The Role of Justice in Negotiation

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Overview

This chapter discusses the role of justice in negotiation between rival groups and the durability of peace agreements. It draws on information about group negotiation processes and agreements concluded to end civil war in different countries, mostly during the early 1990s. Possible relationships between the presence and importance of distributive justice (DJ) in the agreements, and their durability, were first explored. The difficulty of the conflict environment was shown to have the strongest impact upon durability. However, the DJ principle of equality was found to reduce the negative impact of difficult conflict environments on their durability. An emphasis on equality was also associated with more forward-looking agreements, which were found to be more durable than backward-looking ones. Next, the presence and importance of procedural justice (PJ) were examined in the negotiation processes that led to the signing of the peace agreements. Significantly more durable agreements occurred when a process based on PJ led to agreements emphasizing equality.

A close examination of how the equality principle was expressed in the agreements revealed three main types of provisions: equal measures, equal treatment, and equal shares. Agreements with equal treatment and/or equal shares were associated with highly forward-looking outcomes and high durability, and equal measures with a more backward-looking outcome and poorer durability. Third party roles were then assessed in four select cases. In both cases of high durability (Mozambique, Zimbabwe), third party intervention was central to the formulation of high equality agreements and to implementation. In the cases of low/no durability (Angola, Rwanda), third parties did not work actively to promote agreement based on forward-looking or any equality provisions. The findings suggest that negotiators and third parties should strive for agreements based on equal treatment and/or equal shares, as they are more durable, and that a variety of tactics and approaches (both facilitating and forceful) can serve that objective.

Issues concerning the role of justice in negotiation have been addressed by scholars and practitioners in a number of areas in social science. These areas include the study of civil wars, international trade negotiations, historical negotiations on security issues, law, organizational management, and social psychology. They focus attention on group decision processes that occur in this domain. We have learned from these studies about how justice influences negotiation processes, outcomes, and the durability of agreements. A brief summary of what has been learned precedes a discussion of our project on peace agreements. We then discuss the meaning of equality and develop implications of the findings for the way third party roles are implemented.

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How Justice Influences Negotiation Processes, Outcomes and Durability

The influence of justice on negotiation processes and dynamics has been explored in interpersonal (e.g., Deutsch, 1985), organizational (e.g., Konovsky, 2000) and international (e.g., Zartman et al., 1996) contexts. A study of international negotiations across four issue areas (trade, the environment, ethnic-sectarian conflict and arms control) found that negotiators regularly act upon justice considerations and that these can affect the process in numerous ways (Albin, 2001). At the most basic level they may, firstly, guide the bargaining dynamics – proposals put forward, the exchange and evaluation of concessions, and the formulation of agreements – and thereby facilitate the process, particularly when parties share the same or compatible notions of justice. Widely associated with justice in the process is the norm of *reciprocity*; that is, mutual responsiveness to each other's concessions. Research has distinguished several different patterns of how and why large concessions are made while negotiating. These include "comparative responsiveness" – that is, acting based on a comparison of one's own and the other's tendencies to concede (Druckman and Bonoma, 1976; Druckman and Harris, 1990) – and "diffuse reciprocity" – that is, acting to ensure that roughly adequate or sufficient, rather than specifically equal or comparable, concessions are made to establish a balanced agreement overall (Albin, 2001).

Secondly, justice considerations may complicate the bargaining process, cause deadlocks and stalemates, and become subject to negotiation themselves. This pertains to the common situation in which parties endorse competing justice principles or interpretations (applications) of them. In the end, however, reaching agreement usually requires formulating terms which can win the respect and voluntary approval of all parties and their constituencies, partly by appealing to their sense of justice. Negotiators are thus motivated to act on terms which can be generally accepted as reasonable and balanced. This frequently leads them to balance and combine several justice principles in the terms of agreements. This very act of balancing is also associated with justice, in a situation in which no principle emerges as morally superior on its own and several are needed to take account of relevant factors and different circumstances (Albin, 2003).

Similarly, a study of how public resources and burdens are allocated highlighted that justice is found in balancing different principles and that major theories of justice fail to capture these real-world nuances (Young, 1994). The presence of procedural or process justice is also widely regarded as adding legitimacy to the results (Albin, 2008).

Beyond this, however, general systematic conclusions about how justice in the negotiation process influences the terms of agreements and the outcome are few. In an analysis of international trade talks, adherence to procedural justice while negotiating was found to increase the chances for mutually beneficial agreements (Kapstein, 2008). In her study of the Liberian peace process, Hayner (2007) found that durable agreements depended on both procedural justice (fair representation of stakeholder groups) and confronting complex issues during the negotiation process. Along similar lines, Hollander-Blumhoff and Tyler's (2008) field experiments showed that the more procedural justice principles evident in the process, the more (a) willingness to disclose information, (b) trustworthiness, (c) likely the agreement will be integrative and (d) durable. These findings were supported by Wagner (2008) in her study of a dozen historical cases of security talks and by Konovsky (2000) in her review of the management literature. Whether procedural justice promotes agreements based specifically on distributive justice is disputed in both research and policy debates. In the context of business organizations, a relationship between procedural (process) justice and distributive justice in the outcome has been highlighted (Konovsky, 2000).

Conclusions in the research literature also diverge on whether basing the terms of agreements (often referring specifically to peace agreements to end war) on justice considerations promotes their durability. One hypothesis – based on theories about root causes of internal conflict – holds that the inclusion of DJ provisions in an agreement increases the chances that agreement will be reached and endure through time (e.g., Bell, 2004; Konovsky and Pugh, 1994; Rothchild, 2002). Another hypothesis – based on arguments about entertaining normative considerations during negotiation – posits that DJ provisions in an agreement decrease the chances that the agreement will survive through time (e.g., Bazerman and Neale, 1995; Putnam, 2002; Snyder and Vinjamuri, 2003/2004).

Yet another proposition distinguishes between "forward-looking" principles and notions of justice and "backward-looking" ones (Zartman and Kremenyuk, 2005). The former are positive-sum and future-oriented: They turn their back on the past, and seek justice through the establishment of new cooperative relations (a new political order) based on mutual interests between parties. The latter are often zero-sum and seek justice retrospectively for past wrongdoings, rights and entitlements: for example, issues of accountability, compensation, reparations and punishment for earlier crimes. Agreements based on forward-looking justice provisions are taken to lead to more durable agreements than agreements based on backward-looking ones.

The extensive literature on negotiations to end civil wars includes studies of cases from a variety of regions and countries (e.g., Stedman et al., 2002; Zartman, 1995) and large-sample comparative studies (Fortna, 2004; Hartzell and Hoddie, 2007). Findings from these studies shed light on the conditions – both within and outside the negotiating room – for concluding and sustaining peace agreements. An example of important findings comes from the comparative study conducted by Downs and Stedman (2002). Focusing on a set of 16 peace agreements concluded mostly during the early 1990s, these investigators showed that implementation was largely a function of the difficulty of the conflict environment surrounding the talks. Less successful implementation occurred in more difficult conflict environments: Examples are Sri Lanka, Somalia, Sierra Leone, and Bosnia. Another variable, willingness of neighboring powers to intervene, had virtually no impact on implementation. Missing from this study, and generally from research on settling civil wars, is the role played by justice. This gap is filled by our recent studies on justice and the durability of peace agreements. A first study focused on distributive justice (DJ) in the agreements. A second study concentrated on procedural justice (PJ) in the negotiation process.

Both studies utilized original systems for coding justice. The development and implementation of coding systems facilitate the evaluation of hypotheses about relationships among the justice and durability concepts. The coding process converts concepts such as DJ into variables such as the extent to which the particular DJ principles are central to the agreement. This "conversion" facilitates performing statistical tests that evaluate hypothesized relationships: For example, the more central DJ (or PJ) principles are in the agreement (or in the process), the more durable the agreement. The results of the statistical analyses can then be used to construct models that depict the way that the set of variables interact through time across the 16 cases: For example, PJ principles in the process lead to DJ principles in the agreement which, in turn, results in a durable agreement. These findings are discussed in the sections to follow.

Distributive Justice and Durability

Building on the Downs-Stedman data set, we coded the 16 peace agreements for four DJ principles: equality, proportionality, compensation, and need. These particular principles are emphasized in both theoretical and empirical research, and actual negotiation practice (see e.g. Albin, 2001; Deutsch, 1985; Konovsky, 2000). We also developed coding categories for types of agreements, namely, whether they were "forward-looking" (FL) or "backward-looking" (BL). Complete texts of all the agreements were assembled from web documentation for coding DJ and FL/BL. The agreements varied in length from five (the agreement between the government of Nicaragua and YATAMA) to 52 pages (the agreement between the Republic of Rwanda and the Rwandese Patriotic Front). Although longer texts provide more opportunities for statements that relate to justice to appear, our emphasis on centrality of the principles, rather than frequency of their appearance in the text, reduces the problem.

Each agreement was examined for the presence of DJ principles – equality, proportionality, compensation, or need. Our main interest was whether, or to what extent, any of these principles was central in the terms of agreement between the warring parties. Coders were asked to indicate which (if any) principles are addressed in each agreement and the extent to which that principle directs the agreement's core terms. For each principle included in the agreement, the coder evaluated the significance of the principle on a scale ranging from 0 (the principle is not mentioned or implied) to 2 (the principle is at the heart of the agreement); a score of 1 indicated marginal significance. A correlation of .87 between independent coders' judgments across the cases indicates very

Table 1 Cases by principles and durability

Case	Equality	Proportionality	Compensation	Need	Implementation	FL/BL
Angola I	0	0	0	0	1	4
Angola II	1.33	0	0	0	1	3
Bosnia	1.67	1.33	0	0	2	3
Cambodia	1.33	0	0	2	2	3
El Salvador	1.33	0	1	1	2	5
Guatemala	2	0	1	1	3	4
Lebanon	1.67	1.33	0	0.67	2	4
Liberia	0.67	0	0	0.67	2	3
Mozambique	2	0.67	1	0.67	3	5
Namibia	2	0	1.33	0	3	4
Nicaragua	1.33	0	1.33	1.67	3	4
Rwanda	1	0.67	1.33	0.67	1	2
Sierra Leone	0	0	1.67	1.67	1	3
Somalia	1	0	1	1	1	2
Sri Lanka	1	0	1.33	0	1	3
Zimbabwe	2	0.67	1	0.67	3	5

Note: The presence and importance (centrality) of each of the four principles in the agreements were judged on a two-step scale from not present (0) and marginally present (around 0.5) to important (around 1.0; that is, included in some of the main terms of the agreement), very important (around 1.5) and highly significant (2.0; that is, at the very heart of the agreement and its core provisions).
The implementation (durability) scores are the outcome scores from Downs and Stedman (2002), with an adjustment for El Salvador from 3 to 2.
FL refers to "forward-looking" and BL to "backward-looking," assessed on a scale from 1 (entirely backward-looking) to 5 (entirely forward-looking). A score of 3 means a roughly balanced mix of FL and BL features.

strong agreement. The FL/BL variable was coded on a five-step scale ranging from an entirely past oriented (1) to a future oriented (5) agreement. A reasonably high correlation between independent coders (.65) indicates that this variable was coded reliably.

Three other variables were included in the data set. Drawn from Downs and Stedman (2002), these included implementation success, difficulty of the conflict environment, and willingness of neighbors to intervene in the conflict. Implementation was coded on a three-step scale including failure (1), partial success (2), and success (3). The original judgments reported in Downs and Stedman were checked against more recent sources on the period following the agreement (e.g., Paris, 2004). This resulted in a few small adjustments. The difficulty variable consisted of eight indicators of the conflict environment including the number of warring parties, likelihood of spoilers, number of soldiers, and access to disposable resources. The scale ranged from 0 (no indicators present) –8 (all indicators present). The willingness to intervene variable consisted of three parts: regional power interest, willingness to provide financial resources for an intervention, and willingness to commit soldiers to the

conflict. The scores ranged from 1 to 3. The complete data set is shown along with the cases in Table 1.

We evaluated a number of hypotheses. As noted above, the literature to date presents competing hypotheses about how DJ relates to durability – that basing agreements on DJ either increases (based on arguments about root causes of internal conflict) or decreases their durability. These hypotheses were reconciled by including another variable in the analysis - the difficulty of the conflict environment. We hypothesized further that the root causes argument holds in less difficult environments; the normative argument holds in more difficult conflict environments. Variation among the cases on the difficulty variable – as shown in Table 1 – provided an opportunity to evaluate these contending hypotheses. Thus, the impact of justice principles is hypothesized to be contingent on the conflict environment.

Hypotheses were also evaluated concerning the effects on durability of each of the DJ principles, which we considered as being either forward (equality and proportionality) or backward (compensation and need) looking. In particular, the forward-looking principles were expected to occur more frequently than

backward-looking principles in the agreements. They were also expected to produce more durable agreements. A final hypothesis posited that forward-looking outcomes – which may include forward-looking justice principles – would be more durable than outcomes which deal primarily with the past.

The results addressed each of our hypotheses. They can be summarized as follows. The strongest relationship was between the difficulty of the conflict environment and durability: Less durable agreements occurred in more difficult environments (r = –0.65). A moderately strong correlation was obtained between justice and durability (r = 0.56). However, these relationships changed when partial correlations were calculated. A slightly reduced correlation between difficulty and durability was obtained when justice was controlled (from –0.65 to –0.57). A reduced correlation was also obtained between justice and durability when difficulty was controlled (from 0.56 to 0.46). Similar results were obtained from a regression analysis that included the difficulty, justice, and durability variables. These variables form a cluster as indicated by the results of a factor analysis. The willingness variable did not load on this factor; nor did it produce any significant correlations with the other variables.

These findings suggest that when justice principles are central to an agreement, the impact of more (less) difficult environments on durability is reduced (enhanced). In technical terms, justice was shown to mediate the relationship between the difficulty and durability variables. This means that DJ contributes to the durability of peace agreements. That contribution is indirect in the sense of reducing the negative effects of intense conflicts on durability or increasing the positive effects of less intense conflicts. These findings provide some support for the root causes argument: Addressing issues of DJ in outcomes contributes to the shelf life

of an agreement. They do not support the normative argument: Addressing DJ issues did not interfere with implementation of the agreement. Further investigation provided additional clarification for these findings.

Analyses conducted on each of the four DJ principles revealed that one principle in particular accounted for the relationships between difficulty, DJ, and durability. This was the principle of equality, which was the most frequently-occurring principle in the agreements. When equality was analyzed separately, the same relationships among the variables emerged: Like DJ, equality was shown to mediate the relationship between difficulty of the conflict environment and durability. In fact, the relationships between each of the other variables and equality were stronger than they were when DJ (measured as an aggregate of the four principles) was used as the justice variable in the analyses – the DJ-durability correlation was 0.56; the equality-durability correlation was 0.76. The inclusion of the other principles actually depressed the relationships with the difficulty and durability variables. Each of the other DJ principles (proportionality, compensation, need) showed very weak relationships with durability. Thus, equality accounts for the relationship between DJ and durability. It also explains the indirect effect of difficulty on durability as shown in Fig. 1 below. Using a statistical test referred to as Sobel's z, we evaluated the extent to which the equality principle mediated the relationship between difficulty and durability. A near-significant z statistic indicates that equality is a mediating variable. (Note that it is difficult to attain significance with a small number of cases. For more on this statistical procedure see Baron and Kenny, 1986.)

These findings suggest that the relationship between difficulty (referred to as an independent variable) and durability (the dependent variable) depends on equality
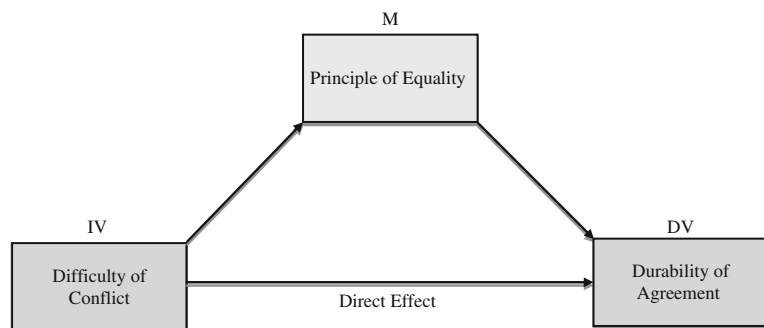
Fig. 1 The mediating effect of equality

principles (referred to in the figure as the mediator [M]): The negative effects of difficulty on durability are reduced when equality is central to the agreement; they are increased when equality is not central to the agreement.

The variable referred to as forward and backward-looking (FL/BL) outcomes was also analyzed. The findings show a strong relationship between this variable and durability: More forward-looking outcomes are more durable ($r = 0.66$). However, that relationship was also shown to be accounted for by the equality principle: When equality was statistically controlled, the relationship between FL/BL and durability decreased dramatically (from 0.66 to 0.38). The mediator analysis showed a significant indirect effect for equality (Sobel's $z = 1.96$, $p < 0.05$). Thus, the impact of FL/BL on durability is due largely to the centrality of the equality principle in the agreement. More forward-looking outcomes occur when equality is emphasized: Most, but not all, of the forward-looking agreements contained equality provisions. However, the durability of the agreements depended more on equality than on FL/BL outcomes. (See Druckman and Albin, 2010, for more details.)

Procedural Justice and Durability

The negotiations were also examined for the presence of PJ, defined in terms of four principles: transparency, fair representation, fair treatment and fair play, and voluntary agreement (Albin, 2008). These principles are widely recognized as key components of procedural justice in the research literature (e.g., Hollander-Blumoff and Tyler, 2008; Konovsky, 2000; Lind and Tyler, 1988; Thibaut and Walker, 1975). Moreover, they lend themselves well to being operationalized so that their role in particular cases can be assessed. Together the four principles define an ideal way of negotiating against which actual practice can be examined. Our coders were instructed to judge whether each of these principles was present and, if so, how influential (significant) it was in the process, even if not stated by name.

The amount of documentation available on the negotiation processes varied from case to case. At one extreme is the daily chronology of the Cambodian peace process assembled by Raszelenberg (1995) and

the round-by-round discussions in the Mozambique talks described by Hume (1994). At the other extreme is the scarce documentation on the negotiations on Liberia and Angola (the Bicesse accords). For these cases, we sought the assistance of experts; for example, Herman Cohen, former US Assistant Secretary of State, coded PJ in the Angola talks. Confidence in the coding was bolstered by high agreement between Secretary Cohen and our own coder. Overall, across the 16 cases, agreement between independent coders was high.

As discussed earlier, a number of studies have shown that PJ plays an important role in outcomes and their durability: When PJ principles are central in the negotiation process, outcomes are more likely to be mutually beneficial and lasting. Further, PJ may lead to outcomes that contain DJ principles and are more forward looking. These earlier findings were regarded as hypotheses evaluated in the context of the 16 peace agreements (see Albin and Druckman, forthcoming). Taken together, the set of hypotheses suggests a sequence: less difficult conflicts facilitate adherence to PJ principles that, in turn, lead to equality and forward-looking outcomes that endure.

The results provided partial support for this sequence. First, negotiators did, to some extent, adhere more to PJ principles in less intense conflict environments ($r = -0.48$). Second, more equality outcomes occurred when negotiators adhered to PJ principles during the talks ($r = 0.60$). Third, adherence to PJ principles was associated with more durable agreements ($r = 0.58$). And, fourth, adherence to PJ principles was associated with forward-looking outcomes ($r = 0.53$). Each of these relationships was, however, qualified by the results of additional analyses.

It turned out that the relationships between PJ and each of the other variables (difficulty, outcomes, and durability) was noticeably weaker when equality was controlled for in the statistical analyses: The correlation between PJ and durability decreases from 0.58 to 0.24 when equality is controlled; the correlation between PJ and FL/BL decreases from 0.53 to 0.26 when equality is controlled. This means that equality in the agreements accounted for effects of PJ on both outcomes and durability.

Once again, equality is the key variable. However, it operated differently in the two studies. In the DJ study, the equality principle reduced the negative influence of intense conflicts on durability (see Fig. 1). In the PJ

investigation, this principle accounted for the impact of PJ on durability: Without equality principles in the agreement, PJ principles have only a small impact on the durability of the agreement. Nor did PJ mediate the effects of the conflict environment on durability. Thus, both PJ and the conflict environment are accounted for by equality: In technical terms, this means that we have two separate models, one based on the chain from the conflict environment through equality to durability; the other based on the chain from PJ through equality to durability. Although these are complex findings, they have in common the key factor of equality in the agreements.

Two intriguing questions are raised by the results obtained in both studies. One question is: Why is equality important for maintaining peace agreements? Another is: What did the negotiators and third parties do to achieve outcomes based on equality? Answers to both questions have practical implications for designing negotiation processes and for policy. We now turn to those questions and to implications for policy.

Explaining the Meaning of Equality

The presence and importance (centrality) of equality and three other principles of distributive justice – proportionality, need and compensation – were assessed in each of the study's 16 peace agreements. As summarized in Table 1, nearly all the agreements, namely 14, include the equality principle. In all but one of these, the presence of equality in the agreement is deemed to be significant (3 agreements) or very/highly significant (10 agreements). The highest equality scores occur for the following six agreements: Zimbabwe, Namibia, Mozambique, Guatemala, Lebanon and Bosnia.

All agreements were analyzed closely in terms of what forms the application of equality took; that is, what exactly was to be treated equally and how. Particularly detailed analyses were written on the six "high equality" cases listed above. Three main types of equality emerged from the provisions across the agreements: *equal measures*, primarily backward-looking and concerned with military strength and disarmament/demilitarization; *equal treatment*, forward-looking and aimed to secure non-discriminatory treatment and equal opportunities for all groups or

peoples concerned on a long-term basis; and *equal shares*, concerned with shared political powers and decision-making on a transitional (time-bound) or longer-term (structural) basis.

The presence and centrality of these different types of equality were then recorded systematically in the six "high equality" agreements. Equal measures was found to be central in one case only (Dayton Agreement – Bosnia), and marginal in the other five agreements. Equal treatment and equal shares were each found to be very central or central in four agreements, and marginal in the other two.

The next step was to investigate possible relationships between type of equality, the outcome (forward-looking or backward-looking) and implementation or durability in the six agreements on Zimbabwe, Namibia, Mozambique, Guatemala, Lebanon and Bosnia. Outcome and implementation scores for all agreements are found in Table 1.

Agreements in which equal treatment and/or equal shares are central were associated with highly forward-looking outcomes and high durability, while equal measures were associated with a more backward-looking outcome and poorer durability. Equal treatment specifically was central or very central in all the agreements with the highest durability score, and marginal in both the agreements with poorer durability. Equal treatment and equal shares were both central in two of the cases (Mozambique and Zimbabwe), and this was associated with the two highest forward-looking scores and high durability.

Third Party Roles in Equality Provisions

Questions addressed in this section are: To what extent do third party roles explain the presence of equality in agreements, and their implementation? Why did third parties succeed in achieving high equality outcomes that were implemented in some cases, and failed to do the same in others? Understanding this is highly policy relevant, given that equality contributes to durability. It is also intriguing given that most agreements were negotiated in an apparent situation of considerable power inequalities between parties – a context commonly thought to impede evenhanded outcomes of negotiations, and indeed any successful negotiation at all.

To shed light on these questions third party intervention was examined more closely in four African cases, selected to provide good contrasts on equality content and implementation success: Mozambique and Zimbabwe (high equality content, successful implementation), and Angola 1/Bicesse Accords and Rwanda (low equality content, failed implementation). In all cases questions were examined regarding the identity, status and functions of third parties; types and stages of intervention; any explicit or implicit statements and efforts concerning the inclusion of equality provisions in an agreement; and the overall role and importance of third parties.

The process leading to the 1979 Lancaster House Agreements was an unusual case of highly forceful and biased mediation resulting in a high equality outcome. The British mediation team, led by Lord Peter Carrington, controlled and steered the process with a heavy hand throughout, and the two conflicting parties, the Zimbabwe-Rhodesia government and the Patriotic Front, never negotiated directly with each other. Drawing fully on its leverage over the former colony's rival factions, Britain regularly threatened to go for a "second-class solution" involving formal recognition of the Zimbabwe-Rhodesia government to elicit concessions from the Patriotic Front. Britain's tactics, bias and obvious potential to deliver an agreement help to explain the high equality content in the final outcome: They helped to induce both parties to make (more) concessions, with the expectation that it would be rewarded and, in the case of the Patriotic Front, that the "second-class solution" would be avoided (see Davidow, 1984).

The 1991–1992 General Peace Agreement for Mozambique resulted from a completely different type of mediation. A four-member team without any leverage to use threats or incentives served as impartial facilitators. They received significant support in the form of financing, expertise, guarantees and assurances in connection with a signed agreement, and encouragement from international actors (the US, Italy, Portugal, Zimbabwe and Russia). Drawing on this as well as their competence, relationship-building, creativity and persuasion, the facilitators helped create dialogue, trust and cooperation between the rival groups. This impartial yet active and important role paved the way for the conflicting parties themselves to seek reconciliation and peace, and endorse a high equality outcome (Hume, 1994; Morozzo della Rocca, 2003).

In the 1992–1993 Arusha peace process over Rwanda, official mediator Ambassador Ami Mpungwe of Tanzania started out playing the role of facilitator and honest broker: He worked to facilitate dialogue and communication between parties, and create a positive environment for reaching a mutually acceptable resolution to the conflict. However, growing frustration with the Government of Rwanda and increasing sympathy for the Rwandan Patriotic Front reportedly caused a shift toward a more partisan and forceful role by Tanzania (Jones, 2001, pp. 84–85). Mpungwe, along with the US and France as official observers among others, ended up forcing the hard-line members of the Government of Rwanda to accept a critical provision: a 50–50 (equal) split in the command of the new armed forces, to the benefit of the Rwandan Patriotic Front. According to reviewed sources, this move was disruptive to the peace process. A sense of fairness and satisfaction appear to have been lost, particularly for the hard-line government members who felt pushed to give up large stakes they already held for few concessions made by the Patriotic Front. A very difficult conflict environment, competing interests among direct and third parties, and the absence of stronger forward-looking types of equality, go a long way to explain failure in this case.

In the negotiations leading to the 1991 Bicesse Accords on Angola, Portugal was selected as the official mediator because of its expected impartiality. The mission was approached as that of a facilitator, but quickly ran into problems as Portugal lacked the leverage to control of the process and leverage. The US and the Soviet Union, by contrast, actively supported the conflicting parties (the UNITA and the MPLA) militarily. Drawing on their influence in this regard over the rival factions, the superpowers – as unofficial mediators – became far more effective in eliciting concessions and securing an agreement. No mediator appears to have worked to promote equality provisions during the process. The US and the Soviet Union specifically wanted an agreement signed as quickly as possible. Little time was afforded to work out or include a solid peace plan in the agreement, let alone provide any equality provisions, and the peace process collapsed after elections had been held (Cohen, 2000).

In all these cases, the third party roles explain much of the outcome. In both the successful cases, third party intervention (in one case forceful, in the other facilitating) was central to the formulation of a high equality

agreement and to implementation. In the unsuccessful cases, third parties (in one case forceful, in the other both facilitating and forceful) did not work actively to promote agreement based on forward-looking or, in one case, any equality provisions.

Search for Mechanisms: Trust and Problem Solving

The results obtained in these studies of peace agreements support findings from other studies on the role of justice in negotiation. Those studies also suggest other variables that may operate with justice considerations in influencing the durability of agreements. One of these variables is trust. Another is problem-solving behavior. In their field experiment, Hollander-Blumoff and Tyler (2008) showed that PJ principles correlated with both trustworthiness and willingness to disclose information. More PJ principles led to more acceptable agreements which were, in turn, more durable. In their comparative study of settlements to end violent conflicts, Irmer and Druckman (2009) found that comprehensive agreements depended on the development of trust through phases of the talks: specifically, movement from an early phase of mistrust through calculus-based and knowledge-based trust, culminating in identity trust in the later phases. Re-analyses of Wagner's (2008) data on historical cases of negotiation involving the United States showed that PJ, problem-solving behaviors, and integrative agreements formed a correlated cluster: adherence to PJ principles (vs. a lack of adherence to these principles) in the process was strongly associated with problem-solving (vs. competitive bargaining) which, in turn, increased (rather than decreased) the chances of integrative outcomes which were durable.

These findings, obtained from other studies, suggest possible mechanisms for agreements that incorporate equality principles. These principles would seem to emerge from processes in which disputing parties build trust. This is more likely to occur when the process is guided by PJ principles and a problem-solving orientation. Less clear is the causal sequence of these variables: Does trust emerge from agreement on PJ principles and/or problem solving? Or, is trust a pre-condition for PJ and problem solving? These questions remain to be explored. Answers to them would also provide guidance for strategies used by third parties. For example, if trust is an emergent process, then focusing efforts first on establishing PJ rules would be advised. If, however, trust is a pre-condition, then an initial focus on creating conditions for increased perceptions of trust would be beneficial. But, if the trigger is problem solving, then encouraging these behaviors should lead to increased trust. It may be that this cluster of variables is intertwined or cyclical rather than sequential. In this case, bolstering any one of them would have ramifying effects on the others. These are interesting challenges to be met in further work.

Conclusion

The results obtained from our analyses are clear. Peace agreements that emphasize the principle of equality in their provisions are more durable than those that do not. This is particularly the case when the equality provisions are forward looking, by which we mean equal treatment for all parties or equal shares in terms of the distribution of power. When, however, the equality provisions are backward looking – concerned primarily with military strength – the agreement is likely to be less durable or no more durable than agreements that emphasize other justice principles. These findings suggest that negotiators and interveners should be guided by policies that stress the importance of seeking agreements containing provisions of equal treatment and/or shares. Agreements without these provisions may not last. Knowing this, we addressed the question of how to obtain these types of international agreements.

Lessons for strategy are suggested by close examination of selected cases from our data set. Agreements that proved to be durable provide advice about what to do; those that unraveled send a message about what not to do. It appears that the specific tactics used by third parties may be less important than their objective. Both forceful and facilitating approaches were effective in producing forward-looking agreements that lasted. Likewise, both approaches were ineffective in producing lasting agreements when equality principles were not included in the agreements. These observations are consistent with the well-known idea of firm-but-flexible: Pruitt and his colleagues demonstrated in a number of experiments that the best agreements occurred when negotiators or mediators were firm on

objectives (or principles) but flexible on the means for achieving those objectives (e.g., Pruitt and Lewis, 1977). The implication of this finding for policy is clear: Encourage third parties to actively promote the objective of forward-looking equality while giving them latitude on the tactics they use to accomplish this objective. This suggestion would be bolstered by analyses of additional cases, which are part of our agenda for further research.

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