory into empirics was problematic, “the obstacle of lifeworlds should not be overestimated” because “actors

³ Discourse is a theoretically loaded concept, and I harness it by focusing on a specific debate between rationalist and constructivist theorists around the early 2000s called the ZIB-debate. Risse (2000) provides one of the most comprehensive contributions linking the ZIB debate to constructivist theory on norms. In his article “‘Let’s Argue!’ Communicative Action in World Politics” (2000), Risse claims that central tenets of Habermasian discourse theory such as argumentation, deliberation and persuasion create a mode of social interaction distinct from rational approaches and strategic bargaining but that fit squarely in the realm of sociological institutionalism. This is relevant in mediation processes, where actors seeking an optimal solution for a commonly perceived problem (e.g. a mutually acceptable outcome between parties to conflict) can use deliberative argumentation as a way to find a common normative framework that can overcome collective action problems. This is where discursive framing comes in. According to Risse, when actors deliberate about the truth, they try to collectively figure out whether their assumptions about the world are correct, and particularly whether “norms of appropriate behaviour can be justified, and which norms apply under given circumstances” (7). Discourse therefore bridges the normative and empirical by connecting the realm of theoretical discourse to the realm of practical discourse (*ibidem*).

facing a breakdown in cooperation strive to create artificial lifeworld features” especially actors supporting the liberal paradigms:

the dominance of liberal democracies in the negotiation process, which share norms and beliefs, might also make a difference in supplying a reservoir of shared norms that can compensate for domestically rooted lifeworld certainties. (Deitelhoff and Müller 2005, 173)

Furthermore, and even more interesting for this book, they found that having an institutional structure with a normatively structured background was conducive to finding common ground, and that non-state actors such as NGOs, “who emerged as credible knowledge brokers or moral authorities” (Deitelhoff and Müller 2005, 176), willfully attempted to “reframe issues to resonate with broader understandings.” As such, discursive framing is a central concept to understanding the mechanics of norm diffusion and promotion in practice.

NGO mediators have framed inclusivity as a salient and central norm in mediation, evidenced by the growing number of prescriptive guidelines for mediators concerned with who gets a seat at the peace table (von Burg 2015). Inclusivity is described as a main recommendation of the MSN report on “Translating Mediation Guidance into Practice,” a document that also illustrates the epistemic power of NGO mediators who have put this policy document together and illustrate the different interpretations of the norm:

Inclusivity is essential, but not easily implemented: There is a strong and legitimate call for making mediation processes more inclusive, with regard to the inclusion of a range of actors (e.g. marginalized groups, women, religious actors, etc.) and with regard to the content of a peace agreement. However, mediators often face pressure to reach a minimum agreement quickly, especially when hostilities are ongoing. This can make it particularly difficult to reach more inclusive, and thus more complex, agreements. Proscription policies may also minimize inclusivity, and mediation actors should strive to find pragmatic means of overcoming these obstacles. Generally, it is more effective to convince the powerful actors sitting at the table of the benefits of inclusivity, as opposed to threatening or lecturing them, for example by quoting international standards that call for greater inclusivity. Inclusivity also entails efforts, outside the formal mediation process, to support dialogue between actors, so that they can better influence formal processes and sustain peace agreements once they are signed. (Alvarez et al. 2012, 6)

In this paragraph alone, inclusivity can refer to the inclusion of non-armed actors such as women, religious leaders and other marginalized groups, or equally, the inclusion of proscribed actors such as armed groups listed on terrorist lists. These are two very different interpretations of the norm but described in the same vein.

NGO Mediators and Social Practices Promoting Inclusivity

A second way to determine a mediator's normative agency is to look at "practices" and the specific *social* practices mediators use to promote the inclusivity norm to negotiating parties. The concept of social practices is relevant in understanding how the fields of norms and mediation are connected. In short, the concept of social practices acts as an important bridge between the theoretical world of norms and the material world of peace mediation. Adler and Pouliot define practices as "competent performances" (Adler and Pouliot 2011, 6).⁴ More specifically, they conceptualize practices as "socially meaningful patterns of action, which in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world" (Adler and Pouliot 2011, 4). Practices are an essential concept to studying norm diffusion in mediation processes as mediation processes are essentially a set of social and international practices in which actors (mediators, negotiators, mediation support actors, the general public) *perform* socially meaningful patterns of action to embody, act out or reify background knowledge and discourse (of norms, logic of appropriateness, social conventions, collective expectations of behavior, etc.) in the given locale.

Adler and Pouliot's treatment of practice in IR is helpful in forming my analytical framework on the role of mediators in norm diffusion in several ways. First, looking at mediation not only as a political process but also as a process made up of different sets of practice opens up avenues for new insights. The practice of mediation is largely *performance based*, with mediators taken on by the parties to skillfully perform certain practices to help bring the parties closer to an agreement. The practice of mediation is also *patterned*, where the notion of mediation (peace talks, negotiations towards a peace agreement etc.) reproduces similar behaviors with regular meetings. Furthermore, mediation is *competent* in a socially meaningful

⁴For difference between behavior, action and practice, see Adler and Pouliot 2011 (6).

and recognizable way based on certain *background knowledge* of both the mediator and the parties and the expectations of what a mediation process can and should be. Therefore, seeing mediation as an international practice provides robust groundwork on building mediation as a site of norm diffusion.

Second, looking at the actors that constitute these practices as a community of practice (Adler 2008) gives insights on the prospects of NGO mediators as norm entrepreneurs. Communities of practice are “intersubjective social structures that constitute the normative and epistemic ground for action, but they are also agents, made up of real people, who—working via network channels, across national borders, across every divide and in the halls of government—affect political, economic and social events (Adler and Pouliot 2011, 17). Autesserre’s (2014) *Peaceland* utilizes the concept of social practices to study the “everyday practices” of peacebuilders. Her empirical observations of the practices of peacebuilders in a range of contexts revealed how practices engender larger habits, narratives and perceptions of a given conflict context. For instance, Autesserre (2014) observed that different sets of practices, from helping a host country or population (writ large) to specific practices like reporting, collecting data on violence, following security routines and valuing expertise over local languages or interacting with local populations have intended and unintended consequences that affect the effectiveness of peacebuilding interventions. Looking at “the mediation community” as a community of practice can help reveal underlying habits, narratives and perceptions that may not be visible without this lens.

NGO mediators use epistemic knowledge production practices such as training, research, capacity building and advising negotiating parties to promote inclusivity. Many of the knowledge products that NGO mediators produce (e.g. manuals, guidelines, toolkits and policy briefs) about what inclusive peace looks like and how it can be achieved often explicitly promote the inclusion of non-armed civil society actors such as women, youth and other identity groups, evidenced in the sizable body of academic and policy literature on the role of NGO mediators as epistemic communities (Convergne 2016a, b; Lehmann-Larsen 2014; Whitfield 2015; Stenner 2017). Haas (1992) describes epistemic communities as “a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area” (3). His description echoes “practice” literature in IR. While members can come from a variety of disciplines and

backgrounds, they “share normative and principled beliefs which provide a value-based rationale for the social action of community members” as well as “causal beliefs” derived from their analysis of practices leading or contributing to a central set of problems in their domain (*ibidem*). Importantly, epistemic communities share notions of validity and a common policy enterprise” (*ibidem*). Convergne (2016b) applies this conceptualization to the world of mediation in her study of the expertise production of NGOs: “a distinctive feature of mediation at the UN is its reliance on expertise-based nongovernmental actors such as specialized NGOs, think tanks and research centers, individual scholars, consultants and experts” (137). These NGOs comprise an epistemic community on mediation who share a homogenous conception of peace.⁵ The normative dimension of NGO mediators’ epistemic nature is also clear. Faget (2008) writes that the UN is influenced by a community of peacebuilding scholars who emphasize the root causes of conflicts. This community uses the production and dissemination of knowledge as a form of intervention and influence on policy makers and stakeholders to conflict.

The identity of many NGOs as hubs of knowledge production and technical expertise on an array of topics is evident when looking at how NGO mediators describe themselves in public facing fora. For instance, the Berghof Foundation’s mission to create space for conflict transformation is realized through “knowledge, skills and resources available in the areas of conflict research, peace support and peace education” (Berghof website, 2018) while CITpax is explicit about the normative and “action-oriented” nature of their think tank activities related to diagnosis and research: “it seeks to change the reality of conflicts in the pursuit and attainment of peace” (CITpax website, 2018). Inter Mediate cites training and expertise sharing as part of its core activities: training to prepare parties for “effective participation in negotiation” and sharing lessons learned and its experiences of past peace processes (Inter Mediate 2018). Newly established NGO mediator European Institute of Peace (EIP) explicitly cites knowledge tools as a core part of its identity, as it “connects expertise and shares knowledge and lessons on European mediation” (EIP website, 2018).

NGO mediators employ a range of epistemic practices. The first is “capacity building,” which consists of trainings, bespoke workshops and organizational learning on different topics in peacebuilding and

⁵ Usually a liberal peace, see Richmond 2018.

mediation. The second is “advising,” in which NGO mediators conduct individual coachings or directly give technical advice to individuals or smaller groups of stakeholders. The third is “research,” in which NGO mediators conduct conflict analysis, develop codes of conduct and develop practical guides and manuals that frame important issues in mediation, or assess peace mediation as a field. The fourth is “knowledge transfer or knowledge support,” conducted through “exposure trips” or “study tours.” Exposure trips refer to NGO mediators taking negotiating parties or conflict stakeholders to post-conflict or post-agreement contexts to glean from comparative experiences. These trips may also include international “resource persons” sharing expertise in the form of “lessons learned” from other peace processes. There are many examples of NGO mediators using these epistemic community practices as entry points or as a form of mediation itself. For instance, Convergne (2016b) details UN Special Representative of the Secretary General Ahmedou Ould Abdallah relying on International Alert “to organize and fund study trips and workshops in South Africa, in an effort to familiarize Burundian representatives with the tenets of post-apartheid cohabitation” (140). NGO mediators who conduct mediation support play a big role in these “knowledge management” practices. Lehmann-Larsen (2014) explains that ideally, such activities could include: briefings of new staff, debriefings, lessons-learned exercises, evaluations and case studies, dissemination of best practices through guidance notes, and guidelines and other publications (13). These items can be independent of a process or “tailor-made” based on requests from the field. Lehmann-Larsen (2014) cites NGO mediators such as the United States Institute of Peace (USIP), Conciliation Resources, swisspeace, the Centre for Security Studies ETH Zurich and the HD Centre as groups that produce relevant “knowledge management tools” that contribute to the coherence and effectiveness of peace interventions. Looking at the large number of knowledge products that NGO mediators have produced, the most salient are the three international norms previously mentioned: inclusivity, gender equality and transitional justice,⁶ which illustrate the

⁶UN Groups of Friends Statements, UN General Assembly Resolutions, Reports of the Secretary General and specific documents such as the EEAS Mediation Support Factsheet (2013), the African Union Handbook Series on Mediation and various OSCE Mediation Guidelines are just some examples of institutional documents that make explicit reference to these norms.

agency of NGO mediators playing important norm setting roles regarding effective peacemaking and best practice in the field.

*NGO Mediators' Power: Legitimacy and the Limits
of Normative Agency*

Third, it is essential to understand how “power” undercuts normative agency and how the perceived legitimacy of a mediator affects the outcome of norm promotion. How does the legitimacy of a mediator in the eyes of the negotiating parties shape the outcome of the norm diffusion process (e.g. displacement, localization, resistance)? This requires understanding whether and how the inclusivity norm changes during the process of localization, and the role that mediators play (or do not play) in this change.

My view of power as a mediators' legitimate authority to facilitate or influence the negotiating parties' behavior towards certain outcomes emphasizes the non-coercive or persuasive forms of power and applied to norm promotion, the ability of a mediator to promote norms. Despite their “notoriously slippery” nature as concepts, power and legitimate authority (Hurd 1999; Kratchowil and Ruggie 1986; Beetham 2013) are central to understanding the conditions under which mediators can promote norms and actually influence the behavior of the negotiating parties. Two developments that accompanied the evolution of the study of global society are relevant in this regard: a shift in the type of actor that wields power over others (the understanding that actors other than states can hold legitimate authority) and the type of power these actors exhibit. I conscript the use of Barnett and Duvall's (2005) typology of power, where:

Compulsory power refers to relations of interaction that allow one actor to have direct control over another [...] Institutional power is in effect when actors exercise indirect control over others [...] Structural power concerns the constitution of social capacities and interests of actors in direct relation to one another [...] Productive power is the socially diffuse production of subjectivity in systems of meaning and signification. (Barnett and Duvall 2005, 3)

These “alternative” concepts of power are important because they add two essential dimensions for understanding norm dynamics in political processes: conceptualizing power produced by relational and interactional

means, and power produced through different kinds of social relations, whether specific/direct or diffuse/indirect (Barnett and Duval 2005). In the field of mediation, where the mediator does not wield direct power over the negotiating parties, this conception is essential, as it allows for other forms of legitimated power (Arnault 2014; Kastner 2015).

Based on this logic, ascribing to a constructivist approach that considers constructions of reality as reflecting, enacting and reifying relations of power (Finnemore and Sikkink 2001, 398) in norm diffusion theories makes sense. Such an approach maintains the core assumptions of constructivism but considers that ideas may not be autonomous from power distribution (Checkel 1998, 84). It also does not aim to build theory, but instead seeks to “denaturalize dominant constructions” (Finnemore and Sikkink 2001, 398) and explore how the diffusion of norms is related to power. Looking at only the customary and usual practices in the international system (Björkdahl 2002) emphasizes the normal and leaves out what is normative. For the normal to become normative, there must be a feeling of obligation on the part of the actors (Raymond 1997). But where and from whom does this feeling of obligation come? While earlier constructivist scholarship in interest and identity formation argued that norms themselves do not only constrain behavior but constitute actors’ interests independent of power (Checkel 1999), the *diffusion of these norms* may not be so autonomous from underlying power distributions. Revisiting the possibility of these underlying power distributions between mediators and the negotiating parties through investigating how mediators are accepted by the parties who deem them as legitimate is essential for my analytical framework. Furthermore, employing a constructivist approach that relates ideas and power to scholarship on norms can provide an additional dimension of scholarly inquiry into the power of the “agent” in constructivist theory on norms. This approach can add to the growing work surrounding “agentic constructivism” (Sikkink 2011). A viable path to relating ideas to the power of agents is investigating the legitimacy of agents in norms diffusion. The concept of legitimacy is an important connector between the rules of power and the norms that provide their justification, and comprises the moral or normative aspects of power relationships (Beetham 2013, 25).

Practically speaking, I look at whether the inclusivity norm changes in *substance*, as the “reinterpretation and re-representation of the outside norm, including framing and grafting, [...] may extend into more complex processes of reconstitution to make an outside norm congruent with

a pre-existing local normative order” (Acharya 2004, 244). In other words, is it substantively changed to fit into the negotiating parties’ cognitive prior? I investigate whether successful constitutive localization has taken place by observing the integration of the external norm at the same time as the reinforcement and congruence building with existing local beliefs and practices. Furthermore, I also investigate the role that the mediator plays (if any) in the norm diffusion process. Can the substantive changes in the norm during the process of localization be attributed to the intervention of the mediator, or are they rather the by-product of an alternative process led by a local agent?

I do not assume that the inclusivity norm is internalized by the parties, but assume that successful diffusion can be observed through the negotiating parties *accepting* the norm via promotion from the mediator. Therefore, I operationalize this question by observing whether or not the negotiating parties adopt norm-consistent behavior. It is not easily established which norms are accepted. Internalized norms are “hard to discern” (Finnemore and Sikkink 1998, 904) because actors often do not explicitly consider or discuss whether or not to conform their behavior. The difficulty of determining the acceptance of a norm also invokes questions on whether one views norms with either a universalistic or particularistic approach. While a universalistic approach would clearly apply to norms stemming from basic human rights as applicable across contexts, a particularistic approach criticizes translating seemingly universal normative frameworks into specific contexts, highlighting the challenges of norm localization. The underlying assumption here is that if the negotiating parties accept the norm, the norms regulate, constrain or enable the behavior of the negotiating parties.

4.3 CONCLUDING THOUGHTS

The normative agency of NGO mediators in promoting inclusivity is based on their idea of framing inclusivity as important to effective peace processes and utilizing knowledge production practices to promote inclusivity. But there are limits. While much of these limitations are directly related to NGO mediators’ lack of political leverage, an important element is the normative environment, or “cognitive prior” in which an NGO mediator is working. What happens when an NGO mediator takes an interpretation of inclusivity based on their own normative socializations and tries to promote it in a context with pre-existing normative frameworks around

inclusion and exclusion in its peace politics? Could it not be seen as yet another form of external actors (mostly from the Global North) imposing their sets of norms, no matter how well intentioned, on the Global South? And given the large number of NGO mediators working in conflict contexts around the world, what are the risks of multiple working definitions of inclusion being promoted by several NGO mediators working with negotiating parties? The next three chapters explore these questions empirically, looking at what exactly happened when NGO mediators in Myanmar promote inclusivity to the negotiating parties in the framework of the Nationwide Ceasefire Agreement process from 2011 to 2015.

REFERENCES

- Acharya, Amitav. 2004. How Ideas Spread: Whose norms matter? Norm localization and institutional change in asian regionalism. *International Organization* 58: 239–257.
- . 2011. Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World. *International Studies Quarterly* 55 (1): 95–123.
- . 2013. The R2P and norm diffusion: Towards a framework of norm circulation. *Global Responsibility to Protect* 5 (4): 466–479.
- Adler, Emanuel. 2008. The spread of security communities: Communities of practice, self-restraint, and NATO's post-Cold War transformation. *Journal of International Relations* 14 (2): 195–230.
- Adler, Emanuel, and Vincent Pouliot. 2011. International practices. *International Theory* 3 (1): 1–36.
- Alvarez, Miguel, Sabina Avasiloae, Roxana Christescu, Paul Dziatkowicz, Sara Hellmüller, Lars Kirchoff, Anne Isabel Kraus, Simon Mason, Martha Mutisi, Nathan Stock, Barbara Unger, and Zahbia Yousuf. 2012. Translating mediation guidance into practice: Commentary on the UN guidance for effective mediation by the mediation support network. In *Discussion points of the mediation support network*. New York and Accra: Mediation Support Network. https://peacemaker.un.org/sites/peacemaker.un.org/files/TranslatingMediationGuidanceIntoPractice_MSN_2012.pdf. Accessed 15 December 2022.
- Arnault, Jean. 2014. Legitimacy and peace processes: International norms and local realities. In *Legitimacy and peace processes: From coercion to consent*, accord series, edited by Achim Wennmann and Alexander Ramsbotham. London: Conciliation Resources. <https://www.c-r.org/accord/legitimacy-and-peace-processes/introduction-legitimacy-and-peace-processes/legitimacy-and>. Accessed 15 December 2022.

- Autesserre, Séverine. 2014. *Peaceland: Conflict resolution and the everyday politics of international intervention (problems of international politics)*. Cambridge: Cambridge University Press.
- Barnett, Michael, and Raymond Duvall. 2005. Power in international relations. *International Organization* 59: 39–75.
- Beetham, David. 2013. *The legitimization of power, issues in political theory*. Basingstoke: Macmillan.
- Bell, Christine, and Catherine O'Rourke. 2007. The people's peace? Peace agreements, civil society, and participatory democracy. *International Political Science Review* 28 (3): 293–324.
- Bell, Christine, and Jan Pospisil. 2017. Navigating inclusion in transitions from conflict: The formalised political unsettlement. *Journal of International Development* 29 (5): 576–593.
- Belloni, Roberto. 2008. Civil society in war-to-democracy transitions. In *From war to democracy: Dilemmas of peacebuilding*, ed. K. Jarstad Anna and D. Sisk Timothy, 182–210. Cambridge: Cambridge University Press.
- Bercovitch, Jacob, and Jeffrey Z. Rubin. 1992. *Mediation in international relations*. London: The Macmillan Press.
- Björkdahl, Annika. 2002. Norms in international relations: Some conceptual and methodological reflections. *Cambridge Review of International Affairs* 15 (1): 9–23.
- Boon-Kuo, Louise, Ben Hayes, Vicki Sentas, and Gavin Sullivan. 2015. *Building peace in permanent war: Terrorist listing and conflict transformation*. London and Amsterdam: International State Crime Initiative and Transnational Institute.
- von Burg, Corinne. 2015. *On inclusivity: The role of norms in international peace mediation*. Bern: Swisspeace. <https://www.swisspeace.ch/publications/essentials/on-inclusivity-the-role-of-norms-in-international-peace-mediation>. Accessed 15 December 2022.
- Checkel, Jeffrey T. 1998. Review: The constructivist turn in international relations theory. *World Politics* 50 (2): 324–348.
- . 1999. Norms, institutions, and national identity in contemporary Europe. *International Studies Quarterly* 43: 83–114.
- Convergne, Elodie. 2016a. Learning to mediate? The mediation support unit and the production of expertise by the UN. *Journal of Intervention and Statebuilding* 10 (2): 181–199.
- . 2016b. UN mediators' collaboration with scholars and expert NGOs: Explaining the need for knowledge-based communities in today's conflicts. *International Negotiation* 21 (1): 135–164.
- Deitelhoff, Nicole, and Harald Müller. 2005. Theoretical paradise – empirically lost? Arguing with Habermas. *Review of International Studies* 31 (1).

- Finnemore, Martha, and Kathryn Sikkink. 1998. International Norm Dynamics and Political Change. *International Organization* 52 (4): 887–917.
- . 2001. Taking stock: The constructivist research program in international relations and comparative politics. *Annual Review of Political Science* 4: 391–416.
- Garrigues, Juan. 2015. *The case for contact: Overcoming the challenges and dilemmas of official and non-official mediation with armed groups*. Oslo: The Norwegian Peacebuilding Resource Centre. https://www.clingendael.org/sites/default/files/pdfs/Garrigues_NOREF_Clingendael_The%20case%20for%20contact_mediation%20with%20armed%20groups_June%202015.pdf. Accessed 15 December 2022.
- Grizelj, Irena. 2019. Engaging the next generation: A field perspective of youth inclusion in Myanmar's peace negotiations. *International Negotiation* 24 (1): 164–188.
- Haspelslagh, Sophie. 2021. *Proscribing peace: How listing armed groups as terrorists hurts negotiations*. Manchester: Manchester University Press.
- Hellmüller, Sara. 2019. Beyond buzzwords: Civil society inclusion in mediation. In *Conflict intervention and transformation: Theory and practice*, ed. Ho-Won Jeong. Lanham, MA: Rowman & Littlefield International.
- . 2020. Meaning-making in peace-making: The inclusion norm at the interplay between the United Nations and civil society in the Syrian peace process. *Swiss Political Science Review* 26 (4): 384–405.
- Hellmüller, Sara, Julia Palmiano Federer, and Mathias Zeller. 2015. *The role of norms in international peace mediation*. Bern: Swisspeace. https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/The_Role_of_Norms_in_International_Peace_Mediation.pdf. Accessed 15 December 2022.
- Hellmüller, Sara, Palmiano Federer, Julia, and Jamie Pring. 2017. *Are mediators norm entrepreneurs?* https://www.swisspeace.ch/assets/publications/downloads/Working-Papers/b59c7cb279/Are-Mediators-Norm-Entrepreneurs-17-swisspeacesara_hellmueller-julia_palmiano_federer-jamie_pring.pdf. Accessed 10 November 2023.
- Hellmüller, Sara, Jamie Pring, and Oliver Richmond. 2020. How norms matter in mediation: An introduction. *Swiss Political Science Review* 26 (4): 345–363.
- Hirblinger, Andreas, and Landau, Dana. 2020. Daring to differ? Strategies of inclusion in peacemaking. *Security Dialogue* 51 (4): 305–322.
- Holper, Anne, and Tetiana Kyselova. 2021. Inclusion dilemmas in peacebuilding and dialogues in Ukraine. *Peace and Conflict: Journal of Peace Psychology* 27 (3): 475–485.
- Hurd, Ian. 1999. Legitimacy and authority in international politics. *International Organization* 53 (2): 379–408.
- Kastner, Philipp. 2015. *Legal normativity in the resolution of internal armed conflict*. Cambridge UK: Cambridge University Press.

- . 2021. Promoting professionalism: A normative framework for peace mediation. In *Rethinking Peace Mediation* (pp. 17–36). Bristol University Press.
- Kratochwil, Friedrich, and John Gerard Ruggie. 1986. International organization: A state of the art on an art of the state. *International Organization* 40 (4): 753–775.
- Krause, Jana, Werner Krause, and Piia Bränfors. 2018. Women’s participation in peace negotiations and the durability of peace. *International Interactions* 44 (6): 985–1016.
- Lanz, David. 2011. Who gets a seat at the table? A framework for understanding the dynamics of inclusion and exclusion in peace negotiations. *International Negotiation* 16 (2): 275–295.
- Lehmann-Larsen, Stine. 2014. *Effectively supporting mediation: Developments, challenges and requirements*. Geneva: The Centre for Humanitarian Dialogue.
- Lorentzen, J. 2020. Women’s inclusion in the Malian peace negotiations: Norms and practices. *Swiss Political Science Review* 26 (4): 487–505.
- Nilsson, Desirée. 2012. Anchoring the peace: Civil society actors in peace accords and durable peace. *International Interactions* 38: 243–266.
- Nilsson, Desirée, and Mimmi Söderberg Kovacs. 2011. Revisiting an elusive concept: A review of the debate on spoilers in peace processes. *International Studies Review* 13: 606–626.
- Nilsson, Desirée, and I. Svensson. 2023. Pushing the doors open: Nonviolent action and inclusion in peace negotiations. *Journal of Peace Research* 60 (1): 58–72.
- Orjuela, Camilla. 2003. Building peace in Sri Lanka: A role for civil society?. *Journal of Peace Research* 40 (2): 195–212.
- Paffenholtz, Thania. 2014. Civil society and peace negotiations: Beyond the inclusion-exclusion dichotomy. *Negotiation Journal* 30 (1): 69–91.
- Paffenholtz, Thania, and I. William Zartman. 2019. Inclusive peace negotiations— from a neglected topic to new hype. *International Negotiation* 24 (1): 1–6.
- Pring, Jamie. 2017. Including or excluding civil society? The role of the mediation mandate for South Sudan (2013–2015) and Zimbabwe (2008–2009). *African Security*: 1–16.
- . 2023. The other side of resistance: Challenges to inclusivity within civil society and the limits of international peace mediation. *Cooperation and Conflict* 58 (2): 194–210.
- Pring, Jamie, and Julia Palmiano Federer. 2020. The normative agency of regional organizations and nongovernmental organizations in international peace mediation. *Swiss Political Science Review* 26 (4): 429–448.
- Raffoul, Alexandre W. 2018. The politics of association: Power-sharing and the depoliticization of ethnicity in post-war Burundi. *Ethnopolitics* 1–18.
- Raymond, Gregory A. 1997. Problems and prospects in the study of international norms. *Mershon International Studies Review* 41 (2): 205–245.

- Richmond, Oliver P. 2018. A genealogy of mediation in international relations: From ‘analogue’ to ‘digital’ forms of global justice or managed war? *Cooperation and Conflict* 53 (3): 301–319.
- Risse, Thomas. 2000. Let’s Argue! Communicative Action in World Politics. *International Organization* 54 (1): 1–39.
- Sikkink, Kathryn. 2011. *Beyond the justice cascade: How agentic constructivism could help explain change in international politics*. Revised paper from a keynote address, out of the ivory tower: Weaving the theories and practice of international relations, at the millennium annual conference on 22 October 2011 at London School of Economics, for presentation at the Princeton University IR Colloquium, November 21.
- Stenner, Christina. 2017. *The institutionalization of mediation support: Are mediation support entities there yet?* Berlin: Berghof Foundation.
- True, Jacqui, and Antje Wiener. 2019. Everyone wants (a) peace: The dynamics of rhetoric and practice on ‘Women, peace and security’. *International Affairs* 95 (3): 553–574.
- Turner, Catherine, and Martin Wählisch, eds. 2021. *Rethinking mediation: Challenges of contemporary peacemaking practice*. Bristol, UK: Bristol University Press.
- United Nations. 2012. *UN guidance for effective mediation*. New York: United Nations.
- United Nations & World Bank. 2018. *Pathways for peace: Inclusive approaches to preventing violent conflict*. Washington, DC: World Bank.
- de Waal, Alex. 2017. Inclusion in peacemaking: From moral claim to political fact. In *The fabric of peace in Africa: Looking beyond the state*, ed. Crocker Chester and Aall Pamela, 165–181. Centre for International Governance Innovation: Waterloo, ON, Canada.
- Wanis St-John, Anthony, and Darren Kew. 2008. Civil society and peace negotiations: confronting exclusion. *International Negotiation* 13: 11–36.
- Whitfield, Teresa. 2015. Support mechanisms: Multi-lateral, multi-level, and mushrooming. *Global Peace Operations Review*, available from <http://peaceoperationsreview.org/thematic-essays/support-mechanisms-multilateral-multi-level-and-mushrooming/>. Accessed January 2018.
- Zanker, Franzisca. 2014. Legitimate representation: Civil society actors in peace negotiations revisited. *International Negotiation* 19: 62–88.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





What's in a Norm? What Normative Frameworks in Myanmar Reveal About Inclusivity

5.1 A MORAL TOUCHSTONE? THE CONCEPT OF “UNITY” AMONG MYANMAR’S CONFLICT PARTIES

In this chapter, I explore the “cognitive prior,” or the existing normative framework around the concept of “unity” in Myanmar politics and history. While unity (unified national identity) means different things to the *Tatmadaw* and the EAGs, I argue that the notion can be seen as a political and normative touchstone that suggests congruence with the inclusivity norm. The notion of unity can prospectively act as a gateway to norm diffusion in Myanmar. The existing narratives, discourses and beliefs around unity have been forged over Myanmar’s contemporary history and directly impact Myanmar peace politics. Most of the country’s most pressing issues concern conflicts around *lu myo*. This concept is translated and used in multiple ways, for example as *taingyitha lu myo* (national races)—used by nationalist movements and former iterations of military government—or *lu myo zu* (ethnic nationalities)—used by democratic opposition (Yawnghwe 2004). Scholars argue that these multiple and conflicting concepts of race and nationality were created by early decision-makers in an attempt to keep the fledgling nation together during the tumultuous years following Burma’s independence from the British, when multiple communist and liberation insurgencies sprang up, the Chinese Kuomintang entered through the porous northeast border, and political leadership was weakened after independence leader Aung San’s assassination. This painful

period of early independence also bore two distinct nationalisms: one of the center, striving to “protect” Buddhism and Bamar identity after decades of foreign dominance; and one at the periphery, striving to actualize unfulfilled promises of self-determination for ethnic nationalities. The Union of Burma that emerged out of this period is a paradox: it is a “union comprised of fragmented little nationalisms piling on top of each other” (Myint-U 2011). This section outlines how these distinct nationalisms have, while striving to create a unified nation, resulted instead in division and conflict over who is included and excluded in this nation. In this chapter, I discuss key flashpoints in the country’s history that are formative in crafting the cognitive prior of unity of both sides, with the understanding that these histories are contested¹ (Baechtold 2016).

5.2 UNIFIED NATIONAL IDENTITY THROUGH ETHNONATIONALISM

The narrative of ethnonationalism is a central component of Myanmar politics and directly informs the concept of unity among ethnic armed organizations and the ethnic communities they claim to represent. Ethnonationalism² can be understood as the political mobilization and classification of ethnicity “to establish legitimate political existence” (Gravers 2007, 5), but can also be used to establish symbolic “boundaries of identification and of inclusive/exclusive membership used in violent conflicts” (ibidem, 6). Ethnicity itself is a “flat concept in and of itself [...] but develops its virulence as underpinned” by “issues of political rights and distribution, state power versus decentralization, the question for equality and freedom, and the question of who controls the demos in Myanmar’s future democracy” (Laoutides and Ware 2016, 49). The narrative of ethnic unity has been a central part of ethnonationalist discourse amongst the EAGs (Sakhong 2012; Walton 2008). However, while mobilizing ethnic unity against a common enemy has invited cooperation between EAGs at different points in Myanmar’s ethnic conflict history

¹ Political events in Burma do not come out of the blue nor defy logic (Thant Myint-U 2011), but are the by-products of contextual political processes. As Emma Larkin observes, “events happen in Burma, and then they are systemically *unhappened*” (2010, 219).

² Similar but distinct to Graver’s Myanmar-specific theory of “ethnicism”: a “process in which ethnic classification and identity provide a dominant rationale in terms of fundamental rights to resist, or to defend the group and attack adversary groups in order to survive” (2007, 6).

(Thawngmung 2011), the EAG's fraught history of inter-ethnic alliance building shows its susceptibility to fragmentation. Ethnic unity might have become grounds for ethnonationalist actors to employ "ethnic identity" as a key means for framing identity and political mobilization against a dominant Bamar-Buddhist majority, but it does not guarantee inter- or intra-ethnic harmony.

*The Forging of Ethnic Identity in Pre-colonial and Colonial
Burma (-1886-1941)*

As historian Thant Myint-U argues, the ethnic conflict in Myanmar is predicated on "rival notions of ethnic identity and nationalism" with roots in "Burma's colonial past" (Myint-U 2011, 84-94). Pre-colonial and colonial Burma were formative eras in creating a narrative around ethnonationalism, in which inhabitants of Myanmar base their identity on ethnicity, race, religion and territory. Before Burma became a British colony, it was known as the land of kings, and it is worthwhile to note the plural. Records of pre-colonial Burma detail the conquests of contemporary kingdoms originating from the earliest recorded inhabitants, Tibeto-Burman migrants moving into the northern hills of Kachin (Smith 1999, 32; Cady 1960; Sadan 2013) and into the south, to present-day Thailand. Some of the earliest recorded history details the diverse Mon, Burman, Arakan and Shan valley kingdoms and reveals how the center of power oscillated after conquests between them. Notable peaks of power oscillated between Burman, Mon and Shan kingdoms, and vestiges of these great kingdoms are still present in modern-day Myanmar. In contrast, the hill peoples of Shan, Kayah and Chin have little recorded written histories. Nevertheless, contemporary accounts of ethnic relations and politics in Myanmar (Smith 1991; Lintner 1994; South 2008; Sadan 2013; Cheesman and Farrelly 2016) record diverse populations with complex clan systems, marriage customs and spiritual beliefs.

The British conquest of Burma ended in 1885 with the annexation of the last vestiges of what had been mainland Southeast Asia's greatest empire (Charney 2009) and the inglorious surrender of the last king of Burma, King Thibaw (Myint U 2006). King Thibaw's defeat came at the tail end of three Anglo-Burmese wars (1824-1826, 1852-1853 and 1885) that had essentially "carved" up the country (Charney 2009, 5). Historians seem to agree that as most of the sources on Burma were written by "scholar-cum-adventurers" (Smith 1999) during the British colonial

period, most of the outside world's contemporary understandings of Burma were shaped by external accounts, even though "the foreign imagining of Burma had little to do with how Burmese viewed their own country" (Charney 2009, 5).³

The effect that the British colonial rule had on forging ethnic identities in Burma cannot be understated. Many historians agree that in the pre-colonial reality, identities and self-identifications in terms of religion, ethnicity and culture were fluid (Smith 1991; 1994; Charney 2009; Laoutides and Ware 2016). Nevertheless, they were described by British authorities as singular and exclusive categories and treated as such in practice. Today, the oft-cited figure that Myanmar is home to "135 ethnicities" is actually based on a number produced by such problematic methods, and scholars speculate it derives from the last published British census of Burma taken in 1931 (Taylor 2015, 8). Fusing together the myriad of ethnic identities into the ethnic nationalities of Bamar, Shan, Mon, Karen, Arakenese and others, became a source of tension and confusion that remains to this day.⁴

Not only did the British create artificial categories of ethnic identity relegated to contrived physical borders, they distributed power and agency unevenly along these lines, as they did in other colonies to similarly devastating consequences. Where before there was a fluid and oscillating center of power, they now created a literal center and periphery. The country was divided into Ministerial Burma (formerly known as Burma proper)—the central area that encompassed the then-capital Rangoon and surrounding areas—and the Frontier Areas (which became known as the Scheduled or Excluded Areas)⁵—comprising of Shan States, and areas that are home to primarily Chin and Kachin ethnic groups. This greatly affected the relationship between Bamar and non-Bamar notions of identity, belonging and nationalism in the country. The increasing tensions based on nationalism and anti-colonialism (see student protests in Rangoon University) were formative events for Ministerial Burma that are only comprehensible

³ George Orwell's 1934 novel *Burmese Days* is a case in point—most of his descriptions of life in colonial Burma were from his perspective rather than accounts from Burmese themselves. This also raises positionality/understanding issues.

⁴Tension between "dominant" ethnic groups and smaller subgroups such as Kachin Jinghpaw identity in Kachin state and Sghaw identity in Kayin state. Or for instance, in Shan state, different ethnic groups Palaung, Pa-O may have diverging views and histories of ethnic politics. There are several EAGs operating in Shan state alone. These tensions are described in more detail later in this Chapter.

⁵The pun was most likely unintended and unfortunately foreboding.

in the context of direct administration and rule. These decisions had the effect of essentially isolating the Frontier Areas from lowland Ministerial Burma, setting the stage for future division along ethnic lines. In that way, British colonial rule forged ethnicity as a central marker of identity and agency in the country.

The Panglong Conferences and the Promise of Inclusion
(1945–1947)

To this day, EAGs often promote the notion that unity among ethnic groups is strength, and division is weakness in the face of the “divide and conquer” tactics the *Tatmadaw*⁶ employed over decades of conflict⁷ (Keenan, 2015). Since the colonial period, the notion of ethnicity had become politicized in Myanmar into a “communal consciousness [...] ideologized as ethnic nationalism,” and articulated by elites in the different ethnic communities. Ethnic nationalism in Myanmar became a key political position for the EAGs. However, intra-ethnic nationalism (e.g. Kachin nationalism among other ethnic minorities) can undermine or challenge ethnic unity. In-depth discussions of the politics between and among EAGs is far beyond the scope of this book,⁸ but are important to understand that the identification of a common “enemy” has brought diverse and often in-fighting ethnic groups together during several important flashpoints in the country’s history. The most important of these is the Panglong Agreement of 1947, in which ethnic unity among the Shan, Chin, Kachin and Karen acted as a counterpoint to the divisions created by British colonial authorities.

The initial years after independence were fraught by conflicting views and politics of how the political structure should be formed in a divided

⁶The *Tatmadaw* plays a distinct role in Myanmar’s politics and peace process. Even under the reformist government, they hold 25% of parliamentary seats and wield a high level of influence in the government’s decision-making processes. For an in-depth look at the *Tatmadaw*, see Callahan 2003.

⁷Although Keenan argues that this reasoning ignores the fact that “the main motives for splits within individual groups and therefore alliances as a whole, are actually of an ethnic making, either due to a class system, power grabbing factionalism, or incompatible objectives” (Keenan 2015, 4). In-depth discussions of the different political dynamics of powerful EAGs like the KIA or KNU are beyond the scope of this book.

⁸Authors like Ardeth Maung Thawngmung, Matthew Walton, Mandy Sadan and Ashley South have written extensively on specific ethnic minorities and EAGs.

country: how were the different ethnic and geographic regions to be structured? And how should unity be formed after the Second World War had seen a number of ethnic groups militarily supporting the Allied forces, and thus during considerable parts of the war opposing the Bamar and their Japanese allies (Myint-U 2006).⁹ For the aspiring independent nation, it was thus an imperative to find a solution for equal coexistence after independence. However, the Kachin and Shan were reticent to sign on to a Bamar-dominated union, and actually raised the possibility of amalgamating with China and Siam (present day Thailand) respectively. It was in these early days of contestation that Aung San attempted to forge a unified version of the country via two conferences conducted in Panglong, a British hill station in Shan State. It was here that the vision of a federal union in which ethnic groups would have autonomy and the right to self-determination was most prominently laid out.

In the 1946 and 1947 Panglong Conferences, Shan, Kachin and Chin representatives discussed and agreed upon the formation of the Union of Burma based on guarantees of full autonomy and equal wealth. Aung San famously assured the ethnic representatives: “If Burma receives one *kyat*,¹⁰ you will also receive one *kyat*” (ICG 2011). After three days of discussions, Aung San left Panglong having secured the agreement of leaders of the hill peoples (notably without including the Karen) to enter into a federal system with the central government. The resulting Panglong Agreement¹¹ guaranteed those living outside the central administration area demarcated by the British, “the rights and privileges which are regarded as fundamental in democratic countries.”¹²

⁹During the Second World War, the territorial and political division between the Administerial Areas and Frontier Areas was exacerbated by privileging Chin, Kachin and Karen soldiers while excluding ethnic Bamar from the armed forces (Walton 2008, 893).

¹⁰The form of Burmese currency.

¹¹Because of the importance of the Panglong Conference in Burmese history and politics, there is no one definitive source of analysis. See: Walton 2008, Taylor 1982, Smith 1999. For the text of the 1947 Panglong Agreement, see: <http://peacemaker.un.org/myanmarpanglong47>.

¹²Panglong Agreement, 1947.

In the text of the 1947 Panglong Agreement, Aung San spells out “promises” to ethnic minorities.¹³ To push this agenda forward, Aung San went to the second conference organized by the Shan Sawbwas, again in Panglong. Despite key issues¹⁴, the Panglong Conference is “the event that came closest to embodying ethnic unity,” among both the ethnic minorities and the dominant Bamar (Walton 2008, 910). It has provided an opening for a shared sense of historical identity among ethnic groups and constructed a common sense of nationalist identity. The “spirit of Panglong” (Sakhong 2012, 43) is a phrase often used by contemporary ethnic elites and now refers to both the “promises” of equality and self-determination made by independence leader Aung San to Shan, Kachin and Chin ethnic leaders and the respectful negotiation between ethnic groups on equal footing, which had made them possible in the first place.¹⁵ To many observing EAGs in Myanmar, the Panglong Agreement serves as the bedrock of ethnic politics. The phrase is also currently used as a political narrative by EAGs as a form of ethnic unity promotion¹⁶ and forms a core element of the EAGs’ belief system. Reviving the “spirit of Panglong” lies at the heart of the decades-long conflict. More specifically, self-determination, federalism and ethnic equality (BNI 2013, 55) form the crux of what many EAGs have been fighting for over decades, even after demands for secession started to cede:

For all ethnic nationalities and democratic forces, the revival of the Panglong Agreement means re-building the Union of Burma based on federal princi-

¹³“It is [the] agreed objective of both His Majesty’s Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those areas. In the meantime, it is agreed that the people of the Frontier Areas should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes it has been agreed:—here shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.”

¹⁴A deeper look at the conference unveils problematic “myths” of ethnic unity around Panglong (Walton 2008). The concerns of key ethnic communities such as the Karen, Mon and Arakan (modern day Rakhine) were not addressed. The Karenni, who were never subject to British rule, were also not included. The “hasty, fragile and inconsistent” (ICG 2011) power-sharing provisions forged (and never truly realized) between the center and ethnic states contribute to the conflict in present day.

¹⁵The phrase is used often by Daw Aung San Suu Kyi, leader of the NLD and the daughter of the late Aung San.

¹⁶Yawngwhe, Harn. “What is Panglong?” EBO Briefing Paper No 1, 2016.

ples that will guarantee democratic rights for all citizens, political equality for all ethnic nationalities, and the rights of internal self-determination for all member states of the union. (Sakhong 2012, 43)

Driven by the related narratives of the “spirit of Panglong” and of ethnic unity, ethnic groups have entered into complex arrangements, alliances and coalitions since the start of ethnic insurgencies. This stems from the shift of targets for the ethnic movement: from outright opposition to the political regime to the desire for *inclusion* into formal politics (Smith 1999). To defend the “spirit of Panglong” is to promote the ethnic voice in political decision-making.

*EAGs, Ethnic Alliances and the Limits of Ethnic Unity in Armed
Ethnonationalist Movements (1948 to Present)*

EAGs are not monolithic entities in and of themselves, but must be understood as armed wings of ethnonationalist movements or even of fractions of such movements. Each ethnic nationality has their own temporal, spatial and cultural trajectory of armed resistance against the central government and their constituents are not necessarily a pan-ethnic identity, but their respective ethnic communities. What is more, there are many studies that criticize the emphasis on EAGs in both scholarly and policy literature (Thawngmung 2011) and question how representative of ethnic communities EAGs really are (Harriden 2002). Numerous anthropological studies of specific ethnic communities also reveal dominant sub-ethnic groups within minority communities (Sadan 2013; South 2008; Harriden 2002). Therefore, discussing ethnonationalism as a core element of the cognitive prior of unity necessitates understanding the heterogeneity of ethnic nationalities and the limits of ethnic unity. The distinct characteristics of each EAG and the fraught history of alliance building among EAGs shows that ethnic unity is an important mobilizing narrative, but only to a point—a nuanced understanding of inter- and intra-ethnic relations in Myanmar is paramount.

Discourse on national unity through ethnonationalism is far from homogenous, and varies on two levels militarily, politically and socially: an “inter-ethnic” level and an “intra-ethnic” level. At the root of it, Myanmar’s conflicts are of a subnational nature that has to do with governance and authority, and not just territory (Denney and Barron 2015; Joliffe 2015; Burke et al. 2017). Furthermore, intra- and inter-ethnic clashes are also

part of the makeup of Myanmar's conflict landscape—which is not limited to clashes between the Bamar-dominated *Tatmadaw* and the EAGs. Therefore, national unity at the intra-ethnic level requires understanding what politics of representation and participation mean *within* ethnic communities. This makes durable ethnic unity elusive, as finding consensus among this many groups extremely challenging. This heterogeneity illustrates that discourses around ethnic unity must be nuanced, especially when they are used as strong narratives for political purposes.

The “spirit of Panglong” and other ethnonationalist narratives developed an entrenched set of practices around alliance and coalition building as this normative core was threatened and ignored during the decades of military rule and conflict. While a comprehensive analysis of the numerous ethnic alliances formed since independence reaches beyond the scope of this paper, it is important to note that these alliances are distinct from each other: they are military alliances, political coalitions and coordination bodies. However, an emerging body of Burma studies literature addresses the reality that ethnic alliances are not monolithic but malleable and prone to fragmentation (Brenner 2015).¹⁷

The most significant ethnic coalition in the context of the NCA process is the UNFC. The UNFC is “the latest coalition of ethnic armed groups” (BNI 2013, 56) and consisted of 11 armed groups in 2013.¹⁸ The goal of the UNFC is to “establish the future Federal Union (of Burma)” and “to form a Federal Union Army to provide protection to the people of the country.”¹⁹ The UNFC's membership shifted significantly over the course of the NCA process due to intra- and inter-ethnic politics²⁰ but featured most of the EAGs in operation. This grouping of EAGs was diverse in terms of military and political leverage. For instance, the KIO, KNU,

¹⁷ Examples of military alliances throughout Myanmar's contemporary history include the KNU-initiated Democratic Nationalities Front (DNF), the National United Liberation Front (NULF), Revolutionary National Alliance (RNA), and, arguably the most successful alliance, the NDF. Examples of political coalitions include the Ethnic Nationalities Council (ENC), the Committee for the Emergence of Federal Union (CEFUF), and the United Nationalities Federal Council (UNFC). Examples of coordination bodies include the Working Group on Ethnic Coordination (WGEC) and most recently in the context of the NCA, the Nationwide Ceasefire Coordination Team (NCCT).

¹⁸ CNE, KIO, KNU, KNPP, NMSP, SSPP/SSA, LDU, ANC, PNLO, TNLA, WNO

¹⁹ ‘Statement of Expanded Meeting of the Political Leading Board and Central Executive Committee of UNFC’, 14 May 2011.

²⁰ The UNFC's membership has significantly decreased after October 2015. As of 2017, there are between four and five EAGs that remain.

KNPP, NMSP and SSPP/SSA had large numbers of troops and swathes of EAG-administered territory. Smaller groups such as the LDU, the Arakan National Council (ANC) and the Wa National Organization (WNO) had very little. Despite this diversity, the KIO and NMSP (de facto leaders of the UNFC) decided to promote all-inclusiveness in the NCA process regardless of EAG size, strength and influence necessary. They felt that all-inclusiveness was a reasonable strategy to combat the uncertainty of the government's next steps and the threat of military attack from the *Tatmadaw* (Keenan 2015). As one observer noted, the EAG logic of ethnic unity was meant to avoid a scenario “where one group signed, and another did not, and the *Tatmadaw* then went after the ones who did not.”²¹ During the NCA negotiations, the EAGs lobbied for guarantees on two main points: for political reform restoring genuine rights to the peoples, and a ceasefire treaty that ensured demilitarization on both sides. Many EAGs who eventually refrained from signing did not feel that these two conditions were going to be met post-NCA.

The heterogeneity of the EAGs in Myanmar underscores the political mobilization of ethnicity in the country. Ethnonationalist sentiments envision a unified national identity built not only on inclusion in Myanmar's politics, but equity in all aspects of political decision-making that concern ethnic communities. This interpretation of national unity, however, flies in the face of the discourse of national unity espoused by the *Tatmadaw*.

5.3 UNIFIED NATIONAL IDENTITY THROUGH MILITARIZED STATE FORMATION

“Leadership of military, once ethnically diverse, has been solidified into one ethnically Burman, with important consequences for minority relations—the single most important and enduring issue facing the state” (Selth 2002).

This section explores the narratives that comprise the *Tatmadaw*'s perception of national unity. It explores how the *Tatmadaw*'s development into the “thuggish” (Myint-U 2019), yet disturbingly “durable incarnation of military rule” (Callahan 2003, 3) was based on an impenetrable narrative around the primacy of the union. The *Tatmadaw* focused on building national unity through a complex relationship between

²¹ Elliot Brennan and Min Zaw Oo. 2016. *Peace, alliance and inclusivity: Ending Conflict in Myanmar*, available from: accessed on 26 June 2019.

statebuilding and warfare. It acted, and continues to act, as the “arbiter” of who was included and excluded in the state, “who would be called an “enemy” and who could claim citizenship privileges (ibidem). As for the EAGs, the events of the tumultuous post-independence period played a large role in establishing this narrative, as members of the fledgling Burmese army saw themselves as taking a political role from an early stage (Selth 2002, 11) due to Aung San’s double identity as soldier and political leader. As these young nationalists witnessed the assassination of their moral and political leader during the birth of their country, a culture of fear and vulnerability was instilled, which would pervade generations of military governments. After taking over Burma’s first democratic government after independence through a “caretaker” role, “the 18 months of the caretaker government gave the *Tatmadaw* a taste for direct power” and convinced many in upper leadership that they could do a better job of running the country (Selth 2002, 12). After Ne Win’s military coup in 1962 and under future incarnations of the *Tatmadaw* dictatorships of Saw Maung and Than Shwe, the “conflation of state and nation—in the form of a politicized army” (South 2007, 155) has directly influenced Burmese political culture. The militarized approach to statebuilding is predicated on the belief that “only if the Armed Force is strong, will the Nation be strong” (Selth 2002, 268).

Understanding the motivations and political doctrines of the *Tatmadaw* is the subject of a large amount of analysis and debate. The creation and history of the *Tatmadaw*, forged against a perceived “backdrop of shattered national unity” (Larkin 2010, 101) is a heritage that the *Tatmadaw* is proud of (Gravers and Ytzen 2014, 63). Where the history of ethnic politics has been relatively well documented over the decades since the British occupation, comprehensive studies of the *Tatmadaw* have not been possible due to the inaccessibility of documents.²² Therefore, this analysis is based on the scant literature on the *Tatmadaw*’s emergence and legacy in Myanmar’s contemporary history.

I look at the formation of the *Tatmadaw*’s narrative of national unity through three military regimes in Myanmar (1) post-independence political and military instability and the military takeover of government (2) the BSPP years and the “Burmese Way to Socialism” (3) the entrenchment of military rule under SLORC and SPDC.

²²The notable exception was Callahan’s ability to access primary documents of the *Tatmadaw*, see Callahan 2003.

While Myanmar analysts often refer to the *Tatmadaw* planting a “spectre of ‘chaos’” to rationalize their actions (Steinberg 2015, 5), the *Tatmadaw* sees itself as the protector and defender of a fragile state. In a visit to the Nay Pyi Taw Defense Services Museum, which details the country’s history through the eyes of the *Tatmadaw*, journalist Emma Larkin sums up the *Tatmadaw*’s perspective of history:

In 1948, after World War II, the military saved the country from disintegrating by bravely fighting off insurgents and invaders. In 1962, the army took control of the government because the ruling politicians didn’t have the strength to hold the country together and prevent ethnic groups from seceding. In 1988, the army yet again had to protect the people from mass anarchy when, as the regime propaganda puts it, a wave of panic that was instigated by bogus students and communist agitators swept through the country. (Larkin 2010, 105)

These narratives and the self-conception of the *Tatmadaw* encompass a large part of the *Tatmadaw*’s cognitive prior, which are encapsulated in the twin notions of “national unity” and the “primacy of the union.” This is summed up in their main beliefs, outlined in what they call the “Three National Causes”: (1) non-disintegration of the Union (2) non-disintegration of national solidarity (3) perpetuation of national sovereignty (Maung Aung Myoe 2009). These Three National Causes are core elements of the *Tatmadaw*’s mission and feature prominently in all aspects of the organization.

The Formation of the Tatmadaw (1941–1960)

The *Tatmadaw* was born in the chaos that followed Burma’s independence from the British and consequently forged a narrative out of trauma. In the 1940s, young independence leader Aung San’s rise to prominence as the founder of the Burma National Army (BNA) and the political leader of the fledgling democracy was cut short by his assassination a year before Burma proclaimed independence. Soon after, internal insurgencies from ethnic minorities sprang up all over the country, and external security threats from the Chinese and Japanese entrenched a certain fear of foreign domination and internal secession. Therefore, understanding the events in the 1940s before Burma’s independence in 1948 is central to understanding the notions of identity, race and nationalism in Burma. It was in this

period that a narrative around Burma as a “Union” united against all kinds of external and internal forces began to form.

After over 100 years of British rule, Burma was an independent state. However, the question of what governance of independent Burma would look like was not clearly answered. The chaos of the post-independence period in Burma in the late 1940s and early 1950s deeply traumatized Burmese nationalists, who feared the country would fall apart during its birth. The new Burmese government’s plans for newly independent Burma were abruptly dashed when Aung San and five of his cabinet members were assassinated in Rangoon in July 1947. Aung San’s assassination prompted a period of “democratic experimentation” (Holliday 2011; Charney 2009) that is characterized by fragmentation and chaos. U Nu took on the leadership of the provisional government, but remained in the shadow of his predecessor. He was perceived by many as lacking the political vision, charisma and ability of Aung San. Furthermore, the government’s newly drafted 1947 Burma Constitution did not honor all the provisions made in the 1947 Panglong Agreement (Keenan 2015). Ethnic minorities beginning an armed resistance against U Nu’s government armed themselves with guns and weaponry left abandoned by the Japanese, Chinese and British. Now with the political and military means available to them, Karen, Mon and other ethnic minorities began insurgencies in the southeast. Concurrently, thousands of Chinese Kuomintang troops were pushed out of now-Communist China. In Burma, they found a haven for retreat and a base for attempted invasions back into China.

This period of “sense” of trauma would lead to the military taking the role of “caretaker government” from 1958 to 1960. To some Burma historians, the 10-year window of independence under U Nu is seen as a “democratic experiment” gone wrong (Charney 2009, 72). In 1958, an embattled U Nu transferred power to General Ne Win, who was to take over as Prime Minister of a caretaker government in 1958. The military caretaker government did step down two years later in 1960, organized elections and handed power over to the civil government of U Nu once more. In the two years that followed, the struggling U Nu government failed to overcome the myriad of challenges they faced (Charney 2009, Smith 1991). On a fateful morning in March 1962, General Ne Win informed the country via radio broadcast that he had just launched a military coup. The same afternoon, a second broadcast announced the creation of a military government headed by the Revolutionary Council (RC) under the chairmanship of Ne Win. The RC dissolved Parliament the next

day. Thus began a period of military rule, during which the identity and the viability of the state was increasingly equated with the existence of the military. The state “depended” on the army, and the army became the state.

Members of the *Tatmadaw* view themselves as the sole protector of the nation: throughout Burma’s journey to independence, the *Tatmadaw* protected the nation from disintegration instigated by both internal and external forces. For instance, to the *Tatmadaw*, the 1962 coup was legitimized by instability. It was a necessary step because of the threats to the Union, including an ethnic-led “Federal Movement” that risked secession. As Ne Win expressed, “Federalism is impossible, it will destroy the Union” (Smith 1991, 196).

The BSPP Military Government (1962–1988)

During this period of military rule, the *Tatmadaw* reinforced its narrative of the “primacy of the union,” or the need to keep the union together at all costs. This narrative is inherently paradoxical, as the more the *Tatmadaw* attempted to keep groups from seceding and internal dissent at bay, the more the country became divided along the different “nationalisms” described earlier in this chapter.

The years following the 1962 coup are dark, characterized by the entrenchment of authoritarian rule, the demise of freedom of expression (Charney 2009, 131) and self-imposed isolation. What began as (in the *Tatmadaw*’s eyes) a project to lead in the country’s best interests gradually eroded with Ne Win’s political party, the Burma Socialist Program Party (BSPP) consolidating power in 1964. The BSPP’s aim was to “transform society into socialism” (Smith 1999, 197), and in the years that followed the coup, the BSPP implemented an ideology outlined in a paper entitled “The Burmese Way to Socialism”²³ that mixed Marxism with Buddhism. The results of this experiment were disastrous for the country. Under Ne Win, Burma closed itself off from the rest of the world and nationalized all business and industry resulting in rising national debt and a plummeting national currency. All the while, the ethnic resistance grew in response to the coup, with more groups taking up arms in pursuit of minority rights, federalism and, for some, secession. By 1987, Burma was declared a Least

²³ See von der Mehden 1963.

Developed Country by the UN,²⁴ a far cry from its position as the world's largest rice producer in the 1950s.²⁵

During Burma's freefall under the BSPP, the armed conflict between the *Tatmadaw* and the ethnic insurgencies wrought havoc on the ethnic communities in the border regions. Ongoing "peace processes" did not result in any genuine progress, and over the next few decades, the civil war continued unabated in the borderlands,²⁶ devastating the ethnic communities caught in the crossfire. During the armed conflict in the 1960s, the *Tatmadaw* enlisted a brutal counter-insurgency strategy called the "four cuts," which aimed to cut off insurgents from local support in the form of food, intelligence, recruits and funding. The results of these campaigns were catastrophic for ethnic regions. Human rights reports from the border areas detail horrifying accounts of rape, extra-judicial killing, forced portering and other forms of forced labor, torture and numerous other forms of human rights abuses.²⁷ The insurgencies were eventually beaten back into the borderlands²⁸ that largely lay beyond government control and where a status quo of EAGs essentially taking on government-type mandates of service provision and administration (Joliffe 2015; ICG 2011) slowly developed. The *Tatmadaw* was unable to take these strongholds. Decades of low-intensity conflict thus chipped away at the vision of a united Burma.

The military government's narratives for the conflict continued to create a discursive effect: the *Tatmadaw* was still acting in the name of national unity, in order to keep the union intact, protecting it from dangerous forces that were out to destroy it. This framing of the ethnic

²⁴Htoo Thant. 2016. *Myanmar seeks to Leave Least Developed Country status behind*, available at: <https://www.mmtimes.com/business/22424-myanmar-seeks-to-leave-least-developed-country-status-behind.html> accessed on 26 June 2019.

²⁵Burma was one of the world's leading exporters of rice and known as "the rice bowl of Asia" before the military government, see Aung Hla Tun, *Myanmar faces uphill task to revive rice sector*, available at: <https://www.reuters.com/article/us-myanmar-rice/myanmar-faces-uphill-task-to-revive-rice-sector-idUSTRE7AS0EU20111129> accessed on 26 June 2019.

²⁶This references the region in northern Myanmar that borders China (e.g. Kachin and northern Shan State).

²⁷While most of the claims are against *Tatmadaw*, some abuses were also carried out by ethnic fighters. See: HURFORM, Karen Human Rights Group, Human Rights Watch for some accounts.

²⁸At this point, the insurgencies were perceived as no longer threatening the center of the country, as at one point the Karen National Liberation Army forces had almost reached Yangon. This was perceived as a real threat and 'traumatized' the *Tatmadaw*.

insurgencies as illegitimate forces of destruction rather than legitimate entities with legitimate grievances pervades to this day. Any grievances from ethnic communities fell on deaf ears in the Bamar-majority center.

Many people living in the central regions of the country became increasingly frustrated with the BSPP (Steinberg 2011). Since the 1962, dissidents against the military government were violently oppressed. Several protests at universities, including a 1974 student-led protest over the *Tatmadaw's* slighted burial of former United Nations Secretary General U Thant, were violently quashed. The 1974 student protest was in response to the *Tatmadaw's* “insulting” treatment of U Thant but also reflected larger opposition against the BSPP. The long-simmering dissent and unrest over the decades of military rule reached a boiling point during what became known as the 1988 protests or the “8888 Uprising,” one of the most important events in contemporary Burmese history.

The 8888 Uprising is key to understanding the nuances of nationalism in the country. The actual spark of these protests was a fight between students and soldiers in a tea shop. The fight led to the riot police intervening and killing some of the students in the process.²⁹ Student protests over their deaths spread like wildfire, culminating in large-scale public demonstrations against the regime. On 8 August 1988 (an auspicious date to many in Burma,)³⁰ students organized a wide scale protest against the government. Tensions came to a head when Ne Win’s security forces violently quashed a demonstration by opening fire on thousands of student protestors. The ensuing perception of chaos allowed the regime to paint its intervention in a way that fit the *Tatmadaw's* narrative. The *Tatmadaw* “rescued” the state from violent rioters and criminals (Myint U 2011). During the 8888 Uprising, the international community could only watch

²⁹ Teashops play an important role in Burmese culture and society. See Maung Nya Nya. 2016. *Mandalay's Changing Tea Shop Culture*, available at: <https://www.irrawaddy.com/news/burma/mandalays-changing-tea-shop-culture.html> accessed on 26 June 2019, or “It’s a part of our culture, history, and where people go for all matters in life,” quote from Victoria Milko, 2017. *The Politics of Myanmar's Changing Tea Culture*, available at: <https://www.npr.org/sections/thesalt/2017/12/05/567747948/the-politics-of-myanmars-changing-tea-culture> accessed on 26 June 2019.

³⁰ Numerology plays a large role in Burmese culture. Many family and community decisions are made in consultation with numerologists.

in horror³¹ as the military government violently crushed the protesters with impunity.

It was in this period of crisis, that in almost storybook fashion, Aung San Suu Kyi returned to Myanmar. She was caught up in the democracy movement, and as the only daughter of Aung San, naturally possessed the moral authority and political legitimacy that the military regime knew they could never fully achieve. She joined the democratic opposition party called the National League for Democracy (NLD) in 1989 and soon rose to prominence within the organization. Her involvement with the NLD catapulted the party to popularity with Burmese citizens opposed to the regime. With her outspoken opposition and growing popularity as a democracy icon, Aung San Suu Kyi posed a real challenge to the regime. Consequently, she was arrested in 1989 and sentenced to house arrest, where she would remain for 20 years.

SLORC and SPDC (1990s–2010s)

This period of the country's history is characterized by upheaval—natural disasters, widespread internal protest, ethnic insurgencies and international pressure.

In September 1988, the BSPP government broke down as a second coup d'état took place to shore up military rule. The next iteration of military government was called the State Law and Order Restoration Council (SLORC) led by General Saw Maung, although it is widely believed that his longtime mentor, Ne Win, continued to pull the strings from behind the scenes. In 1997, General Saw Maung was quietly deposed internally due to erratic behavior (he saw in himself the incarnation of the great Burmese King Kyanzittha, and acted according to ancient royal rituals). Saw Maung was replaced by Senior General Than Shwe, and the SLORC morphed into the State Peace and Development Council (SPDC). Regardless of that title, under Than Shwe,³² the *Tatmadaw* would double

³¹ The international community was also dealing with the concurrent protests/massacre in Tiannenman square in China.

³² The notion of kingship and its relation to governance and authority is very relevant in contemporary Myanmar and important to understanding the nature of Burmese politics (Steinberg 2013). He writes that the “military acted very much on the model of Burmese kings” (153) which contributed to the entrenchment of a strong hierarchical system of power in Burma's social ordering.

the size of its forces to 400,000 and preside over almost 20 more years of military rule.

As in Orwell's dystopian novel *1984*, the citizens of Myanmar were subject to the suppression of freedom of speech and association. Political disappearances were prevalent, and it was common knowledge that the government's Military Intelligence units were omnipresent throughout the country, from the streets to teashops. In this period, in order to sustain the growing military apparatus, the failed socialist experiment (the Burmese Way to Socialism) was abandoned and gave way to state capitalism and cronyism (Woods 2011).

In 1990, the military regime tightened its grip on the country as the NLD won a landslide election. The *Tatmadaw* refused to accept the election results and ignored widespread international criticism. They continued in much of the same vein throughout the 1990s and early 2000s—quashing internal dissent, fighting with ethnic insurgencies through the four cuts strategy, and shoring up their military capacity. The mid-2000s ushered in a period of change, characterized by upheaval and tragic confrontations between a growing democratic movement, international pressure and the military's obsessive need for order and national unity.

In 2006, the military government moved the capital from Yangon to the central scrubland 400 km north (its name, Nay Pyi Taw, literally translates to “site of the royal country”) due to a number of reasons that are not well understood and widely speculated.³³ The secretive move heightened frustrations in and outside the country with the megalomania, isolation and utter denial of the real problems plaguing the country. Two years later, unrest over rising fuel prices and economic deprivation sparked another wave of protest. The *Tatmadaw* once again responded with violent oppression, albeit with a shocking new target: the *Sangha*. During the 2007 Saffron Revolution (named for the color of the robes traditionally worn by the *Sangha*), monks started to campaign on behalf of Buddhists who could no longer afford to offer the monks food and alms (as per Buddhist tradition) and were forced to leave their children in monasteries.³⁴ The military government refused to acknowledge the rising levels of

³³ See: Larkin 2010. Some of these reasons are based on kingship theory, when a new monarch takes power, they traditionally move their citadels. Other speculations relate to astrology and numerology.

³⁴ Almsgiving is an important element of Theravada Buddhism. As monks and novices do not earn money, the practice of giving alms (money and food) is an important way to earn “merit” as a Buddhist.

dissent, resulting in what was previously unthinkable in Burmese Buddhist culture: the overturning of the alms bowl, a grave symbol of rejection in the Buddhist religion.³⁵ Demonstrations grew to over 50,000 people, at which point the military government made the decision to open fire on protesters, beating monks and raiding monasteries. Given the role that the *Sangha* holds in the social fabric of this deeply religious country, what occurred during the Saffron revolution instantly destroyed whatever legitimacy the military had left in the eyes of many people.

A year later in 2008, Cyclone Nargis swept through the Myanmar delta and killed an estimated 138,000 people. Accounts of whether the government issued safety warnings in time vary widely,³⁶ but the government's preventive actions were clearly inadequate. Documentation of the cyclone raging in the Ayeyarwaddy delta and destroying communities abandoned by the government shocked the world and prompted foreign governments and international agencies to take action through coordinated humanitarian assistance. Worried that "humanitarian assistance" would invite "humanitarian intervention" (Myint-U 2011, 101), the government decided to block external aid from entering the country. The disaster revealed the *Tatmadaw's* adherence to the "primacy of the union" narrative under tragic circumstances.

During the mid-2000s, the military was still attempting to address the numerous ethnic insurgencies in the border regions. A decade earlier, the military government negotiated bilateral ceasefires (Farrelly 2012) with a large number of EAGs. These ceasefires were agreed upon in the form of unwritten "gentlemen's agreements" (Min Zaw Oo 2014), many of which were adopted in the late 1980s and early 1990s. However, from the perspective of EAGs and ethnic communities, two decades of ceasefires have failed to bring about real peace dividends. Many EAGs felt that the military took advantage of them.

In the mid-2000s, the military government formed a special group called the National Convention to draft a new Constitution. The National Convention was sold to the EAGs as an inclusive process, in which the EAGs and the NLD would meaningfully participate. In reality, the NLD had walked out on several occasions and the EAGs had very little influence

³⁵ Overturning the alms bowl is known as *Patta-nikkujjana-kamma* in the Pali language. It is a highly charged symbol, as a monk refusing alms from an entity or individual renders that person unworthy—an extraordinarily largescale offense in Buddhist culture.

³⁶ Some accounts more cynical than others, see Steinberg 2011.

over the process or content of the new constitution. Tension over the fraught National Convention process boiled over in 2009, when the government issued an unexpected ultimatum of sorts, requiring ceasefire groups to transform their armed branches into so-called “Border Guard Forces” (BGF), which were to fall under partial command of the *Tatmadaw* (ICG 2011). This order “severely undermined trust and critically damaged the fragile peace” (ICG 2011, 5). The EAGs felt cheated out of the promise of political dialogue. They also felt insulted as the order reduced their autonomy without any concessions. None of the ceasefire groups (with the exception of the DKBA, which later split with the KNU) agreed, despite mounting military, political and economic pressure.

The events in the mid-2000s shifted the political landscape in Myanmar and left the country and its leadership in disarray. For reasons still not fully understood, in 2009 General Than Shwe abruptly announced his retirement and called for general elections. The military government’s political party, Union Solidarity and Development Party (USDP), won over 90% of the vote (the result was subsequently boycotted by the democratic opposition and activist groups). The newly elected Thein Sein’s rhetoric of “disciplined democracy” left the nation and long-time observers of Myanmar both bewildered and suspicious. Thein Sein’s inaugural speech was, in both form and content, unprecedented. The Thein Sein government then precipitated a number of extraordinary reforms, including the release of hundreds of political prisoners, the shortening of blacklists and the relaxation of press censorship. The Thein Sein government also “stressed the need for national unity and ending ethnic conflict” (Horsey 2012, 46) and relaunched peace talks with all EAGs without the pre-conditioning of disarming. These changes left both Myanmar nationals and the world with a feeling of cautious optimism.

This period of Myanmar’s history illustrates how far the *Tatmadaw*’s “primacy of the union” narrative extends. It also reveals important themes in Myanmar: monastic participation in politics, the impoverishment of the population, the center-periphery divide and the *Tatmadaw*’s own fears of foreign involvement and democratic regime change. The tumultuous period remains fresh in the collective memory of the country, which renders the reform period of the 2010s all the more extraordinary.

5.4 UNITY AND INCLUSIVITY IN MYANMAR: CONGRUENT OR CLASHING NORMATIVE FRAMEWORKS?

After taking an in-depth look at the set of narratives around national identity, inclusion and exclusion that the EAGs and the *Tatmadaw* endorse, this section looks at the cognitive prior that encapsulates these narratives. The cognitive prior that has been forged through Burmese history for both conflict parties is the notion of unity. Ethnic unity and the primacy of the union are twin themes that are related, but at times opposed. The notion of unity is a gateway to diffusing the inclusivity norm,³⁷ given the salience of the discourses around unity in the country's history and politics, in particular among the *Tatmadaw* and the EAGs, I view unity as a clear gateway to the inclusivity norm. Thein Sein's inaugural speech to the *Pyidaungsu Hluttaw*³⁸ was unprecedented and caught the nation and foreign analysts alike off-guard. He launched into a discourse of national unity, focusing on ethnic nationalities: "As you know, national brethren remain united in the struggle to liberate the nation from the rule of the colonialists and regained independence. But, in the post-independence period, national races involved in armed conflicts among them for about five decades due to dogmatism, sectarian strife and racism instead of rebuilding the nation. In consequence, the people were going through the hell of untold miseries" (New Light of Myanmar 2011, 11).

This inaugural speech is a departure from governments past, as directly addressing matters of national security and referencing the conflict-affected communities in the border area. Rhetoric such as "flourishing Union spirit" and "national solidarity" are salient in the text. Furthermore, a 2011 op-ed in the government newspaper mentions "unity" no less than five times in the first paragraph: "Myanmar is a Union where many national races are living in unity and amity. As national races of the Union are residing in all the regions in unison, the national unity has been consolidated" (New Light of Myanmar 2011). As history has showed, discourse around national unity is not new, but unity as a moral imperative is. The President's 2011 call for all stakeholders, in particular for the EAGs to enter into negotiations without pre-conditions (e.g. disarmament or assimilation into the Border Guard Force) was unprecedented.

³⁷ Importantly, I do not assume that the introduction of the inclusivity norm would have normatively "good" consequences on the peace process.

³⁸ The legislative branch of government, or the Assembly of the Union.

The content, timing and context of Thein Sein's speech on unity lends itself to congruence with the inclusivity norm. Unity is employed as a moral imperative based on the notion of inclusion and equality. It is an imperative for the diverse conceptions of identity (such as ethnicity and religion) to co-exist peacefully. Therefore, the concept carries an ethical aspect in terms of right conduct. These factors give it a high level of congruence to the inclusivity norm, which, as previously discussed (see Chap. 2), is based on the Western liberal notions of equality and self-determination. Such notions have a normative appeal to the EAGs, whose core demands are self-determination and equality in what they view as a Bamar-dominated society. Among Bamar Buddhists, unity is also an "indicator of correct moral practice" (Walton 2012a, 103). Walton (2012a) remarks that the Burmese word for unity is *nyi nyut ye* and can be traced to the moral code of conduct of the *Sangha*, which enjoins coming together and respecting a majority decision. Therefore, "as a moral concept, unity represents devotion to a common purpose and loyalty to a group or community; it requires subsuming one's own interests for the benefit of the whole, something that encapsulates the Buddhist practice of rejecting *atta* (ego)" (103). This is confirmed by Houtman, who writes that "Burmese ideas of national unity are based on the Buddhist concept of harmony as a product of [moral practice]" (quoted in Walton 2012a, 104).

However, unity can also be a source of division, as unity has been used for decades by political leaders in Myanmar to quash dissent and exclude those who are not viewed as "belonging" in Myanmar. The EAGs have thus viewed the military government's discourse of unity with disdain, as they view the "institutionalized dominance" of the Bamar (and resulting military action against ethnic insurgency) difficult to challenge precisely because it is based on the grounds of "national unity" (Walton 2012b, 6). As ethnic activist and academic Sakhong writes, the conflict in Myanmar is a state-formation conflict based on the government's conflation of "nationbuilding" and "statebuilding," which results in a nationbuilding process of:

[...]ethnic "forced-assimilation" by successive governments of the Union of Burma. The "nation-building" process with the notion of "one ethnicity, one language, one religion" [...] which originated in the anti-colonialists motto of *Amyo, Batha, Thatana*, that is to say, the *Myanmar-lumyo*, or

Myanmar ethnicity, *Myanmar-batha-ska* Myanmar language, and *Myanmar-thatana* of *Buddha-bata* or Buddhism. (Sakhong 2012, 2)

In this sense, unity refers to unity of Bamar ethnicity, Bamar language and Bamar religion. This sentiment has been widely acknowledged among EAGs and scholars for many years. This process was first called “Burmanness” as used by Lewis (1924) and later “Myanmafication” by Houtman (1999). Sakhong argues above that Thein Sein and the government’s call for national unity rings hollow in the ears of many EAGs because unity in practice means ethnic assimilation into Bamar culture.³⁹ In Walton’s (2012b) comparison of Burmanness as a privileged identity akin to Whiteness and White privilege in critical race theory in the west, he directly uses the word “inclusive:” “The synonymous nature of [Burmanness and Myanmafication] indicates that government attempts to create a more inclusive ‘Myanmar’ national culture since 1989 have, in practice, merely nationalised Burman cultural elements” (Walton 2012b, 11). The EAGs have seen it in their resistance, and the contemporary crisis flashpoints in Rakhine state have exhibited this pattern to a tragic extreme. In Rakhine state, the risk is not just the disintegration and fragmentation of the union, but a fear of a Muslim takeover, necessitating the need to “protect” Buddhist (and consequently, Myanmar) culture at all costs: “the ways in which Buddhism and national identity have become intertwined in the dominant national narrative...provide an impetus for many Buddhists to prioritize both the preservation of the state and the religion, seeing the two as inseparable and interdependent” (Walton 2015, 115). This is evidenced in anti-Rohingya and anti-Muslim propaganda, and the nefarious movement in 2016 to pass the controversial “protection of race and religion laws”⁴⁰ by hardline Buddhist organization *Ma Ba Tha* (Walton and Hayward 2014). While the analysis in the subsequent chapters focuses on narrative on the inclusion and exclusion of certain armed groups linked to ethnic nationalities, understanding that dominant

³⁹ See for example the situation regarding the Kambawzathadi Palace at Pegu (South 2007) and the naming of bridge in Mon state after General Aung San. See Matthew Walton. 2017. *Has the NLD learned nothing about ethnic concerns*, available at: <https://teacircleoxford.com/2017/03/29/has-the-nld-learned-nothing-about-ethnic-concerns> accessed on 26 June 2019.

⁴⁰ Wa Lone. 2015. *Ma Ba Tha to celebrate passage of race and religion laws*, available from <https://www.mmtimes.com/national-news/16307-ma-ba-tha-to-celebrate-passage-of-race-religion-laws.html> accessed on 26 June 2019.

narratives surrounding a Myanmar national identity is also influenced by the inclusion and exclusion of EAGs that also converge around religious identities and world-views that are non-Buddhist.

5.5 CONCLUDING THOUGHTS

Drawing back to the discussion on existing normative frameworks, Myanmar is particularly studied as a contentious example of the salience of the norms of non-interference and non-intervention in the framework of the ASEAN Way (Haacke 2023; Jones 2008). ASEAN's "albatross" (Jones 2008) therefore provides a compelling normative environment to test the diffusion of a cosmopolitan liberal norm in a peace process context that has resisted normative influence from its regional counterparts. Furthermore, the Myanmar peace and conflict landscape is forged upon a strong "cognitive prior", or existing normative framework around inclusion, exclusion and "unity." While the discourse around unity in Myanmar has congruency with the inclusivity norm, opening the door for possible norm diffusion, the paradox of the unity discourse in Myanmar is that it can just as easily be employed (and actually is quite susceptible) to fostering exclusion. The "successful" diffusion of the inclusivity norm in Myanmar can create opportunities for equality and equal representation based on its cosmopolitan origins, but also risks reifying "Burman-ness" and the institutionalization of "Myanmafication." These existing normative frameworks around inclusivity has obvious implications for those who might seek to intervene in order to promote inclusive peace—lack of knowledge or context can risk doing greater harm than good in the larger context of historical and contextual Myanmar politics.

REFERENCES

- Baechtold, Stefan. 2016. *Managed pacification: Aid, peacebuilding and the focus on results in Myanmar's transition*. Doktors der Philosophie: Philosophisch-Historische Fakultät, Universität Basel.
- Brenner, David. 2015. Ashes of co-optation: From armed group fragmentation to the rebuilding of popular insurgency in Myanmar. *Conflict, Security & Development* 15 (4): 337–358.
- Burke, Adam, Nicola Williams, Patrick Barron, Kim Joliffe, and Thomas Carr. 2017. *The contested areas of Myanmar: Subnational conflict, aid and development*. San Francisco: The Asia Foundation. <https://asiafoundation.org/wp-content/uploads/2017/10/ContestedAreasMyanmarReport.pdf>. Accessed 16 December 2022.

- Cady, John F. 1960. *A history of modern Burma*. Ithaca: Cornell University Press.
- Callahan, Mary. 2003. *Making enemies: War and statebuilding in Burma*. Ithaca and London: Cornell University Press.
- Charney, Michael W. 2009. *A History of modern Burma*. Cambridge: Cambridge University Press.
- Cheesman, Nick, and Nicholas Farrelly, eds. 2016. *Conflict in Myanmar: War, politics, religion*. Singapore: ISEAS—Yusof Ishak Institute.
- Denney, Lisa, and Patrick Barron. 2015. Beyond the toolkit: Supporting peace processes in Asia. In *Working politically in practice*. San Francisco: The Asia Foundation. <https://cdn.odi.org/media/documents/10177.pdf>. Accessed 16 December 2022.
- Farrelly, Nicholas. 2012. Ceasing ceasefire? Kachin politics beyond the stalemates. In *Myanmar's transition: Openings, obstacles and opportunities*, ed. Nick Cheesman, Monique Skidmore, and Trevor Wilson, 52–71. Singapore: Institute of Southeast Asian Studies.
- Gravers, Mikael, ed. 2007. *Exploring ethnic diversity in Burma*. Copenhagen: Nordic Institute of Asian Studies.
- Gravers, Mikael, and Flemming Ytzen, eds. 2014. *Burma/Myanmar: Where now?* Copenhagen: Nordic Institute of Asian Studies.
- Group, International Crisis. 2011. Myanmar's post-election landscape. In *Update briefing*. Jakarta/Brussels: International Crisis Group. <https://www.crisis-group.org/asia/south-east-asia/myanmar/myanmar-s-post-election-landscape>. Accessed 16 December 2022.
- Haacke, Jürgen. 2003. ASEAN's diplomatic and security culture: A constructivist assessment. *International Relations of the Asia-Pacific* 3: 57–87.
- Harriden, Jessica. 2002. 'Making a name for themselves.' Karen identity and the politicization of ethnicity in Burma. *Journal of Burma Studies* 7 (1): 84–144.
- Holliday, Ian. 2011. *Burma redux: Global justice and the quest for political reform in Myanmar*. New York NY: Columbia University Press.
- Horse, Richard. 2012. Myanmar's political landscape following the 2010 elections: Starting with a glass nine-tenths empty? In *Myanmar's transition: Openings, obstacles and opportunities*, ed. Nick Cheesman, Monique Skidmore, and Nicholas Farrelly, 39–51. Singapore: Institute of Southeast Asian Studies.
- International, Burma News. 2013. *Deciphering Myanmar's peace process: A reference guide 2013*. Yangon: Burma News International. https://www.bnionline.net/sites/bnionline.net/files/publication_docs/deciphering_english_2013.pdf. Accessed 16 December 2022.
- Joliffe, Kim. 2015. *Ethnic armed conflict and territorial administration in Myanmar*. Yangon: The Asia Foundation. https://www.burmalibrary.org/docs21/AF-2015-06-Conflict&Territorial_Administration-en.pdf. Accessed 16 December 2022.
- Jones, Lee. 2008. ASEAN's albatross: ASEAN's Burma policy, from constructive engagement to critical disengagement. *Asian Security* 4 (3): 271–293.

- Keenan, Paul. 2015. All-inclusiveness in an ethnic context. In *EBO background paper*. Yangon: Euro Burma Office. <http://eprpinformation.org/files/recent-events/All-Inclusiveness-in-an-Ethnic-Context%2D%2DEBO-Aug2015.pdf>. Accessed 16 December 2022.
- Laoutides, Costa, and Anthony Ware. 2016. Reexamining the centrality of ethnic identity to the Kachin conflict. In *Conflict in Myanmar: War, politics, religion*, ed. Nick Cheesman and Nicholas Farrelly, 47–65. Singapore: ISEAS-Yusof Ishak Institute, Singapore.
- Larkin, Emma. 2010. *No bad news for the king: The true story of Cyclone Nargis and its aftermath in Burma*. New York NY: Penguin Books.
- Lewis, James Lee. 1924. *The Burmanization of the Karen peoples of Burma. Master's thesis, University of Chicago School of Divinity*. <https://www.worldcat.org/title/burmanization-of-the-karen-people-a-study-in-racial-adaptability/oclc/63929163?referer=di&ht=edition>. Accessed 16 December 2022.
- Lintner, Bertil. 1994. *Burma in revolt: Opium and insurgency since 1948*. Chiang Mai: Silkworm Books.
- Myint-U, Thant. 2006. *The river of lost footsteps: A personal history of Burma*. New York NY: Farrar, Strauss and Giroux.
- . 2011. *Where China meets India: Burma and the new crossroads of Asia*. New York NY: Farrar, Strauss and Giroux.
- . 2019. *The hidden history of Burma: A crisis of race and capitalism*. London: Atlantic Books.
- Myoe, Maung Aung. 2009. *Building the Tatmadaw: Myanmar armed forces since 1948*. Singapore: ISEAS.
- New Light of Myanmar. 2011. Translation of U Thein Sein's Inaugural Speech. 31 March 2011. Available at: <https://www.burmalibrary.org/docs11/NLM2011-03-31.pdf>. Accessed on 15 November 2023.
- Oo, Min Zaw. 2014. Understanding Myanmar's peace process: Ceasefire agreements. In *Catalyzing reflection*. Bern: swisspeace. https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Catalyzing_Reflections_2_2014_online.pdf. Accessed 16 December 2022.
- Sadan, Mandy. 2013. Ethnic armies and ethnic conflict in Burma. *South East Asia Research* 21 (4): 601–626.
- Sakhong, Lian. 2012. *The dynamics of sixty years of ethnic armed conflict in Burma*. Yangon: Burma Centre for Ethnic Studies.
- Selth, Andrew. 2002. *Burma's armed forces: power without glory*. Salt Lake City UT: Signature Books.
- Smith, Martin. 1991. *Burma: Insurgency and the politics of ethnicity*. London: Zed Books Ltd.
- . 1999. *Burma: Insurgency and the politics of ethnicity*. Revised edition. London: Zed Books Ltd.
- South, Ashley. 2007. Karen nationalist communities: The 'problem' of diversity. *Contemporary Southeast Asia* 29 (1): 55–76.

- South, Ashley. 2008. *Ethnic politics in Burma: States of conflict*. Abingdon: Routledge.
- Steinberg, D. I. 2011. Myanmar in 2010: The elections year and beyond. *Southeast Asian Affairs*, 2011 (1): 171–189.
- Steinberg, David. 2013. *Burma/Myanmar: What everyone needs to know*. Oxford: Oxford University Press.
- Steinberg, David, ed. 2015. *Myanmar: The dynamics of an evolving polity*. Boulder CO: Lynne Rienner.
- Taylor, Robert H. 1982. Perceptions of ethnicity in the politics of Burma. *Southeast Asian Journal of Social Science* 10 (1): 7–22.
- . 2015. *Refighting old battles, compounding misconceptions: The politics of ethnicity in Myanmar today*. In *ISEAS perspective*. Institute of Southeast Asian Studies: Singapore.
- Thawngmung, Ardeth Maung. 2011. Beyond armed resistance: Ethnonational politics in Burma (Myanmar). *Policy studies* 62. <https://www.eastwestcenter.org/publications/beyond-armed-resistance-ethnonational-politics-burma-myanmar>. Accessed 16 December 2022.
- Von Der Mehden, F. R. 1963. The Burmese way to socialism. *Asian Survey*, 129–135.
- Walton, Matthew J. 2008. Ethnicity, conflict and history in Burma: The myths of Panglong. *Asian Survey* 48 (6): 889–910.
- . 2012a. *Politics in the moral universe: Burmese Buddhist political thought*. Doctoral Dissertation: Department of Political Science, University of Washington.
- . 2012b. The “wages of Burman-ness:” Ethnicity and Burman privilege in contemporary Myanmar. *Journal of Contemporary Asia* 43 (1): 1–27.
- . 2015. *Myanmar: The dynamics of an evolving polity*. Boulder CO: Lynne Rienner.
- Walton, Matthew J., and Susan Hayward. 2014. Contesting Buddhist narratives: Democratization, nationalism, and communal violence in Myanmar. In *Policy studies*. Honolulu HI: East-West Center. <https://www.eastwestcenter.org/publications/contesting-buddhist-narratives-democratization-nationalism-and-communal-violence-in-mya>. Accessed 16 December 2022.
- Woods, Kevin. 2011. Ceasefire capitalism: Military–private partnerships, resource concessions and military–state building in the Burma–China borderlands. *Journal of Peasant Studies* 38 (4): 747–770.
- Yawnghwe, Chao Tzang. 2004. State constitutions and the challenges facing the ethnic nationalities. *Ethnic Nationalities Journal (Burma)* 2 (1): 38–46.
- . 2010. *The Shan of Burma: Memoirs of a Shan exile* 16 Institute of Southeast Asian Studies. <https://bookshop.iseas.edu.sg/publication/910>. Accessed 16 December 2022.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





Chronicles of a Norm for Sale: Norm Entrepreneurship in the Myanmar NCA Negotiations

6.1 INTRODUCTION

After describing the peace architecture of the NCA negotiations, or the “site” for where NGO mediators actively promote inclusivity to the negotiating parties, I illustrate how NGO mediators framed inclusivity as a salient norm to the EAGs and the government negotiating team. Because of the “homegrown” nature of the peace process and Myanmar’s aversion to public, formal mediation by external actors, private peacemaking actors such as NGO mediators were able to fill the third-party vacuum and work directly with the parties in the form of assisted negotiation. Especially in the crucial days of early process design in a political sensitive environment where trust was low, NGO mediators gained access because of their political flexibility and technical expertise. I discuss how the inclusivity norm was framed as a salient norm to both the EAGs and the government negotiating team. Through local agents on both sides, discourse around inclusivity entered into important moments in negotiations: the formation of the NCCT as an unprecedented ethnic alliance, and the decision and acceptance of the top leaders of the Myanmar government to accept negotiations from a single bloc of EAGs. In this chapter, I also analyze the agency of the Myanmar negotiators as agents of norm promotion themselves, and how interactions between them and NGO mediators build congruence, but fundamentally change the meaning and use of the inclusivity norm throughout their interactions. This is where the NGO

mediators start to lose their agency and the path of diffusion of the inclusivity norm. These chapters are based on empirical analysis conducted with 109 interview respondents working in and on the NCA negotiations, mostly with national peace process actors themselves at the heart of the process, as well as international NGO mediators and analysts. I do not describe the activities of specific NGO mediators and peace process actors in order to protect the identity of respondents in the context of the February 2021 coup.¹

6.2 THE “HOMEGROWN” NCA PROCESS IN MYANMAR: A NICHE FOR NGO MEDIATORS AND PRIVATE DIPLOMACY

The necessity of informality as pre-requisite for a parties’ mandate in the Myanmar case underscores the centrality of NGO-legitimacy and its role in being accepted by the parties over other types of mediators that may have formal status or more leverage. Due to the lack of formal or official political mandates often afforded to UN, regional organizations or state-mandated mediators, NGO mediators in Myanmar redefined the notion of mandate as “entry point” and drew their normative framework on inclusivity rather from the parties’ and donors mandate. This section illustrates how NGO mediators in Myanmar entered into the Myanmar peace process and the conditions under which they were “accepted” by the negotiating parties. A large part of their acceptance by the negotiating parties is attributed to their nature as private, informal actors that were more appealing than more robust or formal international intervention.

The involvement of international third parties in Myanmar’s peace process is limited (South 2014) due in part to a combination of the “indigenous,” home-grown nature of the process and a general reluctance to allow outside intervention (*ibidem*, 253). Firstly, and with some notable exceptions,² the space for international engagement and support for the

¹While it is impossible to cover the work of the 70+ NGOs operating peace process activities in Myanmar by 2017 (Interview number 50, 7 February 2017). I employ what Small (2009) calls “sampling for range” (14) and “snowball sampling,” which allow me to survey the landscape of NGO mediators in Myanmar and address inherent selection bias issues.

²Insider mediators from community based organizations and national civil society organizations such as the Shalom Foundation played important roles in the early stages of the peace process under the military regime. These actors have been supported by several international actors, especially nongovernmental organizations operating in the region. Due to the discreet and sensitive nature of the context at this time, little has been documented and published.

peace process in the country was severely limited under the military regime. Furthermore, after the 8888 Uprising, exiled Burmese nationals campaigned relentlessly at the United Nations, the European Union and other international platforms for a tripartite dialogue³ with limited success, save for severely tarnishing the military regime's international reputation. Under these circumstances, international political involvement was not focused on the ethnic peace process but on the campaign for democracy and human rights writ large in the context of an authoritarian regime.

The ethnic peace process only became prioritized as an agenda item for the international community after Thein Sein's political reforms opened up the country to the rest of the world. The peace process became an important transitional process, simultaneously unfolding with the political and economic opening (Alluri et al. 2014). This created a "gold rush" (ibidem) of international embassies, donor organizations, non-governmental organizations and business actors waiting to sell their services in the "political marketplace" of ideas (de Waal 2014). The ongoing peace process was somewhat of an exception to this gold rush. The role of the international actors in the peace process was and remains limited, as "negotiations are undertaken between the government and ethnic armed organizations with no significant external mediation and only limited international facilitation" (Petrie and South 2014). This marks Myanmar's peace process as unique vis-à-vis other peace processes in the region that have been led or facilitated by external third party acting through an official mediation mandate.⁴

While external mediation was not accepted by the negotiating parties, internal mediation took place between representatives on each side of the negotiating table and their respective constituencies. This mandated mediation took place through a national institution named the Myanmar Peace Center. The MPC was led by the government's then-Chief Negotiator Aung Min. His was the only formal mandate given by the government. The MPC took on roles that a traditional mediator and their team would undertake: it coordinated all peace activities, ranging from ceasefire negotiations and implementation, to peace negotiations in

³Tripartite dialogue has been long campaigned for by ethnic armed organizations. It is meant to take place between the Myanmar Armed Forces, the National League for Democracy and ethnic armed organizations (see: Sakhong 2012: 44)

⁴For instance, the Malaysian facilitation of the ongoing Bangsamoro peace process in the Philippines.

political dialogue (BNI 2013). It was also tasked with coordinating assistance in conflict affected areas, as well as engaging in outreach and public diplomacy. The MPC was also mandated to act as a “one-stop service” for all donor governments and international nongovernmental organizations that aimed to support the peace process (ibidem). Such a comprehensive mandate in a powerful, albeit contested organization⁵ left no choice but for international actors to take a backseat, supportive role (Min Zaw Oo 2014).

Despite the clear ownership of the mediation and negotiation space by the negotiating parties, international support for the process was marked by a high level of international donor interest. The Peace Donor Support Group (PDSG)⁶ was established in 2012 and played a large role in the creation of the MPC. Since then, funding organizations such as the Peace Support Fund (PSF)⁷ and the large-scale multi-donor Joint Peace Fund (JPF)⁸ have also embraced this particular role. While a number of peace initiatives from international organizations were already operating on a highly discreet level, the first “high-profile international intervention” (Petrie and South 2014) was the Myanmar Peace Support Initiative (MPSI), which was created in 2012 when the Norwegian government was asked by Aung Min to help support the peace process. The MPSI, initially seen as a funding mechanism “to answer the needs of armed groups and civil society” (EPLO 2013), took on the more political role of undertaking small-scale trust-building projects around ceasefires, or playing a facilitative role in locally owned and locally run peace initiatives. The MPSI was the first initiative to have a mandate from the parties, as they were asked by the government to build confidence in the nascent ceasefires brokered between 2012 and 2013 (Min Zaw Oo 2014). Although contested by some, the MPSI-model became a blueprint for peace process support in the years to follow. As South and Petrie (2014), report, “since then, a number of other governments and donors became involved”

⁵ For criticisms levelled at MPC, see Guy Dinmore and Lun Min Mang, *Myanmar Peace Center says NLD will decide its future*, available from: <http://www.mmmtimes.com/index.php/national-news/yangon/19533-myanmar-peace-center-says-nld-will-decide-its-future.html> accessed on 26 June 2019.

⁶ Mizzima News. *Int'l peace donor group formed to aid Burma*, available at: <http://reliefweb.int/report/myanmar/int%E2%80%99l-peace-donor-group-formed-aid-burma> accessed on 26 June 2019.

⁷ For more information, see: <http://www.peacesupportfund.org/>

⁸ For more information, see: <http://www.jointpeacefund.org/>

(2014: 183). To respect sovereignty, the fiercely defended “homegrown process,” and the norms of the ASEAN Way, NGO mediators conducted NGO mediator practices under adjacent labels like “dialogue support,” “facilitation,” “technical support” and other non-threatening and non-confrontational terms, deliberately avoiding the word “mediation.”⁹ Based on the relative success of initiatives like the MPSI and EBO,¹⁰ other mediation organizations entered into the Myanmar context through donor funding, working directly with the EAGs, working with the MPC, or a combination of the three.

Between 2011 and 2015, international donors funded a large range of peace support activities, conducted directly through informal back-channels, through international facilitators or by international nongovernmental organizations specializing in conflict resolution. Due to the mushrooming number of international peace process support actors operating in Yangon and in ethnic states, the need for coordination was addressed. In response to this need, the International Peace Support Group (IPSG) was created to coordinate activities and share information on the peace process. The IPSG had begun as a loose, relatively *ad hoc* configuration of consultants and NGOs who had been working and observing the country for many years. They used the IPSG to share information about the quickly moving peace process. As the founder of the IPSG recounted, in January 2012, they convened 12 representatives of NGOs and initiatives, including: EBO, CPCS, HD Centre, ICG, Peace Nexus, Transnational Institute, and MPSI. According to one respondent, it was only at this meeting that they learned that Aung Min had asked all of them separately to directly support the MPC and EAGs on the peace process. Given the sheer number of NGOs working with the same stakeholders, they felt that sharing information and loosely coordinating activities was imperative. In the five years between 2012 and 2017, the IPSG had morphed into an organization of over 70 organizations all working “in” or “on” the peace process.¹¹

The mechanisms and organizations highlighted here only scratch the surface of the complex landscape of international peace support (South 2014; Baechtold 2015). Against this informal and *ad hoc* process “in the context of limited international involvement” (South 2014, 182) and high

⁹Interview number 46, 9 February 2017, and Interview number 3, 1 January 2016.

¹⁰This will be discussed in detail later in this chapter.

¹¹Interview number 50, 7 February 2017.

level of complexity, the peace process space has become decentralized and the lack of a central official mediator has created a vacuum filled by a range of actors. Interestingly, this vacuum of international mediation and the relegation of would-be power mediators to donor roles carved out a space, albeit extremely limited, for peace process support actors and private diplomacy organizations in the peace process (Jones et al. 2021).

NGO mediators gained their mandate from the negotiating parties largely because the parties felt that they needed technical expertise and political advice in designing the peace process, and wanted to limit robust international involvement. In 2011, the Thein Sein administration and some of the more influential EAGs such as the KNU were ready to enter into negotiations, as one of the key early drivers of the peace process wrote in his memoir: “Actually the armed conflict that had lasted so long due to different ideological preferences made both sides [weary] and exhausted. Besides, they do not wish to handover their legacy to the next generation” (U Soe Thane 2017, 37). In this context, the Thein Sein administration issued a Call for Peace (Su Mon Thazin Aung 2015, 29) on 18 August 2011. At the time of Thein Sein’s peace call, the government “recognized 16 groups in total to be part of the new ceasefire process” (Min Zaw Oo 2014, 8). Brokering peace in the country was one of the Thein Sein administration’s reform priorities and the conciliatory language of the “Call for Peace” made it clear that the government was “extending the olive branch” and was serious about talks. The Call for Peace text invited armed groups to negotiate a ceasefire without pre-conditions, specifically dropping the problematic requirement to integrate into the government’s border guard force (Bertrand et al. 2020).

The government then set off on a plan to bring in the EAGs with an ambitious timeline: broker ceasefires with all EAGs by the end of 2013 as a pre-cursor to political talks the following year, and endorse all agreements by 2015 (BNI 2013, 38). Key Myanmar politicians, businessmen, academics and scholars responsible for pushing the process forward were also at the helm of designing the process in its early days.¹² These actors felt that they required external support and elicited help from private actors for technical peace process design. The government’s plan centered on three phases: ceasefires at the state level, confidence building and political dialogue at the union level, and the creation of new political parties to bring the EAGs into mainstream politics. This required brokering ceasefires

¹²U Soe Thane, 2017.

first and foremost, which seemed a near impossible task given the low levels of trust and the weight of history. Thein Sein appointed several leaders to helm this process.¹³ Aung Min and his team took on the responsibility of operationalizing the ambitious timeline for peace, and were able to broker bilateral ceasefires with 14 EAGs in the first two years of the process. The success and momentum of Aung Min's team not just in brokering ceasefires but in achieving a modicum of *trust* with some of the EAGs led to the perception of Aung Min as a “mediator” figure, or as close as it gets to such a figure in the Myanmar context.¹⁴ He had a direct line to Thein Sein, and was given the highest executive mandate in leading the government peace team.¹⁵

In a next step, the Thein Sein government created two bodies with different functions and different members. The first was the Union Peace Working Committee (UPWC) chaired by the then-Vice President Mauk Kham, which consisted of 52 state-level ministers and regional commanders and was charged with doing most of the leg work in the process. The second was a union-level peace team called the Union Peace Central Committee (UPCC), which was chaired by Thein Sein and included 11 high-level government members from both the *Hluttaw* and the *Tatmadaw*, which was created to deal with decision-making at the highest level.¹⁶ The engagement of high-level representatives in this body is further evidence, of the seriousness with which the government sought peace. Over the first two years of the process, momentum was gained steadily as the government formalized individual ceasefires with the groups with which the relationships had previously only been governed by verbal “gentlemen’s agreements” (Min Zaw Oo 2014). The government also brokered

¹³ See Annex.

¹⁴ The early days of the peace process underscore why economic and material explanations are not sufficient in tracing the outcome of NCA process: while economic factors are a driver of the subnational conflicts in Myanmar, they are not a main cause of them (Burke et al. 2017). This is a fundamental misunderstanding of the conflict being about territorial and material resources rather than political and normative concerns.

¹⁵ “So when the President asked me to negotiate peace on his behalf, I had to build an army of peace. I had to gather all kinds of people from all walks of life. I only knew about fighting. Of course I wanted peace but I had never trained to make peace. So accepting the challenge to negotiate peace was one of the most difficult tasks in my life. Since I was a soldier I could not refuse the order coming from above. But by this time, I got tired of war; I had seen enough miseries of war. So I wanted peace” (Transcript from speech of UAM, March 2016).

¹⁶ See Annex for a list of members.

ceasefires for the first time with groups that never previously signed such, and new ones with groups, with whom previous ceasefires had broken down (Keenan 2015).

As previously mentioned, to support the ongoing peace process the Thein Sein government opened the MPC in July 2012 by Presidential Decree with a mandate to assist the UPCC and UPWC. Due to Aung Min's perception by many national peace process actors as a mediator¹⁷ between the *Tatmadaw* and the EAGs, the MPC consequentially took on the identity of a mediating organization for peace initiatives. This included a wide range of mediation and peacebuilding activities, from providing substantial technical assistance to the government peace team, to acting as a gateway for international involvement in the process. It was a massive technical endeavor to design such a complex and multifaceted peace process amidst a political transition. Therefore, the MPC appointed an unprecedented number of civilians allowed back from exile, as well as policy advocates, academics and government ministers.¹⁸

The NCA process departed from past attempts at brokering peace, as it put the *Tatmadaw* and the government in separate roles. In previous iterations of peace processes, the *Tatmadaw* would negotiate on behalf of the military government and armed forces at the same time, and enter into “gentlemen’s agreements” with the EAGs directly. By contrast, in 2011 the quasi-civilian government acted as a mediating organization between the two key stakeholders (armed actors) of the process: the *Tatmadaw* and the EAGs (Su Mon Thazin Aung 2015, 26). On the ethnic side, complex inter-ethnic arrangements were formed after the Call to Peace, eventually resulting in the UNFC. During the first phase of the process, the government attempted to broker ceasefires bilaterally as per previous iterations of the peace process. Because of the diffuse and complex nature of ethnic politics, and funding asymmetries between the government and EAGs, an inter-ethnic alliance or institution was much more difficult to set up in the same vein. This lack of institutionalized support to the EAGs contributed to the high levels of bilateral interaction with international actors. Despite

¹⁷ Interview number 87, 25 September 2018.

¹⁸ The MPC was led by Aung Min, Soe Thein and Khin Yi as well as “civilian technocrats” from key think tanks in Myanmar such as U Hla Maung Swe and Tin Maung Than. Some of these on the secretariat were also formerly exiled academics and legal experts such as Dr Kyaw Yin Hlaing, Dr Min Zaw Oo, Dr Salai Ngun Cung Lian and Aung Naing Oo. Aung Min selected these individuals to undertake the technical requirements for designing a peace process.

attempts to market the MPC as an institutional resource for both parties, it was eventually viewed largely as a government apparatus.

The MPC also played the role of conduit for international involvement as well as “neutralizing”¹⁹ the “gold rush” (Baechtold 2015) of external actors vying to play a role. No NGOs were *officially* invited to support the process in the forms of memoranda of understanding (MOU), an important aspect of Myanmar business culture, or paperwork. According to some respondents, having an MOU would actually make their work *more* difficult or laborious due to high levels of bureaucracy that accompanied having a formal MOU.²⁰ However, while NGO mediators were not officially invited to support the peace process, they were informally asked by Aung Min to provide support in a private manner, as “the MPC was a governmental institution and could not directly get the views of the [EAG]s,²¹ whereas experts could meet the EAGs and exchange views. These views could be shared to bring about a solution” (Aung Naing Oo 2018, 86).

Therefore, being asked directly by Aung Min to support him and the MPC’s efforts (as the original IPSG members were asked in the example above) can be analyzed as gaining the parties’ mandate (Nathan 2017) or acceptance to intervene in the process. These NGO mediators were asked by Aung Min to support the process in a range of ways, depending on the specific profile of the NGO mediator. The tasks they were asked to perform ranged from acting as a “go-between” between the government and EAGs early on, to specific technical support in process design, bespoke political advice on the process, and technical and financial resources. As Aung Naing Oo wrote in his memoir, the MPC asked “international experts” to provide advice on ceasefires, negotiations, security issues and peace process design. Mediators also filled an important resource gap; as “a result of how time-consuming and tiring the peace negotiations were [...] negotiators did not have time to do research and therefore they relied on the research of international experts to advance the negotiations” (Aung Naing Oo 2018, 86).

¹⁹ Interview number 87, 25 September 2018.

²⁰ Interview number 8, 15 January 2016.

²¹ Some interview respondents refer to the ethnic armed groups as ethnic armed organizations (EAOs). They refer to the same entities and are used interchangeably.

6.3 NGO MEDIATORS FRAME INCLUSIVITY TO THE NEGOTIATING PARTIES? (2012–2013)

Based on their own interpretation(s), NGO mediators frame the inclusivity norm as a salient topic in the negotiations and wider peace process. The framing of an external norm calls attention or creates issues by using language that names, interprets or dramatizes the norm (Finnemore and Sikkink 1998, 897). When framing is successful, these new frames “resonate with broader public understandings” and are “adopted as new ways of talking about and understanding issues” (ibidem). This section discusses how NGO mediators frame the inclusivity norm to the government negotiators from the MPC secretariat and to the EAG negotiators in the NCCT. I discuss how the inclusivity norm was framed as a salient norm in the initial stages of the peace process design. I also discuss how inclusivity was framed (or not framed) to actors not at the negotiating table. NGO mediators also promoted the inclusivity norm to non-armed actors such as civil society but did not promote the inclusivity norm to the *Tatmadaw*.

Framing Inclusivity to the EAGs

Framing the inclusivity norm as salient in the early design stages of the NCA was a means for NGO mediators to introduce the norm in the Myanmar context. NGO mediators framed inclusivity as a salient norm to “local agents” (Acharya 2004) on the EAG side. These local agents were EAG representatives that were former political exiles and often educated abroad. They communicated in English and built congruence between external ideas and the existing normative frameworks in Myanmar. Establishing the exogeneity of the inclusivity discourse is essential to providing counter-factual evidence for the salience of the inclusivity norm in the Myanmar peace process. This exogeneity is established by comparing the design for the NCA process with that of the National Convention process leading up to the 2008 Constitution. As one respondent stated, there was no inclusive political dialogue in the latter process, just “purely military to military”²² confrontations that included no dialogue and no mechanisms for consultation: the “voice of the people is not involved, not heard.”²³ In contrast, the broad national dialogue framework produced in

²² Interview number 72, 12 April 2017.

²³ Ibidem.

2012 was designed to give everyone a stake in the process, as one respondent noted: “that is what I call inclusivity.”²⁴ Many EAG respondents first remember the word or phrase inclusivity introduced in 2012 during the development of a founding document called the *Comprehensive Ceasefire and National Framework for Political Dialogue*.²⁵ During the drafting of this document, several EAG respondents recalled inviting two Swiss representatives, a seasoned mediator from British NGO mediator Inter Mediate, representatives from CPCS and “those kind of people”²⁶ to conduct small informal workshops. As one EAG respondent recalls: the Myanmar government knew these NGO mediators were “[...] informal, or I don’t know how to call it, but they are not really mandated.”²⁷ While the notions of inclusion and exclusion in ethnic politics are latent political issues in Myanmar, the discourse around inclusion as an important fundamental in a legitimate and sustainable peace process began during this stage of the NCA process.

First, inclusivity was framed as the importance of including all stakeholders, armed or non-armed. NGO mediators become involved in two crucial regards. Speaking to EAG representatives that were involved from the very beginning of the process, several of these respondents cite the participation of a process design expert from the German NGO mediator and a seasoned mediator seconded by the Swiss government:

That was the beginning of [...], we invited the international experts to help us. As far as my engagement and my knowledge is concerned, the first person which we had invited was [name redacted]. I think you know him. So that was May 2012 [when] the first expatriate we had invited came and talked about the concept of this national dialogue. Before we had an Ethnic Peace Plan, that’s what we laid down in 2012 Feb, [we had] the working group for ethnic coordination. That was our own kind of peace plan. But later it was developed because we invited [name redacted] to explain the concept of national dialogue, the different types, and the anatomy of a national dialogue. And ever since, there were several workshops and discussions. Then finally we have produced this.²⁸

²⁴ Ibidem.

²⁵ Interview number 72, 12 April 2017; Interview number 70, 10 May 2017; Interview number 67, 4 April 2017.

²⁶ Interview number 72, 12 April 2017.

²⁷ Ibidem.

²⁸ Interview number 72, 12 April 2017.

The design of the overall process was meant to be inclusive in the broadest sense. The peace process would not only include military actors negotiating another version of the existing Constitution (as in past iterations of the peace process), but non-armed actors such as political parties and civil society actors would be involved. However, this conflated the logic of a broad national dialogue process with the design of a ceasefire agreement, which are highly technical and normally involve armed actors (Sakhong 2012).

Second, inclusivity was framed by EAG representatives working with international actors as a way to encourage ethnic unity. In the first phase of the peace process, a majority of the EAGs convened to discuss the *Comprehensive Ceasefire and National Framework for Political Dialogue*.²⁹ During these ethnic summits, the EAGs felt that bilateral ceasefires would have “no mechanism whatsoever for monitoring or for implementation.”³⁰ Many EAGs also felt that a political dialogue space was needed to monitor the progress of the peace negotiations outside of the Hluttaw. Therefore, despite the long histories of political and military alliances fraught by inter- and intra-ethnic tensions, the EAGs decided to answer Thein Sein’s Call to Peace not as individual EAGs, but as a single negotiating bloc, the Nationwide Ceasefire Coordinating Team (NCCT).

The NCCT was created in November 2013, when EAGs not only accepted the government’s invitation to negotiate, but organized an unprecedented summit of EAGs in Laiza, Kachin State, to discuss the process. At what would become known as the Laiza Conference, 16 of the 17 EAGs present formed the NCCT to represent the EAGs at the formal talks with the government and play a facilitation and technical role in the peace process. The NCCT was created in parallel to the UNFC to bolster the momentum of ethnic unity. However, one EAG respondent criticized the prospect of true ethnic unity:

So all these existent alliances have never, ever been inclusive (laughs). That’s the problem, huh? From the beginning. Because we have not been able to see what you call, established unified, ALL ethnic armed groups in one alliance, or one coordination body. It has never existed, and I am 100% sure that it will never exist because it’s not possible.³¹

²⁹ Interview number 89, 14 September 2018.

³⁰ Interview number 72, 12 April 2017.

³¹ Interview number 72, 12 April 2017.

Not all EAGs in the UNFC were represented in the NCCT. This discrepancy would later become a key point of contention in the negotiations. While the government did view the UNFC as a dialogue partner, it did not view them as a ceasefire group or coalition (Min Zaw Oo 2014, 14). Nevertheless, after the Laiza Conference, the NCCT put forward an 11-point draft agreement to serve as the basis for discussions and the outline for the NCA (ICG 2015). One EAG respondent cautioned that the NCCT was not a political alliance, but a coordination team:

The kinds of coordination, just a loose coordination working together on the same purpose or objective would be an ideal, for better, a working relationship, better than having, and that can be military to military, the Wa, KIO, Northern Alliance, they work together. But inclusiveness of all the armed groups, political alliance, whatever is not possible [...] NCCT was not an alliance. It was a coordination team. That kind of coordinating mechanism worked for us. That kind of coordination worked for us. So 16 out of 21, coordinating, collectively negotiating with the government.³²

Buoyed by the formation of the NCCT, the government threw its weight into creating a peace architecture that would support the peace process and the negotiations. The government created its own team to negotiate directly with the NCCT, led by Aung Min and his technical ceasefire team in the MPC. The basis for the discussion was the EAG-developed *Comprehensive Ceasefire and National Framework for Political Dialogue*.³³ that was designed with the technical support of individual international experts on ceasefires and national dialogues.³⁴ This framework was accepted by the government and the first round of negotiations began in November 2013.

Framing Inclusivity to the Government

The inclusivity norm was brought to the government side through the EAGs. EAGs introduced the inclusivity discourse to the government side

³² Interview number 72, 12 April 2017.

³³ Interview with EAG representative and analyst, 13 April 2017.

³⁴ National dialogues have become an increasingly popular thematic and practical concept in peacebuilding epistemic communities, resulting in a growing number of research pieces, handbooks and trainings on the topic. See: Berghof Foundation, "National Dialogues Handbook," 2017.

through the *Comprehensive Ceasefire and National Framework for Political Dialogue* document that became a base for discussion in the negotiations for both sides. This document was then brought to high-level decision-makers such as Aung Min and fellow minister Soe Thane, an influential design-maker in the process.³⁵ As previously mentioned, Aung Min had assembled a team of experts, former political exiles and “re-pats” who acted as “local agents” (Acharya 2004) and built congruence between the inclusivity and the existing normative frameworks on the government side. These local agents created connections between external narratives around inclusivity and the reality in the Myanmar context. An important flash-point around how the norm of inclusivity entered into the government’s discourse was the decision to turn the 14 bilateral ceasefires that had been recently signed (Min Zaw Oo 2014) with most of the influential armed groups into an “all-inclusive” nationwide agreement. This decision was unprecedented, as previous attempts at peace only consisted of bilateral ceasefire agreements between the government and individual groups. This government’s decision serves as evidence for the influence of an exogenous norm or idea (e.g. inclusivity) affecting the behavior of the government actors. In other words, the inclusivity norm could be one of the factors behind the logic that turning hard-won bilateral ceasefires into a nationwide one was a good idea, despite its inherent and obvious risks. In a conversation with Soe Thane, he recalled a trusted advisor first telling him about the word all-inclusiveness, a concept that he understands meaning having a holistic view of the whole process. In discussions with the government secretariat, the demand for an “all-inclusive” agreement came from the EAG side around the time of the formation of the NCCT. Many of Aung Min’s close advisors on the secretariat had advised against all-inclusiveness, when KIO leader General Gun Maw asked Aung Min if the EAGs could convene in Laiza (forming the NCCT). As one advisor recounted, “The demand came from the armed groups—it wasn’t my idea! I was against the idea from the beginning, but ironically, I had to implement it.”³⁶

Another secretariat team member recounted the first time they heard the word inclusivity, in the context of the Laiza Conference and the formation of the NCCT:

³⁵ Soe Thane gave explicit permission to use his name in this research project.

³⁶ Interview number 29, 30 November 2017.

And they bring up this one document that is already prepared about 4 or 5 years ago that is called the Nationwide Ceasefire Agreement. Actually that document is not a new one, and that document is already prepared by the different exile groups and ethnic armed groups 5 years ago. Some parts are from more than a decade before, so they bring it up, and they say, they are going to find out some kind of document in here. And we will sign together, and that document will become the founding document, the cornerstone of all the peace process and political dialogue process. And that is already everything. And whoever signs this document have a chance to become part of the political dialogue process, and this is where inclusivity lies on.³⁷

The government's reticence stemmed from the fear of more armed groups being formed—or splintering off because of inter- and intra-ethnic politics—and demanding a seat at the table.³⁸ The government interpreted all-inclusiveness as a “power-based ethnic alliance”³⁹ from a strategic perspective. So when the EAGs brought forth a proposition to negotiate a ceasefire as a single bloc, the government's acceptance of this proposal signals an acceptance of the inclusivity discourse. The government negotiators interpreted the inclusivity in their own way. According to respondents from the government negotiating team, “[Inclusivity] wasn't really a question until the offer from Thein Sein for armed groups, and “armed” being the operative word here. So it referred to who would be included in the talks. The government recognized 14–16 groups. The EAOs recognized different groups.”⁴⁰

The differences between the EAG and government interpretations of inclusivity were not openly addressed, despite inclusivity becoming used more frequently over the course of the negotiations. According to one respondent on the government negotiating team, there was even a debate among the negotiating groups whether the term, “all-inclusivity” or “inclusivity” would be used.⁴¹ According to another government negotiating team member, the idea was that a nationwide agreement would be a “process framework” to get politically and militarily relevant EAGs to the negotiation table. The EAGs, however, viewed inclusivity as a process framework to get *all* armed groups at the table.

³⁷ Interview number 63, 20 March 2017.

³⁸ Interview number 76, 17 May 2017.

³⁹ Interview number 79, 30 November 2017.

⁴⁰ Ibidem.

⁴¹ Interview number 64, 24 March 2017.

In terms of exogeneity, an MPC secretariat team member compared the presence of inclusivity discourse in the NCA process to the absence of the discourse during the National Convention process:

They say everyone is represented at the Convention, but they never used inclusivity as a word. So this is how they structured in the previous national convention in the previous regime. So I remember the first time I heard about the Burmese word of inclusivity and participation is around 2010, 2011, when we started opening up and NGOs coming in, and this is part of the exercise of the civil participation project, this is where it is coming up.⁴²

To the government negotiators, the discourse around inclusivity was more procedural than political from the outset. The government decided that the NCA process would in fact be “all-inclusive,” but *only* pertaining to groups who had signed to the NCA process in August 2011 during the Call to Peace. One government respondent described the government’s somewhat contradictory interpretation of all-inclusiveness:

The government don’t have any idea of what inclusivity means. They say that it is very simple. We will make up a form, whoever can sign it, they have a criteria, very simple: from this day, if you want to participate as part of the process, you can be part of the process. But after that day, if you are just form after that day, you are no longer considered part of the dialogue process [...] Yes, it is procedural, very procedural. They cut off the 1 day, they call for the Peace on 2011, so from 2011, everyone considered as dialogue partner, but after 2011, no, no.⁴³

The government’s interpretation of all-inclusiveness as “selective procedure” was also described by another respondent, a prominent Myanmar analyst: “so this is where, how the government considered inclusivity or not. This is very based on the procedural process.”⁴⁴ In sum, the government’s interpretation of the inclusivity norm was pragmatic and procedural, but not normative. To the government, inclusiveness referred to the political constellation of armed groups who could participate in the NCA negotiations. While the government’s interpretation and the EAG’s interpretation are diametrically opposed, the discourse around the norm

⁴² Interview number 72, 12 April 2017.

⁴³ Interview number 63, 20 March 2017.

⁴⁴ Interview number 61, 23 March 2017.

became salient among both parties. Both the EAGs and the government used the terminology and discourse around inclusivity in the initial set up and design of the process. Through a set of local agents, NGO mediators framed the inclusivity norm to the EAGs who then brought the discourse to the government. To both negotiating parties, inclusivity refers to armed groups rather than non-armed groups. And because the government and *Tatmadaw* are distinct entities, the *Tatmadaw* had their own interpretation of inclusivity. The *Tatmadaw* took a more hardline stance towards which armed groups were “allowed” to be included in the negotiations.

Because there was no trajectory to the early peace architecture of the MPC, when the national ceasefire came onto the agenda, the extent to which this government position was “stimulated by what they knew where the attitudes of the *Tatmadaw* is not clear. One respondent wondered whether the *Tatmadaw* co-opted and instrumentalized the discourse around inclusivity for their own purposes:

It’s like, the *Tatmadaw* has cleverly thrown a ball of wool to a kitten to play with to keep them very busy for 2 years. So busy that they had no time to consider actually, then what should we say, the important technicalities of implementation of ceasefire. Very important. Nevertheless, they were sucked into it, and during the 2 year process, of course it’s not that nothing came out of it.⁴⁵

The respondent also mentioned that the *Tatmadaw* can instrumentalize discourse around norms for strategic purposes:

We see the way the *Tatmadaw* were strategizing back in the time of the establishment of the national convention, struggling to see, my view, military regimes know that they are not likely to last forever. They will have to make a transformation some point in time. The fact that they know it is reflected in the way that they talk about it. They presumably are the ones that shaped the emergence of a new regime, which would allow them to maintain their power behind the façade of legitimacy [...] And the façade of the peace process at the same time. But I mean, my own guess is that the peace process means to them, much the same as it means to colonial powers in the past—pacification. I mean, they are not isolated, they are not stupid. They are very serious players in this game, and they hold most of the cards.

⁴⁵ Ibidem.

And they have a great advantage over every other player, in that they know what they want.⁴⁶

One respondent mentioned the incredulity that the *Tatmadaw* held to the inclusivity discourse:

In Myanmar history, none of the coalitions stood still—a lot of the groups were working on their own interests, a lot of these groups have their own interests, and the *Tatmadaw*. *Tatmadaw* was against inclusivity—they are convinced that it wouldn't happen, their argument is that they have already tried bilaterally and they have succeeded.⁴⁷

The unprecedented decision by the government to extend invitations to talks was met by mistrust by some of the EAGs. To be sure, not all EAGs were immediately keen to do so due to deep-seated mistrust after years of failed negotiations, ceasefires and promises. The government attempted to address such reticence by promoting an “open door policy,”⁴⁸ which entailed that groups that were not ready to sign the NCA at the negotiated date would be free to sign at a later time.

In late 2013, when the government received the *Comprehensive Ceasefire and National Framework for Political Dialogue* document from the EAGs, they came back to the EAGs with their own draft. According to one EAG respondent,⁴⁹ the new government draft was heavily influenced by the *Tatmadaw*.⁵⁰ After further negotiations on this document text, both sides agreed that the document would form the basis of a “single text,” which over the next two years and nine rounds of negotiations, would become the Nationwide Ceasefire Agreement.

⁴⁶Interview number 61, 23 March 2017.

⁴⁷Interview number 79, 30 November 2017.

⁴⁸“Myanmar and 8 Ethnic Groups sign ceasefire, but doubts remain,” New York Times, 15 October 2015.

⁴⁹Interview number 70, 10 May 2017.

⁵⁰During this early phase of the peace process, NGO mediators were not engaging with the *Tatmadaw*. Their lack of engagement with the *Tatmadaw* had consequences on the outcome of norm diffusion and the peace process itself, and will be discussed in Chap. 7.

Framing Inclusivity to Actors Outside the Negotiation Table

While the sections above show how inclusivity was framed to the armed actors in the conflict as a salient norm, inclusivity was also promoted by NGO mediators as it pertained to non-armed actors. However, they used a different interpretation of the inclusivity norm: not the participation of all armed groups, but the more cosmopolitan normative imperative of political participation by non-armed groups.

The framing of inclusivity as an important idea was picked up by the Myanmar media. Myanmar media outlets—enjoying the unprecedented ability to report on the peace process—played a large role in framing inclusivity as a key issue in the peace process. For instance, the Myanmar Times published an editorial entitled: “Peace Process Must be Inclusive.”⁵¹ An interview with a longtime international observer and peace practitioner in the Irrawaddy was headlined as, “You Cannot Talk about a Nationwide Ceasefire If You Don’t Include Everyone.”⁵² The UNFC and individual EAGs also used phrasing around inclusivity in media and public statements, for instance: “UNFC Calls for Inclusive Peace,” or “All-Inclusive Ceasefire Needed for Peace, Says CNF Chairman.” Myanmar political analysts also began to use the phrase “inclusiveness” in their reports and briefings. For example, an EBO briefing paper⁵³ stated: “Since February 2011, up to 19 ethnic armed groups are invited and participate in the monthly Working Group for Ethnic Coordination (WGEC) meetings to coordinate their ceasefire negotiations and plan together on how to transform their individual ceasefire talks into a collective political dialogue in an inclusive peace process” (Keenan 2013).

Framing inclusivity as an imperative for an effective and successful peace process in the early days of the process had already begun to put pressure on negotiating parties to include the excluded actors at the peace table. The prerogative for inclusion was initially framed as broad sectors of society becoming directly involved in the NCA process. The modalities under which this would take place, however, were much more contentious. When this norm was picked up

⁵¹They mentioned in the article: “From a strategic standpoint, the future of the peace process is in serious jeopardy if all the armed ethnic groups are not included in the framework.”

⁵²See for example, The Irrawaddy. 2016. Leon de Riedmatten: ‘You Cannot Talk About nationwide Ceasefire if You Don’t Include Everyone,’ available from: <https://www.irrawaddy.com/in-person/leon-de-riedmatten-you-cannot-talk-about-nationwide-ceasefire-if-you-dont-include-everyon.html> accessed on 26 June 2019.

⁵³A prominent source for analysis from the ethnic perspective. There are numerous examples of this.

and fiercely promoted not only by armed actors, but also by civil society organizations—including women’s organizations and youth groups (all advocating for formal representation and participation in the current peace process)—those designing the framework for negotiations had to address the inclusivity question. A telling example of this is the concurrent discourse⁵⁴ around women’s participation in the peace process (Muehlenbeck and Palmiano Federer 2016). For instance, the Alliance for Gender in the Peace Process (AGIPP) is a large-scale initiative headed by national women leaders and supported by the international community in Myanmar.⁵⁵ Since its creation in 2013, it heavily promoted women’s inclusion in the peace process⁵⁶ and used phrasing related to inclusivity and all-inclusiveness⁵⁷ as well. The Civil Society Forum for Peace (CSFoP) organized by national peace NGO the Shalom (Nyein) Foundation also used discourse around civil society’s inclusion in the peace process. The unprecedented prevalence of these discourses in Myanmar society was directly related to the reforms around media freedom, social media use and telecommunications. The discourse around inclusivity and all-inclusiveness on the public Facebook pages of key stakeholders,⁵⁸ and the freedom that the press enjoyed in documenting and analyzing the negotiations, all contributed to the framing of inclusivity as an important norm in the Myanmar peace process.

⁵⁴ Su Myat Mon. 2018. *The need for women’s inclusion in the peace process*, available from: <https://frontiermyanmar.net/en/the-need-for-womens-inclusion-in-the-peace-process> accessed on 26 June 2019.

⁵⁵ For instance: “Talking points for AGIPP” also picks up on framing inclusivity: “This third Brief from the Alliance outlines the international norms, standards and laws that comprise the Women, Peace and Security (WPS) policy agenda. The international frameworks covered in this Brief—from human rights treaties to United Nations Security Council Resolutions (UNSCRs)—have direct and indirect implications on Myanmar’s peace and security processes. The Brief provides an introduction to these frameworks and their relevance to circumstances in Myanmar, specifically in relation to women’s participation and gender inclusion in peace processes. It identifies major challenges preventing the realisation of women’s human rights—specifically, women’s substantive participation, representation and gender inclusion, and provides recommendations relevant to a range of peace actors.” UN Women was a large proponent of the framing around inclusivity as increasing participation, see for example: UN Women Gender Analysis of the NCA.

⁵⁶ Interview number 62, 23 March 2017.

⁵⁷ See for example, the Alliance for Gender in the Peace Process. 2015. *Where are the women in Myanmar’s Peace Process*, available from: <https://www.agipp.org/en/news/where-are-women-myanmars-peace-process> accessed on 26 June 2019.

⁵⁸ For instance, Senior General Min Aung Hlaing (*Tatmadaw* commander in chief) posts regularly on his Facebook page which has 100,000s of followers. Min Zaw Oo posted the NCA on Facebook once it was signed.

Due to the “gold rush” of NGO mediators working directly (and often informally) with the parties, coordination among these and all other international business, humanitarian and diplomatic actors working in and on the complex conflict context in Myanmar, proved difficult. Competition for funding resources and access to influential political actors in the process led to conceptual confusion about inclusivity. While the IPSG was set up in 2012 to mitigate this challenge, one of the leaders of the initiative observed that “we all could have done better”⁵⁹ to coordinate and transcend confidentiality, a strongly held norm amongst the epistemic community on mediation. Several interview respondents commented directly on the coordination and competition issue, lamenting that NGO mediators were “in direct competition with each other.”⁶⁰ This competition stemmed from donors and governments working through NGOs bilaterally, who in turn work with the parties bilaterally. The Myanmar peace process context was about “self-regulation and direct engagement with the parties.”⁶¹ Due to the politically sensitive nature of working directly with some EAGs, foreign governments funded NGO mediators to work directly with EAGs: “Overtime, [EAGs] needed more sophisticated resources [...]” and so embassies worked with NGO mediators to share the responsibilities.⁶² These conditions led to a high amount of coordination issues between and among NGO mediators and the donors that funded them. For instance, in a private email exchange shared by a former UN official working in Myanmar, NGO mediators clashed over the perception of certain NGO mediators taking credit for the positive outcome of a bilateral negotiation process. According to the respondent who shared the exchange, an NGO mediator miscommunicating their ownership of the process “introduces new unhealthy levels of competition among mediation actors” that is confusing and distracting to national actors [and] as outsiders compete.”⁶³ Additionally, an EAG representative lamented over the competition and the lack of coordination between NGO mediators promoting different interpretations of concepts and norms. This coordination and competition negatively impacted national peace process actors who received “many recommendations from different international experts and NGOs [leading] to confusion.”⁶⁴

⁵⁹ Interview number 87, 25 September 2018.

⁶⁰ Interview number 57, 14 March 2017.

⁶¹ Ibidem.

⁶² Ibidem.

⁶³ Private email correspondence between a UN official and NGO mediators, 2015.

⁶⁴ IPSG meeting minutes, March 2018, Yangon.

6.4 AGENCY OF LOCAL AGENTS: HOW DO NEGOTIATING PARTIES TREAT THE INCLUSIVITY NORM? (2013–2015)

In the Myanmar case, influential individuals in the NCCT and the MPC acted as local agents, who were credible “insider proponents” with sufficient “discursive influence” (Acharya 2004, 248) to not only accept the inclusivity norm but also constitutively reshape it. These “conditions” are clearly apparent in Aung Min’s closest advisors and key members of the secretariat, as well as some of the leadership in EAGs who represented ethnic communities in the NCCT. These individuals had some or all of the following characteristics: (1) “outside” knowledge and technical expertise of peace processes (they had all spent time abroad gaining a higher education in Western institutions in North America or Europe; were trained in Harvard negotiation style⁶⁵ approaches to mediation and negotiation; and had comparative experiences and knowledge of peace, mediation and negotiation in a range of other contexts) (2) Myanmar nationals who had political clout as former insurgents or political exiles. On the EAG side, these individuals were of paramount importance to introducing the discourse of inclusivity into the initial design of the process. The makeup of the MPC secretariat reflected Aung Min’s unorthodox approach to welcoming outside influence in terms of technical design and expertise. Aung Min’s technical team therefore acted as local agents that created an enabling environment for the introduction and localization of the inclusivity norm.

For norm diffusion to occur, the local agents must *want* to localize new norms (Acharya 2004, 247). In the context of domestic political changes after decades of military rule, the inclusivity norm provided greater external recognition for both the government and the EAGs. Thein Sein’s government represented a crucial transitional structure for Myanmar’s legitimacy vis-à-vis the international community. The NCA process, a flagship element of the quasi-civilian government’s reform agenda, was important in confirming its legitimacy after decades of pariah status. Touting an inclusive process aligned with the liberal peacebuilding paradigm would result in the widespread external recognition of the NCA as a “success story” and model for peace processes around the world. Indeed,

⁶⁵ See Harvard Law School’s Program on Negotiation, available at: <https://www.pon.harvard.edu/> accessed on 26 June 2019.

the Thein Sein government originally planned to have the NCA signed in 2014 in a large and celebratory fashion with the United Nations, China and other external partners present.

Similarly, one of the EAGs' main demands early on in the process was to have a role for international third parties (BNI 2013) in the negotiations. The NCA process was considered by international peace supporters and the Myanmar public as the best chance to end the decades-long conflict because of the cosmopolitan nature of the norm. To one observer, the deeply flawed process was nevertheless "given legitimacy by international norms of inclusivity."⁶⁶ The NCA was designed to be the precursor to an inclusive national dialogue. After the NCA would be signed by all EAGs, Myanmar's top decision makers would hold a "Union Peace Conference" envisioned as a follow up to the 1947 Panglong Conferences (see Chap. 4). The Union Peace Conference would culminate in the signing of a Union Peace Accord ratified by the Hluttaw (Sakhong and Twa 2015). Local agents in the MPC and the NCCT grafted the inclusivity norm onto their existing cognitive priors around unity. This negatively impacted non-armed actors that also expected greater participation in the process due to the inclusivity discourse.

EAGs' Acceptance of the Inclusivity Norm

On the EAG side, the practice of military alliance formation was, according to EAGs, a defense strategy against the *Tatmadaw* (Keenan 2015). This practice was necessitated under the military regime, but the calculus changed when Thein Sein's government embarked on an unprecedented wave of reform. EAG leaders understood that the rules of the game were changing. Therefore, while the existing cognitive prior of the "spirit of Panglong" remained strong and legitimate, the practices around the cognitive prior were seen as inadequate to meet the new political landscape. This shift provided motivation for local agents to adapt the normative framework and possibly incorporate new external norms that had "the potential to contribute to the legitimacy and efficacy of extant institutions without undermining them significantly" (Acharya 2004, 251). Thus, EAG leaders played the role of local agents in grafting the inclusivity norm onto the cognitive prior of ethnic unity.

⁶⁶Interview number 61, 23 March 2017.

To EAGs acting as local agents, the National Conventions leading up to the 2008 Constitution⁶⁷ that took place under the military regime did not address the needs and perspectives of the Myanmar people.⁶⁸ Reflecting on the fact that the National Convention was not inclusive to them, these local agents envisioned a peace process that would have broad participation. This would mean the inclusion of non-armed actors such as political parties and civil society actors. It would be an inclusive political dialogue that would “become the cornerstone of the peace process and the political dialogue process.”⁶⁹ However, to reach the political dialogue phase of the process, hostilities had to be ended through ceasefire agreements first.

In the early days of the NCA process, the need to adapt the “spirit of Panglong” to the discourse of all-inclusiveness was recognized by local agents within the broader context of the extraordinary reforms that were unfolding in the country (Kyaw Yin Hlaing 2012). With greater media freedoms, the release of political prisoners, economic opening and political engagement taking place rapidly (ibidem), the state of play had changed and entered into uncharted territory. The notion of ethnic unity as a way to combat the divide-and-rule tactics of the military had to be maintained, but also had to adjust to this new political context of reform. This meant that after decades of failed peace processes and fighting, ethnic unity would no longer be simply a military strategy, but a political one. In other words, “since the ethnic conflict is based on a constitutional issue, a much broader political dialogue, including the *Tatmadaw*, democratic parties and civil society as a whole will be needed.”⁷⁰

The norm of inclusivity, brought to local agents through interaction with NGO mediators, was reinterpreted as the concept of an inclusive national dialogue and subsequently incorporated into their peace process design. External and mainstream understandings of peacebuilding concepts were also brought to the fore through the medium of international experts, workshops, discussions and courses on mediation:

But later it was developed because we invited [name redacted] to explain about the concept of national dialogue, the types of them, the anatomy of a

⁶⁷ See: The Irrawaddy. 2004. “Chronology of the National Convention,” *The Irrawaddy*, March 31.

⁶⁸ Interview number 72, 12 April 2017.

⁶⁹ Interview number 63, 20 March 2017.

⁷⁰ EBO Briefing Paper. 2013. *Ethnic Coordination and Unity*, available at: <http://www.euro-burma.eu/activities/research-policy/ebo-papers/> accessed on 5 December 2017.

national dialogue. And ever since, there are several workshops, discussions and then finally we have produced this, what we call Comprehensive Ceasefire and National Framework for Political Dialogue and along the way, we had mostly invited [name redacted] so even [name redacted] also attended, we attended mediation courses and all that. Technical assistance to EAOs and then another international actor at the time that was involved was this Intermediate from the UK and [name redacted] and those kind of people. So there might have been some others like NGOs and CPCs who have done small workshops here, but the collective body NCCT I think [name redacted] and [name redacted] seems to have involved, so it was ethnic armed group's invitation.⁷¹

Several respondents referenced working on this framework with an international consultant working on behalf of an NGO mediator. This provides further evidence that the presence of international actors, including NGO mediators provided explicit guidance on peace process design. The interaction with NGO mediators may serve as evidence to inclusivity featuring as a “key basic principle” in the “Common Position of the Ethnic Armed Organizations on the Nationwide Ceasefire” (Keenan 2013). Further evidence of EAGs grafting inclusivity onto the cognitive prior of ethnic unity is seen in the stated purpose of the Laiza Conference itself. Not all EAGs in the UNFC however, were represented in the NCCT, which would later become a key point of contention in ethnic debates about all-inclusiveness. This serves as major illustrative evidence for inclusivity resonating with the ethnic representatives in the NCA process in terms of both process and content related matters.

The Government's Acceptance of the Inclusivity Norm

The inclusivity norm was framed as a salient norm in the context of the Myanmar peace process despite the reticence of many MPC secretariat members. Its begrudging acceptance was accompanied by a very specific interpretation by the MPC. The government viewed an all-inclusive nationwide ceasefire agreement as possible, but only if it were to be the arbiter of which kinds of groups would be included. All-inclusiveness took on a very specific temporal aspect, pertaining only to the EAGs who were viewed as “legitimate” at the time of the Call to Peace in 2011. This position, influenced heavily by the *Tatmadaw*, grafted the inclusivity norm

⁷¹ Ibidem.

onto the existing cognitive prior of the primacy of the union, which aimed to neutralize the internal threat of insurgency by all means and at all times possible. This was further reinterpreted and reconstituted as an issue of security rather than a political, pragmatic or even normative imperative. Local agents spoke at length about “the line in the sand” that was drawn between EAGs extent for the Call to Peace and those that appeared after, which the “government cannot recognize” (Aung Naing Oo 2018, 86). Aung Naing Oo writes especially about the government’s interpretation of all-inclusiveness in his memoir in a section entitled, “Problems of all-inclusiveness with the EAOs:”

“The EAOs and the fact that the government cannot recognize the existence of some EAOs, are some of the key factors why all-inclusiveness does not work. Further, there are smaller organizations [...] who are not recognized as organizations that can sign the NCA [...] There are also small and big groups whose decision-making method is by consensus. Consensus decision-making makes it difficult for everyone to come to a united position because their interests and standpoints are at times different. The EAOs are also members of various alliances fighting the government, but it is a condition of the NCA that individual groups sign because alliances are not recognized as legitimate signatories, which also makes inclusiveness difficult” (Aung Naing Oo, 2018, 86).

This discourse around the “trouble with inclusiveness”⁷² connects the inclusiveness discourse to the government/*Tarmadaw*’s security-related fear of splinter groups and strengthening insurgencies. Some members of the government secretariat also recognized how EAGs grafted the inclusivity norm onto the notion of ethnic unity and how this also created problems among and between the armed groups. The inclusivity norm, in its cosmopolitan form as a normative imperative, is not explicitly considered in the process of ceasefire negotiations. To the government, inclusivity was reinterpreted as a security topic by local agents in the government side. These actors grafted the inclusivity norm onto to a classic security discourse among central governments who find themselves dealing with insurgencies: the discourse around spoilers. This is evidenced by a government advisor explicitly referring to the spoiler discourse in the context of the peace process under a passage entitled “understanding the

⁷²Aung Naing Oo. 2015. The trouble with inclusiveness, available from: <https://www.mmtimes.com/opinion/15802-the-trouble-with-inclusiveness.html> accessed on 26 June 2019.

problem with spoilers”⁷³ that also includes statements around the troublesome nature of all-inclusiveness as a hurdle to the peace process (Aung Naing Oo 2018, 85).

6.5 CONCLUDING THOUGHTS

In sum, there is discursive evidence suggesting that some members of the government secretariat—well versed in academic and policy debates around security arrangements—acted as credible local agents to graft inclusivity onto an existing cognitive prior around neutralizing internal security threats to protect the primacy of the union, and the primacy of the Tatmadaw as the “protector” of the Union.

This chapter also analyzed the interaction between local agents and NGO mediators. It discussed how key members of the negotiating parties on both sides acted as local agents and built congruence between the inclusivity and their cognitive priors. On the EAG side, local agents grafted the cosmopolitan imperative of inclusivity onto the cognitive prior of ethnic unity between the EAGs, despite its inherent risks and history of failed and problematic alliances. They built congruence between the cosmopolitan and democratic ideals of equality and self-determination, and the cognitive prior of ethnic unity as a vehicle to fulfill the promises of Panglong. For the government negotiators, local agents with academic and technical knowledge from abroad accepted the inclusivity norm on their own terms. These local agents reinterpreted inclusivity as a security issue in the process of grafting it onto the strongly held cognitive prior of internal security and primacy of the union. They connected the inclusiveness issue to the discourse around spoilers and later would use the similar interpretations to exclude civil society groups who would seek to broaden the process away

⁷³For example: “Spoilers exist for a variety of reasons. Generally, they are the type to want to maintain the status quo and go against the tide of change. They are the ones who fear their wealth and power will be reduced or destroyed by peace or the changes peace will bring. Likewise, those who are ideologically driven can be considered spoilers because they also have power to prevent peace. [...] In Myanmar they are often referred to as hardliners. Spoilers do not exist before the peace process, only when the prospect of peace strengthens do they emerge. They may remain part of the peace process to demonstrate their desire for peace, but become a ‘spoiler’ on the eve of reaching an agreement to guard their interests. Some spoilers exist purely for material wealth and use the power they have to maintain it; this type may be more common in resource-rich conflict areas. This nexus between politics, power and wealth may be common in conflict; but spoilers are more likely to use ideological reasons, at least verbally, to stand against peace” (Aung Naing Oo 2018, 85).

from hard security issues. In both of these interpretations, the inclusion of non-armed actors was pruned as the discourse took place in a context of ceasefire negotiations. This is where the NGO mediators started to lose their agency and the path of diffusion of the inclusivity norm—the next chapter details this process further.

REFERENCES

- Acharya, Amitav. 2004. How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. *International Organization* 58: 239–257.
- Alluri, Rina, Stefan Baechtold, Rachel Gasser, Julia Palmiano, and Sabina Stein. 2014. *Working in and on Myanmar: Reflections on a 'light footprint' approach*. Bern: swisspeace. https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/WP_5_2014.pdf. Accessed 16 December 2022.
- Baechtold, Stefan. 2015. The rise of an anti-politics machinery: Peace, civil society and the focus on results in Myanmar. *Third World Quarterly* 36 (10): 1968–1983.
- Bertrand, Jacques, Pelletier, Alexandre, and Thawngmung, Ardeth Maung. 2020. First movers, democratization and unilateral concessions: overcoming commitment problems and negotiating a “nationwide cease-fire” in Myanmar. *Asian Security*, 16 (1): 15–34.
- Burke, Adam, Nicola Williams, Patrick Barron, Kim Joliffe, and Thomas Carr. 2017. *The Contested Areas of Myanmar: Subnational Conflict, Aid and Development*. San Francisco: The Asia Foundation.
- European Peacebuilding Liaison Office. 2013. Mapping Myanmar peacebuilding civil society. CSDN background paper. https://eplo.org/wp-content/uploads/2017/02/EPLO_CSDN_Background-paper_Mapping-Myanmar-Peacebuilding-Civil-Society.pdf. Accessed 19 November 2022.
- Finnemore, Martha, and Kathryn Sikkink. 1998. International norm dynamics and political change. *International Organization* 52 (4): 887–917.
- Group, International Crisis. 2015. Myanmar’s peace process: A nationwide cease-fire remains elusive. In *Crisis Group Asia Briefing*. Yangon/Brussels: International Crisis Group.
- Hlaing, Kyaw Yin. 2012. Understanding recent political changes in Myanmar. *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 34 (2): 197–216.
- International, Burma News. 2013. Deciphering Myanmar’s peace process: A reference guide 2013. Yangon: Burma News International. https://www.bnionline.net/sites/bnionline.net/files/publication_docs/deciphering_english_2013.pdf. Accessed 16 December 2022.

- Jones, Peter, Min Zaw Oo, and Julia Palmiano Federer. 2021. *The crisis in Myanmar: Are there roles for track two diplomacy?* Ottawa: The Ottawa Dialogue. <https://ruor.uottawa.ca/handle/10393/44336>. Accessed 16 December 2022.
- Keenan, Paul. 2013. Ethnic coordination and unity. In *EBO briefing paper*. Chiangmai: Euro-Burma Office.
- . 2015. All-Inclusiveness in an ethnic context. In *EBO background paper*. Yangon: Euro Burma Office. <http://eprpinformation.org/files/recent-events/All-Inclusiveness-in-an-Ethnic-Context%2D%2DEBO-Aug2015.pdf>. Accessed 16 December 2022.
- Mühlenbeck, Allison and Julia Palmiano Federer. 2016. *Women's inclusion in Myanmar's nationwide ceasefire agreement*. Washington, DC: Institute for Inclusive Security. <https://www.inclusivesecurity.org/wp-content/uploads/2016/09/Womens-Inclusion-in-Myanmars-Nationwide-Ceasefire-Agreement.pdf>. Accessed 16 December 2022
- Nathan, Laurie. 2017. Marching orders: Exploring the mediation mandate. *African Security* 10(3-4): 155–175, 1–21.
- Oo, Min Zaw. 2014. Understanding Myanmar's peace process: Ceasefire agreements. In *Catalyzing reflection*. Bern: swisspeace. https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Catalyzing-Reflections_2_2014_online.pdf. Accessed 16 December 2022.
- Oo, Aung Naing. 2018. *Lessons Learned from Myanmar's Peace Process*. Siem Reap: Centre for Peace and Conflict Studies.
- Petrie, Charles, and Ashley South. 2014. Peacebuilding in Myanmar. In *Burma/Myanmar—where now?* ed. Mikael Gravers and Ytzen Flemming, 223–255. Copenhagen: Nordic Institute of Asian Studies Press.
- Sakhong, Lian. 2012. *The dynamics of sixty years of ethnic armed conflict in Burma*. Yangon: Burma Centre for Ethnic Studies.
- Sakhong, Lian, and Paul Sein Twa. 2015. *Inclusivity and the peace process in Burma/Myanmar: Perspectives of an ethnic leader and civil society activist. Development dialogue*: Dag Hammarskjöld Foundation. http://www.daghammarskjold.se/wp-content/uploads/2016/01/DHF_DD63_p119-130.pdf. Accessed 16 December 2022.
- Small, Mario Luis. 2009. 'How many cases do I need?' On science and the logic of case selection in field-based research. *Ethnography* 10 (1): 5–38.
- Soe Thane. 2017. *Myanmar's transformation and U Thein Sein: An insider's account by U Soe Thane*. Yangon: Self-published.
- South, Ashley. 2014. Update on the peace process. In *Burma/Myanmar—Where now?* ed. Mikael Gravers and Ytzen Flemming, 250–255. Copenhagen: Nordic Institute of Asian Studies Press.

- Su Mon Thazin Aung. 2015. Myanmar ethnic peace process: Strategy of the Myanmar government in the ongoing democratic transition. In *Myanmar: reintegrating into the international community*, ed. Chenyang Li, Daw Chaw Chaw Sein, and Xianghui Zhu, 349–367. World Scientific.
- de Waal, Alex. 2014. *The political marketplace: Analyzing political entrepreneurs and political bargaining with a business lens*. <https://sites.tufts.edu/reinvent-peace/2014/10/17/the-political-marketplace-analyzing-political-entrepreneurs-and-political-bargaining-with-a-business-lens/>. Accessed 15 January 2016.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





“The Trouble With Inclusivity:” How Promoting Inclusive Peace Led to an Exclusive Outcome

7.1 THE OUTCOME OF THE NORM DIFFUSION PROCESS IN MYANMAR (2013–2015)

This section discusses the outcome of the promotion of the inclusivity norm in the Myanmar NCA negotiations. NGO mediators framed the norm as an important vehicle for a sustainable, effective and legitimate peace process and promoted it through a range of practices, while local agents on both sides of the peace table accepted the norm but grafted it onto their own respective cognitive priors around the notion of “unity” (see Chap. 5). Throughout the process, inclusivity was pruned of its participatory component and localized as a security-oriented positioning tool. Inter- and intra-ethnic divides related to the inclusion of three armed groups (the AA, TNLA and MNDAA)¹ in the NCA contributed a sub-par outcome for the negotiating parties. On 15 October 2015, the NCA was signed by just eight of 16 EAGs in the NCCT. This outcome was extremely disappointing to the government, and heartbreaking to the EAGs. As one ethnic representative recounted of the NCA signing ceremony:

A lot of people think that we should have been happy on that day. But we were not all included. Half of our friends are no longer there. So how would you be happy? I published a book, but I did not include a single photo of

¹This will be explained in more depth throughout the rest of the chapter.

that day. It was the most heart-breaking day for me. A lot of people might think that on the 15th of October we were happy. No, we were not. (swisspace 2016)

The inclusivity norm's localization as all-inclusiveness is illustrated by its salience (Cortell and Davis 2000) in a given context. Its salience in domestic political discourse, proposed changes in national institutions (e.g. inclusive political dialogues) and state policies (federalism and proposed changes to the Myanmar constitution) all provide evidence for its salience as a norm more broadly. However, the temporal aspect is critical. Local agents in EAGs and the government localized the inclusivity norm in the NCA process as a negotiating position based on military and political arrangements. This happened because the NCA process was designed as a largely technical ceasefire process but was overloaded and eventually morphed into a hybrid agreement that occupied space between a technical ceasefire agreement and a broad political accord.²

The grafting of the inclusivity norm onto the parties' existing cognitive priors surrounding unity by local agents occurred around late 2013. On the EAG side, inclusivity was grafted onto the cognitive prior of unified identity through ethnonationalism at the Laiza Conference, where EAGs decided to negotiate as a single bloc for the first time in Myanmar's modern history. On the government side, inclusivity was grafted onto the cognitive prior of national identity and the promise of one Myanmar. This was complicated by the *Tatmadaw's* own cognitive prior of unified identity through militarized state formation. Despite the resistance of strongly entrenched historical and political forces and power dynamics between key decision-makers in the quasi-civilian government (hardliners vs reformists), Thein Sein still accepted the EAG's request to be recognized as a single negotiating bloc and base the forthcoming negotiations on their proposed text.

By 2013, negotiations picked up momentum based on a draft single-text agreement originating from the EAG-developed *Comprehensive Ceasefire and Framework for Political Dialogue* that was designed with the technical support of individual international experts on ceasefires and

²Interview number 61, 23 March 2017.

national dialogues.³ With a basis for discussion more or less in place, the negotiating parties launched into an ambitious phase of whittling down more than 100 outstanding issues over 20 months of negotiations and numerous rounds of formal talks. The salience of the all-inclusiveness policy after the summit of EAGs in Law Khee Lar, Karen State, in June 2015 (known thereafter as the Law Khee Lar Conference) is an important turning point for the process and cogently illustrates the spread of all-inclusiveness as a central point of contention in negotiations. The Myanmar case displayed just how salient the discourse had become by 2015, especially after the outbreak of violence in the northern border of Myanmar.

The August 2014 deadline for signing was missed as the tide of negotiations started to turn. Clashes with the KIA in April 2014 ended a 17-year ceasefire, quashing the initial optimism of the talks. The process faced the real threat of breaking down when, in November 2014, a KIA-training center was attacked by the *Tatmadaw*. To keep the fraught process afloat, President Thein Sein invited EAGs to a special “coordination meeting” in early 2015 to recover damaged trust. At the same time however, a new front of armed clashes in the Kokang region and northern Shan State broke out with the AA, TNLA and the MNDAA. Despite these developments, an *ad referendum* agreement was signed to much national and international fanfare on 31 March 2015.

While the *ad referendum* agreement was endorsed by all main stakeholders on the government side, NCCT member groups had to gain the buy-in of their respective constituencies at the Law Khee Lar Conference. Based on this EAG summit and on a follow-up meeting hosted by the United Wa State Party (UWSA), EAGs issued statements stipulating⁴ that no credible signing of the NCA could take place while ongoing clashes were occurring in Kokang and Northern Shan State. They also demanded that the three groups involved in the clashes (the MNDAA, the TNLA and the AA), as well as other excluded UNFC members, the Lahu Democratic Union (LDU), Arakan National Congress (ANC) and the Wa National Organization (WNO) must be included in the signing of the

³National dialogues have become an increasingly popular thematic and practical concept in peacebuilding epistemic communities, resulting in a growing number of research pieces, handbooks, and trainings on the topic. See: Berghof Foundation, “National Dialogues Handbook,” 2017.

⁴Ethnic Armed Organizations’ Summit Statement Law Khee Lar, Karen State, 2–9 June 2015.

NCA.⁵ None of the sixteen groups in the NCCT would sign the agreement unless all of them could sign. This was the turning point for inclusivity, as UNFC members, NCCT members and non-NCCT members decided to amend the “final” draft agreement of 31 March to include a clause referring to an all-inclusive signing (BNI 2016). During the Law Khee Lar Conference, EAGs replaced the NCCT with a new negotiating body named the “Senior Delegation” (SD). The SD would renegotiate the four remaining contentious issues with the government, all-inclusiveness being the primary issue: (1) the situation regarding the AA, MNDAA and the TNLA (2) security arrangements (3) which other EAGs would sign the NCA and (4) who would act as international witnesses. While the presence of China and the UN as observers was agreed upon by both sides, there was a dispute between the government and EAG negotiating teams over the presence of EU and Japanese witnesses.

Therefore, by 2015, the notion of inclusivity referred to a single question: “Which groups will sign the NCA?” (Keenan 2015). The impasse arose because of two different “formulas” of inclusion. The government’s position was known as the “14+1 formula,” which meant inviting only the fourteen EAGs that had signed bilateral ceasefires plus the KIA because of its political and military significance. This configuration did not include six armed groups: the AA, MNDAA, TNLA, ANC, LDU and WNO. The first three EAGs—the AA, MNDAA and TNLA—were not invited to sign because, according to the government, these groups emerged only after the 2011 Call to Peace. The government wanted to prevent splintering and the proliferation of more armed groups. Recognizing these groups would, in their view, facilitate the creation of more EAGs. Furthermore, the government claimed that the TNLA and AA were “KIO creations” (Keenan 2015) and thus be encompassed by a bilateral ceasefire with the KIO. The TNLA, AA and MNDAA were considered militarily significant to the government and *Tatmadaw*. The ANC, LDU and WNO were not invited to sign the NCA because the government viewed them to be politically and militarily insignificant. These three EAGs did not have large armies in comparison to the other EAGs. Therefore, the government line was that these groups could participate in the political dialogue without either a bilateral ceasefire or the NCA (*ibidem*).

⁵In reference to these six groups, some were members of the UNFC and not the NCCT, some members of the NCCT and not UNFC, and the AA for example, was neither part of the UNFC nor NCCT.

The second formula was the EAG’s call for all-inclusiveness meaning that all 16 members of the NCCT (which included the six aforementioned groups excluded by the government) should thus be invited to sign the NCA. There were four more groups that held bilateral ceasefires with the government and were therefore invited to sign the NCA, but are not part of the UNFC (NDAA, NSCN-K, RCSS and UWSA). With these four groups, it did not matter to the UNFC whether they signed the NCA or not. What mattered was upholding the unity of the UNFC alliance: “[The UNFC] is more concerned for the unity of its members, rather than the unity of all the ethnic groups as a whole” (Keenan 2015, 2).

This central position held by the EAGs—that unless the government invited all groups to sign, none of them would—found entry in public discourse in the phrase all-inclusiveness. Media coverage and political analysis quickly picked up on the phrase, and soon discussions around the NCA process centered on all-inclusiveness as the reason for the impasse in the talks (ICG 2015; Aung Naing Oo, 2016). However, the government was not moving on its own definition of inclusiveness. The government drew a line in the sand⁶ and the notion of all-inclusiveness became a chief reason for the deadlock between the negotiating parties in mid-2015. The discourse around all-inclusiveness suggests the norm’s salience as a key factor in the outcome of the NCA negotiations in 2015—namely a mere partial signing, what I hereafter refer to as an “exclusive outcome.”⁷ Numerous sources analyzing the end of the negotiations point to inclusivity as not just one of many factors, but the chief reason for the exclusive outcome, for instance one analyst writing that the “issue of inclusivity has proven to be the main stumbling block to the comprehensive signing of the NCA by all EAGs.”⁸ One peace process participant offered that “the key issue that precluded full support was the question of “inclusivity.” The inclusion of the other three groups (the ones actively involved in conflict), [...] became the straw that broke the camel’s back [...].”⁹ All-inclusiveness

⁶Interview number 45, 4 April 2017.

⁷The non-signatories to the NCA had refused to sign the agreement, as it did not include six non-state armed groups: Ta’ang National Liberation Army (TNLA), Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA), Lahu Democratic Union (LDU), Arakan National Congress (ANC) and Wa National Organisation (WNO).

⁸Institute for Security and Development Policy. 2015. Myanmar’s Nationwide Ceasefire Agreement, available from. <http://isdp.eu/publication/myanmars-nationwide-ceasefire-agreement/> accessed on 26 June 2019.

⁹Interview number 76, 17 May 2017.

contributed to division among the NCCT and UNFC, as one EAG representative complained of the inter-ethnic dynamics with a play on the popular literary passage, “All for three, and three for three.”¹⁰ The issue of inclusion among the country’s many ethnic groups has a complex history and has, since independence, played a key role in the state of peace and conflict of the country.¹¹ This is echoed in a large number of op-eds, speeches and statements by analysts, peace process actors and researchers. Ethnic representatives generally did not want to sign an agreement until a firm political commitment on political legitimacy and historic grievances stemming back from the Panglong Agreement were offered. The government, on the other hand, did not want to move forward with a political dialogue without ceasefires being signed and, importantly for them, the EAGs disarming.

The Law Khee Lar Conference was a turning point in inclusivity’s shift to all-inclusiveness as a negotiating position. A respondent who attended three of the five EAG summits and was thus privy to the discussions, traced this shift. Explaining that inclusivity in Myanmar is misunderstood, especially by members of the international community, they said that all-inclusiveness only crystallized as a stalemate in 2015, but had already been established at the Laiza Conference. The widespread excitement around the draft agreement signed three months earlier obviated the fact that three major issues were not agreed upon: which EAGs could sign the agreement, who the “legitimate” representatives of each group were, and which international actors would act as witnesses to the signing ceremony of the peace agreement. For the EAGs, their “fraternal” commitments to each other as ethnic minorities resisting a dominant-ethnicity power structure strengthened their position on all-inclusiveness. To the government, political issues would be dealt with in a political dialogue only after the NCA was signed. Many ethnic politicians preferred the exact inverse sequence and saw the government’s agenda as a trap. They wanted more international observers to play a closer role in monitoring and witnessing the agreement.¹²

The deadline of signing the NCA also became a race against time in the broader context of Myanmar politics. Myanmar’s general elections were

¹⁰This phrase is a play off the famous quote from the story *The Three Musketeers*, “All for one and one for all”, Interview number 70, 10 May 2017.

¹¹Brennan and Zaw Oo 2016.

¹²Interview number 84, 18 January 2018.

approaching, and Aung San Suu Kyi’s NLD was widely expected to win a substantial majority. This meant Thein Sein’s government (USDP) would have limited time to have the NCA signed during their term. The government desperately wanted to get the NCA signed before its term was up to preserve their legacy, control the process, or perhaps to prove that peace would be more durable if it was agreed to by the USDP. However, due to hardliners in the government and *Tatmadaw*, the government was unable to cede their position excluding the AA, TNLA and MNDAA from the NCA. Before long, the tensions between the EAGs began to show, especially between larger or more politically and military relevant armed groups such as the KNU, KIO and NMSP, whose decision to sign or not sign would have large implications for the other groups and the agreements as a whole.¹³ Larger groups influenced the decision-making processes of the smaller groups. In the end, the NCCT devolved into factions of individual EAGs that made decisions on their own terms on whether to sign or not. Within larger, influential groups such as the KIO and the KNU,¹⁴ contentions over whether EAGs should expect guarantees before signing the NCA caused fragmentation and factional division. Among these large groups, the main contention was whether they should demand guarantees before signing the NCA or instead view the ceasefire as a gateway to political dialogue. As one respondent noted, should EAGs “[enter] into a process of trying to secure a necessary outcome?”¹⁵ One respondent commented on these complicated dynamics:

So the KIO were the ones who were leading the abstention from signing. So, the military on the other hand, were demanding inclusion. But interestingly, at the same time [they] were guaranteeing that inclusivity could not be achieved by the attitude to the three in the early Northern Alliance. So it always seemed to me to be very funny. We have gone through the lengths of the NCA, we don’t have a satisfactory outcome, we say that we are committed to going onto the next stage, but we cannot go on to the next stage until we include those who were not included, but we are determining that those who were not included cannot be included. So that was the military stance. On the armed ethnic organization side, on those who had abstained from the NCA, they were the ones who were then demanding seizing on those excluded groups, if they’re not included, then we can’t be included. So they

¹³ Ibidem.

¹⁴ Interview number 61, 23 March 2017.

¹⁵ Ibidem.

would then in turn, push for inclusivity. [...] So we got these peculiar, in a sense, this is not negotiation, this is the theatre of the peace process. Who are the good guys?¹⁶

The split ultimately occurred between those EAGs that felt ready to sign and those that did not. The NCCT had brought together a diverse group of EAGs, and the divisions were not only linked to questions of all-inclusiveness, but also to the diverse political and strategic considerations respective to their own groups. Against a backdrop of complex political dynamics that included national and international pressure, the signing ceremony of the NCA was pushed through, comprehensive or not, and took place on 15 October 2015. To the dismay of many negotiators and peace process supporters, only eight groups out of the 16 represented groups in the UNFC/NCCT signed the agreement.

Inclusivity of Non-armed Actors

The interaction between the two “working definitions”¹⁷ of inclusivity and how all-inclusiveness applies to the ceasefire and political dialogue is central to understanding the outcome of the norm diffusion process as localization and not displacement. The participatory aspect of the inclusivity norm was pruned further during the Law Khee Lar Conference. To keep the process from falling apart, the inclusion of contentious armed groups over the participation of civil society and the wider Myanmar public was prioritized. While on paper and to members of the peacebuilding and donor communities, inclusivity still meant broadening participation to non-armed actors, it became clear from the language used by negotiation actors, peace process analysts and the media writ large, that all-inclusiveness referred to the question of which EAGs would be included.

It is at this point of the norm diffusion process that the constitutive elements of inclusivity started to complicate the picture and clash with each other. The multiple interpretations promoted by different NGO mediators to a wide range of Myanmar actors resulted in contradiction and confusion for the peace process actors. One Myanmar respondent working closely with the stakeholders reflected that the term all-inclusiveness was not that popular until the peace process started. He

¹⁶ Ibidem.

¹⁷ Interview number 84, 18 January 2018.

lamented that there were so many contradictions in that phrase which never got resolved. He also shared that when something becomes popular in the country’s discourse, like inclusivity or federalism, it becomes sort of a delusion: “We follow and chase inclusivity, but anything that becomes this popular can become a blockage in our thinking. We are also concerned about inclusivity [...] we insist on the inclusion of these three armed groups on the basis of inclusivity, but actually, how practical is it? Is it blocking the process?”¹⁸ He also lamented being trapped in the discourse of inclusivity: “if you are critical or against it, you cannot say it publicly or cannot air it out.”¹⁹ These constitutive changes to the norm from a cosmopolitan norm to a positioning tool began at the Law Khee Lar Conference and continued in this direction in the tense and fraught period of negotiations between June 2015 and the deadline for signing the NCA in October.

These sentiments were echoed in civil society organizations’ calls for greater inclusion and better consultative mechanisms linking the formal process to the wider public:

Those are the benefits of inclusivity, as I see it. Fighting at the table is more difficult than fighting with guns. You need more human resources and expertise, you need the people’s support and you need to manage their expectations. We need a forum to facilitate transparent and good public debate so that different actors can be heard, including academics, civil society and ordinary people. The way the process runs now, everything is high-jacked by the political elites.²⁰

These two “working definitions”²¹ of all-inclusiveness and inclusivity continued to complicate matters at the outcome of the norm diffusion process. One international advisor to the EAGs reflected: “this may be self-evident, but I think the interaction between these concepts is really important in this context.”²² The draft text of the NCA included specific elements for civil society participation in the next phase of political dialogue that would happen once the NCA was signed. However, many civil society organizations felt that the NCA process itself remained exclusive

¹⁸ Interview number 67, 4 April 2017.

¹⁹ Ibidem.

²⁰ Ibidem.

²¹ Interview number 84, 18 January 2018.

²² Ibidem.

and EAG-centered. One civil society representative called the process “elite-led” as, despite calls for greater space for civil society to engage, “both sides in the negotiations—the government and ethnic armed groups—have left civil society out of the process” (Sakhong and Twa 2015, 126). They lament that it was “a big pity they did that, and it’s one of the reasons that the NCA text is so weak, in the sense that it does not provide clear and equal footing in the political dialogue platform for the ethnic armed groups. In other words, the government and its army have the upper hand in all matters” (ibidem).

The all-inclusiveness discourse described above centered on an inclusive *process* and was less concerned with inclusive mechanisms stipulated in the *content* of the NCA itself. The focus on the process was the intent of the early drafters of the NCA agreement from the beginning (see Chap. 6). However, it is important to mention the presence of the word “inclusive” in the English text of the final NCA agreement, which would become a cornerstone of the Myanmar peace process after 2015. The imperative to have an inclusive mechanism or institution²³ is mentioned four times in a 12-page text, in contrast with zero mentions in the 2008 Constitution.

7.2 THE ROLE OF NGO MEDIATORS IN THE OUTCOME OF NORM DIFFUSION IN MYANMAR (2015)

While the previous section outlined how the inclusivity norm constitutively changed into a positioning tool underpinned by previous cognitive priors around unity in Myanmar’s history, this section discusses the role NGO mediators played (or did not play) in the localization of the inclusivity norm as all-inclusiveness. The Myanmar case illustrates the limits of the normative agency of NGO mediators due to their lack of power vis-à-vis the negotiating parties. While NGO mediators can exercise their normative agency in framing and promoting a norm through different types of “NGO legitimacy,” these forms of soft power do not allow maintaining control over the outcome of the process. This confirms the claim in mediation academic literature that mediators may influence the process, but not accompany the diffusion of their interpretation of the norm into the outcome of mediation

²³ In Acharya’s theory of norm localization, these would be seen as new tasks and instruments being created because of the external norm (2004).

processes. The lack of control of the outcome of norm diffusion challenges the normative framework in mediation, which hopes to use mediation processes as sites for the diffusion of the inclusivity norm (see Chap. 2).

The Limits to Normative Agency of NGO Mediators

As negotiations get closer and closer to an agreement, hardliners or those opposed to the prospect of agreement conduct greater attempts to block the process. In these instances, mediation literature has suggested that mediators with “muscle” (Svensson 2007) are needed to use more coercive measures and leverage to bring the parties to an agreement (Beardsley 2009). In the Myanmar case, with no formal, external third-party intervention, more coercive forms of mediation were not possible. This section analyses the third part of the proposed causal mechanism: NGO mediators use their normative agency conceptualized as power (legitimated authority) to influence the outcome of norm diffusion as displacement. This hypothesis alludes to NGO mediators using their NGO legitimacy to influence the parties’ behavior—not necessarily by coercion or pressure, but by persuasion and socialization (see Chap. 2). However, this was not the outcome in the Myanmar case. Between the Law Khee Lar Conference in June 2015 and the final deadline to sign the NCA in October 2015, pressure between and among the groups was at an all-time high, and national actors became increasingly resistant to international actors exerting any kind of pressure to sign.

First, while accepting the inclusivity norm as a term of discourse, local agents resisted attempts to promote interpretations of inclusivity outside of their localized version. NGO mediators’ normative agency is limited by the parties’ ownership of the outcome of the process. The “homegrown” nature of the process was integrated into the discourse around “national ownership,” another normative imperative that both national and international actors adhered to. As Aung Naing Oo wrote in his memoir, the homegrown nature of the process was critical and “meant that any outside intervention” needed to be “effectively managed:”

“The support the MPC sought could not be called mediation or intervention. The support requested was often in the form of friendly requests to international NGOs, diplomats and friends from overseas. They were mostly simple requests, such as to pass messages (mostly the government thinking) to the EAOs. The government would not let outside assistance

interfere with the process so it was done strategically and in the spirit of flexibility” (Aung Naing Oo 2018, 85).

However, Aung Naing Oo criticized the nature of international support for the process during the height of the negotiations, when it became time to decide whether or not to sign the NCA.²⁴ He described EAGs holding a number of meetings with international advisors who advised them not to sign. Another respondent from the government negotiating team recounted the same story, in which an international advisor convinced several EAG representatives that the head of the *Tatmadaw* would not sign the NCA in the end because it was beyond the mandate of the 2008 Constitution and would require constitutional change, which the army would “never” agree to.²⁵ As history showed, Senior General Min Aung Hlaing signed the agreement despite key armed groups refusing to do so. A key national actor in the peace process had this to say about the influence of international support during the lead up to the NCA signing:

Because, if you look at the international community, many of them, [the] majority of them are ideologically driven. [...] But sometimes their support can go too far. And of course you know, ethnic minorities, expertise, advice, money, training, workshops, technical support, I don’t have any problem with anything. But advice can be dangerous. This is the issue. I know the UNFC had a, I don’t know, they had a foreign advisor, I was told a lawyer—he came up with the analysis that wasn’t wrong, but they were only looking at certain aspects of signing the nationwide ceasefire agreement. So ethnic minorities already have this distrust of the government and the army, so they accepted his advice as one of the key points not to sign the NCA. The argument was basically the NCA is already beyond the 2008 Constitution because it supports federalism and a few of things [...] And of course they were always suspicious that the army chief wouldn’t sign. That he personally would not sign so we told them, look it’s not time yet, they are committed, we know, if the president signs, the commander and chief will sign. No trust.

²⁴ Another respondent strongly criticized the “celebration” of the “national ownership” discourse in Myanmar. Celebrating national ownership, in their view, takes a position and essentially picks a side, as, from an ethnic perspective, national ownership refers to the military’s efforts to maintain the status quo of power asymmetries between them and the EAGs. When the international community in Myanmar celebrates a “nationally led process,” they are also abdicating their responsibilities to support a country with a long history of failed processes. To this particular respondent, “it’s bizarre that [national ownership] is celebrated so much.” Interview number 84, 18 January 2018.

²⁵ Interview number 66, 5 April 2017.

We tried and tried. That’s why ethnic minorities admitted to us, we made a mistake. They openly admitted to us.²⁶

Another Myanmar respondent, who also played a central role in the process, argued that some NGO mediators were the reason for the exclusive outcome. He argued that groups such as the KNPP and NMSP (non-signatories to the NCA in Oct 2015) were told by international advisors that the military would never sign the draft because it would entail Constitutional change.²⁷ But, he said, this view was totally wrong: “So the UNFC leaders met with the State counsellor, and admitted that they made a mistake, that they didn’t believe the Commander in Chief would sign, and he did!”²⁸ Actors on the government side lamented that sometimes “advice from foreign advisors delayed the process” and while NGOs were temporarily beneficial to some on the EAG side, “on the whole they were impediments to the peace process” (Aung Naing Oo 2018, 86).

Second, NGO mediators’ modular technique and technical expertise on peace process design as a source of legitimacy was limited in the Myanmar case. International supporters to the peace process were criticized for not fully understanding the nature of the Myanmar conflict context. Therefore, NGO mediators’ normative agency was limited because they struggled to marry their generalized knowledge (Convergne 2016) with contextually embedded expertise. This topic was salient among respondents, who criticized the modular technique of NGO mediators working in Myanmar. An international advisor to the EAGs echoed the idea that the international community’s role in pushing for all-inclusiveness prevented real inclusivity in the process. They said that international advisors and donor actors lobbied hard for EAGs to sign the NCA through both public speeches and private meetings. The respondent also complained that these actors did not look at the substance of the agreement and ignored the historical context of the peace process.²⁹ Another advisor reflected on the challenge of NGO mediators acting as norm

²⁶ Interview number 66, 5 April 2017.

²⁷ With the following logic: whatever was agreed upon in the NCA had to be changed by Parliament. These international advisors told the EAGs that in order for the NCA to be legally binding, Constitutional change was necessary. Since the *Tatmadaw* had the responsibility to protect the Constitution, if the military signed the NCA, then the Constitution would mean nothing. The advisors were sure the *Tatmadaw* would never let this happen.

²⁸ Interview number 76, 17 May 2017.

²⁹ Interview number 84, 18 January 2018.

entrepreneurs. According to them, the efforts to promote norms are undermined by misunderstanding the complexity of the ethnic conflict and Myanmar politics in general.³⁰ NGO mediators that used “niche norms” such as inclusivity, gender and rule of law were not explicit (or perhaps even cognizant) about what they were doing:

I think that being a norm entrepreneur...being an entrepreneur entails taking risks and pushing back, in terms of mediation and SSR—these are loaded terms that have to do with power structures changing. NGOs will answer, they will never use the language...but will use the language of the funder, of the norm “umpire” and not the language that the epistemic community uses [...] they are so frightened of being associated with it [...] it’s this idea that dialogue is newer, nicer, comes from new non-state space and slowly trying to creep into a state space. Now the actors have changed, the context has changed, and one word is being used for the other. E.g. Mediation is being called dialogic, and dialogic is being called mediation. So when you talk to someone, and they tell you what they are doing “oh so you’re doing mediation” and they say, no we are doing dialogic,” and you answer, “oh, of course you are doing dialogic...”³¹

This clandestine use of the term “mediation,” undermines NGO mediators’ accountability and legitimacy in the Myanmar context. A longtime analyst of Myanmar politics commented on NGO mediators as norm promoters. Rather than challenging the “so-called” principle of inclusivity and being explicit about different interpretations of the norm:

what we find is international actors attempting to find to strategize how to pull in all this way, individual stakeholders. Oh you should sign, why don’t you just sign? Sometimes it’s very crass! Up to the level of ambassadors! Remember that the negotiation of NCA took place over a long time, and [name redacted] people were very actively involved in promoting that negotiation...³²

³⁰ Interview number 46, 9 February 2017.

³¹ Ibidem.

³² Interview number 61, 23 March 2017.

Save for a few exceptions³³ of NGO mediators self-reporting their contributions in the final stages of the NCA, the direct pressure put on EAGs by diplomats and government representatives to sign the NCA was widely discussed in interviews and other sources. The pressure that international actors put on the EAGs to sign the agreement illustrates the unintended constitutive changes to the norm being made: international actors pushed negotiating parties to sign the NCA for cosmopolitan reasons of equality and the promise of a (liberal) and lasting peace, yet ignored or obfuscated real grievances and the nature of the Myanmar process. This is how the cosmopolitan nature of the inclusivity norm was pruned, rendering all-inclusiveness as “simply” a tool for political positioning. The EAGs felt strong-armed into signing the NCA, and felt that not only were some political actors siding with the government in pressuring them to sign, but were also providing material disincentives to signing by channeling most of their funding through government-led peace structures such as the MPC:

By channelling funding for peacebuilding through the government, international donors have significantly weakened the negotiating power of the ethnic groups. This funding should come to both sides. Also the support to civil society is imbalanced. Only privileged and registered national and international NGOs that follow the money get funding. It’s difficult for groups based on the border, as well as non-registered groups inside Burma, to access most of the funding due to issues of legal status. For example, EU funding often requires the recipient to be legally registered. (Sakhong and Sein Twa 2015)

At this high pressure point before the signing of the NCA, NGO mediators’ normative agency to promote their versions of inclusivity were challenged by other political forces at play, most notably the hardliner stances of the *Tatmadaw* and EAGs drawing from their localized versions of

³³HD Centre Press Release on 31 March Draft Agreement: “All those who have reached this agreement recognise that a ceasefire is not enough, and that we must move towards a political dialogue that addresses the root causes of the conflict and the grievances of ethnic communities. The NCA paves the way for the next stage of the process which we hope will include political parties and others” [...] HD has been supporting the peace process in Myanmar since 2011, working closely with, and lending support to, the ethnic armed groups, the government and political parties. See HD Centre website: <https://www.hdcentre.org/updates/myanmar-government-and-ethnic-groups-agree-final-draft-of-nationwide-ceasefire-agreement/> for the full text.

inclusivity. Based on the variations between NGO mediators illustrated in Chap. 5 (EBO, CPCS, HD Centre) by the end of the process, they all had varying levels of impact in promoting inclusivity throughout the process. While all three actors played important roles working closely with a few or several EAGs, EBO was instrumental in facilitating the earliest pre-talks at moments of intense distrust between the government and the EAGs and arguably had the widest reach among the three NGO mediators. At that point in the process, the practices harnessed by EBO as an insider mediator (see Chap. 5) created the most tangible impact in promoting inclusivity. Towards the end of the process, however, when both negotiating parties believed that international actors being present at and supporting the signing of the NCA, actors like the HD Centre and their connections to the international peace support community in Myanmar and abroad were rendered particularly useful to the parties. Whether these advantages were utilized to the extent they could be, however, is not apparent from the interview respondents, as many of the critiques stated above were applied to NGO mediators in general. In sum, the above critiques from national and international actors illustrate the limits to NGO mediators' normative agency, especially when analyzed from a temporal perspective. The same sources of NGO legitimacy that facilitate introducing or promoting a norm at earlier phases of a peace process are undermined when NGO mediators attempt to displace a norm at a critical juncture in a mediation process.

7.3 EFFECTS OF NORM LOCALIZATION ON THE MYANMAR PEACE PROCESS

This section looks at the effects of the localization of inclusivity as all-inclusiveness on the outcome of the NCA process itself (2015–2016). Because they lacked the power (*vis-à-vis* the parties and other international actors like donors) to control the outcome of the process, NGO mediators did not possess the normative agency to control the outcomes of the norm localization, namely the pruning of the normative aspect of inclusivity, and the pruning of the participatory interpretation of inclusivity. These two outcomes directly affected the outcome of the NCA process and the post-NCA political arrangements in the Myanmar context. The localization of the inclusivity norm as all-inclusiveness led to intended effects (e.g. the setting up of an inclusive political dialogue and inclusive

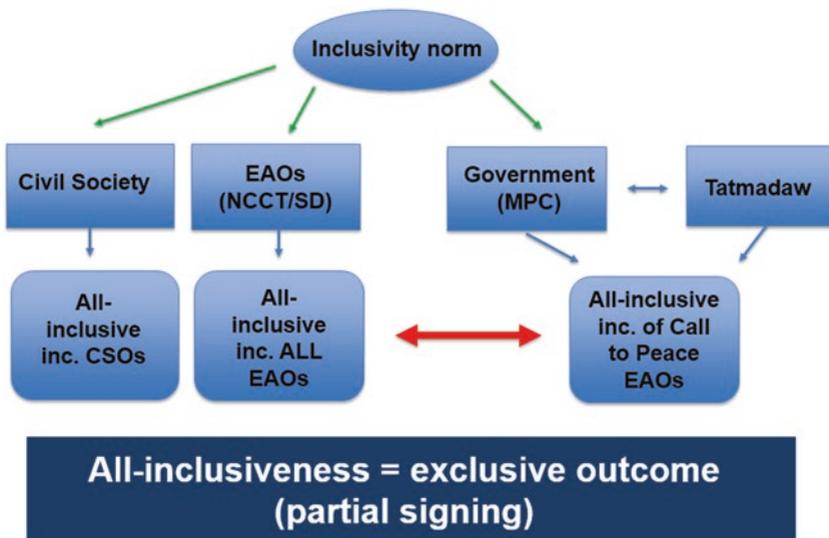


Fig. 7.1 Effects of norm localization on the NCA process

ceasefire mechanism) and unintended effects. Some of these unintended consequences were the conflation of a ceasefire and peace agreement and the conflation of both armed and non-armed actors as the target audience for norm diffusion. In the end, the promotion of inclusivity actually ended up in a more exclusive peace process outcome. The following table illustrates this argument visually (Fig. 7.1):

The green arrows depict the direction of norm diffusion. As previously mentioned, the majority of NGO mediators engaged directly with the government, armed groups and civil society actors, but very few engaged with the *Tatmadaw*, especially in the early days of the peace process. The *Tatmadaw* had its own specific cognitive prior that was more “hardline” than that of the government negotiators. In the same way, EAGs are not monolithic entities nor necessarily representative of the communities that they claim to represent. Nonetheless, “hardliners” were vocal parts of the constituencies of both the *Tatmadaw* and EAGs that the negotiators (NCCT and government) had to manage. Thus, by only actively promoting inclusivity to the government and the EAG representatives in the NCCT, the NGO mediators neglected to engage with the *Tatmadaw* (key decision-makers in Myanmar politics). The third row of the diagram

depicts the political positioning of all-inclusiveness held by each of these actors. The all-inclusiveness impasse is depicted by the red arrow between the government/*Tatmadaw* and the EAGs. Civil society actors had their own interpretation of the norm. This process resulted in both intended and unintended consequences on the NCA process.

The first unintended consequence of inclusivity was conceptual confusion among the negotiating parties due to the different interpretations of the inclusivity norm, which created a stalemate between the parties. The inclusivity norm was framed by NGO mediators in multiple ways, including the vague notion of having “relevant” stakeholders at the peace table. However, which actors were deemed “relevant” was contested but never resolved in the negotiations. Over the course of the negotiations, the government, the *Tatmadaw* and the EAGs each had different working interpretations of which groups were “relevant” to the process, a fact that was not realized until well into the process. The EAGs’ strategic interpretation of inclusivity was the notion of all-inclusiveness in which all groups must be able to sign, or none of them would. The government’s view was that only the groups physically present at the start of the NCA negotiations, from the first day of the talks, would be able to sign the NCA. According to one of the few international analysts allowed access to the government negotiating team, the government “drew a line in the sand, because if they did not, then any group could pop up at any time, and they are included in the process as an equal partner. And is that just essentially providing an incentive for breakaway groups, for splintering groups to then renegotiate their own terms and get an equal seat at the table.”³⁴ According to the government, groups that joined or were formed later in the process, such as the AA, should not be able to sign as it would encourage other groups to splinter.³⁵ On the other hand, the *Tatmadaw*’s view was that groups that they were actively fighting, namely the AA, the TNLA and the MNDA, should not sign the NCA until first signing a bilateral ceasefire and ending hostilities. Another interpretation among observers was that the Thein Sein government and the *Tatmadaw* apparently already considered their efforts to be all-inclusive by including different ethnic groups within their armed forces. However, these troops were kept in

³⁴ Interview number 55, 8 March 2017.

³⁵ Interview number 63, 20 March 2017

lower ranks.³⁶ Many of the EAGs viewed this as more of the same “divide and conquer” tactics that the *Tatmadaw* and government had used against them for years.

The reality was that until several years into the peace process, the government and the EAGs agreed that 16 groups should be included in negotiations. But according to one government negotiating team member, the negotiating parties were speaking about different armed groups without realizing it!³⁷ This extraordinary misunderstanding led to a delay in the NCA negotiations and caused confusion among the parties. As one negotiator of the NCA process observed, “Even the NCA parties struggled with this. You would have seen how the composition and the structure of the negotiating parties changed as the negotiating parties went on. What they thought was a good way to start changed meeting by meeting, as both sides realized they didn’t have it quite right.”³⁸ On the government side, this meant that towards the end of the negotiations, “[the government] had run out of time. They had literally run out of time. So there was just no, once it might have been an appetite—there was no scope for further changes to the composition to the negotiating groups.”³⁹ The government was racing against the clock to claim a legacy of brokering peace out of a protracted conflict before the upcoming elections. The lack of resolution on the multiple working definitions of inclusivity and the confusion it created in the negotiations further cemented all-inclusiveness as a strategic “positioning tool.”⁴⁰ All-inclusiveness became a negotiating

³⁶ Interview number 45, 4 February 2017.

³⁷ The sixteen groups represented by the NCCT and recognized by the government contain some overlaps. The NCCT member organizations included eleven recognized by the government (ALP, CNF, DKBA, KIO, KNPP, KNU, KPC, NMSP, PNLO, SSPP/SSA-North and TNLA) and five others (Arakan Army, Arakan National Council, Lahu Democratic Union, MNDAA and Wa National Organisation). Another five were recognized by the government but were not represented by the NCCT: (ABSDF, NDAA, NSCN-K, RCSS/SSA-South, UWSP). See: ICG 2015, and EBO Briefing Paper 3/2015, “The Last Hurdle to Signing the NCA: Unity/Inclusiveness: 14+1 versus 16+1. As one member of the government’s negotiating team lamented, “The government says we have 16, the EAG’s NCCT says 16, and the *Tatmadaw* says 16. But we only started to realize that ‘16’ means totally different groups, only at the end when we are nearly going to sign it!” Interview, 8 March 2017.

³⁸ Interview number 55, 8 March 2017.

³⁹ *Ibidem*.

⁴⁰ Interview number 57, 14 March 2017

impasse around which armed groups were to be included and excluded from signing.

Put simply, inclusivity actually became a vehicle for exclusion. For the government and the *Tatmadaw*, only inviting groups that had signed-on at the start of the NCA process was a way to prevent more groups, especially those without bilateral ceasefires and those engaged in active conflict, from entering into the process. For some EAGs, it was seen as the government renegeing on its “open book policy,” in that not all groups were actually allowed to sign when they were ready to sign.⁴¹ This created a dynamic of “conditional inclusivity”, meaning that inclusion was only possible by certain rules created by one party, thereby contradicting the norm of inclusion.⁴² There was a fear among EAGs that the *Tatmadaw* would pursue the non-signatories militarily, creating even more division in the already fraught ethnic bloc. Given the fragility of the NCCT’s status as a representative of the ethnic cause, and the large-scale outbreak of conflict in the northeast of the country, all-inclusiveness became non-negotiable for the EAGs. The inclusion of the TNLA, AA and MNDA (as well as the LDU, ANC and WNO) in the NCA negotiations was simply not an option for the *Tatmadaw*, unless bilateral ceasefires were signed first. Therefore, the *Tatmadaw*’s resistance to all-inclusiveness became a non-negotiable as well. These positions robbed the NCA negotiations of all nuance and complexity and transformed all-inclusiveness from a conversation about the politics of inclusion and exclusion into an impasse over “the number of groups there were to be.”⁴³ The zero-sum nature of the talks created unattractive terms of engagement between the parties and provoked the negotiating parties to dig themselves further into their own positions rather than communicating their needs and interests. This “digging” into positions eroded trust between negotiating parties and shrank the space for concession and compromise at the end of the process.

The second unintended consequence was the loading of a peace agreement/political accord onto the framework of a ceasefire agreement. The result was a hybrid agreement that under- and overpromised at the same time. Consequently, the insistence for all-inclusiveness in negotiations was the harbinger of impossible standards for implementation. The

⁴¹ Sai Wansai. 2015. “Partial treaty signing casts a long shadow on political arena,” *Shan Herald Agency for News*, October 7.

⁴² Thanks to Laurent Goetschel for this point.

⁴³ Interview number 55, 8 March 2017.

amplification and universalization of all-inclusiveness in the media and public discourse set the Myanmar public up for disappointment. In the lead-up to the NCA signing, analysis and discourse by both national and international analysts and journalists portrayed all-inclusiveness in multiple ways: which armed groups would sign the NCA, and which non-armed actors would be included in the ceasefire negotiations (rather than waiting for a future political dialogue). Because of this, the NCA process failed to capture public support as non-armed actors that had fought to be included in the peace process increasingly viewed the NCA negotiations as the exclusive domain of armed actors. Although public consultations and civil society forums for peace took place regularly and throughout many parts of the country, only the *Tatmadaw*, government and EAGs played decision making roles and held seats at the table. NGO mediators—through trainings, handbooks, outreach and other activities that fell under the umbrella of “strengthening civil society” and promoting civil society inclusion in the peace process—had unintended consequences on the process. One respondent who worked closely with the EAGs and ethnic civil society groups explained, “the participatory view of inclusivity and the right actors view interact to create much larger problems”⁴⁴ in the trajectory of the peace process. One of the discussions in an IPSG meeting centered on this “huge inclusivity issue! [The peace process] is not inclusive nationally [...] This is not simply about EAOs, but citizens/people—e.g. when do Ta’ang people get to participate in the [national dialogue], just because the TNLA is not included? Issue also for Bamar population—their voice is not in this process at all; the *Tatmadaw* does not represent them” (IPSG meeting minutes, 2018). The peace process was designed so that armed actors would broker a nationwide ceasefire agreement that would jumpstart the mechanisms for a future political dialogue, in which non-armed actors such as civil society groups and parliamentarians could participate, which departed from the NCA process that focused on the parties’ militarized view and pursuit of stability. However, the promotion of the inclusivity norm by international actors was also taken up by non-armed actors advocating for greater participation in the NCA process, and not a future political dialogue process. Civil society groups therefore pressured the negotiating parties to include clauses and statements in the NCA that resembled political peace agreements rather than technical ceasefire agreements. This resulted in an NCA figuring somewhere between a

⁴⁴ Interview number 84, 18 January 2018.

ceasefire agreement and a peace agreement. As one analyst reported, the NCA was consequently “fundamentally flawed because it’s not a ceasefire agreement. It’s a ceasefire agreement and a political settlement they expect to take place.”⁴⁵ The mixing of the two was one of the reasons “why it took so long for a ceasefire being recognized because there were too many political issues.”⁴⁶ The conflation also created impossible standards for implementation, despite painstaking efforts to create a roadmap that would lead the way to a future political dialogue.

The third unintended consequence was the parallel use of the two interpretations of inclusivity competing against each other. Given that the EAG expectation of inclusiveness centered on both the ceasefire and political dialogue “there have been negative effects for the participatory interaction of inclusivity for the dialogue process following the NCA signing”⁴⁷ especially around the design of post-NCA political dialogue structures and mechanisms. This dynamic could be observed in Kachin and Mon communities for example:

More broadly, during and after the NCA negotiations this was part of the discussion by ethnic civil society, especially women’s organizations—e.g., if the PSLF/TNLA are excluded from the NCA, then Ta’ang women’s interests will be excluded from the process. The failings of the dialogue over the past year also relate to this—the ethnic political parties and EAOs could not agree to a principle about “non-secession” if the Shan public (excluded by not being able to hold a national-level dialogue) and the Karennis (excluded by not yet being in the NCA and their CSOs even boycotting the civil society dialogue), who had a historical right to secession in the first independence constitution even if they no longer invoke it, were not part of that decision making process. It’s still unclear whether the government and *Tatmadaw* see this problem or view it as a problem. So the participatory view of inclusivity and the right actors view interact to create much larger problems here.⁴⁸

This discussion illustrates that the external norm of inclusivity was initially framed as a norm that forwarded meaningful participation in the peace process. It was framed in an ambiguous manner that allowed for multiple interpretations. The inclusivity norm was consequently interpreted by the negotiating parties and Myanmar civil society as both a

⁴⁵ Interview number 54, 17 February 2017.

⁴⁶ Ibidem.

⁴⁷ Ibidem.

⁴⁸ Interview number 84, 18 January 2018.

rights-based norm encouraging broader participation of non-armed actors in the NCA process and as a pragmatic, procedural norm of including relevant armed actors to avoid spoiling the process. Through processes of contestation and adaptation, the norm was grafted onto the cognitive prior of ethnic and national unity among the negotiating parties. The inclusivity norm was pruned of the cosmopolitan component of the norm through local agents. This was amplified by the negotiating parties, their constituencies, and popular media and analysis covering the NCA process, until in the end, all-inclusiveness was synonymous with the number of groups that were included or excluded from signing the NCA:

So exactly how did the inclusivity agenda arise? And once it entered into the public discussion, automatically it was given legitimacy by those international norms of inclusivity. Pretty mindless, then we see, what I see as the NCA, was it a gateway or entry to political dialogue, or was it an obstacle to political dialogue? Who had the will? The *Tatmadaw* show in the negotiations of the NCA that it had the will for political dialogue.⁴⁹

This discussion shows that norm diffusion outcomes can have tangible effects on political processes, and that using mediation processes as a site for norm diffusion can have both intended and unintended consequences, especially because NGO mediators did not possess the power to control the outcome of the norm diffusion process, thereby undermining or limiting their normative agency.

7.4 CHAPTER CONCLUSIONS

This chapter discussed how NGO mediators' legitimacy at high pressure points of mediation processes limits their agency to influence the outcome of norm diffusion process. While NGO mediators' normative agency facilitates the introduction and promotion of a norm (through discursive framing and social practices) underpinned by alternative sources of legitimacy and forms of soft power, the Myanmar case illustrates the limits of normative agency when trying to displace a norm in the context of a mediation process. As the parties have control over the outcome of the process, they also have greater control over the outcome of norm diffusion because of the power dynamic between them and NGO mediators. This chapter also discussed how the localization of the inclusivity norm had both

⁴⁹ Interview number 61, 23 March 2017.

intended and unintended effects on the NCA process, illustrating how using mediation processes as a site for norm diffusion can have positive and negative consequences for national peace process armed and non-armed actors.

REFERENCES

- Aung Naing Oo. 2018. *Lessons Learned from Myanmar's Peace Process*. Siem Reap: Centre for Peace and Conflict Studies.
- Beardsley, Kyle. 2009. Intervention without leverage: Explaining the prevalence of weak mediators. *International Interactions* 35 (3): 272–297.
- Burma News International. 2016. *Deciphering Myanmar's Peace Process: A Reference Guide*. Chiang Mai: Burma News International.
- Convergne, Elodie. 2016. UN mediators' collaboration with scholars and expert NGOs: Explaining the need for knowledge-based communities in today's conflicts. *International Negotiation* 21 (1): 135–164.
- Cortell, Andrew, and James W. Davis. 2000. Understanding the domestic impact of international norms: A research agenda. *International Studies Review* 2 (1): 65–87.
- Group, International Crisis. 2015. Myanmar's peace process: A nationwide ceasefire remains elusive. In *Crisisgroup Asia briefing*. Yangon/Brussels: International Crisis Group. <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-nationwide-ceasefire-remains-elusive>. Accessed 16 December.
- Keenan, Paul. 2015. All-Inclusiveness in an ethnic context. In *EBO background paper*. Yangon: Euro Burma Office. <http://eprpinformation.org/files/recent-events/All-Inclusiveness-in-an-Ethnic-Context%2D%2DEBO-Aug2015.pdf>. Accessed 16 December.
- Oo, Aung Naing. 2016. *Pathway to peace: An insider's account of the Myanmar peace process*. Yangon, Myanmar: Soe Myint, Mizzima Media Group.
- Sakhong, Lian, and Paul Sein Twa. 2015. *Inclusivity and the peace process in Burma/Myanmar: Perspectives of an ethnic leader and civil society activist. Development dialogue: Dag Hammarskjöld Foundation*. http://www.daghammarskjold.se/wp-content/uploads/2016/01/DHF_DD63_p119-130.pdf. Accessed 16 December 2022.
- Svensson, Isak. 2007. Mediation with muscles or minds? Exploring power mediators and pure mediators in civil wars. *International Negotiation* 12: 229–248.
- swisspeace. 2016. Perspectives on the Myanmar peace process 2011–2015. In *Catalyzing reflection on dialogue processes among parties in Myanmar*, eds. Danielle Furger, Rachel Gasser and Julia Palmiano Federer. Bern: swisspeace. https://www.swisspeace.ch/fileadmin/user_upload/pdf/Mediation/2016_Myanmar_swisspeace_EN.pdf. Accessed 16 December 2022.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.





Conclusion: Should NGO Mediators Promote Norms?

8.1 RETURN TO *PEACELAND*?

In this book, I set out to answer the question: can NGO mediators promote norms, and with what consequences? Tracing the path of the “inclusivity” norm in Myanmar shows that—yes, NGO mediators can promote norms. They do have the “normative agency” (their ability to promote norms and navigate between different normative frameworks) to redefine entry points into the peace process and with the parties and promote their own working interpretations and definitions of inclusivity with a certain degree of success. To be sure, bespoke international conflict resolution nongovernmental organizations (NGOs) have become key mediation actors, within the last three decades through creating the niche world of “private diplomacy” and acting as “norm entrepreneurs” at the same time. As informal third parties, these “NGO mediators” directly engage with politically sensitive actors or convene unofficial peace talks. As NGOs, they are part of an epistemic community of mediation practice, professionalizing the field and producing knowledge on what peace mediation is and what it *ought* to be. This dual identity as both NGOs and mediators nicely sets them up with a unique agency to promote and diffuse norms. These norms often reflect the liberal peacebuilding paradigm promoted from the Global North, such as inclusion, gender equality and transitional justice, based on the assumption that these norms are not ends in themselves but as necessary ingredients for effective mediation.

In Myanmar, NGO mediators promoted the inclusivity norm in the NCA process by gaining a mandate from the parties and framing the inclusivity norm as salient. Second, conflict parties localized the inclusivity norm by building congruence with pre-existing normative frameworks around the concept of unity in Myanmar ethnic politics and history. However, things are rarely that simple and neat in complex political processes. While NGO mediators had the normative agency to promote their intended interpretations of the norm in early stages of the peace process, this agency was limited in later phases of the negotiations, which negatively affected their handle on the outcome of the norm diffusion process. Multiple localization processes were occurring at the same time with different stakeholders, which led to both intended and unintended consequences on the peace process itself: conflict parties localized inclusivity as all-inclusiveness based on competing notions of ethnonationalism and militarized state formation led to a deadlock in negotiations and ultimately an exclusive outcome.

The outcome of the NCA process presents a critical and cautionary tale of promoting a presumed universal norm into a given locale and expecting a certain outcome without understanding how an external norm interacts with existing normative frameworks. The book illustrates that while NGO mediators do possess the “normative agency” to effectively promote norms to negotiating parties, my empirical research analyses how their promotion of the “inclusivity” norm to the negotiating parties in Myanmar’s NCA paradoxically resulted in exclusionary outcomes: only half of the armed groups in the ethnic armed groups’ negotiating bloc signed, and civil society was effectively crowded out from meaningful inclusion despite lofty rhetoric.

The consequences successful norm promotion has on the actual political outcomes of a process, as shown in Myanmar, raises a far thornier query: *should* NGO mediators promote norms in the first place? Answering this question requires returning to Autesserre’s (2014) metaphorical world of *Peaceland*. NGO mediators can be seen as mainstays in such a world—with their own sets of practices, goals, motivations and interests about “peace and “inclusion” that interacts with existing sets of beliefs, practices and strongly-held narratives with the negotiating parties in a given peace process and the communities they represent. If NGO mediators accepted their role as Peacelanders, how would the field transform?

One of the main objectives of this book was to show how NGO mediators, traditionally having been seen as part of civil society or as weak

mediators with little power or leverage, have become established mediation actors alongside more formal actors and are redefining the mediation field through norm promotion. One of the central ways in which they are redefining the mediation field is through indelibly linking effective mediation practice with normative imperatives, such as the need for peace processes to be inclusive in order to be sustainable, implementable and legitimate. However, the unintended negative outcomes of the promotion of inclusivity in the Myanmar peace process echoes many of the perils of “Peacelanders” promoting liberal peacebuilding norms in practice, for instance the struggles of promoting democracy, justice and liberal peace through enacting military interventions via the Responsibility to Protect framework or conducting liberal peace interventions in so-called “fragile states”. The promotion of these norms have already been critically assessed by a group of critical peace scholars who contend that liberal peacebuilding requires a more hybrid approach that challenges mainstream Western approaches and raises local approaches to peacemaking.

In this vein, NGO mediators and adjacent peace support actors using mediation processes as an arena for norm promotion adds further empirical evidence to the critique that the ahistorical and apolitical promotion of a bureaucratized peace process design laden with normative frameworks can lead to unintended and at times negative impacts on the peace process. The critiques of norm promotion without understanding its potential consequences echo calls from within mediation epistemic communities and Burma scholars to include anthropological and historical considerations when supporting peace processes rather than transposing international “one-size-fits-all” approaches that depoliticize inherently political processes.

8.2 NGO MEDIATORS AS PEACELANDERS: WHERE DO WE GO FROM HERE?

In this book, I highlight the dilemma that many NGO mediators find themselves in when figuring out the role and purpose they play in peace processes: should they be advocates of peace or facilitators of peace processes? Should they emphasize the normative or the pragmatic in their programming, their interventions and their organizational fittings? Is there a way to transcend such a central dichotomy? I offer some insights on NGO mediators as norm entrepreneurs of inclusion to enrich this debate, but there are no easy answers.

Clearly, NGO mediators possess a high amount of normative agency: the ability to interpret their mandate or set the mandate themselves; the ability to act on a pre-conceived strategy through an array of practices; and the ability to wield persuasive power through an alternative form of NGO legitimacy. NGO mediators may use their agency to promote the inclusivity norm to the negotiating parties in peace processes. However, a close reading of the Myanmar peace process display how bringing power into the analysis complicates matters and illustrates that normative agency can vary at different points in a peace process. While NGO mediators displayed “high” levels of normative agency in the early design phases of the process, their agency was undermined at high-pressure points towards the end of the process ahead of the signing of the NCA. This variability points to a contribution of the empirical findings: normative agency can be modular and vary in strength in different phases of a process dependent on the specific discourses, practices and power dynamics employed. Under certain conditions, NGO mediators can promote norms using discursive framing and social practices, but the ‘position-place’ element renders their agency higher earlier on in the process rather than at the end—outcomes of norm diffusion processes may therefore not be temporally or spatially linear.

With this in mind, my research shows that it is possible to distinguish between the norm diffusion *process* and *outcome*. This is a theoretical distinction not often made in empirical studies on norm diffusion. NGO mediators’ normative agency is concerned with both the diffusion of a norm and the outcome of norm diffusion, but these are two different things, as the outcome of the NCA process showed. While NGO mediators ‘successfully’ promoted the norm shown by the acceptance of the norm by the parties and its salience in the discourse of the NCA process, NGO mediators lacked agency regarding an “all-inclusive outcome” of all EAGs and non-armed actors being included in the process. This can be attributed at least partly to the failure to explicitly consider and incorporate the cognitive priors of the parties into their norm promotion. NGO mediators in Myanmar who employed multiple interpretations of the inclusivity norm, did not have control over the consequences of norm diffusion—their normative agency may have actually resulted in unintended consequences on the process.

This book therefore unveils the limits of norm diffusion, underscores the centrality of understanding the local context, and shows the difficulties of translating universal norms without a proper understanding of the

existing cognitive priors. If these cognitive priors and knowledge of how unity is used and instrumentalized by both parties, this could have been a condition which may have prevented inclusivity from being localized as all-inclusiveness (e.g. the UNFC would not have been pushed upon by the parties as a vehicle for inclusivity by NGO mediators early on in the process). It is worth noting, however, that perhaps the expectation for NGO mediators to control the consequences of norm localization is too high. Mediation theory often touts that mediators have limited agency in controlling the outcome of peace processes despite their important roles in driving the process forward, and my empirical findings provide more evidence supporting this argumentation.

Furthermore, NGO mediators do not operate in a vacuum. The book's agentic approach to norm diffusion emphasizes the important role of local agents and the agency they possess to resonate with, accept, reinterpret and localize norms within the framework of mediation processes. Contributing to peace research scholarship that nuances the meaning of local and criticizes reductionist attempts to view local approaches to peacemaking as inherently "good" and international, foreign or external approaches as inherently "bad," the book makes the case that a solid understanding of the EAG's cognitive prior of unity through ethnonationalism and the *Tatmadaw* government's cognitive prior of unity through militarized state formation are crucial to any attempts at norm promotion around inclusion and attempt to peace. However, these cognitive priors that have underlined decades of previous attempts at peacemaking in the country are not solutions for conflict alone. These narratives are incredibly powerful vehicles for both inclusion and exclusion and does not view them as inherently positive nor negative. In a similar vein, my analysis of three types of NGO mediators (the insider mediator, the regional outsider, and the international model) as well as the description of local agents who claim membership to the international technical peace community and Myanmar national identity further provide nuanced empirics on what "local agent" means. It does not view them as passive recipients of the inclusivity norm, but active participants in the constitutive localization to the norm that better "fits" the Myanmar conflict context.

NGO mediators grappling with this dichotomy should therefore expand their interpretations of inclusivity or other norms that they promote beyond a Western, liberal conception. In this book, I avoid the assumption that liberal norms are inherently good, which is often prevalent in peace and conflict literature. I approached the inclusivity norm,

often touted as a “good” norm and vehicle for effective, sustainable and legitimate peace negotiations—in an a priori manner, and instead inductively researched how it manifested in the normative frameworks of NGO mediators in the Myanmar context. By looking at inclusivity in an a priori manner, I analyzed multiple interpretations and ‘working definitions’ being used in the same peace process, with the result that promoting inclusivity does not necessarily end up in more inclusive processes: it depends on the interpretation of the norm and on *who* is doing the interpreting.

NGO mediators could also understand the nature and extent of the normative agency they wield in a given context. Normative agency is modular and temporal and can vary based on the phase of the peace process. The book’s equal analytical emphasis on both the norm entrepreneur and the receiving community highlights that the interaction between the NGO mediators and local agents shifts during the different phases of the process (pre-talks, negotiations, final stages of negotiations towards signing of peace agreement). The analysis of the interaction between NGO mediators and the parties rather than NGO mediators and other stakeholders in their sphere highlights the interactive, multi-directional reality of norm diffusion that is growing increasingly prevalent in norms literature and applies equal import and agency to so-called “norm-takers” in norm diffusion models. Similar to mediation literature that focuses solely on the mediator, resulting in limited analysis of the norms of the parties and the existing normative frameworks that constitute their interests and behavior, norms literature has tended to focus on norm entrepreneurs and linear models of norm diffusion. This book contributes theoretical exploration into what kinds of norms, beliefs, and narratives constitute the existing normative framework for the parties. This is critical, as these normative frameworks often underlie the political negotiating positions of the parties, as was illustrated in the Myanmar case.

Lastly, it’s important for would-be norm entrepreneurs to understand that norms themselves can change and transform through the processes of norm diffusion. While NGO mediators wielding normative agency is one condition, an equally important condition for constitutive changes to norms is the existence of a cognitive prior that is highly congruent with the external norm in question. In the Myanmar case, the inclusivity norm was congruent, at least superficially, with existing normative frameworks held by the negotiating parties around the notion of unity. The notion of unity acted as a gateway for norm diffusion. From analyzing the cognitive

priors of the Myanmar peace and conflict context, I found that inclusivity was seen as a salient norm in the discourse surrounding the negotiations and that this discourse around unity was the gateway for congruence between the participatory understanding of inclusivity and the cognitive priors of the context. I therefore found that an important condition for norm diffusion is the presence of not only local agents, but existing norms that can facilitate diffusion. Field research and discourse analysis of Myanmar's contested history yielded two important insights. First, the discourse around unity is a gateway for greater participation but also for exclusivity. Secondly, it is important to consider not only normative frameworks, but moral frameworks that fall outside the liberal/non-liberal dichotomy, including Buddhist moral and political thought and ethnic histories.

8.3 THE LIMITS OF INCLUSIVE PEACE IN MYANMAR

Nuancing the normative agency of mediators into different components as well as applying a mechanistic, time-bound approach to peace processes also sheds light on possible alternative explanations for the outcome of the diffusion of inclusivity. If NGO mediators were not present in Myanmar, would the inclusivity norm have been localized as inclusivity? First, a possible alternative account may argue for the influence of other mediation actors, such as diplomats and multi-donor trust funds playing political roles directly with the parties (e.g. such as the Joint Peace Fund) in localizing the norm. However, in-depth process tracing provides account evidence for the exogeneity of the norm and the specific moments in time that the inclusivity norm was introduced into the NCA draft text agreement as well as the decision-making for the government (bilateral ceasefires to NCA) and the EAGs (bilateral ceasefires to NCCT negotiating bloc/UNFC alliance), and based on this analysis, can be attributed to the influence of NGO mediators working with the designers and early movers of the peace process in 2012–2013. A second alternative explanation for the discourse around all-inclusiveness (taking NGO mediators out of the analysis) points to pressure from the Chinese government on the KIO and other influential EAGs operating along the Myanmar-China border based on economic and geostrategic motives. While Chinese pressure on certain EAGs to sign or not to sign the NCA played a major role in the process, it does not account for the KIO's willingness to lead the UNFC and other groups in their calls for ethnic unity. It also does not explain the Myanmar

government's resistance to China's explicit intervention until after the NCA agreement was signed. This shows that normative parameters still matter and provide complementary explanatory power where pure geopolitical explanations are left wanting. Given the strategic and dominant role that China plays in the region and in Myanmar specifically, its role in the process cannot be ignored. However, despite China's clear influence and investment in the outcome of the NCA process, these do not provide mechanistic explanations through which they affected the outcome. These factors are more circumstantial than mechanistic, and further do not account for the specific discourse around inclusivity and all-inclusiveness from 2011 to 2015. In the international peace support architecture in Myanmar, there is a distance between Western and non-Western international actors involved in the process. For instance, the Joint Peace Fund was a large-scale attempt to shift donors from funding peace initiatives bilaterally towards a joint trust fund for the peace process. The Chinese government is not part of this fund and works bilaterally with the Myanmar government.

With these alternative explanations in mind, it should not be assumed that inclusive processes make for more effective peace processes. While there is burgeoning theoretical work on the link between inclusive peace processes and effective peace agreements, there is no causal link between the two. As the all-inclusiveness discourse in Myanmar shows, there are many possible outcomes of the promotion of the inclusivity norm. Those who promote the norm should understand this and not assume that cosmopolitan interpretations of their norms will prevail and immediately result in effective processes or agreements.

The NGO mediators' experience in the NCA process should act as a cautionary case of bringing an external norm into a given locale, promoting multiple interpretations of the norm to a range of actors, and expecting a certain outcome without understanding how the norm interacts with existing cognitive priors. Peacemakers should question the glorification of over-technicized approaches to peacemaking that are ahistorical and result in "over-architecturalized" process design. In Myanmar, the social practices that NGO mediators relied on were often predicated on their generalized technical expertise and knowledge about peace process design, which often depoliticized inherently political peace processes (see Baechtold 2015, 2). These 'knowledge support practices,' (e.g. process design, ceasefire text drafting, coaching on comparative approaches to designing negotiations) largely drew from

examples of how inclusive peace process mechanisms in other ongoing peace processes, such as the Colombian or Philippine peace process were designed. These practices are also built on the liberal peacebuilding mantra of strengthening state institutions as a vehicle for sustainable peace. While this may work in other contexts, this approach is problematic in Myanmar. The erroneous assumption that state incapacity is the explanation for the region's many subnational conflicts overlooks the fact that weak institutions may actually be in the interests of elites who work to weaken the state and institutions to entrench their own power and personal interests.

As my analysis of Myanmar politics illustrated, the military and the state in Myanmar were one and the same for many decades. When Thein Sein's reformist government came into power, the tenuous process of separating military and state had only begun. Furthermore, these attempts to strengthen the capacity of the state can "undermine confidence in ceasefires and lead to the augmentation of institutions that are antithetical to lasting peace" (Joliffe 2015). It is not only the focus on building up state capacity and institutions that misses the root causes of conflict. The Myanmar case is no exception, as conflicts are not waged near the seat of political power but in the "periphery," where mixed-controlled or EAG controlled areas resist the power of the state rather than seeking to capture it (Denney and Barron 2015). Unfortunately, the highly technicized approach of many NGO mediators in Myanmar illustrated this 'standard peacebuilding toolkit' approach. While the three NGO mediators highlighted in this chapter primarily worked towards a Myanmar-specific strategy, interview respondents often highlighted how the international peacebuilding community in general did not incorporate the complex relationships between the state and military in Myanmar when designing their interventions. For instance, in this highly complex environment, international peace process actors reached out to the government promoting inclusive peace processes, but did not conduct the same level of outreach to the Myanmar military. Furthermore, many other NGO mediators' technocratic approaches also did not necessarily account for Myanmar-specific aspects of the conflict, such as the war economies in the form of illicit drug industry the political economy of opium, jade, teak, animals and other illicit activities; and the role of powerful regional actors such as China in the context. These knowledge support activities focused on technical peace process design

without consideration of the decades of the culture of elite deal-broking that characterized certain past iterations of peacemaking in Myanmar. Thus, the wholly technocratic and bureaucratic approach to peacebuilding practice present in Myanmar misses these contextual considerations. In Myanmar, many actors promoting the inclusivity norm under the assumption it would lead to a more “effective” process severely underestimated the complexity of the process, the grievances of the EAGs, and the underlying logic of the government and *Tatmadaw*.

Second, in Myanmar, norms like inclusivity will inevitably interact with religion and ethnicity. Therefore, applying a modular technique in a piecemeal and asymmetrical way is not advisable. These pitfalls in norm diffusion meant that the promotion of the inclusivity norm brought historical grievances to the fore and reified them, rendering the all-inclusiveness issue the most salient aspect of negotiations. Therefore, simply because a norm is cosmopolitan or rights-based does not mean it leads to effective, sustainable and legitimate peace agreements—as existing policy documents and practice sometimes assume. Therefore, undertaking an analysis of existing priors such as Buddhist cosmology, ethnonationalism and militarized state formation is absolutely essential and having a strong understanding of how international concepts translate in locales with their own complex histories is non-negotiable. Unfortunately, international peace support actors are already experiencing a reckoning with the ahistorical, technicized approach failing to account for incredibly deeply-rooted norms about identity, inclusion and belonging in the context of the horrific crisis continuing to unfold in Rakhine State. From the highest levels of the UN to international development and education NGOs running long-time operations in Rakhine State, many international actors face normative dilemmas on how to address the vitriolic and systematic expressions of oppression and violence that Rohingya Muslims have faced for decades. Attempts at orthodox mediation, dialogue and development-based solutions have been met with outright rejection and hostility by hardliner Buddhist leaders¹ and denial by State Counsellor and *de facto* leader Aung San Suu Kyi and the NLD-led government. Current approaches by many international peace and development actors use the

¹Zarni Mann. 2019. ‘I will face the arrest’: U Wirathu, available from: <https://www.irrawaddy.com/news/burma/will-face-arrest-u-wirathu.html> accessed on 30 July 2020.

label “social cohesion” projects² when designing interventions to explicitly avoid language and terms such as “human rights violations” to retain humanitarian and political access to government and military actors; despite the September 2019 damning report by the UN accusing the military of systemic ethnic cleansing³; and The Gambia filing a case against Myanmar to the International Court of Justice over allegations of genocide of the Rohingya Muslim population in Rakhine state in November 2019.⁴ The crisis in Rakhine state is a horrific and urgent example for international actors to understand how the concept of inclusion manifests in manifold and complex ways—and the limits not only of mediators, but the enterprise of peacemaking and dialogue writ large.

8.4 FUTURE RESEARCH AGENDAS

This book raises many questions that would benefit from further research. First, some of these questions point to a need for more empirical work on different types of norms, norm diffusion mechanisms and causal relationships present in mediation processes. In particular, tracking not only the acceptance of a norm by a given locale, but its internalization or sedimentation over time would be important and would entail a broader and more longitudinal study. For instance, the theoretical framework developed in this book could be applied to historical cases of peace processes that have resulted in comprehensive peace agreements, for instance studying the promotion of norms in the Northern Ireland peace process leading to the signing of the Good Friday Peace Agreement in April 1998, or the signing of peace agreements in Guatemala in 1996 ending 36 years of civil war between the Government of Guatemala and the Guatemalan National

²For example, see United Nations. 2020. UNDP in Rakhine, available from <https://www.mm.undp.org/content/myanmar/en/home/area-based-programming/rakhine.html>; Search for Common Ground. 2002. Social Cohesion for Better Service Delivery in Rakhine State, available from <https://www.sfcg.org/social-cohesion-for-better-service-delivery-in-rakhine-state/>; Moe Myint. 2018. Northern Rakhine Women’s Center to Open to ‘Promote Social Cohesion,’ available at <https://www.irrawaddy.com/news/burma/rakhine-womens-center-open-promote-social-cohesion.html>.

³United Nations Human Rights Council. 2019. Independent International Fact-Finding Mission on Myanmar, available at: <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx> accessed on 30 July 2020.

⁴International Court of Justice. 2020. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), available at: <https://www.icj-cij.org/en/case/178> accessed on 30 July 2020.

Revolutionary Unit. Alternatively, more recent examples of agreements signed as the outcome of peace processes touted as highly ‘inclusive,’ such as the Comprehensive Agreement on the Bangsamoro signed between the government and the Moro National Liberation Front in 2014 or the peace agreement signed between the Colombian government and the Revolutionary Armed Forces of Colombia in 2016. The difficulties implementing the Bangsamoro Agreement or the narrow rejection of the Colombian peace agreement in the 2016 Referendum in Colombia following the agreement’s signing pose questions around the impact of inclusive peace process design beyond the signing of a peace agreement and requires further systematic assessment.

While the case study findings were based on the interactions between these particular actors, specific cognitive priors and particular time in the peace process, my research demonstrates analytical generalizability: beyond my case study, my theoretical framework can be applied to different types of mediators, different types of mediation processes (in specific contexts), and different types of norms. First, my three-part conceptualization around normative agency (framing, practices and power) can be applied to other types of mediators. Mediators mandated by the UN, states or regional organizations can be studied in terms of how they interpret and frame inclusivity, the specific types of practices they use to promote the norm to the parties, and how the power dynamics they have vis-à-vis the parties affect the outcome of norm diffusion. For instance, UN mediators may focus their efforts into framing inclusivity as increasing the political participation of civil society actors and women. Using their abilities to act as lead mediators taking strong roles in process design all the way through the process (not just early on) could result in a wide range of interesting results beyond the case of NGO mediators in Myanmar. Second, my application of normative agency to mediation processes can be applied to other mediation processes in a similar universe of cases governed by different sets of cognitive priors—for instance, how can the normative agency of NGO mediators active in the Aceh peace process or the Bangsamoro peace process be analyzed? Third, analytical generalizability could be applied to norms in question beyond inclusivity—my research question could be applied to other norms such as gender equality, transitional justice, human rights or democracy promotion. How do mediators use their normative agency to promote different norms and what are outcomes of these norm diffusion processes?

Furthermore, future research agendas could critically examine the type of norms being promoted by international peacemaking actors and the outcomes of these norm diffusion processes—gender equality, security sector reform, national dialogue designs, and other “norms” found in the *UN Guidance* and other peacemaking toolkits can be studied in the same vein as the inclusivity norm. The nature of norms being diffused also warrants greater attention—while looking at norms in an a priori manner is important, it would be interesting to look at norms that fall *outside* of the liberal peacebuilding paradigm, tracking the diffusion and non-diffusion of illiberal norms. This is timely in light of the upheaval of liberal internationalism and the rise of far-right and populist movements currently being examined in a new wave of IR theory and empirics. Norm diffusion research must be taken up in future studies tracing the centering of English-language and Western concepts and norms in the liberal progressive tradition must be critically re-examined.

8.5 CONCLUDING THOUGHTS

Should mediators promote norms in peace processes or not? The answer necessarily cannot be a binary yes or no. The political nature of peace processes and the growing normative framework in mediation processes is here to stay—mediators may not have a say in the matter. But they do have a say in the *way* they promote norms: understanding that promoting norms is a process and is malleable, recognizing existing normative frameworks and taking a historical an anthropological approach that considers complex and contested histories and the importance of religion and other belief systems. Norm diffusion is also affected by other actors who employ their own forms of norm promotion, especially in contexts of multiparty mediation and multitrack mediation. This book aims to portray NGO mediators as mediators in their own right and not “just” as alternatives to state or UN mediators. NGO mediators are mediators, period, with normative agency. Therefore, it is important for the mediation field to more systematically address NGOs as mediators alongside state, UN or regional actors as this new trend can pose challenges for coordination and coherence, especially in complex contexts with multiple international and mediation actors playing roles. NGO mediators and other peace support actors should be more explicit about their interventions and practices, and be more cognizant about the multiple “working definitions” that they may apply to different norms. Would-be norm entrepreneurs must be

cognizant of their own interpretations of norms and be explicit about them to both donors and the negotiating parties. They must also be aware of the role they play in norm diffusion, and their limited agency in determining the outcome of the norm diffusion process: while it may be possible, it is important to understand the risks involved and the range of consequences that occurs if the diffusion of the norm *does* happen.

The case of NGO mediators promoting the inclusivity norm in Myanmar shows that they are well suited for some aspects of the job but not others. The same may be true for other types of mediators promoting different sets of international norms to negotiating parties and other actors. The complex histories behind existing cognitive priors and the challenges and unintended consequences of localizing norms must be understood before and while engaging with the parties. Yet the growth of the normative framework shows no signs of abating, with clauses in a growing number of ceasefire and peace agreements (for instance in South Sudan or Colombia) explicitly mentioning international norms such as gender equality and inclusivity. While widespread debate exists between mediation practitioners, the voices of national actors themselves often fall to the wayside. Norm localization in mediation processes may have both positive and negative consequences on the process, and international actors should refrain from assumptions that normative processes are necessarily more effective, sustainable or successful. As armed conflicts become more violent and protracted and peace processes become more complex, the need to understand the role norms play in mediation processes remains imperative.

REFERENCES

- Autesserre, Séverine. 2014. *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (Problems of International Politics). Cambridge: Cambridge University Press.
- Baechtold, Stefan. 2015. The rise of an anti-politics machinery: Peace, civil society and the focus on results in Myanmar. *Third World Quarterly* 36 (10): 1968–1983.
- Denney, Lisa, and Patrick Barron. 2015. Beyond the toolkit: Supporting peace processes in Asia. In *Working Politically in Practice*. San Francisco: The Asia Foundation.
- Joliffe, Kim. 2015. *Playing with Peace in Myanmar*. Available from: <http://fpif.org/playing-with-peacein-myanmar/>. Accessed on 10 November 2023.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.



APPENDIX: INTERVIEW LIST

<i>Number</i>	<i>Organization/Affiliation^a</i>	<i>Date</i>	<i>Method</i>
1	NGO professional	07.01.2016	Phone interview
2	Autonomous region of Muslim Mindanao, civil society	30.01.2016	Phone interview
3	NGO professional	11.01.2016	In-person
4	NGO professional	13.01.2016	In-person
5	NGO professional	01.02.2016	In-person
6	NGO professional	01.02.2016	In-person
7	Researcher	15.01.2016	In-person
8	NGO professional	15.01.2016	In-person
9	Government of the Philippines negotiator	02.02.2016	In-person
10	University of the Philippines academic	04.02.2016	In-person
11	University of the Philippines academic	04.02.2016	In-person
12	Government of the Philippines	05.02.2016	In-person
13	Ateneo Law School researcher	05.02.2016	In-person
14	NGO professional	02.02.2016	In-person
15	EAO representative	18.04.2016	In-person
16	EAO representative	18.04.2016	In-person
17	Journalist	18.04.2016	In-person
18	Mediator	23.04.2016	In-person
19	EAO representative	24.05.2016	In-person
20	EAO Myanmar	19.04.2016	In-person
21	NGO professional, donor	16.05.2016	In-person
22	NGO professional	21.10.2016	Skype Chat

(continued)

(continued)

<i>Number</i>	<i>Organization/Affiliation^a</i>	<i>Date</i>	<i>Method</i>
23	NGO professional	26.10.2016	Skype interview
24	NGO professional	28.10.2016	In-person
25	Independent mediator	27.10.2016	Skype interview
26	NGO professional	01.11.2016	Skype interview
27	NGO professional	01.11.2016	Skype interview
28	NGO professional	02.11.2016	In-person
29	NGO professional	04.11.2016	Informal discussion
30	United Nations staff member	07.11.2016	In-person
31	United Nations staff member	07.11.2016	In-person
32	NGO professional	06.12.2016	In-person
33	Geneva-based researcher	07.12.2016	In-person
34	United Nations staff member	07.12.2016	In-person
35	NGO professional	12.12.2016	Phone interview
36	NGO professional	28.12.2016	Skype interview
37	Philippine Supreme Court	09.01.2017	In-person
38	Government communications office	10.01.2017	Informal Conversation
39	Philippine citizen	11.01.2017	Informal Conversation
40	NGO professional	20.01.2017	In-person
41	NGO professional	20.01.2017	In-person
42	NGO professional	21.01.2017	In-person
43	Independent consultant, Myanmar	31.01.2017	In-person
44	Independent consultant, Myanmar	01.01.2017	In-person
45	Independent researcher, Myanmar	04.02.2017	In-person
46	Independent consultant, Myanmar	09.02.2017	In-person
47	Independent researcher	06.02.2017	In-person
48	Independent researcher	02.03.2017	In-person
49	NGO professional	16.02.2017	In-person
50	NGO professional	07.02.2017	In-person
51	Independent researcher	06.02.2017	In-person
52	Independent researcher	07.02.2017	In-person
53	Peace and conflict advisor	09.02.2017	In-person
54	Independent researcher	17.02.2017	Phone conversation
55	Myanmar peace process actor	08.03.2017	Skype conversation
56	Independent consultant, Myanmar	14.03.2017	In-person
57	Embassy representative to Myanmar	14.03.2017	In-person
58	Journalist, Myanmar	14.03.2017	In-person
59	Myanmar peace process actor	14.03.2017	In-person

(continued)

(continued)

<i>Number</i>	<i>Organization/Affiliation^a</i>	<i>Date</i>	<i>Method</i>
60	Myanmar peace process actor	21.03.2017	In-person
61	Myanmar civil society actor	23.03.2017	In-person
62	Myanmar civil society actor	23.03.2017	In-person
63	Myanmar peace process actor	20.03.2017	In-person
64	Myanmar peace process actor	24.03.2017	Skype conversation
65	Myanmar peace process actor	31.03.2017	In-person
66	Myanmar peace process actor	05.04.2017	In-person
67	Myanmar peace process actor	04.04.2017	In-person
68	EAO representative	01.04.2017	By email
69	Myanmar peace process actor	06.04.2017	In-person
70	Myanmar civil society actor	10.05.2017	In-person
71	Myanmar civil society actor	05.04.2017	In-person
72	Myanmar peace process actor	12.04.2017	Phone conversation
73	Journalist, Myanmar	11.05.2017	In-person
74	Myanmar peace process actor	11.05.2017	By email
75	Myanmar peace process actor	11.05.2017	In-person
76	Myanmar peace process actor	17.05.2017	In-person
77	Myanmar civil society	17.05.2017	In-person
78	Journalist/Media	13.11.2017	In-person
79	Myanmar peace process actor	30.11.2017	In-person
80	Independent analyst/researcher, Myanmar	08.12.2017	In-person
81	NGO professional	19.11.2017	In-person
82	NGO professional	15.11.2017	In-person
83	NGO professional	16.11.2017	In-person
84	NGO professional	18.01.2018	In-person
85	EAO, Joint ceasefire monitoring committee	19.01.2018	In-person
86	Embassy representative to Myanmar	19.03.2018	In-person
87	CPCS	25.09.2018	Skype
88	Myanmar former government minister and politician	18.09.2018	In-person
89	Myanmar peace process actor	14.09.2018	In-person
90	Myanmar civil society actor	07.08.2018	In-person
91–94	Myanmar civil society organization, Focus group discussion (Yangon) (4 pax)	03.08.2018	In-person
95–109	Presentation to international joint funding mechanism, approximately 15 pax (Yangon)	20.09.2018	In-person
N/A	ASEAN regional forum, approximately 120 persons (Nay Pyi Taw)	18.09.2018	In-person

^aAffiliations confidential to maintain the security and safety of interview respondents.

INDEX

A

- AA, *see* Arakan Army
- Aall, Pamela, 48, 65
- Academics, 75, 128, 130, 161
- ACCORD, 64
- Accountability, 61, 65, 166
- Aceh, Indonesia, 6, 49, 50, 52, 53, 190
- Acharya, Amitav, 27–29, 76, 77
- Adler, Emanuel, 33, 81
- Ad referendum* agreement, 155
- Advice, 84, 128, 131, 164, 165
- Advising, 82, 84, 136, 164
- Africa, 47, 63, 64
- African Network of Women in Conflict
Prevention and Peace
Mediation, 63
- Agency-structure challenge, 34
- Agenda for Peace*, 25
- Agentic constructivism, 86
- Agent-structure dichotomy, 34
- Ahtisaari, Maarti, 47, 50, 52, 55
- Aid, 46–48, 50, 113
- Alliance for Gender in the Peace
Process, 142
- All-inclusiveness, 10, 136, 138, 154, 156, 160, 170, 180, 183
applies to ceasefire, 160
debates on, 147
definition of, 161
discourse, 3, 146, 157, 162, 185, 186
does not work, 148
EAG's call for, 157
government interpretation, 138, 148
as hurdle to peace process, 149
insistence on, 172
international community
pushes, 165
for positioning, 167, 171
as a power, 137
in the NCA, 104, 175
as negotiating position, 158
in negotiations, 188
non-negotiable, 172
phrasing, 142
policy, 3, 155
- Ambassadors, 48, 166
See also Embassies

- Amsterdam, Netherlands, 62
 Anarchy, 59, 106
 ANC, *see* Arakan National Council
 Anglo-Burmese wars, 97
 Annan, Kofi, 47, 52
 Arakan Army, 153, 155, 156, 159, 170, 172
 Arakan National Council, 104, 155, 156, 172
 Arakenese, 98
 Argentina, 47
 Argumentation, 33
 Armed actors, 76, 130, 141, 142, 176
 to include in negotiations, 4, 20, 73, 74, 175
 women of, 3
 See also Non-armed actors
 Armed conflict, 24, 46, 50, 109, 128
 Armed ethnic organizations, 3, 159
 Armed forces, 130, 170
 Armed groups, 11, 24, 58, 59, 81, 126, 128, 137
 Armed resistance, 102, 107
 Arms control, 49
 ASEAN, *see* Association of Southeast Asian Nations
 ASEAN contexts, 6
 ASEAN Way, 6, 53, 118, 127
 Asia Foundation, 62
 Asia-Pacific, 53
 Assisted negotiation, 123
 Association of Southeast Asian Nations, 6, 53, 118, 197
 Ateneo Law School, 195
Atta, 116
 Aung Min, 125–127, 129–131, 135, 136, 144
 Aung Naing Oo, 131, 148, 163, 164
 Aung San, 95, 100, 101, 105–107
 assassination, 95, 105–107
 Aung San Suu Kyi, 7, 111, 159, 188
 Australia, 62
 Autesserre, Séverine, 1, 82
 Authoritarianism, 30, 108, 125
 Authority, 23, 54, 102
 legal, 21
 legitimate, 33, 35, 85, 163
 moral, 53, 57, 111
 Autonomous Region of Muslim Mindanao, Civil Society, 195
 Autonomy, 29, 100, 114
 Ayeyarwaddy delta, 113
- B**
 Bamar, 10, 98, 100, 101, 110, 116, 173
 clash with EAGs, 103
 culture, 117
 identity, 96
 Bamar-Buddhist majority, 97
 Bangsamoro, 53, 57, 190
 Bangsamoro peace process, 53, 190
 Bargaining theory, 4, 20, 21, 23
 Bargaining with bullets, 24
 Barnett, Michael, 85
 Bartoli, Andrea, 48
 Basic human rights norms, 26
 Beagle Channel Dispute, 47
 Beardsley, Kyle, 52
 Beetham, David, 35
 Belgium, 62
 Beliefs, 80, 83, 95, 97, 106, 184
 local, 28, 29, 87
 of political actors, 9
 Bercovitch, Jacob, 22, 31
 Berghof Foundation, 58, 61, 62, 65, 83
 Berlinguer, Enrico, 48
 Best practices, 85
 BGF, *see* Border Guard Force
 Bilateral negotiations, 143
 Bildt, Carl, 23
 Border Guard Force, 114, 115, 128

- Border regions, Myanmar, 109,
 113, 115
 Border teachers, 2
 Boutros-Ghali, Boutros, 25
 Brokering peace, 128, 130, 171
 BSPP, *see* Burma Socialist
 Program Party
 Buddhism, 96, 108, 117
 Buddhists, 8, 97, 112, 113, 116, 117,
 185, 188
 Bureaucracy, 57, 131, 188
 Burma Constitution, 107
 Burma, Ministerial, 98, 99
 Burma National Army, 106
 Burmannisation, 117
 Burma Socialist Program Party,
 105, 108–111
 Burmese army, 105
 Burmese language, 9
 Burmese nationalists, 107
 Burmese Way to Socialism, 105,
 108, 112
 Burundi, 84
 Business actors, 125
- C**
- Call to Peace, 128, 130, 134, 138,
 147, 148, 156
 Capacity building, 50, 82, 83
 Care International, 46
 Caretaker government, 105, 107
 Carter, Jimmy, 23, 47, 60
 Carter Center, 49, 60
 Cascade, 27
 Catholics, 47, 48
 Ceasefire, 126, 139, 140, 155,
 174, 185–187
 agreements, 3, 134, 146, 154,
 172, 192
 bilateral, 113, 134, 136, 156, 157,
 170, 172
 brokering, 128, 130
 groups, 114, 135
 negotiations, 125, 131, 137, 141,
 148, 150
 treaty, 104
 Census, 7, 98
 Centre for Humanitarian
 Dialogue, 6, 56, 57, 62, 64,
 65, 127, 168
 deploy expertise, 58
 emergence of, 49
 strengths and traits, 55
 Centre for Peace and Conflict Studies,
 64, 127, 133, 147, 168, 197
 Chaos, 106, 107, 110
 Chile, 47
 Chin, 97–101
 China, 100, 106, 107, 145,
 156, 185–187
 Chinese Kuomintang, 95, 107
 CINEP, 64
 CITpax, 58, 83
 Civil society, 146, 160, 167, 180
 actors, 3, 25, 58, 74, 134, 146, 169,
 170, 190
 exclusion, 180
 funding, 126
 global, 51
 inclusion, 3, 74, 75, 173
 non-armed, 82
 participation, 161
 representatives, 12
 Civil Society Forum for Peace, 142
 Civil society organizations, 5, 26, 142,
 161, 174, 197
 Civil Society Support Room, 56, 59
 Civil wars, 23, 25, 48, 74, 109, 189
 termination, 4, 24, 74
 CMI, *see* Crisis Management Initiative
 Coaching, 3, 84, 186
 Codes of conduct, 84
 Coercion, 24, 52, 163

- Cognitive priors, 118, 175
 of conflict parties, 77
 congruency, 184
 history, 192
 incorporating, 182
 legitimate, 29
 of negotiating parties, 87
 normative element as, 87
 normative framework as, 77
 norm interaction, 186
 primacy of the union, 148, 149
 spirit of Panglong, 145
 unity, 102, 115, 145, 147, 153, 154, 162
- Cold War, 4, 20, 21, 23, 26, 46, 75
- Colombia, 187, 190, 192
- Colonial era, 97–99, 139
- Common ground, 79, 80
- Common lifeworld, 79
- Common Position of the Ethnic
 Armed Organizations on the
 Nationwide Ceasefire, 147
- Communication, 33, 48, 79
- Communicative action, 33
- Community of practice, 54, 82
- Community of Sant'Egidio, 48, 57
- Comprehensive Ceasefire and National
 Framework for Political Dialogue*,
 133–136, 140, 147, 154
- Conciliation Resources, 58, 62
- Confidence building, 126, 128
- Confidentiality, 47, 60, 143
- Conflict, 21, 25, 50, 55, 127
 analysis, 84
 context, 6, 64, 82, 143, 165, 183, 185
 histories, 1, 78
 NGOs work toward resolution
 of, 47, 49
 parties, 5, 20, 73, 77, 115, 180
 resolution, 3, 4, 20, 31, 34, 49, 53, 66
 resolution initiatives, 48
 stakeholders, 84
- Congruence building, 5, 28, 78, 87
- Consequences, *see* Unintended
 consequences
- Constitution, Myanmar, 113, 132, 134, 146, 154, 162, 164, 165
- Constructivism, 11, 27, 29, 33, 36, 86
- Contestation, 6, 28, 100, 175
- Contested histories, 9, 10, 191
- Convenor's Community of
 Practice, 63
- Convergne, Elodie, 83, 84
- Coordination, 65, 113, 125–127, 135, 143, 191
 bodies, 103, 134
 ethnic, 133
 meeting, 155
 need for, 127
 teams, 135
- Cosmopolitan norms, 58, 64–65, 118
- Cost-benefit analysis, 21, 22
- Counter-insurgency, 109
See also Insurgency
- Coup d'état, 111
- CPCS, *see* Centre for Peace and
 Conflict Studies
- Credibility, 57
- Creekmore, Marion V., 60
- Crisis Management Initiative, 6, 49, 50, 52, 55, 58, 60, 62
- Crisis Management Institute, 65
- Cronyism, 112
- CSO, *see* Civil society organizations
- Cyclone Nargis, 113
- Cyprus, 47, 48
- D**
- DAG, *see* Dialogue Advisory Group
- De Mistura, Staffan, 56
- Decentralization, 96

- Demilitarization, 104
- Democracy, 7, 26, 96, 106, 181
 campaign for, 125
 disciplined, 114 (*see also* Liberal democracies)
 movement, 111
 promotion, 25, 190
- Democratic experimentation, 107
- Democratic Karen Buddhist Army, 114
- Democratization, 25
- Dialogue Advisory Group, 62
- Dialogue and facilitation, 13
- Diaspora actors, 24
- Dietelhoff, Nicole, 29, 79
- Diplomacy, 23, 53, 58, 126
See also Private diplomacy
- Diplomats, 23, 50, 75, 163, 167, 185
- Disarmament, 49, 114, 115, 158
- Disaster relief, 50
- Discursive framing, 6, 33, 79, 80, 175, 182
- Displacement, 11, 78, 160, 163
- Dissent, 108, 110, 112, 113, 116
- Dissidents, 110
- Distrust, 164, 168
- Donors, 5, 62, 126, 128, 143, 165, 192, 195
 communities, 160
 funding, 186
 governments as, 126
 international, 126, 127, 167, 168
 mandates, 124
 organizations as, 125
 trust funds, 185
 will of, 61
- Dunne, Timothy C., 22
- Duvall, Raymond, 85
- E**
- EAG, *see* Ethnic armed groups
- EAO, *see* Ethnic armed organizations
- EBO, *see* Euro Burma Office
- Eclectic theorizing, 33
- Economic deprivation, 112
- Economic opening, 125, 146
- Education, 47, 188
 from Western institutions, 144
 peace, 83
- Effective mediation, 5, 11, 179, 181
- 8888 Uprising, 110, 125
- Embassies, 1, 56, 57, 125, 143, 196, 197
See also Ambassadors
- Emergence, 27, 105
 of Centre for Humanitarian Dialogue, 49
 of mediation support entities, 50
 of new regime, 139
 of prominent NGOs, 46
- Emerging norms, 29
- Epistemic communities, 10, 51, 82–84, 143, 166, 179, 181
- Epistemic practices, 83
- Equality, 96, 101, 102, 116, 118, 149, 167
- Ethics, 25, 36
- Ethnic alliances, 103
- Ethnic armed groups, 2, 57, 134, 137, 162, 180
 participate in Working Group for Ethnic Coordination, 141
 sign NCA, 11
 UNFC coalition of, 103
- Ethnic armed organizations, 131, 137, 147, 148, 163, 173, 174, 195, 197
- Ethnic assimilation, 117
- Ethnic cleansing, 189
- Ethnic coalitions, 103
- Ethnic communities, 96, 99, 102–104, 109, 110, 113, 144
- Ethnic conflict, 96, 97, 114, 146, 166
- Ethnic equality, 101

- Ethnic groups, 7, 98–102, 106, 158, 167, 170
 unity, 157
 Ethnic histories, 185
 Ethnic identity, 10, 97, 98, 102
 Ethnic insurgencies, 102, 109–113
 Ethnicity, 7, 96–99, 116, 188
 dominant, 158
 identity and, 116
 political mobilization of, 104
 Ethnic minorities, 8, 99, 101, 106, 107, 158, 164
 Ethnic nationalities, 95, 98, 101, 102, 115
 Ethnic politics, 9, 101, 105, 130, 133, 180
 Ethnic relations, 97
 Ethnic resistance, 108
 Ethnic states, 127
 Ethnic unity, 97, 99, 103, 115, 134
 as cognitive prior, 145, 149, 175
 EAG logic of, 104
 inclusivity and, 148
 limits of, 102
 narrative of, 96
 of Panglong Conference, 101
 as political strategy, 146
 promotion, 101
 Shan, 99
 UNFC calls for, 185
 Ethnonationalism, 12, 96, 97, 102, 104, 154, 180, 183, 188
 EU, *see* European Union
 Euro Burma Office, 64, 127, 141, 168
 Eurocentrism, 30
 Europe, 144
 European Institute of Peace, 83
 European Union, 62, 63, 125, 156, 167
 European Union Community of Practice, 63
 Exclusive outcome, 12, 157, 165, 180
 Expertise, 49, 50, 58, 62, 82, 84, 161, 164
 embedded, 63, 165
 regional, 55
 technical, 12, 53, 83, 123, 128, 144, 165, 186
 Exposure trips, 84
 External actors, 88, 123, 131
 External forces, 107, 108
 External mediation, 125
 External norms, 11, 29, 87, 132, 145, 174, 180, 184
 localization of, 5, 186
- F**
- Facebook, 142
 Facilitation, 34, 58, 127, 168, 175
 dialogue and, 11, 13
 diffusion, 185
 international, 125
 role, 6, 134
 Fact finding, 58
 Faget, Jacques, 83
 Faith-based NGOs, 47
 Faith-based organizations, 57
 Fearon, James D., 23
 Federalism, 101, 108, 154, 161, 164
 Federal Movement, 108
 Federal union, 100
 Finland, 62
 Finnemore, Martha, 35
 Finnish Way, 65
 Flexibility, 60, 164
 political, 47, 59, 60, 123
 Foreign governments, 113, 143
 Foreign norms, 28, 33
 Foreign patrons, 24
 Formal actors, 59, 65, 181
 Forward Thinking, 58
 Four cuts, 109, 112
 14+1 formula, 156

- Fragmentation, 97, 103, 107,
117, 159
- Framing, 28, 33, 35, 36, 76, 86, 109,
132, 162, 190
element of normative agency, 11
foreign norms, 28
identity, 97
inclusivity, 78, 87, 132, 135,
141, 142
inclusivity norm, 180
practices and power, 32
- Free Aceh Movement, 6, 50, 53
- Freedom of association, 13, 112
- Freedom of expression, 108
- Freedom of speech, 112
- Freedom of the press, 13, 146
- Free trade, 26
- FRELIMO, 48
- Frontier Areas, Burma, 98, 99
- Funding, 62, 167, 186
asymmetries, 130
competition for, 143
core, 61
entities, 76
organizations, 126
project, 61
- G**
- GAM, 6, 53
- Gambia, 189
- Gemeinsame Lebenswelt*, 79
- Gender equality, 4, 11, 20, 84,
179, 190–192
- Global Alliance of Women's Mediator
Networks, 63
- Global governance, 26
- Globalization, 26
- Global norms, 28–30, 45, 65
- Global North, 11, 30, 66, 88, 179
- Global society, 85
- Global South, 29, 30, 66, 88
- Golden Formula, 30
- Golden Valley, 1–3
- Gold rush, 125, 131, 143
- Goncalves, Beira, 48
- Good Friday Peace Agreement, 189
- Good governance, 25
- Government negotiating team, 123,
137, 164, 170
- Grafting, 27, 28, 78, 86, 149,
153, 175
inclusivity, 145, 147, 148, 154
- Grievances, 7, 110, 158, 167, 188
- Griffiths, Martin, 49, 50
- Guatemala, 189
- Gun Maw, 136
- H**
- Haas, Peter M., 82
- Habermas, Jürgen, 33, 79
- Habermasian discourse ethics, 79
- Habermasian discourse theory, 79
- Habits, 82
- Handbooks, 173
- Hare, A Paul, 47
- HD Centre, *see* Centre for
Humanitarian Dialogue
- Healthcare provision, 47, 49
- Herrberg, Antje, 63
- Hluttaw*, 129, 134, 145
- Holbrooke, Richard, 23
- Holy See, 47, 48
- Houtman, Gustaaf, 116, 117
- Humanitarian aid, 46, 47, 113
- Humanitarianism, 65
- Humanitarian workers, 2
- Human rights, 3, 4, 20, 25, 26, 46,
87, 189, 190
abuses, 109
campaign for, 125

I

- ICC, *see* International Criminal Court
 ICG, *see* International Contact Group
 Identity groups, 82
 Illiberal norms, 30, 191
 Impartiality, 54, 55
 Inclusion and equality, 116
 Inclusion and exclusion, 4, 6, 20, 75, 76, 88, 115, 118, 172
 debates on, 23
 in ethnic politics, 133
 influences settlement, 25
 liberal peacebuilding and, 25
 local attitudes affect, 183
 stakes involved in, 24
 Tatmadaw arbitrates, 104
 Inclusiveness discourse, 3, 148
 Inclusive peace, 66, 75, 76, 82, 118
 Inclusive processes, 76, 184, 186
 Inclusivity, 73, 87, 137, 156, 161, 166, 172, 185
 Indonesia, 6, 53, 57
 Inducement, 24
 Informal actors, 60
 Informality, 59, 60, 65, 124
 Information network, 47
 Insider mediators, 61, 168, 183
 Institutionalized dominance, 116
 Institutional structure, 61, 62, 80
 Insurgency, 8, 95, 106, 107, 109, 116, 148
 Inter- and intra-ethnic relations, 102, 103, 134, 137, 153
 Inter-ethnic alliances, 97, 130
 Inter-governmental
 organizations, 26, 45
 Inter Mediate, 58, 61, 83, 133
 Internal forces, 107, 108
 Internal mediation, 125
 Internal protest, 111
 Internal secession, 106
 International actors, 130, 134, 158, 166–168, 188, 189, 192
 promote inclusivity, 173
 provide guidance, 147
 resistance to, 163
 role of, 125, 126
 Western *vs.* non-Western, 186
 International advisors, 161, 164, 165
 International Alert, 49, 84
 International Association, 46
 International audience, 47
 International community, 2, 36, 48, 59, 110, 125, 142, 144, 158, 164
 pushes all-inclusiveness, 165
 International conflict
 resolution, 10, 179
 International consultants, 147
 International Contact Group,
 57, 62, 127
 International Court of Justice, 189
 International Criminal Court, 29
 International experts, 131, 133, 135, 143, 146, 154
 International facilitators, 127
 International intervention, 124, 126
 International involvement, 53, 127, 128, 130, 131
 International legal parameters, 34
 International mediation, 31, 128
 International model, 64, 183
 International modulars, 64
 International Monetary Fund, 26
 International NGOs, 1, 45, 46, 61, 126, 127, 163, 167
 professional, 64
 International norms, 27, 36, 79, 84, 145, 175, 192
 promoting, 11
 training, 3
 International organizations,
 46, 75, 126
 International peace mediation, 4, 19, 21, 33, 36, 79
 International Peace Support Group,
 127, 131, 143, 173

International practices, 33, 34, 81, 82
 International relations, 27, 29,
 33, 81, 82
 International relations theory, 27, 32,
 35, 36, 191
 International security, 29
 International Shipwreck Society, 46
 International standards, 80
 International system, 86
 Interpretivist approaches, 31
 IPSG, *see* International Peace
 Support Group
 IR, *see* International relations
 Ireland, 62
 Irrawaddy, 141

J

Jackson, Elmer, 47
 Japan, 100, 106, 107, 156
 Joint Peace Fund, 126, 185

K

Kachin Independence Organization/
 Army, 103, 104, 135, 136, 155,
 156, 159, 185
 Kachin, Myanmar, 97–101, 134, 174
 Karen, 98–100, 107, 155
 Karen National Union, 103, 114,
 128, 159
 Karenni, 174
 Karenni National Progressive Party,
 104, 165
 Katzenstein, Peter, 33
 Kayah, Myanmar, 97
 Kenya, 52
 KIO/A, *see* Kachin Independence
 Organization/Army
 Kissinger, Henry, 23
 Kleiboer, Marieke, 30, 31, 54
 Knowledge, 23, 61, 83, 118, 165, 183

background, 81, 82
 brokers, 80
 management, 84
 outside, 144
 production, 82, 83, 87
 support, 186, 187
 technical, 149
 tools, 83
 transfer, 84

KNPP, *see* Karenni National
 Progressive Party
 KNU, *see* Karen National Union
 Kokang, Myanmar, 155
 Kumpulainen, Heidi, 63

L

Lahu Democratic Union, 104, 155,
 156, 172
 Laiza Conference, 134–136, 147,
 154, 158
 Laiza, Myanmar, 134, 136
 Larkin, Emma, 105, 106
 Law Khee Lar Conference, 155, 156,
 158, 160, 161, 163
 Law Khee Lar, Myanmar, 155
 LDU, *see* Lahu Democratic Union
 Leave of the Just, 46
 Legitimacy, 54, 133, 145, 162, 163,
 165, 166, 168, 175
 of agreements, 74
 of alliances, 148
 alternative, 57
 of authority, 85
 of cognitive priors, 29
 EAGs, 147
 establishing, 96
 of ethnic insurgencies, 110
 façade of, 139
 institutional structure, 62
 institutions, 145
 in international arena, 46

- Legitimacy (*cont.*)
mediator, 11, 35, 59
mediators use, 23
moral, 47, 57
Myanmar's, 144
of Myanmar's military, 113
negotiating parties, 86
negotiations, 184
NGO, 46, 51, 53, 55, 124, 182
of peace agreements, 26, 188
of peace processes, 153, 181
perceived, 78
perception of, 85
political, 61, 111, 158
power and, 54
of representatives, 158
of unofficial actors, 58
- Legitimate authority, 33, 35, 85
- Legitimation, 35
- Lehmann-Larsen, Stine, 84
- Lehrs, Lior, 52, 54, 55, 57, 59, 62
- Lessons learned, 83, 84
- Leverage, 23, 51, 52, 57, 75, 124, 163, 181
mediator, 54
political, 14, 22, 51, 53, 87, 103
political resourced-based, 34
- Liberal bias, 30
- Liberal cosmopolitan norm, 73
- Liberal democracies, 25, 30, 80
- Liberal norms, 30, 183
- Liberal paradigms, 80
- Liberal peacebuilding, 4, 11, 20, 25, 26, 30, 181, 187
- Liberal peacebuilding paradigm, 4, 11, 25, 26, 30, 58, 79, 144, 191
- Liberal peace theory, 25
- Local actors, 29
- Local agency, 63, 64
- Local agents, 77, 78, 146, 153, 184
- Local-insiders, 63, 64
- Localization, 78, 160
constitutive, 28, 29, 87, 183 (*see also* Norm localization)
of external norms, 5
of inclusivity, 168
of the inclusivity norm, 144, 154, 168, 175
processes, 85, 180
- Lu myo/Lum yo*, 7, 95
- Lu myo zu*, 95
- ## M
- Ma Ba Tha*, 117
- Mandate-givers, 5, 34, 35, 54, 55
- Mandates, 48, 76
executive, 129
formal, 12, 53, 125
mediation, 23, 125
official, 51, 54
political, 54, 124
self, 64
of service provision, 109
UN, 48
- Mandela, Nelson, 47
- Marginalized groups, 55, 80, 81
- Market economies, 25
- Marketization, 25
- Martin, Harriet, 50
- Marxism, 108
- Mauk Kham, 129
- Mawlamyine, 13
- Meanings-in-use, 29
- Media, 141, 142, 146, 160, 173, 175
- Mediation actors, 77, 79, 80, 143, 181, 185, 191
NGOs as, 10, 47, 51, 65, 179
- Mediation community, 77, 82
- Mediation contexts, 60
- Mediation practice, 10, 25, 37, 179, 181
- Mediation practitioners, 51, 192

- Mediation processes, 4, 20, 32, 34,
 76, 79, 162–163, 189, 192
 Mediation strategies, 52, 76
 Mediation support actors, 50, 81
 Mediation Support Network, 63
 Mediation Support Unit, 50
 Mediation theory, 11, 183
 Mediterranean Women Mediator's
 Network, 63
 Memoranda of understanding, 131
 Middle East, 58
 Militarized state formation, 154, 180,
 183, 188
 Military, 7, 9, 111, 114
 alliances, 103, 134
 coup, 7, 105, 107
 government, 95, 107, 109–113,
 116, 130
 instability, 105
 intelligence, 112
 regime, 7, 111, 112, 125, 145, 146
 rule, 13, 103–105, 108,
 110–112, 144
 Min Aung Hlaing, 164
 Minorities, 5, 102, 104, 108
 See also Ethnic minorities
 Mitchell, George, 23
 MNDA, *see* Myanmar National
 Democratic Alliance Army
 Modular technique, 64, 165, 188
 Mon, 13, 97, 98, 107, 174
 Moral authority, 53, 57, 111
 Moral frameworks, 57, 185
 Moro Islamic Liberation Front, 53, 57
 Mozambique, 48, 50, 57
 MPC, *see* Myanmar Peace Centre
 MPSI, *see* Myanmar Peace Support
 Initiative
 MSN, *see* Mediation Support Network
 MSU, *see* Mediation Support Unit
 Muhammadiyah, 57
 Müller, Harald, 79
 Multi-lateral negotiations, 79
 Multinational corporations, 24
 Muslims, 8, 117, 188, 189
 Myanmarfication, 117, 118
 Myanmar National Democratic
 Alliance Army, 153, 155, 156,
 159, 170, 172
 Myanmar Peace Centre, 2, 127, 131,
 135, 138, 144, 145, 147,
 163, 167
 as national institution, 125
 opening, 130
 peace architecture of, 139
 roles of, 125, 131
 Myanmar Peace Support Initiative,
 126, 127
- N**
 Narratives, 82, 102, 104, 115, 184
 around inclusivity, 136
 around unity, 95
 ethnonationalist, 103
 of military government, 109
 of political actors, 9
 for political purposes, 103
 role of, 4
 of *Tatmadaw*, 106
 National Convention, 113, 132,
 138, 146
 National dialogues, 132–135,
 145–147, 155, 173, 191
 National identity, 8, 115, 117,
 154, 183
 Nationalism, 96–98, 106, 108, 110
 ethnic, 99
 Nationalist identity, 101
 Nationalist movements, 95
 Nationality, 7
 Nationalization, 108
 National League for Democracy, 7,
 111–113, 159, 188

- National ownership, 163
- National peace process actors, 2, 56, 124, 130, 143
- National races, 95, 115
- National Socialist Council of Nagaland—Khaplang, 157
- National unity, 12, 103, 106, 109, 112, 114–117, 175
- building, 104
 - discourse on, 102, 104, 115
 - shattered, 105
 - Tatmadaw's narrative of, 105
- Nationbuilding, 116
- Nationwide Ceasefire Agreement, 2, 88, 140, 147, 164, 173
- Nationwide Ceasefire Coordination Team, 135, 147, 156–160, 169, 185
- cognitive priors, 145
 - EAG representation in, 147
 - formation of, 123, 134, 136
 - insider proponents in, 144
 - at Law Khee Lar Conference, 155
 - replaced by Senior Delegation, 156
 - sign NCA, 153, 160
 - status, 172
- Nay Pyi Taw, Myanmar, 106, 112, 197
- NCA, *see* Nationwide Ceasefire Agreement
- NCCT, *see* Nationwide Ceasefire Coordination Team
- Negotiating parties, 35, 65, 78, 155, 172, 180, 182, 192
- acceptance of external mediation, 125
 - all-inclusiveness and, 3, 157
 - coercion of, 34, 52
 - cognitive priors, 87
 - forging trust of, 64
 - gaining legitimacy with, 54, 62, 85
 - inclusivity and, 4, 6, 78, 81, 139, 174
 - influencing behaviour of, 85
 - international norms and, 11
 - legitimacy of NGO to, 53
 - as local agents, 149
 - localization of, 12
 - mediation field and, 34
 - mediators and, 4, 23, 31, 55, 86
 - NGOs work with, 56, 88
 - normative frameworks, 184
 - normative parameters and, 34
 - norm localization and, 87
 - norm promotion and, 11, 32, 85
 - ownership of peacemaking, 75
 - promoting inclusivity to, 123
 - pushed to sign NCA, 167
 - structure changes in, 171
- Nepal Transition to Peace Forum, 60
- Netherlands, 62
- Network for Religious and Traditional Peacemakers, 63
- Neutrality, 23, 46, 57
- Ne Win, 105, 107, 108, 110, 111
- New Mon State Party, 104, 159, 165
- NGO-UN interface, 49
- NLD, *see* National League for Democracy
- NMSP, *see* New Mon State Party
- Non-armed actors, 73, 75, 134, 141, 145, 160, 173, 175, 182
- inclusion of, 5, 74, 81, 146
 - meeting needs of, 76
 - perspectives of, 20
 - as target audience for norm diffusion, 169
- Non-interference, 13, 118
- Non-intervention, 6, 118
- Non-secession, 174
- Non-state actors, 26, 45, 80
- Nordic Women Mediators Network, 63
- Normative agency, 35, 51, 57, 78, 165, 167, 168, 180, 182, 184

- assessing, 78
- determining, 81
- diffusion of inclusivity and, 185
- elements of, 33, 34, 76
- framework of, 78
- importance of, 28
- levels of, 182
- of mediators, 6, 11, 31, 34, 51, 87, 162, 191
- norm entrepreneurship and, 32, 36
- power and, 11, 85, 163
- theory of, 32
- three-part conceptualization, 190
- undermining, 175
- Normative bias, 24
- Normative claim, 24, 58
- Normative environment, 87, 118
- Normative framework of mediation, 79
- Normative imperative, 3, 5, 12, 25, 73, 141, 148, 163, 181
- Normative instruments, 75
- Normative order, 29, 87
- Normative parameters, 34, 186
- Normative socialization, 6, 12, 35, 63, 64, 66, 79, 87
- Normativity, 30, 31, 36
- Norm circulation, 29, 77, 78
- Norm-consistent behaviour, 87
- Norm contestation, 11, 29, 30
- Norm diffusion, 14, 33, 78, 144, 183, 184
 - direction of, 169
 - framing in, 36
 - mechanics of, 80
 - mechanisms, 189
 - in mediation, 45
 - models, 184
 - outcome of, 163, 190
 - pitfalls in, 188
 - practice, 33, 81
 - process, 85, 87, 160, 161, 175, 180, 182
 - role of mediators in, 81
 - target audience for, 169
 - theories of, 5, 11, 27, 28, 32, 86
- Norm dynamics, 85
- Norm entrepreneurs, 5, 6, 27, 28, 32, 78, 165–166, 179, 184, 191
 - diffuse norms, 28
 - of inclusion, 6, 20, 78
 - local agent as, 77
 - mediation actors as, 79
 - moral cosmopolitan, 77
 - NGO mediators as, 4, 10, 82
 - Western, 29
- Norm entrepreneurship, 14, 21, 27, 32, 35, 36
- Norm internalization, 13, 27, 87, 189
- Norm localization, 27–29, 78, 168, 169, 183
 - adapting to mediation processes, 78
 - negotiating parties and, 87
 - norm circulation and, 77
 - theory of, 27
- Norm-makers, 6, 28
- Norm promotion, 4, 35, 74, 76, 85, 123, 181, 191
 - mechanics of, 80
- Norm reconstitution, 28
- Norm subsidiarity, 29, 77
- Norm-takers, 6, 28, 77, 184
- North America, 144
- Northern Alliance, 135, 159
- Northern Ireland, 189
- Northern Shan, 155
- North Korea, 49, 60
- Norway, 58, 126
- Norwegian Peacebuilding Resource Centre, 58
- Nyerere, Julius, 47
- Nyi nyut ye*, 116

O

Ocean governance, 65
 Open book policy, 172
 Open door policy, 140
 Operational support, 50
 Opposition groups, 56
 Opposition leaders, 56
 Oslo Forum, 77
 Ottawa Dialogue, 65
 Ould Abdallah, Ahmedou, 84
 Outreach, 58, 64, 126, 173, 187
 Oxfam, 46

P

Palmiano Federer, Julia, 63
 Panglong Agreement, 99–101, 107, 158
 Panglong Conferences, 100, 101, 145
 Panglong, Myanmar, 99–101, 149
 Participation, 103, 133, 141, 142, 145, 146, 173, 174, 185, 190
 civil, 138
 of civil society, 11, 25, 160
 modalities of, 73
 monastic, 114
 in negotiation, 83
 Participatory governance, 26
 Partnering, 61
 Peace brokering, 129
 Peace brokers, 4, 5, 173
 Peacebuilders, 4, 82
 Peacebuilding, 4, 26, 60, 82, 83, 146, 160, 167, 181, 187
 activities, 130
 consensus, 26
 initiatives, 62
 as multi-dimensional concept, 25
 scholars, 83
 training centres, 49
 Peace Donor Support Group, 126
 Peace initiatives, 126, 130, 186

Peace interventions, 84, 181
 Peaceland, 1
 Peacelanders, 2, 3
 Peacemaking, 46, 49–51, 54, 73, 75, 183, 188, 189
 actors, 61, 123, 191
 analyses of, 45, 48
 approaches to, 186
 ASEAN Way in, 53
 civil society in, 75
 effective, 85
 Indigenous approaches to, 26
 Peace mediation, 4, 11, 34, 36, 63, 81, 84, 179
 Peace negotiations, 2, 20, 24, 74, 75, 78, 131, 134, 184
 Peace Nexus, 127
 Peace politics, 88
 Peace processes, 4, 5, 31, 32, 53, 57, 74, 130, 144, 185, 189
 actors, 3, 13, 128
 Bangsamoro, 57
 civil society actors in, 58
 cosmopolitan liberal norm in, 118
 designing, 20, 128, 131, 134, 186
 ethnic, 125
 façade of, 139
 inclusive, 3, 141, 186, 187, 190
 inclusivity in, 4, 87, 132
 inherently political, 186
 international, 127
 interventions, 61
 model, 144
 Myanmar, 124, 125, 142, 143, 147, 162, 181
 Northern Ireland, 189
 Philippines, 62
 Sant'Egidio in, 48
 Syrian, 56
 women in, 2
 Peace professionals, 2

- Peace support, 83, 127, 168, 181, 186, 188, 191
 international, 127
- Peace Support Fund, 126
- Peace talks, 10, 75, 81, 114, 179
- Perceptions, 21, 82, 85, 104, 143
- Persuasion, 33, 34, 51, 163
- Petrie, Charles, 126
- Philippines, 6, 53, 57, 62, 187, 195, 196
- Philippines, Southern, 57
- Philippine Supreme Court, 196
- Pickett, Clarence E., 47
- Policy imperatives, 76
- Policy-makers, 49
- Political actors, 9, 50, 143, 167
- Political alliances, 134
- Political coalitions, 103
- Political dialogue, 114, 134, 158, 160, 161, 168, 173–175
 broader, 146
 ceasefire as gateway to, 159
 collective, 141
 inclusive, 132
 inter-cultural, 58
 peace negotiations in, 126
 processes, 137, 146
 union level, 128
 without ceasefires, 156, 158
- Political engagement, 146
- Political instability, 105
- Political norms, 27
- Political opening, 125
- Political order, 34
- Political parties, 128, 134, 146, 174
- Political prisoners release, 146
- Political processes, 85, 175, 181
- Political reform, 104
- Political settlements, 4–5, 25, 75
- Politics, global, 5, 21, 125
- Positioning tool, 153, 161, 171
- Post-conflict societies, 25
- Post-independence period, 105, 107, 115
- Pouliot, Vincent, 12, 33, 81
- Poverty reduction, 47
- Power, 51, 53, 126
 all-inclusiveness as, 137
 balance, 78
 borrowing, 48
 compulsory, 85
 concepts of, 85
 consolidation of, 108
 constructivism and, 36
 of deniability, 47, 59
 direct, 86, 105
 distribution, 34, 86, 98
 drives mediation, 23, 75
 dynamics, 6, 11, 33, 35, 54, 55, 78, 154, 175, 182, 190
 of elites, 187
 epistemic, 80
 framing, 32, 35, 76, 190
 hard, 52
 institutional, 85
 legitimacy and, 32, 47, 52, 54, 57, 139
 mediation, 34
 of mediators, 31, 35, 128
 negotiating, 167
 of NGO mediators, 168, 175, 181
 normative agency and, 11, 34, 163
 oscillates, 97
 persuasive, 85, 182
 political, 3, 52, 187
 politics, 21
 productive, 85
 reformist government in, 187
 relations of, 86
 sharing, 52, 75
 social, 52
 soft, 51, 53, 162, 175
 sources of, 54
 state, 96

Power (*cont.*)

- structural, 85
- structure, 158, 166
- transfer of, 107
- undercuts normative agency, 85
- Powerful actors, 53, 59, 80
- Practical guides, 84
- Practice tracing, 12
- Pre-talks, 168, 184
- Primacy of the union, 104, 106, 108, 113–115, 148, 149
- Pring, Jamie, 63
- Private actors, 26, 47, 59, 62, 128
- Private diplomacy, 10, 45, 49, 53, 179
 - actors, 6, 53, 63
 - organizations, 128
 - preference for, 53
- Private informal actors, 124
- Private NGOs, 49
- Private peace entrepreneurs, 52, 55
- Process design, 4, 24, 123, 131, 133, 181, 186, 187, 190
- Process framework, 137
- Professionalization, 5, 50
- Progressive norms, 14, 30, 31
- Propaganda, 106, 117
- Proscribed actors, 81
- Proscription, 74, 80
- Protection of race and religion
 - laws, 117
- Pruning, 27, 28, 78, 150, 153, 160, 167, 168, 175
- PSDG, *see* Peace Donor Support Group
- Pure mediation, 34
- Pyidaungsu Hluttaw*, 115

Q

- Quakers, 47, 57

R

- Race, 7, 95, 97, 106
- Rakhine state, 8, 117, 188, 189
- Rangoon, Burma, 98, 107
- Rational actors, 23
- RCSS, *see* Restoration Council Shan State
- Reasoning, 34
- Reconciliation, 49
- Red Cross, 46
- Reform, 7, 28, 114, 128, 144–146
 - government, 7
 - media freedom, 142
 - period, 7, 114
 - political, 125
 - security sector, 191
- Regime change, 25, 114
- Regional actors, 53, 187, 191
- Regional norms, 13
- Regional organizations, 53, 62, 76, 124, 190
- Regional outsiders, 64, 183
- Relief and aid organizations, 46
- Religion, 97, 98, 113, 116, 117, 188, 191
- Religious leaders, 81
- RENAMO, 48
- Representation, 73, 103, 118, 142
- Resistance, 11, 26, 53, 78, 117, 154, 172, 186
- Resource persons, 84
- Responsibility to Protect, 29, 181
- Restoration Council Shan State, 157
- Revolutionary Council, 107
- Richmond, Oliver P., 30
- Rights-based norms, 26, 74
- Ripeness Theory, 21
- Rohingya, 117, 188
- R2P, *see* Responsibility to Protect
- Rule of law, 25, 166

S

- Saffron Revolution, 112, 113
- Sakhong, Lian, 116, 117
- Salient norm, 5, 123, 132, 141, 147, 185
- Sangha*, 112, 113, 116
- Sasakawa Peace Foundation, 65
- Saw Maung, 105, 111
- Schelling, Thomas C., 33
- Scoping, 64
- SD, *see* Senior Delegation
- Search for Common Ground, 49
- Secession, 101, 108
- Secretariat, MPC, 136, 138, 144, 147–149
- Security forces, 110
- Security issues, 131, 150
- Self-determination, 8, 96, 100–102, 116, 149
- Senior Delegation, 156
- Shalom (Nyein) Foundation, 142
- Shan, 97–101, 174
- Shan Sawbwas, 101
- Shan State Progressive Party/Shan State Army, 104
- Shared value systems, 64
- Siem Reap, Cambodia, 64
- Sil, Rudra, 33
- SLORC, *see* State Law and Order Restoration Council
- Social beings, 34
- Social context, 34
- Socialism, 108
- Socialization, 24, 33, 163
- Social media, 13, 142
- Social practices, 6, 33, 34, 78, 81, 82, 175, 182, 186
 - normative agency and, 32, 81
- Social relations, 86
- Soe Thane, 136
- South Africa, 84
- South, Ashley, 126
- South East Asia, 6, 7, 64, 97
- South Sudan, 192
- Sovereignty, 6, 13, 53, 127
- SPDC, *see* State Peace and Development Council
- Special Representatives of the Secretary General, 56
- Spirit of Panglong, 101–103, 145, 146
- Spoiler management strategies, 24
- Spoilers, 4, 24, 25, 74, 148, 149
- SSPP/SSA, *see* Shan State Progressive Party/Shan State Army
- State actors, 26, 27, 56
- Statebuilding, 105, 116
- State capitalism, 112
- State interests, 27
- State Law and Order Restoration Council, 105, 111
- State-mandated mediators, 124
- State Peace and Development Council, 105, 111
- Status, 23, 30, 54, 62, 172
 - formal, 124
 - independent, 55
 - insider, 63, 64
 - legal, 167
 - pariah, 144
 - of Quakers, 47
- Stedman, Stephen J., 24
- Steinberg, David, 9
- Stenner, Christina, 50
- Strategic alliances, 48
- Strategic bargaining, 14
- Student protests, 98, 106, 110
- Study tours, 84
- Sub-ethnic groups, 102
- Sustainable peace, 26, 58, 133, 187
- Sweden, 62
- Swisspeace, 56, 58, 65
- Switzerland, 13, 61, 62, 133
- Syria, 56

T

- Ta'ang, 173, 174
- Ta'ang National Liberation Army, 153, 155, 156, 159, 170, 172–174
- Taingyitha lu myo*, 95
- Tatmadaw*, 109, 112, 146, 156, 170, 175, 183, 188
- attacks, 155
- attitudes, 139
- Bamar in, 103
- Call to Peace, 147
- cognitive priors, 169
- command of, 114
- defense strategy against, 145
- dictatorships, 105
- discourse of national unity, 104
- divide and conquer tactics, 99
- formation of, 106
- hardliner stances, 167
- inclusivity, 140, 174
- influence of, 140
- narratives, 105, 106
- national unity and, 109
- Nationwide Ceasefire Agreement, 164, 172
- oppression, 112
- peace brokering role, 130, 173
- perspective of history, 106
- primacy of, 149
- primacy of the union, 108
- as protectors, 108
- size of forces, 111
- threaten military attack, 104
- on Union Peace Central Committee, 129
- Taylor, Robert, 8
- Technical role, 134
- Technical support, 127, 131, 135, 154, 164
- Thailand, 97, 100
- Than Shwe, 105, 111, 114
- Thant Myint-U, 9, 97
- Thein Sein, 1, 129, 137, 144, 145, 154, 159, 170
- call for national unity, 117
- Call to Peace, 128, 134
- inaugural speech to *Pyidaungsu Hluttaw*, 115
- reforms, 7, 125, 145, 187
- rhetoric of disciplined democracy, 114
- special coordination meeting, 155
- speech on unity, 116
- Thibaw, King, 97
- Think tanks, 83
- Third-party intervention, 21, 163
- Third-party mediator, 53
- Three National Causes, 106
- Tibeto-Burmese, 97
- TNLA, *see* Ta'ang National Liberation Army
- Touval, Saadia, 22
- Track Two Diplomacy, 65
- Training, 3, 49, 82, 83, 164, 173
- Transitional justice, 4, 11, 20, 84, 179, 190
- Translating Mediation Guidance into Practice, 80
- Transnational Institute, 127
- Trust, 114, 123, 129, 164
- of armed groups, 59
- building, 47, 48, 54, 62, 126
- digging erodes, 172
- of local parties, 64
- Thein Sein recovers, 155
- Tutu, Desmond, 47

U

- UK, *see* United Kingdom
- UN envoys, 53
- UNFC, *see* United Nationalities Federal Council

- UN Guidance for Effective Mediation*, 5, 73, 77, 191
- Unified national identity, 95, 104
- Unintended consequences, 172–174, 180, 182
- of localizing norms, 192
 - in mediation processes, 175
 - of norm of inclusivity, 74, 169, 170
 - in peacebuilding, 82
 - of promoting inclusive peace, 3
- Union of Burma, 96, 100, 101, 116
- Union Peace Accord, 145
- Union Peace Central Committee, 129, 130
- Union Peace Conference, 145
- Union Peace Working Committee, 129, 130
- Union Solidarity and Development Party, 114, 159
- Unitary actors, 31
- United Kingdom, 62
- United Nationalities Federal Council, 130, 141, 155–158, 183, 185
- bolsters ethnic unity, 134
 - as dialogue partner, 135
 - ethnic armed groups in, 135, 147
 - KIO leads, 185
 - leaders of, 104, 165
 - represented groups of, 160
 - significance of, 103
 - unity of, 157
- United Nations Charter, 45–46
- United Wa State Army, 155, 157
- United Wa State Party, 155, 157
- Unity, 56, 100, 115, 145, 153, 154, 157, 180, 183
- cognitive priors of, 102
 - concept of, 95, 96, 115, 184
 - discourse of, 116 (*see also* Ethnic unity)
 - inclusion, exclusion and, 118 (*see also* National unity)
- Universality, 79, 173
- norms, 11, 30, 87, 180, 182
- Universal normative frameworks, 87
- University of the Philippines, 195
- UN Office of the Special Envoy for Syria, 59
- U Nu, 107
- UPCC, *see* Union Peace Central Committee
- UPWC, *see* Union Peace Working Committee
- U Thant, 110
- UWSA, *see* United Wa State Army
- V**
- Vatican, 47, 57
- Violence-negotiation nexus, 24
- Vukovic, Sinisa, 52, 54
- W**
- Wa, 104, 135
- Wall, James A., 22
- Walter, Barbara, 23
- Walton, Matthew J., 116, 117
- Wa National Organization, 104, 155, 156, 172
- Weakness, 51, 54, 55, 95, 99, 167, 187
- of mediators, 52, 181
- Wells, Richard, 22, 31
- West Africa Network for Peacebuilding, 64
- West, the, 10, 12, 23, 57, 116, 117, 144, 186
- approaches of, 181
 - centrism of, 30
 - concepts and norms of, 191
 - norm entrepreneurs, 29
 - northern epistemologies of, 26

- WGEC, *see* Working Group for Ethnic
Coordination
- Wiener, Antje, 6, 29
- Wight, Colin, 32
- WNO, *see* Wa National Organization
- Women, 2, 3, 75, 80–82, 190
inclusion of, 5
mediator networks of, 63
organizations, 76, 142, 174
participation of, 20
peace NGOs, 49
- Women Mediators Across the
Commonwealth, 63
- Women, Peace and Security Agenda, 75
- Working Group for Ethnic
Coordination, 141
- Workshops, 3, 47, 83, 133, 146,
147, 164
- World Bank, 26
- World War II, 46, 100, 106
- Y**
- Yangon, Myanmar, 1, 2, 13,
112, 127
- Youth, 5, 20, 49, 75, 82, 142
- Z**
- Zartman, William I., 21, 22, 36
- Zimbabwe Institute, 64
- Zimmerman, Lisbeth, 29