Fairness in peace negotiations

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How can peace negotiations be conducted in a way that is ethically viable, producing results that all parties to the negotiations will abide by and respect? This article discusses the importance of fairness in general and perceived fairness in particular as key parts of ethical and successful peace negotiations. Given the increase in protracted and brutal conflicts at the current moment in history, addressing key ethical aspects of peace negotiations is essential.

Keywords: negotiations, peace, fairness, perceptions, recognition

> One of my favorite negotiation stories is about a man who leaves his herd of 17 camels to his three sons as their inheritance. To the first son, he leaves half the camels; to the middle son, he leaves a third of the camels; and to the youngest son, he leaves a ninth of the camels. The three sons get into an intense negotiation over who should get how many, because 17 doesn't divide by two, or by three, or by nine. Tempers become strained, so in desperation they consult a wise, old woman. She listens to their problem and says, "Well, I don't know if I can help you, but if you want, at least you can have my camel." Now they have 18 camels, so the first son takes half of them, or nine camels; the middle son takes his third, or six camels; and the youngest son takes his ninth, or two camels. Nine plus six plus two adds up to a total of 17 camels. There is one camel left over, so the brothers give it back to the woman.
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> Many of our negotiations and conflicts today are like those 17 camels — they seem impossible to resolve, with no apparent solution in sight. What we need to do is step back from the situation, look at it through a fresh lens, and come up with an 18th camel. Finding that 18th camel in the world's conflicts has been my life's work.
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> From William Ury, "There Are Three Sides to Every Argument" (Ury 2017)

Introduction

In a world seeing an increasing amount of armed and other political conflicts, questions about peace negotiations will also become more pressing and difficult. Presumably, we want costly and brutal conflicts to end, but we also want them to end in a way that does not punish victims or reward aggressors. Peace negotiations, whether about Ukraine, Gaza, Sudan, or other brutal and protracted conflicts,

should lead us to solutions that both or all parties can build on as a groundwork for lasting peaceful coexistence.

It is the thesis of this article that such negotiations need to be fair. Fairness is an ethical term, encompassing the ways in which parties relate to each other respectfully, furthering both good means and good ends. This article is thus also an attempt at arguing for the relevance of ethics in peace negotiations, a field often associated more with hard-nosed political realism than with morality (see Fehl et al. 2019, especially Harald Müller's article on pp. 29–64).

So, what does it mean for peace negotiations to be *fair*? And how should we think about the relationship between justice on the one hand and fairness on the other when it comes to the complex realm of negotiations about peace?

The term "justice as fairness," known from the political philosopher John Rawls (Rawls 1971), denotes a theory of – or approach to – justice that aims to ensure that the procedure underlying a political process designed to provide for just results is acceptable to all parties, taking their most important interests, values, and rights into consideration. This approach is also known as "procedural justice" (LaGratta 2017).

The following reflections, however, distinguish themselves from Rawls by placing the discussion close to *practices* rather than starting with a hypothetical "original position".[1] Hence, while Rawls's terminology makes for a useful starting point, we choose in the following to adopt a practice-near approach. Having said that, we will return towards the end of the paper to why a sense of ideal goals can nonetheless be useful. And, let us add, the idea of procedural justice remains relevant also to a non-Rawlsian approach.

According to procedural justice, even an outcome that will produce winners and losers, with some parties being decidedly less than satisfied with the gains and losses to which the process ultimately leads, can command general support due to a sense that the process was, after all, *fair* (cf. Druckman & Wagner 2019). And if that is the case, many would say, the *result* can also be said to be just and not constitute a downright loss, even for the side that comes out on the losing side of one or more issues within the negotiations. Maybe, in the best case, *all* can tell their side's constituents and stakeholders that one actually recorded a "win" of sorts (cf. Hollander-Blumoff and Tyler 2008).

The key aim of the following reflections is to add to the discussion about ethics in peace negotiations by defining more closely what we mean – or what we believe is the best way to understand – by fairness, fueled by the conviction that a well-grounded sense or perception of fairness contributes decisively to a reasonable belief that the negotiations in question are ethically acceptable. The article aims to accomplish this by outlining some aspects of the concept and practice of fairness, focusing especially on the question of perceptions. It does not intend – or pretend – to be exhaustive but aims to flesh out our understanding of fairness in a way that will help us towards a more robust concept of ethical peace negotiations.

Justice and fairness in peace negotiations

General schemes or ideas of justice, whether retributive or distributive, are valuable referents or starting points when we assess the contents and results of peace negotiations (or for that matter other negotiations) (see Albin 2019). For instance, the distribution of material resources or compensation after a conflict can usefully

be assessed according to basic ideas of distributive justice linked to – or based on – concepts of needs and rights (see Druckman & Albin 2011). Furthermore, the distribution of punishments in the wake of a conflict should be evaluated according to ethical ideas of desert, reasonableness, and mercy.

However, such general ideas (or ideals) are only of limited help when we are confronted with the realities of complex peace negotiations. In such cases, there are often strong and well-grounded claims on both sides; and furthermore, what works in practice in one instance, or what is conceived of as just by each party in one case, may in other cases fail spectacularly or be seen as downright unjust.

It is for this very reason that engagement with the concept of fairness can be of help in sorting out ethical aspects of successful peace negotiations as they relate to concrete settings.

The story in this article's introduction about the "18th camel" illustrates such an approach. All the participants in the process found that a fair way of solving the situation had been introduced by someone they trusted. Before that, they had seen no way out of the predicament. What happened was not that the substance of the situation had basically changed. Rather, a new way to frame and discover a solution was introduced – and a workable procedure was found, which allowed everyone to be satisfied with the result (see Malhotra 2016 for similar examples).

Most complex peace negotiation settings are characterized by deep-seated disagreements and are thus much harder to move along than the case of the 18th camel.[2] Yet, we are reminded by such a simple story that serious and judicious attempts at changing or adjusting the set-up, so that the parties can find a path towards agreement that they simply had not previously noticed, can be powerful. Sometimes, this takes a third party, mirroring the way in which third-party mediators can play a role in peace negotiations, and it probably requires a new perception of the situation among one or more of the negotiating parties. The idea of "perception" will indeed play a central role in our discussion below.

What is fairness?

It is possible to define fairness as being closely related to justice. This would imply that fairness is what is displayed in a process where the reasonable interests and expectations of all parties are taken properly into consideration, leading – as far as possible – to an end result that is maximally acceptable to all, not violating core tenets of distributive (or, for that matter, retributive) justice. The hallmarks of such a process include impartial treatment of all parties and no favoritism (Merriam-Webster n.d.).

In the context of the topic of this article, we believe it is best to understand fairness as pertaining to the way in which social interaction and accompanying processes are structured and conducted. A fair process should take into consideration, in a balanced way, the most relevant and important concerns and interests of all parties involved, thereby ensuring that those facilitating the process:

(a) develop and follow procedures that everyone involved can be expected to support (or ideally: that all relevant parties explicitly and actually support), based on their own deeply held and/or commonly held standards of morality or ethics;
(b) do not give advantages or access to some participants that are not available to others;

(c) do not overshadow or neglect to address openly and seriously the main goals or core concerns of each party (including relevant stakeholders not present at the negotiating table);
(d) and are perceived by each party as taking into consideration their need for recognition, respect, and understanding.

The further we get towards a point where no other possible set-up of the process better takes these concerns into consideration, the more we will arguably have progressed towards fairness.

Admittedly, each of the points above are complex, and each needs further fleshing out; for instance, in terms of which standards each requirement is measured against (global standards? local standards? political standards? human-rights standards?), and, also, which of the many inevitable power asymmetries existing around a negotiating table should be accepted, and which need rectification and call for special attention. However, we believe all make *prima facie* sense as criteria for fair negotiations, and they work well as starting points for open discussions about which moral standards are relevant.

In the following, we will stress the fourth aspect (d) above, namely, the perception – by individuals or groups – of how one is treated and included. Our reason for this emphasis lies in the importance of the *impression* created during and after negotiation processes for the acceptance and durability of its results. Whether a negotiated result can be communicated as being an optimal result and indeed a "win", compared to the alternatives, arguably hinges on its being the result of a process perceived of as fair. This, in turn, is closely related to the three first points above. If there exists a deep-seated perception or impression that basic standards are violated, that access is unequal, or that key issues are simply not addressed, this will undermine the legitimacy of the negotiations as a whole.

Such perceptions are formed as part of and during the negotiating process itself, including what we often call the pre-negotiations, setting up the form and contents of the negotiations. One's perception within the negotiation setting of being treated fairly goes beyond formal structures and concrete proposals; it is also linked to such diverse elements as the language used, the personalities that are present, and the time taken to talk about difficult and complex issues. In the best case, perceptions of being well-treated and taken seriously will play a key role in bringing negotiations forward.

In a hallmark book-length treatment of justice and fairness in negotiations, Cecilia Albin (2001) delves into the question of fairness – and perceptions thereof – as a key element of successful negotiations. Yet, relatively little is done by her to distinguish this "perceptual" aspect of fairness from more general notions of justice. We believe much can be gained, conceptually and practically, by drawing more explicit attention to perceptions of fairness, in terms of manifestations of recognition, respect, and proper understanding.

Perceptions and recognition

The issue of perceptions is closely tied to the question of recognition, which is so central to the work of Axel Honneth (1992), and prominent in his debates with Nancy Fraser (Fraser and Honneth 2003).

Honneth's point is that justice can only be fully realized when the parties to negotiations and other societal processes are positively recognized by others and thereby have a real sense of being included and respected.

Fraser criticizes this emphasis on recognition as one that can eclipse the deeper issue of just redistribution. This happens when one focuses on elements such as perception (subjective feelings of being recognized), identity (the recognition of groups), and belonging (the fact of being part of groups that are "recognized"), to the detriment of the political and distributive hierarchies and systems that characterize modern capitalist society.

This disagreement serves as a useful reminder of the difficulties associated with recognition in political philosophy generally and in questions of negotiations in particular. Lack of recognition – whether of individuals, groups, events, or problems – often precipitates dramatic instances of injustice. But to this point, Fraser adds the reminder that the lack of recognition can also be tied to ingrained societal structures (such as a caste system or other deeply stratified economic or social systems), and that recognition *per se* is not enough to assure a just outcome.

Recognition has also been a key element in recent debates about ethical perceptions across cultural and civilizational boundaries, not least dealing with the role of hegemonic or "colonial" Western culture (see, for instance, Coulthard 2014; Birkvad & Horst 2018; Wig 2018).

We venture the claim – echoing Honneth and Fraser – that fairness in peace negotiations encompasses both intersubjective, clearly identifiable standards of equitable justice and participation (Fraser) on the one hand, and more subjective elements such as recognition and perceptions of being treated with respect (Honneth) on the other.

The former elements (Fraser) are linked especially to redistributive schemes, procedures, and institutions. Equitable justice is characterized by what Fraser (2008) calls "parity of participation", that is, a state of economic, cultural, and political participation that ensures equal access to core human goods. It is when it comes to access to cultural goods that recognition plays an especially important part for Fraser.

The latter elements (Honneth) concern the ways in which the set-up constructed to discuss and get to those tangible results – not least parity of participation – conveys perceptions of mutual recognition. The latter point can be termed "a sense of fairness", meaning the subjective, but still substantial perception that one is seen as a recognized, accepted party to the negotiations. By "subjective, but still substantial" we mean a participant's sense of being recognized and taken seriously in the negotiations, combined with a real attention paid to the substantive issues of the negotiation process. This combination, building on both Fraser and Honneth, encompasses the key aspect of fairness we will be discussing henceforth.

Now, what is the relationship between this "sense of fairness" and the questions of justice linked to the concrete issues under consideration? One possible way of defining this relationship is to say that fairness is related to justice partly as a means is related to an end, and partly as a premise is related to a conclusion. In that case, justice can be defined as a result – or a state of affairs – that is based on or arrived at through a fair process.[3] It is a process which all parties are willing (and able) to live with and abide by because they believe it responds to their needs and interests in a proper way – and not least: in a better way than any realistic alternative set-up

or process. These needs include the crucial sense of having been recognized and heard.

Depending on the situation, *justice* can encompass distributive matters of either land, resources, or power; or retributive matters, correcting former injustices through measures taken to acknowledge them and make it less likely that they occur again. The latter could, but does not have to, include meting out punishment in the form of retributive or corrective demands to one or the other party.

When we add to this the element of perception, meaning the perception of being recognized, this implies that each party *believes* (and *has good reason to believe*) that it has been fairly heard, that its core interests have been aired, and that all compromises and even defeats during the process are not the result of having been overlooked or having been treated with contempt or disrespect.[4]

In complex peace negotiations, reaching a fully just solution that addresses all major concerns of all parties is of course well-nigh impossible, not least because claims and interests will clash no matter how sturdy and fair the procedure. Our claim is that fair procedures play an important role for that exact reason: If all can agree, at the conclusion of a process, that the process itself was agreed-on and did not give unfair advantages to some over others, and that it was not characterized by deep-seated disrespect or partiality, the more likely one is to have created a groundwork for agreeing to the negotiated result. This can contribute to a well-grounded impression *after* a process that the best result possible under the circumstances was achieved. And that brings us back to the importance of *perceptions*: How can each party experience a form of recognition that is perceived as real and proper, making it much harder to complain afterwards that one was not heard or taken seriously?

Examples

Let us provide some hypothetical, yet empirically grounded examples of what fairness means.[5] We will do so by exemplifying what it is clearly *not*. For these purposes, we suggest five scenarios that seem intuitively to be unfair, and not only that: these are cases where the setting or process will be *experienced or perceived as* unfair. For each one, the backdrop is that two (or in some cases more) warring parties are negotiating to end hostilities and reach a lasting peace agreement.[6]

1. While the two (or more) parties to the negotiations have agreed on a place and setting to meet and on the representatives to represent them, there is no clarity about an agenda or the ground rules for the process. In other words, there is no clarity in *procedure*. There is, for instance, constant uncertainty or disagreement about exactly where meetings take place, when they start and end, who chairs the meetings, and how and when conclusions, if any, are drawn. There being no proper and mutually agreed-on procedures, one encounters an absence of what Hellmüller et al. (2015) call "definitional process-related norms".

   This, we claim, will come across as unfair because it undermines predictability and thereby a full sense of participation. Furthermore, it gives more power to those who, often behind the scenes, steer the actual agenda. The party or parties not in control of the situation will have a perception of being left on the outside or of being manipulated.

2. A mediator has been appointed by the parties jointly, but it becomes obvious that this mediator has a much closer relationship with one of the parties and constantly gives that party help and advantages during the process, which are not offered to the other party or parties. The *practices* or *behaviors* of the mediator are, in other words, such that there is not an equal reason among both or all parties to trust the procedure. This may also happen when the organizers or facilitators of a process – by which we mean hosts who do not necessarily play the formal role of a mediator but still play a key role in setting up the negotiations – are seen as not giving space to (literally or figuratively), or otherwise not treating, all sides equally and impartially (see Tziarras 2022 for a good example of this dynamic).

   Here, the lack of fairness lies not least in the power asymmetry that the mediator (or facilitator) creates by strengthening one party at the expense of the other(s). Even where the help offered is well-intentioned and there is no conscious, underlying agenda behind the asymmetry, the imbalance in practice takes away much of the trust necessary to the process, including trust in the mediator. Again, the perception of fairness and recognition is undermined.

3. A party to the conflict is not allowed representation, even though many of its key interests are at stake in the negotiations. Thus, the key value of proper participation is undermined. While this party's interests may be *expressed* by one of the parties actually present or by a mediator – in effect acting as proxies – the party in question is not itself present at the table (see Jensehaugen 2022).

   The lack of fairness here resides in the absence not only of key interests represented but also in the way in which some concerns are allowed to dominate the conversation over other (and potentially equally important) concerns, simply because those concerns are not adequately formulated. Down the road, the loyalty of the party feeling excluded from the whole process will most likely be weak, since they distinctly feel they have no stake in the road to peace.

4. In the course of negotiations, crimes or malfeasance of one party are repeatedly addressed, while very similar – and historically verified – actions by the other party are not on the agenda. Thus, the positions and opinions that ought to be represented in the negotiations are swept under the rug or remain too much on the sidelines (Coulthard (2014) chronicles such cases with respect to Native Americans in the United States).

   This will create reactions akin to those in nos. 2 and 3. The sense among those being accused of serious crimes will be that the accusations are not fair, not necessarily because they are not true, but because they are seen as lessening one's own moral standing without doing anything to challenge the moral standing of the other party or parties.

5. Finally, we can imagine a negotiation setting in which one party is very eager to negotiate, either to cement its victories, to gain international acceptance, or to avoid humiliation through defeat, while the other party finds that this is neither the time nor the place for negotiations because negotiations at this point will give unfair advantage to the other side, possibly the side that (unjustly) initiated the conflict. This is a problem that normally would emerge during pre-negotiations – and it may lead to proper negotiations not taking

place at all (see Ashford (2024), with reference to the failure of negotiations about Ukraine in 2022).

Such a setting will be perceived as unfair because of an understandable fear from one side that the negotiation process *as such* takes valuable options off the table. An aggressor can thereby also be seen as gaining in prestige and acceptance through simply being present at the negotiating table.

Several variants of these scenarios can be imagined, as well as overlaps between them, in addition to further procedural challenges. Furthermore, the relationship between what is "procedural" and what should more properly be labeled "substantial" or "content-related" – that is, between the process on the one hand and the actual questions and disagreements addressed on the other – can be of many kinds. Yet, we believe that these scenarios provide a useful and realistic starting point for discussing fairness in peace negotiations.

What is arguably characteristic of each scenario is the lack of attention given to *perceived fairness*. Two elements are particularly evident in creating that state of affairs, namely, power asymmetries and lack of predictability. The former element implies that relative weaknesses are not addressed and thus are carried into the negotiations, leaving one party at a potential disadvantage. The latter element concerns the way in which parties do not feel comfortable and at ease about the process in which they are taking part, thereby coming to fear unpleasant surprises or downright exploitation of the rules or the setting.

Perceived fairness

What, then, does it take to create a setting that is perceived as fair? According to negotiation scholar Nancy Welsh (2004: 755), the main variables to influence negotiators' allocations and choices are self-interest, social relationships, and the interaction between cultural norms and situational needs. The weaker the social relationship between the negotiators, the higher their emphasis on self-interest and the stronger the underlying suspicion(s) towards the motives of the other party. Cultural norms, such as an emphasis on harmony and collective needs, typical of several non-Western cultures, also play a role in forming the atmosphere of negotiations, but primarily when shared with the other negotiating party.

Welsh's point is that the relationship between the parties influences their perception of fairness. Even if the relationship is purely transactional (and will dissipate after the negotiations) or characterized by deep ideological or political differences, it can still contain sufficient trust to make the parties willing to enter into agreements that include compromises and openness to the claims of the other party. Such elements as believing that *the other party means what it says* and *acts predictably and consistently during negotiations* can be enough to build the necessary social relationship, which in turn will constructively tame pure, unadulterated self-interest. In situations of deep mistrust due to the conflict, building such trust can be immensely difficult and will rely a lot on the personalities, behaviors, and trustworthiness of representatives at the negotiations.

Also significant, as Welsh points out, is the psychological mechanism known as "reactive devaluation": A proposed solution made by a party towards whom one harbors animosity or suspicion will be less likely to be accepted than an identical solution put forward by a party with whom one has a positive social relationship.

Welsh points to a rich body of empirical research showing that the perception of procedural fairness plays a major role in one's willingness to accept suggestions made or the final outcomes of the negotiations:

> If a negotiator perceives that the other negotiator gave her sufficient opportunity to speak, tried to be open-minded in considering what she had to say, and treated her with respect, she is more likely to view the outcome of the negotiation as fair. (Welsh 2004: 760)

While Welsh's research stems from the business setting, its validity extends to complex peace negotiations, with the exception that each party in the latter normally negotiates on behalf of a much larger group and therefore must take a larger constituency into account. Hence, the negotiator (and indeed a mediator) must take into consideration the overall perceptions that the parties have of each other, leading us in practice (in reference to a current, protracted conflict) to questions such as: Will Israeli negotiators accept a proposal made by a Palestinian counterpart? Will that proposal be accepted more easily if made by a trusted party, such as a neutral mediator? And will it be accepted by a suspicious constituency on the ground?

The main problems facing attempts to achieve an atmosphere of respect, recognition, and trust – and hence, a sense of fairness – are of at least two kinds, as comes out directly and indirectly in a series of case studies conducted within the recently concluded FAIR project at the Peace Research Institute Oslo (PRIO).[7]

Firstly, the need for efficiency and speed in the negotiating process represents not only a political, but also an ethical challenge. It takes time to create the tools allowing for the sense of fairness delineated above, and it often necessitates long-winded processes of selecting participants and identifying ideal mediators, as well as communicating with one's constituents. Both the Astana process on Syria (Tziarras 2022) and the process leading to the Doha agreement on Afghanistan (Harpviken 2023) were characterized by a hasty gathering of participants, with key parties not being present at the negotiating table. Therefore, power asymmetries inherent to the conflict were strengthened. The failure to reach an equitable and stable peace in both situations arguably stems from the unwillingness of some parties to have other parties included (witness the Taliban's refusal to include the Afghan government) and the subsequent lack of both perceived and actual representation and balance. The need for efficiency and the pressure to reach an agreement – or at least conclude the negotiations – led to unsustainable results.

In situations where great problems persist on the ground, in the form of injustice, violence, or costly engagements, it is understandable that efficiency is called for, and that the introduction of more parties or new mediators is seen as a showstopper. Hence, the *ideal* sense of fairness may be more or less impossible to achieve. Yet, aiming for it by seriously addressing the conflict between efficiency and fairness should be obligatory.

Secondly, the more complex a negotiating process becomes, aiming at a sense of fairness for a large number of involved parties, the more power must be given to the mediator(s) to get voices and items onto the table. However, most mediators come with a mandate from the parties or from institutions within the international community, and even the negotiating parties themselves will be tied by mandates from their leadership or government. The mediators in such cases are thus, in practice, what we often call "weak" mediators or negotiators (Jensehaugen 2023),

with only a limited mandate to think or act outside the box for the sake of, for instance, including civil society groups, victim groups, or native populations. In such cases, attempts at nonetheless addressing such concerns and maybe even including some representatives of the groups in question within the negotiations can in the end be seen as having been mere window-dressing or as raising hopes that could not be fulfilled. This also means that it will be hard to create the kind of perception of fairness that is so crucial to parties feeling obliged to negotiate in good faith and abide by the agreements coming out of the negotiations.

In short, lack of time and the challenge of complexity and power asymmetries are key obstacles to achieving a balanced sense of recognition and fairness among parties affected by negotiations, whether they are present at the table or not. As a result, trust between the parties will be undermined. In a study of the negotiations over Iran's nuclear program, leading to the JCPOA agreement in 2015, Gregory Reichberg and Eric Stollenwerk (2023) make a main point of the ways in which trust was created but at the same time threatened in the complex negotiation process. Reichberg and Stollenwerk emphasize the importance of perceptions, namely, *the perception that the other party is trustworthy* and that negotiations are therefore worth going into. Heavy-handed threats or a constant "moving of the goalposts", meaning that one can never be certain whether agreements reached will actually be honored, can be among the key elements undermining trust, and the Iranians at several points feared that this was happening on the American side of the negotiating table. This was not due to the representatives present at the actual negotiations, but because the political scene in the United States was not conducive to trust-building. A similar uncertainty about trust existed the other way: would the Iranian negotiators be able to convince Iran's Supreme Leader and the Revolutionary Guard to live up to the promises made?

Again, we see how perceptions of the other party play a significant role, and how this is not only about the party actually physically present during the negotiations, but also a question of whether the other side is trustworthy once the negotiations are finished. Building a deep-seated and well-grounded perception or trust beyond the negotiating table is thus a key part of making peace negotiations successful, once again reminding us of the ethical importance of perceptions.

Finally, our emphasis on perceived fairness is based on the premise that to most, if not all parties to peace negotiations, recognition is *psychologically* important – in the sense that it counts for one's self-esteem and self-understanding – if nothing else for the sake of being able to tell one's own constituencies that one was listened to, taken seriously, and not blatantly humiliated or ignored. To integrate psychological concerns into peace processes hardly lends itself to simple and general categories or rules, as different parties will have different needs. Indeed, a party with an extremely strong sense of its own importance and strength may be better served by a process that aims to take down or put into perspective that self-understanding. Nevertheless – or indeed, for that exact reason – integrating a thorough evaluation of proper ways of expressing and ensuring a perception of proper recognition is key to ensuring that peace processes are understood as fair by all parties to them.

Conclusion

Peace negotiations are often complex, long-winded, characterized by hard-nosed and often stubborn interests on both sides, and mired in suspicion. They are

conducted between parties that have experienced – or are still experiencing – the suffering and devastation of violent conflict, in most cases perpetrated by the party with which they are to negotiate.

Given this context, to say that ethics or morality is key to successful negotiations, and that the parties should treat each other with respect and openness, can come across as naïve and unrealistic. Yet, that is the underlying thesis of this article: Creating an ethical space for trust is necessary in order to make processes fair and outcomes acceptable. This is not only about *realpolitik*-based interests, but about the solidity of ethical foundations. Without such foundations, no real trust can be built. That does not mean that one must accept the other party's position or believe them to be ethically fully legitimate actors. But one must have a minimum of reasonable belief in the other party's honesty and willingness to enter into a mutually acceptable agreement. This perception of the other party as trustworthy must be grounded as far as possible in reality rather than in naïve hopes.

The need for fairness that we have argued for here points to the need for at least a minimal consensus about ethical norms, by which we mean norms seen as rightful and fair by both or all negotiating parties. If such norms are violated, or are seen as mere window-dressing, not to be abided by or taken seriously, one or more parties to the process will easily come to see the negotiations as useless and worse than continued fighting. Indeed, such a conclusion may sometimes, understandably, be seen as the only ethically viable one. This reminds us of how important perceptions of fairness are.

To be *recognized* as a legitimate partner in negotiations, and to *perceive* that the other party or parties, as well as the facilitators or mediators involved, are attempting in good will to create such recognition – in spite of the disagreements, suspicions, and maybe even hatreds that exist – is an aim that should occupy center stage in any serious peace negotiation process.

This is a question of *ethics*, as well as a question of *perceived fairness*. To reach a maximally just result that all parties will consider optimal will often be impossible. But to create a setting and a process that is seen as optimally fair, and is perceived as such by all parties, ought to be possible, thereby creating a solid ethical foundation of trust on which a subsequent process towards peace and reconciliation can build.[8]

We agree with such scholars as Michael Walzer (1977), Brian Barry (1995), and Cecilia Albin (2001) when they claim that international affairs are actually infused with ethics, even if ethical norms sometimes overlap with and are guided in practice by *realpolitik* and self-interest. To be seen as a party that honors agreements, does not unnecessarily or wantonly cause severe damage and suffering to other parties, and solves common problems through mutual understanding, represents commonplace ideals in serious diplomacy and international affairs, and creates an essential groundwork for mutual trust. Finding ways to conceptualize and express such trust within the complex processes of peace negotiations has been the aim of our reflections, aiming to push the debates on negotiations towards the key ethical ideal of perceived fairness.

One may ask, are such arguably high-minded ideals helpful in the muddled world of politics? Do they not lead us back to the contractual framework of John Rawls, and its idealized "original position," which we explicitly claimed not to be building on in this article, rather than to a practical, context-based approach? Our

answer would be that the two approaches in no way collide. An ideal of fairness is not the same as a rigid, one-size-fits-all principle, but rather a deeply human way of pointing to what must be seen as a widespread human need, not least among groups, whether ethnic, national, cultural, or of some other form: namely, *to be seen, accepted, and taken into consideration*. If a process is perceived by all parties to be optimally fair, one has come much closer to creating a groundwork for conclusions that all parties can, more or less willingly, endorse.

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Notes

[1] This places us closer to Amartya Sen (2009) and his exploration of the relationship between justice as an idea and the very practical realities of this world.

[2] For an overview of contemporary peace negotiations, see Escola de Cultura de Pau (2025).

[3] This is akin to the distinction between content-related and process-related norms (Hellmüller et al. 2015), but with more of an emphasis on the way in which process is a premise for content.

[4] Maybe it is not reasonable to expect that harsh negotiations can be conducted in a way that makes disrespect and contempt non-existent. But it is not unreasonable to expect that expressions of disrespect can be properly addressed, and that the consequences of displays of disrespect need not be impossible to rectify.

[5] They are inspired by cases covered in the PRIO project "FAIR", see https://www.prio.org/projects/1885.

[6] These examples are partly built on Lidén and Syse (2026 or 2027, forthcoming (Lidén, Matthaei and Syse 2024)) and our analysis therein of the key ethical elements of peace negotiations, listed as five Ps: **positions** (the substantive and content-related questions covered by the negotiations), **parties** (who are included, and who are not), **practices** (one's behavior), **procedures** (the procedural or practical ground rules of the negotiations), and **principles** (key ethical norms underlying the negotiations, such as state sovereignty, human rights, norms of equality, or norms of justice, or alternatively religious or philosophical views).

[7] See note 3 above.

[8] Such trust may be undermined if subsequent officeholders choose to walk away from what was agreed by an earlier party. This is what happened with the JCPOA under President Donald Trump in 2018 (Reichberg and Stollenwerk 2023).

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