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Norwegian School of Theology, Religion and Society

# Ethics in Peace Negotiations

Roles and Considerations According to Experts

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# Acknowledgement

What is doing research like? One of our interviewees captures my experiences very well:

> "You think you start big, and then you continue (laughter) and realize, well, it's a bit more difficult than that. […] You know, basically, you are trying to fix your car when you are driving at 200 miles an hour and there are things, and the countryside is changing. The road is changing and (laughter) and the car has problems, but you still control the vehicle. So, and it's a, it's a bit that. […] But it's too important to go somewhere and to drive a car" (Expert 12).

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# Abstract

Research on peace negotiations and mediation lacks a systematic analysis of the role of ethics in negotiation processes from the perspective of the conflict parties. This study fills this knowledge gap by exploring the following research questions:

(1) What role does ethics play in peace negotiations according to experts?
(2) What are the main ethical considerations that experts identify in peace negotiations?

The thesis uses a qualitative approach to answer the posed research questions through semi-structured in-depth interviews with experts in the field of peace negotiations and mediation. It analyzes and discusses the collected data using the 'situated holism framework'. Developed by Lidén and Syse (2021), this framework consists of five interconnected dimensions – positions, participants, practices, procedures, and principles – and offers a tool to map the multifaceted role of ethics and ethical considerations that experts identify in peace negotiations.

This thesis finds that according to the experts interviewed, ethics is a constantly present, although not always explicit, parameter in the reality of peace negotiations. However, their understanding of its role varies. While some minimize the effects of ethical concerns referring to the role of power and interests, others emphasize the significance of the ethical dimension. Experts identify various ethical considerations relevant for conflict parties across different cases of peace negotiations, which include: (1) whether it is ethical for conflict parties to settle for a peace agreement that may affect the public, minorities, future generations, or others who may not be represented at the table; (2) whether conflict parties can negotiate during ongoing violent conflict; and (3) how conflict parties should deal with competing principles, behavioral standards, or substantial positions arising during negotiations. While experts disagree on how and why ethics matters, this thesis argues that the role of ethics is significant and that ethical considerations have a real impact on peace negotiations.

# Abbreviations

| | |
|---|---|
| AU | African Union |
| CEEAC | Economic Community of Central African States (ECCAS) |
| EAC | East African Community |
| EU | European Union |
| FAIR | On Fair Terms: The Ethics of Peace Negotiations and Mediation (FAIR), research project at PRIO |
| HD | Centre for Humanitarian Dialogue |
| IGAD | Intergovernmental Authority on Development |
| PRIO | Peace Research Institute Oslo |
| NSD | Norwegian Centre for Research Data |
| OIC | Organization for Islamic Cooperation |
| OIF | International Organization of La Francophonie |
| OSCE | Organization for Security and Co-operation in Europe |
| SADC | Southern African Development Community |
| UN | United Nations |

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# 1 Introduction

Peace negotiations bring together conflict parties in order to resolve violent conflict. They debate concrete needs, often under high pressure. Every meeting, every conversation, and every small agreement is a step on the way, attempting to move from conflict to peace. Often "every step of the way is a painful negotiation". That is how Angelina Teny, the minister of defense in South Sudan, puts it according to one informant of this research (Expert 9). Why is every step considered to be a painful negotiation?

One reason is that peace negotiations are a balancing act of decisions and compromises regarding what to agree upon. That includes decision-making about red lines, about minimum and maximum positions, about inclusion and exclusion, practices, and ground rules. The central question at all stages is: What is the right thing to do? Negotiators might not pose this question openly or consciously; however, their actions and approaches during peace negotiations illustrate a practical way of answering the question. They do whatever seems to be the right thing for them to do in a specific situation.

'What is the right thing to do?' is primarily a question of strategy and positioning. However, it includes an ethical dimension. One can ask: Is it ethically right to go into negotiations with a specific party? Is a conflict 'ripe', and are the parties legitimate? Is it ethically right to exclude certain stakeholders if that means that violence ends sooner than later? Is it right to settle for an agreement that affects the public, minorities, or future generations not represented at the table? What is the right way to sequence issues on the agenda – and what issues to include at all? Is it right to step over international law if that makes peace negotiations move forward and some sort of peace possible?

This thesis discusses the ethics of peace negotiations relating to the broader field of ethics in peace and conflict. Doing so is an innovative endeavor as ethics is seldomly explored in this context and "can sometimes feel far removed" (Syse & Lidén, 2020, p. 1) or irrelevant. However, the project presumes that all sorts of negotiations contain an ethical dimension and that both moral doctrines and perceptions of fairness can directly affect the outcome of peace negotiations. Ethics is nothing static but an ambivalent perspective that develops and changes in the course of peace negotiations. Accordingly, there is a need to examine ethical considerations from within the process to understand better the actions and approaches

negotiating parties take at certain points during peace negotiations. Thus, this master thesis teases out the role of ethics in peace negotiations, discussing how negotiators and mediators understand ethics and mapping the main ethical considerations experts identify as inherent in the process of negotiations.

## *1.1 Research Questions and Subject of Interest*

The research interest of this thesis is to better understand the role of ethics in peace negotiations. It does so by exploring how experts perceive the role of ethics in peace negotiations and by charting the main ethical considerations that are relevant for negotiating parties. With this, it is a mapping exercise along the following research questions:

**(1) What role does ethics play in peace negotiations according to experts?**
**(2) What are the main ethical considerations that experts identify in peace negotiations?**

These questions are pursued through the analyses of qualitative interviews. The first question includes an investigation of the overall framing and relevance of ethics and how experts – represented in the interview sampling – perceive its role in peace negotiations. The second question guides us toward an analysis of the data material that makes it possible to identify the main ethical considerations that experts elaborate on during the interviews. The so-called experts are individuals with unique expertise and insight into peace negotiations. This expertise and knowledge can either stem from experience (as in the case of practitioners such as negotiators, mediators, or policymakers/advisors in organizations supporting peace processes) or an academic perspective (as in the case of individuals working on a more abstract level with peace and conflict in academia or research).

The implementation of this research project is a cross-disciplinary effort, including elements of international affairs, philosophy, and sociology within the narrow field of peace negotiations. It comes from an interest in and a need to see, understand and explain the normative dimension in (international) politics. This ties together the master program and my previous interest in how religion and diaconal science address – and are reflected in – societal issues and politics. Also related is another interest I have, namely peacebuilding generally and more specifically the reduction of violence through pedagogical work in conflict settings. The

interest in normative frameworks and how they relate to and influence societal questions is overarching here. Investigating normativity is a way of comprehending and making sense of the world by acknowledging human perspectives in political settings. In my view, this is relevant for gaining a more comprehensive understanding of (international) politics. This master thesis deals with questions of normativity in a very specific way by asking about the role of ethics in peace negotiations.

Thus, the overall topic of the research project is linked to the procedures around track one peace negotiations and mediation. As defined more thoroughly later (see chapter 2.2), peace negotiations focus on peace processes as perceived by the conflict/negotiating parties[1], while peace mediation implies the involvement of third-party actors. The two most often deal with the same processes but from two different perspectives: the perspective of the conflict parties or the perspective of one or more third parties called on to help carry the negotiations forward to reach a solution. This research understands mediation as one specific aspect or form of the overarching category of peace negotiations, relating to those negotiations that include mediating or facilitating interventions of a third party. The ethics of peace mediation can inform the ethics of peace negotiations, and the other way around. A differentiation between those two makes it possible to have a clear research focus on one aspect at a time, in my case, the conflict parties. It also makes it possible to discuss the ethics of negotiations related to processes that may or may not be facilitated/mediated by third parties by setting a specific focus on the ethical considerations that conflict parties encounter. The interviews cover the ethics relevant for conflict parties (negotiations) and third parties (mediation). However, the research interest and questions of the thesis are limited to peace negotiations. This means that ethical considerations arising for conflict parties are in focus, independent of the possible perspectives of third parties involved. As the literature mainly engages with peace mediation, the state of the art and relevant theories linked to ethics and peace mediation are presented to set the ground for further discussions on ethics in peace negotiations.

[1] The thesis uses the terms ‘conflict party’ and ‘negotiating party’ interchangeably.

## 1.2 Aim and Objective of the Thesis

Ethics have not been central to the academic debate around peace negotiations. Therefore, the aim of the thesis is to address ethics in responding to the need for a better understanding of them. To achieve this, it attempts to disentangle the ethics of peace negotiations from debates on mediation and the ethics of war and peace, transitional justice, and peacebuilding (Syse & Lidén, 2020, p. 2). Theoretically, it wishes to support the establishment of the ethics of peace negotiations as a research field to pave the way for further research. Additionally, the interviews, which engage experienced practitioners in exploring the ethical dimension of the field of peace negotiations, can potentially create a normative debate among participants of peace negotiations (Syse & Lidén, 2020, p. 7).

The research interest of the thesis addresses a gap in the present research, literature, and scholarly debates in two ways: firstly, by focusing on the negotiating parties and by understanding mediation (negotiations including third parties) as constituting a part of peace negotiations; secondly, by focusing on questions of ethics regarding the process or terms of negotiations. This does not mean that those questions cannot simultaneously imply a more outcome- or efficiency-related, non-ethical dimension. However, the thesis wishes to balance and contribute to a strong one-sided focus found in the present-day research and literature, which discusses efficiency, success, hard-headed negotiations, and a focus on the outcome or agreements of negotiations (Hellmüller et al., 2020, pp. 347–348). The thesis does so by emphasizing and abstracting the ethical dimension in the process of peace negotiations.

The abstraction of ethics in peace negotiations is only a means to gain a profound understanding of and strengthen a scholarly debate on the topic. To make this debate fruitful and sustainable, it is necessary to relate the ethical dimension to the broader context and framework within which they are at play. The thesis provides this by relating the empirical findings to ethics in peace and conflict and by applying the framework of situated holism (Lidén & Syse, 2021).

Additionally, the thesis supports the development of the FAIR project, which is presented in the next chapter.

## 1.3 On Fair Terms: The Ethics of Peace Negotiations and Mediation (FAIR)

The research project of this master thesis is embedded in a larger research project at PRIO: 'On Fair Terms: The Ethics of Peace Negotiations and Mediation (FAIR)' led by Kristoffer Lidén and Henrik Syse. FAIR explores the role of ethics in peace negotiations and mediation. Concentrating on the procedural dimension, the overarching research question of the project is: What are the main ethical problems inherent in peace negotiations, and what makes peace negotiations fair? The FAIR project aims to develop a coherent basis on which ethical perspectives, problems, and solutions in peace negotiations can be discussed further. With this, more of a focus is put on the procedures around track one peace negotiations than on the substantial issues under negotiation. Syse and Lidén (2020, p. 4) understand procedures as the 'terms' of negotiations, referring to their character.

The project includes different steps to answering the research question. First, it aims to establish a foundational platform by answering questions through literature reviews focused on the ethics of war and peace, theories of conflict resolution and negotiation, and the philosophy of justice. Second, the project includes empirical case studies focusing on South Sudan, Syria, Guatemala, Afghanistan, Mali, the Philippines, Israel-Palestine, and Iran. The third step, the 'ethics laboratory', involves practitioner's input as a continuation of the case studies by means of consultation with an expert group. Besides individual in-depth interviews, this also includes an expert workshop. The thesis is especially linked to this part, aiming to better understand ethical considerations in peace negotiations. This part of the FAIR project also pursues the development of a support document in form of an ethics guide (Syse & Lidén, 2020, p. 5). The research questions explored in this thesis are closely related to the project's endeavor of developing this guide. However, while the thesis is empirically based, the guide aims to be a philosophical-practical policy paper that works as a tool for participants, that is negotiators, third-party mediators, and third-party observers, of peace negotiations. In the last part of the project, the different findings concerning fairness and ethics in peace negotiations are put together and analyzed philosophically within a larger framework. The FAIR project will not "conclude on the right ways of doing negotiations or mediation" (Syse & Lidén, 2020, p. 3) but develop a conceptual framework that opens the

way for normative discussions and reflections about negotiations and mediation in peace and conflict. The thesis makes use of this framework and applies it to its empirical analysis.

## 1.4 Outline of the Thesis

The thesis uses a qualitative approach to answer the posed research questions through semi-structured in-depth interviews with experts in the field of peace negotiations. It analyzes and discusses the collected data in light of the broader debate on ethics in peace and conflict.

The first part of the thesis delves into the academic surroundings of the research topic. That includes the provision of the background by discussing the central concepts at stake. It follows the state of the art of literature and previous research on the ethics of peace negotiations and mediation. Here, also the normative discourse in international negotiations is integrated. Lastly, the theoretical and analytical framework of 'situated holism' (Lidén & Syse, 2021), that is used in the analytical process of the research, is presented.

The second part focuses on the research methods, presenting the methodological approach of the master thesis.

The third part of the thesis engages with the research material. It follows an integrated approach that presents and analyzes the data at the same time. This presentation and analysis focuses on the two research questions, elaborating on experts' perceptions of the role of ethics and the main ethical considerations they identify in peace negotiations.

The fourth and last part discusses the research results against the backdrop of previous research and a broader theoretical framework of peace negotiations, mediation, and international ethics. In light of the research question and my findings, I also attempt to sum up the thesis. This concluding summary touches on limitations and perspectives for future research.

# PART I: BACKGROUND, STATE OF THE ART AND THEORETICAL/ANALYTICAL FRAMEWORK

This part of the thesis provides the foundation for the later analysis and discussion of the ethics of peace negotiations. It refers to selected relevant literature to set a basis for the arguments and concepts that are central to my empirical research and theoretical analyses.

To achieve this, chapter two explores the background of ethics and peace negotiations. It does so by covering two main components: firstly, ethics, morality, international affairs, and secondly, peace negotiations and mediation. Chapter three merges those two components outlining the state of the art of ethics in peace negotiations and mediation. The chapter is based on previous research on normativity in peace mediation and the normative discourse in international negotiations. These build the basis of the theoretical and analytical framework of situated holism developed by Lidén and Syse (2021). This framework, applied in this research, is presented in chapter four.

## 2 Background: Ethics and Peace Negotiations

This chapter introduces the key concepts relevant to the research, which are ethics, morality, international affairs, and peace negotiations and mediation. It includes a discussion of the differentiation between the terms negotiation and mediation, and current trends in the field of ethics in peace mediation.

### *2.1 Ethics, Morality, and International Affairs*

The term ‘ethics’ used in the title and research questions of this thesis is multidimensional, and scholars do not fully agree on its meaning. It derives from the Greek ‘ethos’ meaning ‘character’ referring to “the character of a particular community’s way of life” (Hutchings, 2018, p. 6). Ethics is often used interchangeably with the term morality, as in the Oxford Handbook of Ethical Theories (Copp, 2006a, p. 4) and most of the time in Hutchings Global Ethics (2018). Morality comes from the Latin term ‘more’, meaning ‘custom, habit, and a way of life’ (Amstutz, 2013, pp. 9–10). There exist rich academic debates on whether and how those two concepts can be differentiated from one another and their relationship to one another. While some argue that morality works as a basis for ethics, understanding morality as

universal norms creating common values (e.g., Küng) (Hutchings, 2018, p. 6, 10), others understand morality to mean independent criteria to evaluate ethical values (e.g., Habermas) (Hutchings, 2018, p. 7). Another possible distinction is related to theory and practice, understanding ethics as the academic part of normativity, whereas morality covers the actual behavior. Similar to this distinction is the differentiation between the individual and the social, understanding ethics as related to the outward (society, rules) and morality related to the individual, inner part (behavior, opinions) (Amstutz, 2013, p. 10; Gert & Gert, 2020). However, some ethical theorists define it the other way around, understanding ethics as covering human behavior and morality as "values, rules, and principles" (Hutchings, 2018, p. 6). As the research of this project aims for an open discussion on how participants understand the role and concept of ethics, including behavior and principles, ethics and morality will not be distinguished from a theoretical perspective.

Within moral philosophy, ethics can be divided into meta-ethics, normative ethics, and applied ethics (Hutchings, 2018, p. 5). Meta-ethics takes place on an abstract level, asking questions *about* ethics, such as whether there are moral truths. Normative ethics focuses on questions *in* ethics, for example, what kinds of actions are morally good (Copp, 2006b, p. 4-5, 19). Applied ethics applies normative ethics to specific situations, cases, or issues, such as international development, distributive justice, or war and peace (Hutchings, 2018, p. 5). My thesis focuses mainly on normative and applied ethics, investigating ethical considerations within peace negotiations. Nevertheless, these approaches to ethics rely on meta-ethical assumptions (Hutchings, 2018, p. 6).

The field of normative ethics includes many different theories and viewpoints about ethics. This thesis understands the different theories as complementary rather than competitive. They display different perspectives and sides. Since the thesis frequently uses the terms 'normative' and 'normativity', a short definition of the term 'norms' needs to be provided. Hellmüller et al. refer to Jepperson and Katzenstein in defining norms as "collective expectations about proper behavior for a given identity" (Hellmüller et al., 2020, pp. 345–346). The definition points to the link between norms, sociology, behavioral codes, and identity. The usage of the term 'normative ethics', in turn, illustrates a connection between ethics and norms and, therefore, reminds us that the relationship between the sociological and philosophical dimensions is crucial. Common theories subsumed under the category of normative ethics are

action-based approaches like duty/rights ethics (deontology, defining what is ethically correct) (Hutchings, 2018, p. 34) and consequentialism or utilitarianism (the greatest good for the greatest number) (Hutchings, 2018, p. 26), but also agent- and process-based ethics like virtue ethics (based on character/personality) (Annas, 2006) and discourse/dialogical ethics (Hutchings, 2018, p. 37pp).

The normative discourse on ethics, as described in the field of international affairs, has changed over the last decades. With the end of the Cold War, an 'ideational turn' from rationalist perspectives has taken place (Goetschel, 2020, p. 528; Hellmüller et al., 2017, p. 7; Hellmüller et al., 2020, 347pp; Wiener, 2020, 10). Rationalist approaches that dominated international relations until the end of the 1980s implied the absence of a normative discourse – including ethics and religion. This dominance is seen as a result of basic principles of international relations developed following the Peace of Westphalia in 1648 (Haynes, 2013, pp. 3–4). In opposition to the rationalist debate stand reflectivist approaches, such as postmodernism, social critical theory, and post-structuralism. With the ideational turn since the late 1980s, constructivist approaches arose, forming a middle ground between rationalism and reflectivism.

Nigel Dower (2009) discusses approaches to the ethics of peace and war, such as realism, just war tradition, pacifism, militarism, and pacificism (Dower, 2009, p. 9). He introduces them against the backdrop of ethics in international relations, which he relates to the tripartite division of realism, internationalism, and cosmopolitanism (Dower, 2009, p. 10). Internationalist approaches presume that ethics is relevant in international relations, not least since the establishment of the nation-state after the Peace in Westphalia in 1648. Realist approaches, on the one hand, deny the relevance of ethics in the international sphere. Cosmopolitan perspectives, on the other hand, extend the understanding of ethics relevant within nation-states to the rights of individuals globally, emphasizing "the moral equality […] and the moral significance of all human beings as part of one ethical community with transboundary responsibilities across the community" (Dower, 2009, p. 10). Amstutz refers to the same approaches with a slightly different division. He categorizes internationalism as a strand in idealism, which implies rule-based ethics relating to human rights and constitutional structures (Amstutz, 2013, p. 54pp). Additionally, he creates another approach called 'principled realism' by combining realism and idealism (Amstutz, 2013, p. 60pp).

Hutchings takes up the issue of decolonization in ethics and international relations. She argues for a so-called 'pluriversal ethics', encompassing a pluralist perspective on the universe (Hutchings, 2019, p. 115). While global ethics approaches ethics as it relates to diverse contexts "at the international, transnational, and global level" (Hutchings, 2019, p. 118), pluriversal ethics challenges this universal validity. It recognizes worlds and ideas external to Western colonial modernity and calls for coexistence and collaboration (Hutchings, 2019, 116, 121). This recent approach in international relations is discussed in detail in Maggie FitzGerald's (2022) 'Care and the Pluriverse: Rethinking Global Ethics'.

As the objective of my research is to understand the role of ethics in peace negotiations as it is understood by experts, the concept of ethics is used in a way that is as open-minded, broad, simple, and straightforward as possible. The starting point of understanding ethics will be how individual experts frame the concept of ethics themselves. The minimum meaning of ethics in the research context refers to the question: 'What is the (ethically/morally) right thing to do for all parties involved in a certain situation?'.

## *2.2 Peace Negotiations and Peace Mediation*

The term peace process comprises "political diplomatic and social efforts aimed at resolving conflicts" (Navarro Milián et al., 2021, p. 15). This includes both peace negotiations and mediation as possible methods.

Albin defines negotiations generally as "a joint decision-making process in which parties, with initially opposing positions and conflicting interests, arrive at a mutually beneficial and satisfactory agreement" (Albin, 2001, p. 1). A peace negotiation, then, is a negotiation process between conflict parties addressing their opposing views, with the aim of ending a violent situation, resulting in "satisfactory solutions to their demands" (Navarro Milián et al., 2021, p. 15). Such solutions can be comprehensive or partial peace agreements. Peace negotiations usually consist of different phases defining the format, location, and conditions of negotiations. When peace negotiations include interventions of a third-party actor, they are called mediation. Thus, peace mediation is a voluntarily non-violent "process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements" (United Nations, 2012, p. 4).

The legal basis for negotiation and mediation is laid in the UN Charter, Chapter VI, Article 33. Here it is described that parties who – due to their dispute – "endanger the maintenance of international peace and security, shall, […] seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice" (United Nations, 1973).

Peace processes take place at different societal levels (tracks). This thesis focuses on track one, high-level peace negotiations comprising the leadership ("governments, leaders of opposing movement or non-recognised entities" (Federal Foreign Office & Initiative Mediation, 2017, p. 3)). The terminology in the literature related to peace negotiations is at times unspecific, using terms such as peace process, peace negotiations, peace facilitation, or conflict resolution without clear differentiation (e.g., Slim, 2006, p. 83, 2007, p. iv). Nonetheless, there is a consensus that while peace negotiations make up the larger part of conflict management, encompassing the negotiations between the actual conflict parties, peace mediation zeroes in on a form of conflict resolution that is shaped as a political process, "where those in conflict seek the assistance of, or accept an offer of help from, an outsider" (Bercovitch, 2009, as cited in Hellmüller et al., 2017, p. 6 and Palmiano Federer, 2021, p. 73; Turner & Wählisch, 2021, p. 1; United Nations, 2012, p. 4). Thus, the thesis suggests anchoring peace mediation in the broader frame of peace negotiations. This approach is relevant when discussing ethical perspectives on peace negotiations. Mediation is often perceived as having a moral perspective that hard-headed, self-interest-focused conflict parties do not comprehend in negotiations. However, such an understanding does not take the substantive ethical considerations that arise for conflict parties in peace negotiations seriously (Lidén & Syse, 2021, p. 2).

Historically, the attention on peace mediation and negotiations developed from a focus on effective negotiations and conflict resolution in the 1990s towards a phase of post-conflict peace-building in the late 1990-early 2000, evolving further towards liberal peacebuilding with normative pillars (Lidén & Syse, 2021, p. 4).

A recent report examines negotiation trends from 2020[2]. It counts 40 global peace processes and negotiations. Most of these took place in Africa (13), followed by Asia (11), Europe (7), the Middle East (5), and America (4). Compared to 2018 and 2019, the authors describe a decrease in peace negotiations. The reason for this decrease is the turnover from a phase of peace processes to post-agreement implementation (Navarro Milián et al., 2021, p. 7).

The report also surveys which actors were part of the ongoing peace negotiations. All negotiations that took place in 2020 involved national governments as one of the negotiating parties. The other party was various kinds of actors differing by conflict and region. It included a combination of armed groups, political and social actors or oppositions, and representatives of political/military bodies (Navarro Milián et al., 2021, p. 8). In more than 80% of the cases, third parties participated as actors in peace negotiations (33 out of 40), alike 80% in the year before. Almost all processes with a third party included more than one actor taking part in mediation or facilitation. Third-party actors included "intergovernmental organizations, such as the UN, EU, AU, OSCE, IGAD, OIC, SADC, EAC, CEEAC and OIF, national governments, religious organisations and civil society actors, [and] specialized centres" (Navarro Milián et al., 2021, p. 8).

Additional to peace and conflict reports, peace negotiations and mediation have received attention in policy circles. Especially relevant are mediation guidelines formulated by the Centre for Humanitarian Dialogue (Slim, 2007) and the United Nations Guidance for Effective Mediation (2012).

The mediation guidelines proposed by the Centre for Humanitarian Dialogue present, besides definitions, values, principles, and standards, five typical dilemmas inherent in peace

[2] The report uses a broad definition of peace processes and peace negotiations. Here, peace processes include "all […] political, diplomatic and social efforts aimed at resolving conflicts and transforming their root causes by means of peaceful methods" (Navarro Milián et al., 2021, p. 15) and peace negotiations are defined "as the processes of dialogue between at least two conflict parties in a conflict, in which the parties address their differences in a concerted framework in order to end the violence and encounter a satisfactory solution to their demands" (Navarro Milián et al., 2021, p. 15). These definitions comprise a large number of interventions aiming for peace. The thesis has a focus on the terms of track one processes and uses the definition of peace negotiations and mediation laid out in this chapter. Even though the understanding of peace processes/negotiations in the report differs from the one in the research, the report is used as it gives valuable insights into the recent empirical reality of peace negotiations, discussing for example the inclusion of participants. However, the precise number of detected peace processes and negotiations counted in the report is unclear and can only serve as a rough overview.

processes. These have an ethical dimension but can also be interpreted more strategically. They include asymmetry, discussion denial, intra-group conflicts, stronger/weaker negotiators, and disruptive personalities (Slim, 2007, p. 9).

The United Nations Guidance for Effective Mediation (2012) has also gained much attention. The guidance formulates eight effective mediation principles: preparedness, consent, impartiality, inclusivity, national ownership, international law and normative frameworks, coherence, coordination and complementarity of the mediation effort, and quality of the peace agreement (United Nations, 2012).

# 3 State of the Art: Ethics in Peace Negotiations and Mediation

Turner and Wählisch (2021, p. 1) describe that, since the end of the 20th century, armed conflict has moved from interstate to intrastate conflicts. That means that whole societies and multiple actors are involved, leading in turn to a renewed interest in peace mediation as a medium of conflict resolution. It also means that, in contrast to negotiations between states which are grounded on rules of international law, the terms of intrastate negotiations are less clear (Lidén & Syse, 2021, p. 4, referring to Bell, 2008). Accordingly, peace mediation has changed and includes diverse activities covering multi-track diplomacy on all levels. It also involves a turn from state-centrism towards liberal peacebuilding guided by law- and rights-based interventions. These developments have led to higher expectations and a higher level of professionalization regarding negotiation support, with the aim of working more effectively and sustainably. They are accompanied by a significant normative turn in mediation (Turner & Wählisch, 2021, p. 5). The UN states that normativity plays a central role as peace mediation occurs "within normative and legal frameworks" (United Nations, 2012, p. 16). Mediation support actors bring their own normative understandings and priorities to the field (Turner & Wählisch, 2021, p. 5). Turner and Wählisch criticize the fact that the increase in levels and actors leads to a "lack of [coherence and] common understanding about the means and the ends of peace mediation" (Turner & Wählisch, 2021, p. 2). They also describe a gap between the rapid change in the role of mediation actors and their increase in number and the overall traditional standards rooted in formal international diplomacy techniques and interstate bargaining (Turner & Wählisch, 2021, p. 6).

Despite the increased interest in conflict resolution and the observed normative turn related to that, there has been little attention to normativity in negotiation processes. Hellmüller has, in the frame of a research project by Swisspeace, researched third-party mediators as norm entrepreneurs by conducting qualitative interviews with mediators. Swisspeace is an institute situated in Switzerland working for the reduction of violence and the promotion of peace. Hellmüller's research project (2015-2019) led to several publications discussing the role of the mediator (Hellmüller et al., 2017; Hellmüller, Palmiano Federer, & Siegfied, 2015) and norms such as (civil society) inclusion (von Burg, 2015), democracy (Zeller & Schellekens, 2017), transitional justice (Pring, 2017) and gender (Palmiano Federer, 2016) in international mediation. Additionally, in 2020, the Swiss Political Science Review published a special issue aiming for a comprehensive analysis of the role of norms in mediation (Hellmüller et al., 2020).

There is also a branch of literature on the ethics of war and peace, which is relevant to our topic here[3]. Philpott's study on just and unjust peace (Philpott, 2015), for example, includes a philosophical angle on the correspondence of reconciliation and justice, focusing on the outcome of mediation processes. Similar perspectives are found in the literature on transitional justice (Elster, 2004; Hutchings, 2018, p. 166pp) and peacebuilding (Murithi, 2009). Concerning peace negotiations, the ethics of war and peace can be viewed from two perspectives: As a continuation of war, peace negotiations ask about the legitimacy of the parties and justice related to the cause of the war; as a prelude to peace, questions of just and durable peace are in focus. However, the ethics of peace negotiations cannot be grasped by either of them but derives from the exact process of being in-between getting to terms with war and setting the terms of a future peace (Lidén & Syse, 2021, p. 3).

Nevertheless, most of the literature discusses the *outcome* of peace negotiations rather than the terms and process. They also focus on the involvement of third parties (mediators). As argued before, this thesis understands peace mediation as one specific form of peace negotiations. However, not all frameworks and research results regarding normativity in peace

[3] These include for example 'The Ethics of War and Peace' by Dower (2009), 'Just War: Authority, Tradition, and Practice' by Lang et al. (2013), 'War's ends: Human Rights, International Order, and the Ethics of Peace' by Murphy (2014), 'The Ethics of War and Peace: an Introduction' by Frowe (2022), and 'The Ethics of War: Classic and Contemporary Readings' by Reichberg et al. (2006).

mediation are entirely compatible with the ethics of the *terms* of peace negotiations, emphasizing the behavior and role of conflict parties. Nonetheless, frameworks focusing on the outcome can be used to compare, analyze, and discuss the terms of negotiations.

## 3.1 The Role of Norms in Peace Mediation

Similar to Turner and Wählisch, Hellmüller et al. recognize a gradual change in the role of norms in mediation processes (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 3). However, Hellmüller states that research has mainly focused on mediation effectiveness in terms of success. Success is understood in a concrete, physical sense "as either getting the parties to the table, the signing of a peace agreement, the reduction or end of violence, or the respect for the agreement over time" (Hellmüller et al., 2020, p. 348). The research project of Swisspeace on mediators as norm entrepreneurs takes one step back and investigates the norms hierarchy, the mediator's role, and the normative aspects of mediation more broadly (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 4).

A key finding of the study is that norms are omnipresent in all human relations and structures and inform human behavior. Thus, they also affect mediation (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 4). The interviewees of Hellmüller's study agreed on the importance of norms generally. However, they varied in their "perspectives on the exact role that these norms play in mediation processes, showing that the topic remains central and that the lack of clarity in the debate affects mediation practice" (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 4). A framework that categorizes norms was developed according to the empirical data. It makes three distinctions: firstly, between content-related and process-related norms; secondly, between settled and unsettled norms (according to Frost, 1996); and thirdly, between definitional and non-definitional norms. Content-related norms are traditionally understood as the conflict parties' responsibility, while process-related norms are considered to be under the mediator's authority. Regarding Hellmüller, Palmiano Federer, & Zeller, a norm is settled when it is generally accepted and internalized and therefore does not require a specific justification. In contrast, a norm that can be easily superseded without the generation of contestation is considered unsettled. The understanding and categorizing of norms are highly subjective, which means that different actors in peace negotiations and mediation might experience different norms as being settled/unsettled. Definitional norms are

inextricably connected with the definition and objective of a mediation process (for example, ending violence)[4] (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 6).

Hellmüller, Palmiano Federer, and Zeller recognize growth in unsettled and non-definitional norms in mediation processes. Those norms' role is highly dependent on the social system around the mediation, e.g., the different organizations involved in the process. The definitional norms, however, remain mainly unaffected by that (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7).

Generally, the study shows that mediators agree that the increased role of norms is, *per se*, positive. This increase contributes, for example, to setting quality standards in the mediation field and developing the field long-term (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7). At the same moment, there are also challenges: Norms must be handled carefully, lest they harm the reaching of an agreement, and they can put additional pressure on both mediators and conflict parties (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 8). This is mainly the case when too many norms are included in a process, even though they are not clearly connected to the substantial issues of the conflict. To avoid an overload of norms, norms-prioritization must take place. Throughout the study, the claim that mediators prioritize *both* content- *and* process-related definitional norms remains unchallenged. Therefore, it is often not an either-or question (efficiency vs. neutrality) but a question of sequencing norms given the overall peace process (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 10).

## *3.2 The Role of the Mediator Related to the Negotiating Parties and Ethics in Peace Negotiations*

The increased attention to mediation as a tool for international peacebuilding has led to an extended mandate of mediators. Traditionally – and in line with the definition of mediation – the mediator's core task is to end violence by supporting conflict parties in the voluntary process of finding an agreement. Here, the decisional power lies in the first place with the

[4] The mediation guidelines from the Centre of Humanitarian Dialogue formulate the following principles as standards in peace processes: “Alleviate human suffering, dialogue over violence, obligations to parties and people, focus on a just and peaceful solution, voluntary agreement, acceptable mediator, impartiality” (Slim, 2007, p. 16pp).

conflict parties making the mediator's perspective on norms as justice and fairness irrelevant (Hellmüller et al., 2020, pp. 345–346; Kastner, 2021, p. 29; Menkel-Meadow & Porter-Love, 2013). However, the extended mandate includes, in addition to assisting the conflict parties, also the promotion of specific norms (e.g., human rights, gender equality, or inclusivity). This promotion of norms is associated with the durability of agreements (Hellmüller et al., 2020, p. 345). The extended mandate pushing towards the diffusion of liberal norms in international peacebuilding can be understood in the framework of the liberal peace paradigm, which holds that liberally constituted states and societies "tend to be more peaceful […] than illiberal ones" (Hellmüller et al., 2020, p. 346).

The development of this extended mandate creates new ethical challenges for mediators. Hellmüller, Palmiano Federer, and Pring (2017, p. 6) ask whether mediators should promote norms such as human rights or gender equality and whether they have the agency to do so. The mediator's normative agency depends on his/her legitimacy, which defines the power relationship between the mediator and the conflict parties[5]. Vuković (2015) discusses the legitimate power of the mediator as an institutionalized form of soft power. However, mediators need to constantly build legitimacy as it is "not given once and for all" (Hellmüller et al., 2017, p. 15). So, third-party mediators' agency is demonstrated in their possibility to use their positions related to their institutions and the power relation between them and the parties to realize their objectives. Once mediators have established their normative agency, they can use it to (re-)shape norms in mainly four ways: to "take process-related decisions, [to] advise parties on content-related decisions such as in formulating the draft agreement, [to] ensure outside communication (blame and shame) and [to] create incentives and disincentives for norm-consistent behavior" (Hellmüller et al., 2017, p. 15).

What kind of norms mediators promote is both bound to legal obligations and state/intergovernmental organizations. The research led by Swisspeace shows a difference in mediators' normative flexibility depending on the organization they work for (the UN, the

[5] PRIO's Policy Brief on mediators as gatekeepers discusses the different power relations and exercised role of mediators regarding inclusion. Jensehaugen et al. (2022) sort the typical characterization of 'weak' or 'strong, manipulative mediators' in mediation literature into a new typology of mediators viewed as 'bouncers' (strong mediator, coercive capabilities), 'dealers' (less coercive power, using bargaining technics) and 'charmers' (weak mediator, relies on credibility and persuasion).

EU, a state, or a non-governmental organization) (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7). Value-based organizations have a mandate that keeps mediators from being strictly neutral (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 6). Additionally, mediators' normative socialization explicitly or implicitly impacts their normative engagement in mediation (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7; Kastner, 2021, pp. 25–26). According to HD's mediation guidelines, it is natural that actors have personal moral interests, but these need to be made transparent for the parties from early on (Slim, 2007, p. 16).

Interestingly, the empirical data of the study led by Swisspeace shows that mediators – pointing to the norm of consent – "say that a mediator's advocacy [for] specific norms is opposed to a core principle of mediation" (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 10). This means that the responsibility lies with the conflict parties themselves. Syse and Lidén formulate likewise that the related literature "tend[s] to overestimate power and morality of mediators as compared to that of the conflict parties" (Syse & Lidén, 2020, p. 2). Whether the guiding norms, principles, rules, or standards have a legal, moral, religious, or a practical/strategic foundation; it is the parties who hold them (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 10). Consequently, the ethics of peace negotiations comes from below (Menkel-Meadow & Porter-Love, 2013).

## *3.3 Normative Discourse in International Negotiations*

Cecilia Albin, Daniel Druckman, and Lynn Wagner have contributed significantly to the literature on norms in international negotiations. International negotiations are not limited to peace negotiations but comprise all sorts of negotiations between two or more parties. In her empirical study, Albin investigates ethics in negotiations, identifying justice and fairness as two key terms at stake (Albin, 2001). In a special issue of the *Group Decision and Negotiation Journal*, five articles contribute different perspectives and methodological approaches to questions of justice and fairness in negotiations (Druckman & Wagner, 2017).

Albin's investigations of different negotiation cases and the range of perspectives discussed in the special issue show that multiple ethical questions arise in international negotiations, such as claims to justice and fairness by the conflict parties. These play different roles at all stages of the process, from the structuring phase of pre-negotiations to the implementing phase post-

agreement (Albin, 2001, pp. 24–25; Druckman & Wagner, 2017, p. 16). and influence the direction of the process and eventual results (Albin & Druckman, 2017, p. 111). Thus, principles such as justice and fairness can be assessed as a tool to reach an agreement (Albin, 2001, p. 15; Albin & Druckman, 2017).

Albin defines justice as "the balanced settlement of conflicting claims" (Albin, 2001, p. 15). This procedural concept includes three main ingredients: impartiality, the balancing of different principles and interests, and an obligation to comply with freely negotiated agreements. Arguing that the norms literature in international relations is usually too broad and general to be applied, she develops an analytical framework and discusses specific cases according to it. The framework she developed inductively from observations of negotiations and the literature is based on her definition of justice. It includes factors of justice or fairness in negotiation structures, processes, and the results of negotiations. Structural factors condition and constrain negotiations and are, thus, connected to ethical considerations regarding the participants and parties, the agenda setting, the rules, and the context (e.g., organization and physical features as the location). Those factors can be narrowed down again by, for example, discussing representation issues or power relations when discussing participants and parties or decision-making methods when talking about the rules. The factors regarding the process or the course of negotiation encompass fair treatment, fair behavior, and negotiation dynamics. The process factors also include procedural issues. The procedure describes concrete mechanisms for arriving at an agreement, such as different patterns of reciprocity, fair chance, fair division, or fair say (Albin, 2001, p. 53). As the thesis does not engage with the outcome of negotiations but focuses on the terms, the framework's considerations related to negotiation results and the implementation after an agreement are not discussed further here. Albin's framework describes the major stages of negotiations at which ethical considerations arise, which happens already before the actual negotiations begin and lasts until very late in the implementation phase of an agreement (Albin, 2001, p. 51).

Albin detects two fundamental roles of ethical considerations in negotiation processes: either they have a positive impact in guiding and facilitating the process, or they complicate the process "by becoming subject to negotiation themselves" (Albin, 2001, p. 35). She also recognizes the possibility of tactical usage of ethical arguments due to missing consensus on a standard defining the content of those principles and, thus, the potential 'abuse' when

principles are defined and applied according to one's need. When principles are genuine and legitimate, tactical usage can be effective. Otherwise, it is often not influential because it seems too self-serving (Albin, 2001, p. 20, 2019, p. 56). Albin (2019, p. 55) argues that such tactical usage has an ethical dimension since ethics and justice legitimately form the basis of (self-)interest.

It is necessary to be aware that no negotiation process is driven by a single factor. Thus, the role of ethical conceptions needs to be framed in the larger political, institutional, and normative context (Albin, 2001, p. 52; Druckman & Wagner, 2017, p. 9). Albin's framework provides directions while being flexible enough to be applied to diverse contexts ranging from ethnic conflicts to environmental negotiations (Albin, 2001, p. 52).

# 4 Theoretical and Analytical Framework: Situated Holism

Hellmüller et al. criticize the mediation literature's failure to analyze and answer questions regarding norms and ethics but instead focuses on material aspects (Hellmüller et al., 2020, p. 347). Additionally, they raise the issue that the normative engagement that *has* taken place has not been related to the broader field of international relations or a broader normative environment. This illustrates the lack of comprehensive analyses of peace negotiations and mediation regarding its broader normative context.

In the context of PRIO's FAIR research project, Kristoffer Lidén and Henrik Syse have further developed Albin's analytical framework on international negotiations. The so-called 'situated holism framework' simplifies and adapts Albin's framework to the specifics of peace negotiations and mediation. Lidén and Syse group the elements that Albin identifies into a typology, making it possible to analyze questions of ethics in peace negotiations in a holistic manner. Their typology comprises the categories of positions, participants, practices, procedures, and principles (Lidén & Syse, 2021, p. 9).

## *4.1 The Five Dimensions of the Framework*

In the situated holism framework, the element of positions refers to the content of negotiations and eventual agreements, the remaining four elements are concerned with the form of negotiations. However, the form and content of negotiations are inseparable and interdependent, influencing the outcome of negotiations. For example, the content of

negotiations will necessarily hinge on the participants included, the agenda-setting, or followed principles. The five dimensions are explained in more detail as follows:

*Positions* mean the standing point of negotiating parties in terms of their demands and claims. Regarding ethics, they involve questions around 'peace versus justice', 'peace versus peace', and 'justice versus justice'. Peace versus justice describes the dilemma of whether or how long-term justice should be sacrificed to reach (immediate) peace (Zartman & Kremenyuk, 2005). Peace versus peace and justice versus justice expand on that perspective by including ethical considerations linked to conflicting conceptions of peace or justice. Ethical issues around justice and peace include, for example, whether or how far the whole spectrum of justice (distributive, retributive, restorative, procedural justice linked to the legal, economic, political, and cultural domain) can be addressed in peace negotiations. Lidén and Syse claim that while the ethics and justice of war have received considerable attention, the same aspects are yet to be explored in the context of peace negotiations (Lidén & Syse, 2021, pp. 6–8).

The dimension of *participants* in peace negotiations refers to the parties included in the process, consisting of conflicting/negotiating parties and also third or observing parties that may take part. Therefore, participation can be linked to inclusivity, asking who the legitimate parties are, how to deal with controversial actors, and the evolving of norms regarding, for instance, women or civil society inclusion. Accordingly, the participants' dimension also relates to questions of representation, national ownership, and the power relations between the negotiating parties (Lidén & Syse, 2021, pp. 9–10).

The dimension of *practices* refers to the fundamental issue of ethical behavior. Whether ethical practices should aim to make negotiations more ethically sound or merely more effective remains unclear. There is also the question of whether there is a link between the ethical conduction of negotiations and effective, durable results. The ethical dimension of the practices of peace negotiations asks about the role of ethics: Should ethics and morality be put in brackets and left behind to avoid emotional provocation or reduce constraints, as often advised in business negotiations? Or should they be at the center of attention in order to facilitate relationships between the negotiating parties? The field of virtue ethics, which focuses on the personality of the negotiators, answers to these questions by claiming that "fair-minded and virtuous negotiators and mediators make treaties and agreements more

credible and durable" (Lidén & Syse, 2021, p. 11). However, these claims have been considered highly subjective, and knowledge about the role of behavior or the participant's own perspectives of ethics is still lacking.

Lidén and Syse define the *procedures* of peace negotiations "broadly as how the negotiation process is organized" (Lidén & Syse, 2021, p. 11). With this, they expand on Albin's understanding of the procedures, who reduces them to concrete mechanisms for reaching an agreement (Albin, 2001, p. 39). Lidén and Syse include ethical aspects linked to the agenda, format, timing, and location of the procedures of peace negotiations. Albin relates those to the structure of a negotiation process (Albin, 2001, p. 53).

Ethical dimensions in peace negotiations can easily be linked to the *principles* that negotiating parties agree to as a foundation for the negotiation process. These principles can have a legal frame (e.g., state sovereignty or human rights) or stem from political (e.g., democracy) or religious (e.g., Islam or Christianity) frameworks (Lidén & Syse, 2021, p. 12). In practice, these make up a more complex mixture of intersecting principles that apply to specific situations. Lidén and Syse emphasize that negotiations are not principled endeavors searching for common ground. The principles the parties agree to should instead serve the negotiation process, being a tool to create space. This implies that ethical principles will undoubtedly be violated and changed throughout the process. Reasons for this can be strategic or the gap between idealistic principles, the reality of the process, and the parties' positions. Thus, "the significance of such principles may be seriously overestimated" (Lidén & Syse, 2021, p. 13). Therefore, arguably, universal ethical principles or frameworks cannot be the starting point of investigations on ethics in peace negotiations but must be linked to practical considerations arising first.

## 4.2 Situated Holism: Interdependence, Interconnection, and Context Relation

According to the situated holism framework, the five dimensions – *positions*, *participants*, *practices*, *procedures*, and *principles* – make up the process of peace negotiations and imply ethical perspectives. The framework suggests that ethics in peace negotiations need to be looked upon holistically, emphasizing that the created categories are interconnected and influence each other. It can therefore be illustrated as wind chimes with the five different dimensions 'hanging' from a 'plate', which illustrates ethics in peace negotiations (Figure 1). When one dimension gets pushed into movement, it affects the others and sets them in motion. That creates a sound symbolizing a conversation between them. Each dimension affects and is simultaneously affected by the other dimensions, creating an interplay.

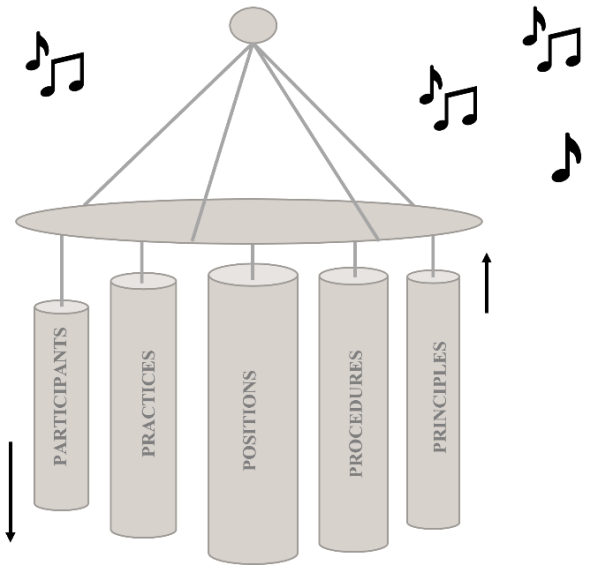


*Figure 1: The interplay of the five dimensions of the situated holism framework.*

All decisions made during the process related to one of the five dimensions, such as the agenda-setting (*procedures*) or the main *principles* the parties agree to as a basis for the process, affect the other dimensions and the eventual outcome of a peace negotiation process. Another example is the ethical choice of who is included in the process (*participants*) affecting the *practices* and *procedures* regarding the aim of a negotiation process (comprehensive agreement or quick solutions) and vice versa (Lidén & Syse, 2021, p. 13). These examples show that the dimensions cannot be assessed in isolation from each other but are interdependent. However, the categorization of ethical considerations into specific dimensions only serves to gain an overview and increased understanding.

In addition to the interdependence and how the five dimensions impact each other, they also have an interconnection regarding their content. That means that any ethical consideration is – theoretically – related to all five dimensions at the same time. That is the case as they touch on specific dimensions depending on how they are framed and which focus point is taken. Hence, the question of inclusion would not only be framed in close conjunction with the dimension of *participants* (who is included) but simultaneously be a matter of *positions* (whatever is at stake influences the level of inclusion), *practices* (how to practically include certain actors in a meaningful way), *procedures* (at what time of the process should certain actors be included), and *principles* (how to handle inclusion as a principle, how to determine its role in the process). The different perspectives of each ethical consideration regarding the five dimensions can be illustrated in a pentagon figure. Figure 2 demonstrates this according to the example of inclusion.

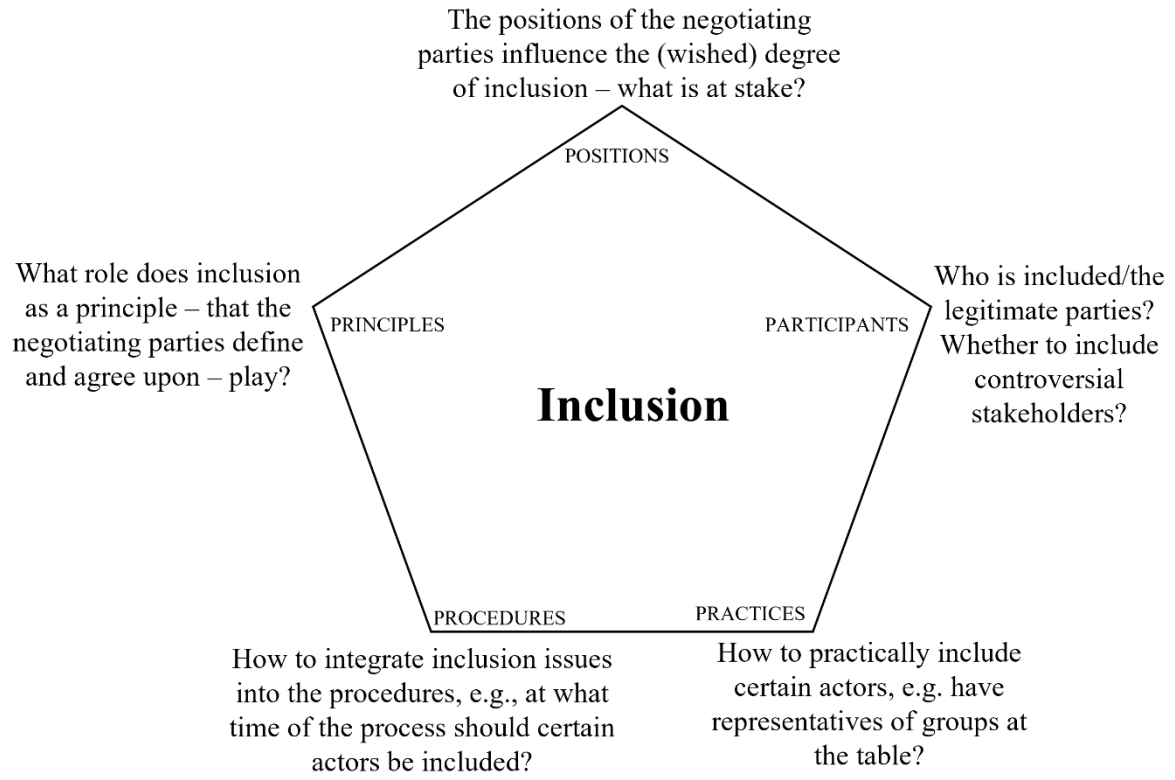


*Figure 2: Pentagon example. Ethical considerations of inclusion as they relate to all five dimensions of the situated holism framework.*

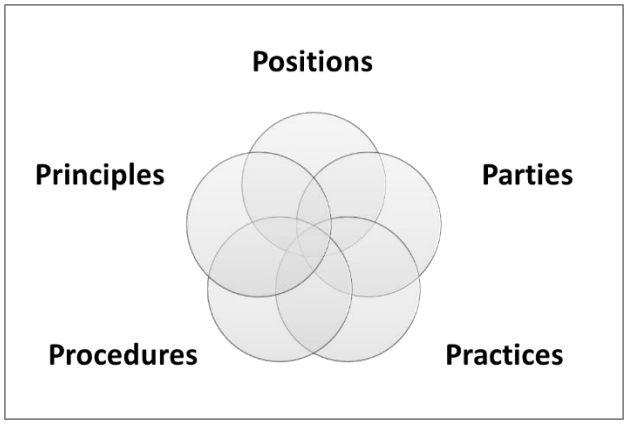


*Figure 3: The situated holism framework – the 'Quintet of Peace'. Designed by Lidén and Syse, 2021.*

Additionally, the five dimensions must be related to a specific situation and the broader political context. That explains the 'situated holism' approach, analyzing negotiations "holistically as they relate to a concrete situation at a given moment" (Lidén & Syse, 2021, p. 14). Figure 3 makes the approach visible. It shows the interconnectedness of the five elements with the negotiations metaphorically taking place where the circles overlap ('the flower'). The 'pistil' at the center, where all five circles overlap, illustrates the negotiation table and, with that, a specific case of negotiations.

## 4.3 Theoretical Basis and Objective of the Framework

The situated holism framework has a relatively open approach concerning ethical theory. That makes it applicable to peace negotiations from different theoretical starting points. Those different theoretical departures would then emphasize different points of the framework. However, the framework has some theoretical presuppositions that build its basis. These are closely related to the discussions of the background and state of the art of ethics in peace negotiations and mediation and elaborated on as follows.

The situated holism framework presumes that ethics is principally at stake and plays a role in the international sphere. With that, it is not based on an entirely realist or rationalist approach but understands "the persistence of morality in political reasoning even when power prevails" (Lidén & Syse, 2021, p. 5). Entirely realist and rationalist positions would, however, imply the general absence of a normative discourse. The framework, thus, relates to a constructivist position – as undermined by the research of Hellmüller et al. It does not reject rationalism in its epistemology as it supports causal effects and science. However, similar to the ontology of reflectivist positions, it understands norms as independent factors (Björkdahl, 2002, p. 10; Checkel, 1998, p. 327). From this point of view, the environment actors engage in consists of social and material fabric. Material structures become meaningful through the power of collective ideas, which lead to collective understandings that "become social facts by human agreement" (Hellmüller et al., 2017, p. 7). Thus, in this viewpoint, norms have an "independent causal and constitutive power" (Hellmüller et al., 2020, p. 349), influencing motivation and preferences. The situated holism framework departs from this theoretical presupposition, stressing that ethics is omnipresent, informing all human behavior (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 4).

Often, an ethical dimension is considered either in hindsight, after peace negotiations, or from the perspective of a future outcome. The situated holism framework, however, claims the necessity of examining ethical considerations from within the process itself, stating that "we cannot really understand, and challenge, [the parties] choices from an ethical perspective until we recognize how it looked to [them] at the moment" (Lidén & Syse, 2021, p. 2). Thus, it focuses on the 'terms' of peace negotiations, that is, the format and character of the process, distinct from the outcome. Albin (2001, p. 33) refers to it as "the pattern of interaction

between parties as they attempt to reach an agreement". The framework assumes that peace negotiations involve crucial ethical considerations at all times. Albin's systematic analysis underpins this point, emphasizing that peace negotiations, like the Oslo Peace Process, involve many moral claims throughout all process phases (Albin, 2001, pp. 24–25; Druckman & Wagner, 2017, p. 16; Lidén & Syse, 2021, p. 2).

Further, the framework makes a point in not only understanding the ending of war as a moral pursuit. However, it understands issues of a just outcome and the process of reaching such an outcome through negotiations as morally undermined. This perspective speaks against the theoretical approach of effective conflict resolution and mediation efforts dominant in the 1990s (Lidén & Syse, 2021, p. 4). By understanding moral claims at play within the peace process, the framework presumes that war is filled with moral reasoning (according to the just war tradition) and supposes that the self-interest of parties is not in contrast to the ethical reasoning of it. The latter point is theoretically underpinned by Cecilia Albin (2019, p. 55), making "the question of 'morality *or* (self-)interest' misleading" (Lidén & Syse, 2021, p. 5).

An additional relevant backdrop of the framework is the understanding of peace mediation as one form of peace negotiations. The widely accepted perception of mediation as a moral endeavor dismisses the significance of ethical considerations with that conflict parties grapple (Lidén & Syse, 2021, p. 2). That finds its basis in the research results of Hellmüller, Palmiano Federer, and Zeller (2015, p. 10), emphasizing the parties' responsibility by pointing to the norm of consent as a core principle of mediation. The situated holism framework is, thus, not reserved for third-party mediators. On the contrary, it is applicable to investigate the ethical dimension of all sorts of conflict resolution methods, including the conflict parties' perspectives.

The objective of the situated holism framework builds on these theoretical presuppositions and an emphasis on the 'terms' of peace negotiations. It wishes to offer experts the possibility to apply and map the different views of scholars and practitioners regarding ethics in peace negotiations. It does not aim to replace existing ethical or political theories but offers a framework to discuss and apply them according to the context of peace negotiations (Lidén & Syse, 2021, p. 16).

# PART II: RESEARCH METHODS

# 5 Methodology

This chapter explores the applied research methods used in my research project. It considers the choice of the research method, the sampling, the collection of data, the research timeline, the data analysis, positionality, research ethics, and the research quality and limitations.

## *5.1 Research Design*

As stated in the introduction, this thesis aims to investigate the role of ethics in peace negotiations. It applies an analytical and theoretical approach highlighting ethics in peace negotiations as a situated phenomenon in the broader field of peace and conflict. The thesis explores the role of ethics in peace negotiations in general terms and as an interplay of ethical considerations regarding five dimensions – positions, parties, practices, procedures, and principles. Since the research questions in this study focus on the experts' own perception of this interplay, I have used a qualitative approach to explore the phenomenon from the inside (Ormston et al., 2014, p. 3). The participants in this study are experts in the field of peace and conflict and will be described in more detail in the following section. The chosen method is semi-structured interviews, which can be understood as professional conversations, an "inter-change of views" constructing knowledge "in the inter-action between the interviewer and the interviewee" (Brinkmann & Kvale, 2015, p. 4). The interviews are conducted by two leaders of the FAIR project and me, leading to a conversation between the interviewees and the three of us. One upshot of this way of conducting the interviews is that the perspectives get broadened as we three researchers contribute with diverse perspectives from our academic backgrounds. It also raises the quality of the research as we come with different forms of expertise and experience in research. The interviews provide answers to how experts understand and perceive the role of ethics in the procedures of peace negotiations. With this, we were able to focus on different perspectives and steps that characterize a negotiation process, such as the aim, the participants, the procedures, and the rules. We used an open interview guide with six questions approaching the role of ethics and the main ethical considerations from the perspective of conflict parties and mediators to start the conversations. This created conversations in a semi-structured but almost open-ended format.

Such an open design was purposefully used as part of the FAIR project to precisely grasp the experts' improvisations and broad impressions while preventing imposing a premeditated, narrow framework on the research participants.

## *5.2 Sampling*

The interviewees who participated in the research project are considered 'experts' in the field. That means they are individuals with unique insight into some aspects or cases of peace negotiations. The interviewees were not expected to be knowledgeable about the ethical dimension as such; in some cases, however, they also had specific expertise in ethics.

All the participants had relevant experience either from a practical or academic background or both. Experts with a practical background include practitioners who have been part of peace negotiations as leading members of one of the negotiating parties or who have experience as mediators in specific conflicts. It also includes individuals with relevant experience as policymakers or advisors in organizations supporting peace processes, such as the UN. With academics, I mean people engaged in peace negotiations more abstractly, e.g., in academia, working with peace and conflict for universities, or conducting research for peace and conflict research institutes.

Thus, the interviewees have clear ideas about whether and how ethics plays a crucial role in peace negotiations and mediation. However, it is the undertaking of the project that asks the participants to reflect on ethics. With this, ethics frames the interviews from their starting point. Thus, it is natural that the experts reflect more explicitly on ethics in the interview setting than they presumably usually do.

The expert group consists of a total of 17 individuals who participated in the research interviews. As explained later (Chapter 7.5 Data Analysis), not all interviews have been used in this thesis. In a selection process, one group of nine and one group of ten interviews were chosen to be analyzed according to the two research questions (Appendix D List of Interview Participants). Seven interviews are analyzed in both groups; the other five (two in group one and three in group two) differ and are chosen according to which interviews offer the most relevant data for each research question. As we noticed a difference between how male and female interviewees talked about ethics, the selection also considered sex. The selection

wishes to guarantee the broadest and most diverse compound. This means that in group one, related to research question one, four out of nine interviewees are women, three have a national background from the Global South, three different peace support organizations are represented, two have practical experience as negotiators, five have experience as third-party mediators and five have an additional academic background related to peace and conflict. In group two, relating to the second research question, five out of the ten interviewees are women, five have a national background from the Global South, four have practical experience as negotiating parties, four different peace support organizations are represented, five have experience as third-party mediators and five an additional academic background related to peace and conflict. As many participants have diverse experiences, they come with multifaceted expertise and are therefore grouped into several categories.

The background of the participants reveals a general overweight of experts with experience as third-party mediators compared to those with a practical background as negotiating parties. During the selection of participants, we made an effort to reach out to experts with experience from negotiations. However, it was easier to establish contact with such practitioners who have experience as mediators. This is presumably the case as experienced mediators are often more visible in the larger field of peace and conflict, being related to or part of peace support organizations, academic institutes, or international politics environments. Practitioners with experience as negotiating parties were often solely involved in the local politics or specific aspects of the conflict in question. Thus, it was more challenging to involve them in the research. The chapter on research quality and limitations includes a reflection on the challenges regarding this imbalance (chapter 7.8). The interviews showed, however, that practitioners with experience from mediation relatively easily related to ethical considerations relevant for negotiating parties. The expert group is not meant to be a representative selection but to represent knowledge and experience in the field.

### 5.2.1 Gatekeepers

The selection of research participants took place in correspondence with the team of researchers within the FAIR project. Kristoffer Lidén, the co-supervisor for this master thesis and the leader of the FAIR project, functioned as the main gatekeeper. A gatekeeper functions in between the researcher and the object of research, in this case, the interviewees (Hennink et al., 2020, p. 99). As a senior researcher, Lidén has been working on relevant research projects

earlier and, thus, had access to a circle of possible experts of excellence in the field. That made it possible to interview internationally well-respected experts in the field of peace negotiations. The composition of interviewees and the joint interviews secured data collection that was useful for both the overarching FAIR project and the thesis.

Later in the process of recruiting participants, we also benefitted from formal networks within PRIO and the FAIR project by using the researchers involved in the case studies as gatekeepers, asking for possible interviewees. That helped create a more diverse expert group, as individuals from the Global North highly dominated the first composition.

### 5.2.2 Snowball Sampling

After having started the interviewing process, we additionally used the method of snowball sampling (Hennink et al., 2020, p. 104). That means that we asked the participants we interviewed for further hints and connections as to who could be valuable sources contributing to the project. Through snowballing, we, for example, got the chance to talk to the negotiating parties of both sides of a conflict, enriching our understanding of the ethical challenges arising in the case. It also helped us get in touch with people we did not know before or were unaware of.

Generally, the sampling process was relatively easy. Nonetheless, in exceptional cases, possible participants did not reply or were unavailable for the research.

## *5.3 Data Collection and Interview Process*

As explained, the data was collected through individual in-depth expert consultations. All interviews were recorded through Teams and eventually transcribed with the help of the program NVivo. Thirteen interviews took place solely online via Teams, two in a hybrid format with some researchers/participants in the room and some digitally, and two physically. The digital format affected the sampling positively because it broadened geographical access, making it possible to reach participants globally (Deakin & Wakefield, 2014, p. 607). Due to COVID-19, everyone was used to the digital format, and it came with very few technical challenges regarding audio or video connection. Generally, the difference to physical meetings seemed almost non-existent as the “real-time nature of online interviews” (James & Busher, 2012, p. 179), which include sound and video, supports the opportunity for

spontaneous interaction. Still, the format sometimes led to several people talking simultaneously, making conversations blurred. The actual difference between digital and physical became apparent only when we first conducted an interview physically: the atmosphere in the room, building trust and confidence in us as researchers and the research project, led to a more naturally flowing conversation. Additionally, asking follow-up questions and commenting without interrupting the research participant was less complicated. Digitally, we who were conducting the interviews would mute ourselves when we were not talking to ensure the best recording quality. The mute/unmute function also served the fluency of the conversation, making it visible when someone wanted to say something or when one listened attentively. Nonetheless, this offers fewer possibilities for researchers to pose follow-up questions and sometimes leads to short responses or people gesturing instead of taking the word (James & Busher, 2012, p. 180).

To ensure confidentiality, the interviewees were encouraged not to share sensitive information but to generalize from their experiences (Syse & Lidén, 2020, p. 5) and discuss concrete situations in general terms. We also challenged our participants to talk more abstractly because this helped single out ethical challenges inherent in negotiations using the language of ethics or moral philosophy instead of the concrete language of experience. Practically this meant that some participants used generalized language, for example, related to case specifics. That could mean they would not share details about the peace process (time frame, country), the related conflict, or deidentify specific individuals who were actively involved. In this way, it was possible to share experiences containing ethically relevant questions or considerations without violating confidentiality agreements mediators are bound to, for example, by their (former) employers. In some interviews, the discussion took place on different levels involving specific experiences and abstract hypothetic examples. For some interviewees, it was challenging to abstract their experiences from the concrete context. That meant they stayed very much in the frame of the cases with which they had been actively engaged. This created challenges in the later research process as the data needed to be deidentified in order to uphold research ethics.

## 5.4 Research Timeline

The preparation for the research took place from July until September 2021. Two interviews, conducted in September and October 2021, served as pre-tests in preparation for the project and in the course of a FAIR research workshop. The remaining interviews were conducted from March to July 2022. The academic writing and research analysis took place from August 2022 to March 2023.

## 5.5 Data Analysis

There are several ways of analyzing and coding research material. Therefore, it is necessary to be open about it to make the results easier to understand for the reader (Gleiss & Sæther, 2021, p. 179).

The collected data was first transcribed and classified, with identifying parts removed. To gain an overview of the data material, I went through it several times using codes in the program NVivo. The overall approach to the data material in this thesis was abductive. That is a combination of inductive and deductive data analysis where the analysis is both founded in established literature and theory and in the empirical material itself. Key is the analysis going back and forth between theory and the empirical material. Through this movement, the codes get specified and concretized (Anker, 2020, pp. 79–80). I found this approach the best for the research project as it allows linking new research to existing material while giving enough room to the empirical data itself. I started the coding (Brinkmann & Kvale, 2015, p. 226) with a deductive approach (Anker, 2020, p. 79), mainly oriented on the categories developed in the theoretical framework of situated holism (positions, participants, practices, procedures, and principles) (Lidén & Syse, 2021). Due to the association with the FAIR project, I coded all 17 interviews regarding those elements concerning peace negotiations (the negotiating/conflict parties' perspective) and mediation (the third parties' perspective). While researching the data material, I got aware of information that did not fit the already established categories. Thus, I continued working inductively (Anker, 2020, p. 77), sorting ethical considerations more generally linked to definitions, the understanding of ethics, and the relation between process, outcome, and procedure. I coded material in a generous way, meaning that several sentences

and paragraphs got coded into different categories, ensuring that the interview material does not get fragmented and loses its context and narrative (Bryman, 2016, p. 583).

To reduce the amount of data material, the thesis decided on several limitations: First, the thesis focuses on analyzing the role of ethics regarding the negotiating parties (negotiations) and not third-party mediators (mediation). Secondly, not all interviews were used, but a selection process according to relevant criteria took place. In this process, one group of nine and one group of ten interviews were selected.

The selected interviews were analyzed more concretely according to the research questions. The first sorting, summarizing, and comparing (Rubin & Rubin, 2005, p. 224pp) took place according to the first research question identifying how experts perceive the role of ethics in peace negotiations. This was linked to the coding categories ‘understand ethics’, ‘definition of ethics’, ‘ethical considerations in peace negotiations generally’. Those first categories turned out not to fit exactly. So, in a further process, the coded data got sorted into themes derived from the data. With themes, I mean “a salient aspect of the data in a patterned way, regardless of whether that theme captures the majority experience” (Scharp & Sanders, 2018, p. 117). The applied themes are, thus, more concerned with offering a meaningful answer to the research question than quantitative measures. The data will be presented according to those themes in the presentation and analysis chapter. They include ‘general remarks on the role of ethics’, ‘understanding and approaching ethics’, ‘the implicit role of ethics’, ‘realpolitik and ethics’, and ‘ethics and context’. The second research question asks for the main ethical considerations inherent in peace negotiations. To identify those and to get a more systematic overview, the material coded according to the situated holism framework (positions, participation, practices, procedures, and principles) was developed further. Firstly, it was sorted in a table mapping the most relevant themes and ethical considerations; secondly, it was condensed, applying strategies abridging meaning. This took place by abstracting ethical questions and considerations that interviewees describe and sorting those by themes inductively appearing from the coded material. The analysis thus involved both thematic analysis and analysis focusing on meaning (i.e., meaning coding, meaning condensation, and meaning interpretation) (Brinkmann & Kvale, 2015, p. 231pp). A table illustrating the last stage of the analysis process is attached in the Appendix (E Main Ethical Considerations). It

gives an overview of the main ethical considerations, the underlaying themes, the overlap of the dimensions, and topic links.

## 5.6 Positionality

Generally, when positioning myself concerning the research, I would describe myself as an outsider concerning the practical and academic field of negotiations and mediation. Nevertheless, my outsider position comes with some insider access.

As I have not been working with track one peace negotiations before, I consider myself an outsider in peacebuilding, peace negotiations, and mediation. However, I have some practical background and insights related to peace and conflict, as I worked in 'The Israeli Violence Reduction Organization' that focuses on reducing violence and strengthening social cohesion in schools in Israel. Academically, the overarching FAIR project has a philosophical emphasis, different from the master program. Nevertheless, the project supports an interdisciplinary approach, including researchers with academic backgrounds in philosophy, political science, history, international relations, sociology etc. Thus, my outsider perspective vis-à-vis philosophy enriches diversity in the group. Also, the thesis follows an empirical approach linked to social science and does not analyze the data philosophically.

Additionally, as the thesis connects to the FAIR project, I benefit from insider perspectives linked to the association with PRIO. Being part of the overarching research project legitimizes the research and supports my authority vis-à-vis the research participants. They meet me on the same level as my fellow researchers at PRIO, sharing insider information about their experiences in peace negotiations. The collaboration with established researchers and the possibility of being associated with PRIO made it possible to establish contact with professional, relevant experts in the field of peace and conflict. This was relevant for the data collection as the network helped create an excellent list of research participants. That would otherwise not have been possible. The association with PRIO as a research institute also gives me access to more academic databases, programs, relevant internal publications, and research group meetings/workshops.

The field of ethics is highly flexible and diverse and is understood differently according to experience, background, and related context or conceptions. Therefore, it varies how and with

what meaning one 'fills' those normative conceptions with. Critical reflections on personal and professional normative perspectives among the researchers are crucial to distinguishing those from the ones mentioned and supported by the research participants. Therefore, we challenge our interviewees to describe their understanding of ethics and normative principles, especially those they observe in peace negotiations and mediation. This enables us to build our interpretation of the data on those descriptions. That is also why the first guiding research question of the thesis asks about how experts understand the role of ethics in peace negotiations. It establishes an understanding of how experts frame ethics before the second research question categorizes the main ethical considerations inherent in peace negotiations.

## 5.7 Research Ethics

Reflections and frame conditions on research ethics are important in order to guarantee that the research does no harm. In this project, ethical research is secured by informing all participants about how the data collected in the interviews is used in the project. Consent was obtained in written format via email. All data was collected, stored, and handled according to the national data protection regulations and procedures (NSD). That is especially important as the data is recorded and used as empirical material in analysis and interpretation processes. The project has two independent applications approved by NSD, one for the master thesis project and one for the FAIR project from PRIO. This creates more freedom for the master thesis project and the data analysis within the thesis. Both applications used the same participant consent form and interview guide. The application approval letter for the master thesis project is attached (Appendix C).

Furthermore, all mentioning and referring to third parties take place following the principles for respecting individuals, groups, institutions, and research communities in the *Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology* by the Norwegian Research Ethics Committees in the Social Sciences and the Humanities (NESH, 2019), respecting the dignity of these parties. The project's purpose is to include diverse opinions and attitudes, also skeptical ones. Thus, the thesis aims for a data presentation that "opens rather than closes the room for reflection on ethical problems and dilemmas" (Syse & Lidén, 2020, p. 5).

An ethical dilemma discussed in chapter 5.3 on data collection and the interview process is linked to confidentiality. As the field of ethics is abstract, concrete examples to build and expand on during the interviews are desirable and necessary. However, actors active in peace negotiations are often obliged to confidentiality. To solve this, research participants are encouraged to discuss the subject in general terms – and the development of this generalized language through the interview is part of the research process. Therefore, the data will be mediated by the interviewee rather than the interviewer, providing information on how scholars and practitioners embrace the question rather than generating 'facts'.

## *5.8 Research Quality*

The most important criteria to measure the quality of research are objectivity, reliability, validity, and the possibilities for generalization.

Objectivity has several dimensions. It can refer to "freedom from bias, […] reflexivity about presuppositions, […] intersubjective consensus, […] adequacy to the object, and […] the object's ability to object" (Brinkmann & Kvale, 2015, p. 278). This research attempts to assure objectivity by ensuring that there is more than one interviewer present in the interviewing situations. Additionally, as mentioned before, the project includes diverse opinions, also critical or skeptical ones. By encouraging the research participants to share those viewpoints, the project provides a fuller picture of the role of ethics in negotiations and does not single out subjective opinions. Additionally, the interviews take place with people who have been active in different roles in peace negotiations all over the world. By presuming that ethics plays a role in peace negotiations as the frame of the interviews, it is natural that the interviewees reflect more on ethics than they usually would. However, objectivity is provided by sorting, comparing, and weighing ethical arguments that arose in different contexts.

Reliability asks about the trustworthiness of the research project, not least in terms of consistency (Brinkmann & Kvale, 2015, p. 281). The concept of reliability is often linked to whether a study is repeatable at another time or by another researcher. However, this is challenging in qualitative research as the data collection and analysis occur in a circular movement. Reliability also includes interviewer and transcript reliability (Brinkmann & Kvale, 2015, p. 210, 282). In this case, the interviews were semi-structured but almost open-

ended. This means that a lot depended on the conversation's course. Thus, only the answers given to the first interview question, which was the same in all cases, are reproducible – all answers to later posed follow-up questions depended on the actual constellation and particular engagement of the present interviewee and interviewers. As Brinkmann and Kvale (2015, p. 282) notice, this increases the research's quality by producing creative and innovative data, even though it might decrease reliability. Another aspect regards transcript reliability: The interviews were transcribed by only one person and not typed and compared by two persons. Nevertheless, different people from the FAIR project who have been part of the interviews worked with the transcripts later in the process. Thus, a substantial discrepancy between the interview and the transcripts would have been noticed.

Validity is often understood as the most critical criterion regarding research quality. It refers to credibility and thus to the "integrity of the conclusions" (Bryman, 2016, p. 41) of the research, "to the truth, the correctness, and the strength of a statement" (Brinkmann & Kvale, 2015, p. 282). Validity asks whether what is measured reflects what was supposed to be measured. As with all quality criteria, validity is not only connected to the conclusions but needs to be considered throughout the process of thematizing, designing, interviewing, transcribing, analyzing, validating, and reporting (Brinkmann & Kvale, 2015, p. 283pp). I have previously argued that semi-structured in-depth interviews with experts are the most appropriate way of answering the research questions. A downside of this case is related to the scale of the research. The research questions posed in this thesis refer only to a part of the collected data. This means that the meaning of the data and answering of the research questions might have unfolded differently when considering, for example, not only negotiating parties but also third parties. However, then the research questions would have needed to be posed more broadly. With the research question and data at hand, the research process and its results indicate the greatest degree of integrity.

One additional example of how the project attempts to increase its research quality is via two pre-test interviews, one in the frame of a project workshop and one where we received advice from a researcher with experience within the field.

Regarding generalization, there is a difference between quantitative and qualitative research (Lewis et al., 2014, p. 348pp). While quantitative research works statistically based on

representative data, qualitative research is more likely to produce naturalistic or analytical generalizations. Naturalistic generalization is based on personal experience, analytical generalization speculates on whether the findings "can be used as a guide to what might occur in another situation" (Brinkmann & Kvale, 2015, p. 297). The thesis makes such generalizations by discussing the role of ethics in peace negotiations based on experts' personal experiences and analytically mapping the main ethical considerations occurring in peace negotiations. Apart from this, the thesis is not aiming at generalization but aims to open for increased dialogue, reflections, and discussions about ethical considerations and questions.

## *5.9 Research Limitations*

I want to end this chapter by discussing the limitations of the research. A first possible limitation can be understood in the continuation of the discussion on generalization and the project frame of talking about specific issues in general terms. Also, the project's need to factor in confidentiality issues can be understood as limiting the study results. As we encouraged our interviewees to talk about concrete experiences in general terms, the first interpretation of specific situations is made by the interviewees themselves as part of the actual interview. Concrete examples would have served in the creation of reliable analysis and interpretation of data. Nevertheless, research ethics and the confidentiality of the interviewees needed to be prioritized.

However, many interviewees nonetheless referred explicitly to case examples from which they had personal or professional experience. The provided background relating to the ethical understanding and interpretation of ethical considerations in specific cases increased the reliability of the data analysis. At the same time, those concrete examples could not be discussed in the thesis due to confidentiality issues. That was a challenge: How to discuss this topic comprehensibly and comprehensively without revealing confidential information about the peace processes from which our interviewees have experience? It was a balancing act not to set the interview quotes in connection to case examples revealing the interviewees' backgrounds and still offer enough background information to fill the abstract descriptions with a narrative understandable to the reader. The thesis is also constantly situated in the in-between of not generalizing and still saying something general about the ethics of peace negotiations. The challenge of doing this consists of abstracting the ethics of peace

negotiations from the concrete case terms without forgetting that each case is unique, but also without neglecting the need to bring them back to a broader context. Remembering that ethics is only one parameter impacting peace negotiations and also that there are no easy one-size-fits-all solutions is crucial. It is the reminder that politics and negotiations are fragile, at times nebulous, and always unpredictable in their developments and outcomes.

An additional challenge is that – even though the main focus of this research is on peace negotiations and the negotiating parties – most interviewees have experience from mediation. Third-party mediators can see themselves as elites in the field, overestimating their power in relation to the parties. This power asymmetry could lead to other results than what would have been the case had we had the chance to interview more negotiating parties' representatives. The research does not aim to assess all ethical considerations but, more generally, to find out how experts understand the role of ethics and what ethical challenges are relevant for negotiating parties. Not ranking or assessing those understandings and challenges reduces the risk of coming to biased conclusions about the ethics of peace negotiations.

# PART III: PRESENTATION AND ANALYSIS OF THE RESEARCH MATERIAL

This part presents and analyses the central findings from the data collected in the interviews in order to answer the research questions. The general research design makes an integrated approach related to the data presentation and analysis meaningful. This approach will be discussed as follows.

## 6 Integrated Data Presentation and Analysis

Rather than presenting the data first and then analyzing them in a separate chapter, my approach presents and analyzes the findings together. A separated approach might be fitting for a research design where the data collection is systematized to a high degree (e.g., structured interviews). As stated in the methods chapter, however, my research design was relatively flexible, including interviews that were semi-structured in an almost open-ended format. This format encouraged interviewees to feed on their experience and knowledge. With that, more – and more trustworthy – data was produced than if the research design had set limitations, for example, by offering categories of ethical considerations beforehand. The varied content of the interviews led to an analysis that is more concerned with the content and broadness of the ethics in peace negotiations than with singling out those ethical considerations that come up most often throughout different cases. That some ethical considerations were mentioned by some informants but not by others does not mean that the experts disagree on the general relevance of those considerations. However, it shows that the interviews produced more detailed and meaningful reflections than simply listing ethical considerations inherent in peace negotiations. The abductive approach of the project, going back and forth between literature and (already collected) data material, meant that data analysis was an ongoing part of the data collection. For these reasons, the thesis opts for an integrated approach for the data analysis and presentation.

To avoid presenting all data material in its raw form, analytical steps have been taken to identify and condense the relevant findings regarding the research objective. Even though the analysis should be clear, transparent, and inclusive, “one might not attain much by representing *all* data bits” (Brinkmann, 2013, p. 114). The findings will therefore be presented in themes. The themes that structure the data presentation and analyses are constructed

categories that do not (always) come up explicitly and independently in the data material. Neither do they indicate statistical relevance. Additionally, it is necessary to stress that the data material and the reality of peace negotiations exceed the static concepts which the categories imply.

The following two chapters address the presentation and analysis of the findings displaying experts' perception of the role of ethics in peace negotiations and the main ethical considerations that they identify as relevant for negotiating parties.

# 7 The Role of Ethics in Peace Negotiations

The interviewed experts have different ways of understanding the role of ethics in peace negotiations. While some think that ethics plays no or only a small, subsumed role compared to strategy, power, or efficiency, others see ethical challenges everywhere in peace negotiations and claim that there is too little discussion about it. Thus, experts have different perspectives and highlight different aspects regarding ethics in peace negotiations. The following chapter gives an overview of similarities and differences in the informants' perception of the role of ethics in peace negotiations. Even though there is no universal or common understanding, it is possible to identify themes that come up repeatedly and contain ethical perspectives. These themes, structuring the following chapter, are (1) understanding and approaching ethics in peace negotiations, (2) general remarks on the role of ethics in peace negotiations, (3) the implicit role of ethics in peace negotiations, (4) realpolitik and ethics in peace negotiations and (5) ethics and differing contexts of peace negotiations. No theme aims to generalize or be comprehensive but gives valuable insights into the role of ethics in peace negotiations from experts' perspectives.

## *7.1 Understanding and Approaching Ethics in Peace Negotiations*

In order to map and analyze ethics in peace negotiations, it is necessary to clarify how the interviewees understand, approach, and perceive ethics. That means what they mean with ethics, how they 'fill' the concept of ethics, and how they approach it related to peace negotiations. On this basis, ethical considerations can unfold later.

One interviewee underlines that participants in peace negotiations

> "explicitly or implicitly take [their] own ethical reflections as basis for [their] doing" (Expert 5).

That shows the relevance of and need for critical reflection and self-awareness of the negotiating parties regarding their understanding of ethics. However, some informants say they had not previously placed their negotiation experience in an ethical context. However, they appreciate the possibility of reflecting and systematizing their experience through an ethical lens in the interview (Expert 4, Expert 14, Expert 16).

Some interviewees express the wish for a broad and open definition of ethics to maximize possibilities and/or prevent constraints due to ethical standards (Expert 10). In line with that, one informant claims that

> "ethics for negotiators means concessions" (Expert 13).

That shows that some negotiators associate ethics with narrow ethical and moral standards that question whether they behave fairly toward their counterpart. Therefore, they experience ethics as limiting, leading to concessions. In that sense, ethics is often understood in a negative light. Thus, parties wish for external strategic support to strengthen their positions, whereas discussions about ethical considerations are perceived as possibly weakening their positions (Expert 13). Having said that, it is reasonable to ask, even given a certain skepticism towards ethics, whether there needs to be a certain degree of ethical behavior guaranteeing an atmosphere of respect. This point makes one interviewee asking how low the ethical bar can be set to make reaching an agreement still possible. He argues that the parties' awareness of an ethical standard in peace negotiations is crucial, especially concerning the possibility of reaching an agreement. Therefore, setting such a standard is a matter of consequentialist ethics for him. With that, he draws on the attempt to aim for the least bad consequence, including second-worst or less bad results (Expert 11). Such results lower the ethical standard in peace negotiations as they do not pursue the ethically ideal outcome but tradeoff ethical values for the sake of an agreement. In such cases, a clear ethical frame would ensure that there are limits to how much the ethical standard can be decreased. Also, another informant categorizes the ethics of peace negotiations as a consequentialist approach. She describes this approach as classical, realist, and utilitarian as it leads negotiators to consider questions about the costs of their actions, such as tit-for-tat games or sanctions (Expert 13).

Another understanding of ethics that appears in the interviews can be subsumed under deontological ethics. Deontological ethics does not primarily ask about consequences but concentrates on whether an action is rightful or executed in good faith in order to live up to one's duties. The interviewee who mentions this approach relates it to work ethics. He understands its implications for the job of a negotiator as similar to other professions and, thus, less worth engaging (Expert 11). Another reason why the informants do not understand deontological ethics as relevant in peace negotiations could be explained by a common asymmetry inherent in peace negotiations, which puts more weight on the result (consequences) than the process of the negotiations as such (Expert 5). Therefore, discussing the consequences is more critical for the informants than discussing the process and actions as such.

A third approach to ethics that one informant proposes is a sort of ethical pragmatism. This approach makes clear that, most importantly, negotiating parties need to abstain from idealistic maximalism but acknowledge grey areas appearing in peace negotiations (Expert 14).

Lastly, one expert highlights an approach to ethics in the tradition of Socrates as

> "questions that one has to ask oneself and […] others" (Expert 4).

Formulating questions opens diverse possibilities for dealing with ethical issues throughout the negotiation process. It also allows ethics to be a flexible concept, not understanding it solely in the light of consequentialism, deontology, idealism, or concessions. This view emphasizes what we might call the ambivalence of ethics, holding that ethics cannot and should not be understood as something static. The ambivalence of ethics makes it necessary to understand the experts' perception of ethics as a starting point. The following subchapter continues to lay the ground for this approach by discussing general comments of experts about the role of ethics in peace negotiations.

## *7.2 General Remarks on the Role of Ethics in Peace Negotiations*

Throughout the interviews, several interviewees make general remarks on the role of ethics in peace negotiations. Expert 13 emphasizes that it is necessary, besides describing particular ethical challenges, to acknowledge the general notion of dilemmas in conflicts.

Acknowledging those would normalize dilemmas and, with that, legitimize ethical questions that are at stake in peace negotiations. This interviewee describes the notion of ethical questions as being related not only to ethical dilemmas but also as appearing in the form of costs. Such costs can be material, humanitarian and/or normative (Expert 13). Also, another informant mentions the relevance of normative costs and the understanding of ethical components as part of the tradeoffs inherent in peace negotiations (Expert 5). With that, the role of ethics gets legitimized and sorted as an equal component at stake in negotiations as material or humanitarian elements.

Additionally, some interviewees address a diverse understanding of the role of ethics in the process of peace negotiations. Due to the changing role of ethics throughout a peace negotiation process, the informants argue for the need for participants' awareness of ethics. One example of the changing role of ethics is related to ethical questions regarding trust. Building trust is crucial at the beginning in order to set the tone for the negotiation process. A failure to build trust in the first place makes the construction of trust challenging in the later stages of the process (Expert 13). The example of ethical questions revolving around trust implies a need for the negotiation parties to understand the different process phases and the relevant ethical questions that the different stages comprise.

The interviewees underline that the role of ethics impacts the process. One informant continues this argument by stating that the process does impact the result and the impacts of the results (Expert 5). Simultaneously, an ethically fair process does not automatically lead to an ethical, fair result if it does not take the substantial issues seriously. The same interviewee emphasizes that negotiating violent conflict implies a certain urgency and, thus, is asymmetric by putting more weight on the result than on the process itself. He emphasizes, though, that

> "of course, this hasn't nullified the importance of the process" (Expert 5).

Nonetheless, it means that specific issues need to be prioritized to make peace negotiations feasible. He compares the negotiation process to the (un)packing of a car:

> "How much weight can you put on the car and it, you know, keeping it going still and not standing still, you know, and then when you start to take weight away, you know, where will you start? And maybe you don't know the exact weight of whatever good you're taking away. And so, in the end, you might be unloaded the wrong way. So, you might

> have left certain things on there and it wouldn't have mattered. But you don't know. So, and there are ethical issues, of course, come in because they might help you, you know, just get your priorities, right?" (Expert 5).

This statement states the view that peace negotiation processes are packed with issues regarding substance and format, including ethics. It also shows that there is a limited number of issues a negotiation process can include in order still to work toward an agreement and not only sustain itself. Ethical standards can support setting the right priorities as to what to include. Another informant emphasizes that agreeing on those priorities – and reaching agreement on them – is challenging. This can be the case due to differing standards of (in/)appropriate behavior (Expert 7). One way of handling this challenge is to prioritize ethical principles related to the conflict's core aspects. One expert claims that everything else solely complicates and reduces the chances of reaching an agreement (Expert 5).

Another interviewee comments on the general role of ethics in peace negotiations. She sees it as a problem that the space for discussing ethics in peace negotiations and surrounding debates is very limited (Expert 4). The goal of talking about ethics, she underlines

> "is not to replace strategic considerations, but really, you, know, fill in that void which exists and which, in my opinion, contributes […] to the difficulties that we have in engaging in certain types of conflicts" (Expert 4).

In line with this research project, the interview quote emphasizes that negotiations require a certain ethical language, which does not reduce the importance of strategic and substantial considerations but sets ethics beside them as an additional, independent parameter inherent in peace negotiations. The following subchapter considers the question of a specific ethical language by investigating the implicit role of ethics in peace negotiations.

## *7.3 The Implicit Role of Ethics in Peace Negotiations*

> "I think [morality] does [take a stance] through the back door, and let me explain what I mean. […] [T]here are positions where you can see that there is a moral dilemma involved in decision-making. For instance, you know, when parties find themselves forced to be sitting at the table with somebody or, you know, with someone who they know has committed heinous crimes. And you can see that, you know, you can see their

> cringing and they will argue with actually very often in strategic terms but you can see in the emotions when they talk about it that there's more than just the strategic" (Expert 4).

This interview quote illustrates a point that several informants make: Ethics is often not explicitly mentioned or labeled in peace negotiations. Nevertheless, the interviewees emphasize that ethical considerations are always present (Expert 4, Expert 5, Expert 8, Expert 13). One reason for the implicit role of ethics is, for example, that

> "ethics of such are not in the vocabulary in the field" (Expert 13, also mentioned by Expert 8).

Even though participants in peace negotiations do think about ethics, they name it differently and, for example, remain within a language of strategy, rationality, logic, or efficiency:

> "[N]o one will say, or very few people will say, this is the right thing to do. They will say this is the logical thing to do. They will say this is the thing that will allow us to move further" (Expert 4).

Later in the interview, the expert relates this behavior with negotiating parties' socialization in a society valuing rational arguments over emotions or ethics (Expert 4). Thus, according to the informant, language and socialization can cause an ethical void in peace negotiations.

Two interviewees describe that negotiators mention ethics as explicitly as possible when discussing history, (historical) justice, and reparation (Expert 4, Expert 5). Related to these topics, negotiators articulate a

> "moral fiber of [being] wronged" (Expert 4)

as their positions mirror lived experience and not simply theoretical principles. With this, the ethical dimension then relates to the demands or claims of negotiating parties:

> "[T]hey want to be, you know, things to be settled, to be reviewed, to be, you know, revenged, to be to be put right. And this is justice for them. And I think any claim on justice has an ethical component, at least implicitly" (Expert 5).

Interestingly, one interviewee compares the implicit role of ethics to the war and peace talks between Russia and Ukraine. She clarifies that the explicit expression of ethical issues from one side does not make a process more ethical – especially when the other side does not acknowledge or consider those issues. Additionally, the ethical framing of a conflict or a negotiation process cannot take the (historical) responsibility for the conflict from a party. It, thus, is not a mechanism of acquitting oneself of ethically challenging practices during a conflict. She says:

> "[T]hat's one conflict where you know, ethical issues are being expressed very openly, but oddly enough, that doesn't change anything in terms of responsibility for the war, but they're considered from one side, but not necessarily from the other. The understanding does not extend to both" (Expert 4).

That shows that articulating and framing ethics explicitly is not an end but can be the means to more comprehensive and effective peace negotiations. When both parties acknowledge and are open to exploring, working further, and dealing with the articulated ethical considerations, some informants hold that ethics can have a positive, supporting effect on peace negotiations. Nevertheless, other interviewees are more skeptical about the relevance of ethics, especially in the face of political realism. The following subchapter explores this understanding of ethics more deeply.

## *7.4 Realpolitik and Ethics in Peace Negotiations*

Is there an area where ethics and politics overlap? One informant states that there is (Expert 11). This understanding of ethics concerning the broader frame of politics differentiates between ethics and politics, claiming that they overlap in some but not all areas.

In line with that controversy, this subchapter explores how experts perceive the role of ethics relating to what we often call *realpolitik*, including rationalist, realist, pragmatic, and practical concerns. It also touches on issues of efficiency, legality, and a focus on the outcome.

To begin with, several interviewees claim that ethics is solely a secondary aim or driving force in peace negotiations. They understand it as a

> "secondary backup, not necessarily the key position" (Expert 10).

The interviews cover a range of principles set up against ethical ones. One counter-principle to ethics is strategy, that is, the parties' wish to achieve in negotiations whatever they did not achieve on the battlefield (Expert 10). This includes a wish to reach and maintain strong positions within the negotiations (Expert 13). Another interviewee, however, clarifies that positions related to strategy can be multilayered and may include an ethical dimension, for example, when a party's representative considers that s*he speaks on behalf of a community (Expert 4). Another reason for the secondary attention to ethics is the question of 'legality versus morality' (Expert 10). Here, the fear of impeachment regarding legal aspects outplays the attention to ethical considerations. The same interviewee arguing for this sorts some questions, such as when parties should stop engaging due to lack of support, as purely practical or pragmatic and, thus, non-ethical (Expert 10). Another informant argues that many today are socialized to a rational bias which damages peace negotiations because it prevents participants from seeing an ethical dimension (Expert 4). For her, this ethical dimension is filled with histories, emotions, and traumas. As we have not learned how to engage with those, peace negotiations can become

> "a cold-blooded kind of rational enterprise" (Expert 4).

A quote from the interview with Expert 11 illustrates another principle that can be set up against an ethical dimension: power. The informant argues that the logic of power eventually trumps all ethical principles:

> "You might say we're doing this for the liberation of our people. We're doing this for God. We're doing this for democracy. We're doing this for whatever, but the most powerful of the informing logics of every negotiation in which I've been is the logic of power" (Expert 11).

In line with this quote, two informants mention that some parties express ethical or moral issues in speech but rarely apply them in practice (Expert 10, Expert 11). They say that especially participants with a religious education phrase things by referring to ethical/moral standards or references but that such use of ethical language is not the same as actual engagement with ethical questions. Another informant says that weaker parties latch on to normative and ethical arguments due to a lack of leverage on strategic issues. That would be a

strategic use of ethics (Expert 4) related to power inequality. It fits well with the understanding of another interviewee who says that

> "we all dress up our interests and our positions in cloaks of principles or ethics and so on" (Expert 8).

These examples illustrate an explicit usage of ethics in peace negotiations. However, the role of ethics would then solely be to reason and frame the parties' positions and interests in ways that make it more likely for them to be considered.

Nonetheless, experts report that processes are very diverse. While some peace negotiations consider an ethical dimension in one way or another, others

> "look like […] crass realpolitik" (Expert 4).

Another informant adds that the parameters can shift even within one negotiation process and that parties, thus, constantly need to explore

> "which part is ethical and which is real, just real unethical - how do you say? - amoral in the sense of realpolitik" (Expert 7).

This interviewee links the shift from ethical to amoral negotiations to mistrust and skepticism between the parties. This again leads to uncivil behavior and parties acting up to provoke or ruin the process, maybe with the aim of going back to war (Expert 7).

Interestingly, the same interviewee argues that much of what is labeled 'amoral behavior' are actually negotiation and bargaining tactics:

> "Like, you don't put all your cards on the table right away, right? You need to barter later on. […] So, because we kept some cards to ourselves, so that we can use these cards later on when we have to give up something and we can pull it. I mean, this is negotiation, is that unethical? We were not exactly lying. We will just be dragging our feet. Or maybe we will be putting it, sort of, be at the the end the list. […] So it is that ethical? Is that unethical? It's a bargaining strategy" (Expert 7).

She argues that this is necessary for negotiations and used by both sides.

Interestingly, especially in relation to the question of ethics versus realpolitik, the interviews show a variation in gender. Male experts more likely refer to an 'either – or' of strategy and efficiency or ethics. With that, ethics is described as more static, taking a back seat in peace negotiations. Female interviewees, however, illustrate a more ambivalent picture arguing that many things are at play simultaneously. One even criticizes that efficiency/strategy/realpolitik takes over due to socialization and bias (Expert 4).

In sum, the discussion and differing opinions of experts illustrate that peace negotiations are informed by different, intertwined principles and parameters related to political frames, legality, strategy, and ethics. The interviews thus show that it is impossible to draw a clear line between ethics and realpolitik, yet the distinction is useful for analytic purposes.

The following subchapter discusses how the experts emphasize that the role of ethics in peace negotiations depends on the specific context of a negotiation process.

## *7.5 Ethics and Differing Contexts of Peace Negotiations*

Several interviewees emphasize that peace negotiations are highly dependent on their context. Ethics is, thus, a changing parameter. One interviewee formulates it as follows:

> "Who set up the norms, how are they being used? […] And for what ends? […] It's of how – I say – you dance with them. You dance with the norms, it's it's a tango and the tango, I mean, it depends on the music. And the question is, who is the disc jockey? Who is, who are the musicians? Tell me who the musicians are and I will reply to you. […] We can discuss a lot of examples, but at the end of the day. Contexts are changing, norms are changing and and the music is changing, and that changes everything" (Expert 12).

This quote illustrates that ethics in peace negotiations continuously develop, change, and differ for two reasons: Firstly, the ethical question will differ depending on the background to and cultural context of a conflict. Each conflict is unique in its political and cultural setting and, thus, is described by a unique understanding and set of norms. Therefore, some things may be viable in one peace negotiation but not another. Moreover, one interviewee with experience as a representative of a negotiating party reports that they

> "had to deal with different, say, cultures et cetera, maybe different standards of what might be appropriate, inappropriate behavior" (Expert 7)

within the same conflict. Secondly, as geopolitics change, so does the field of negotiation, the role of norms in international relations, and the political climate generally. That impacts, forms, and transforms the role of ethics in peace negotiations. One informant, therefore, requests a sort of realism and challenges participants in peace negotiations to

> "live in the real world and and adjust, and obviously what you could do in Syria is not exactly what you could have done in Bosnia-Herzegovina. Despite Srebrenica. So, you see, contexts are different, period is different" (Expert 12).

Another informant emphasizes that peace negotiations are not self-contained processes but relate to the conflict and political surroundings. That means that no party would agree on a change of position, agenda, or compromise only for the sake of the ethical argument:

> "[The parties] wouldn't, for example, compromise simply out of moral concern, because they know that even if they believe that they should give in to the other side, they will not" (Expert 10).

Thus, ethics is solely used when it fits the frame and promises a better outcome. That relates to the common understanding of peace negotiations being more concerned with the outcome than the process (Expert 5).

The differing contexts of peace negotiations lead to the question of generalization: Is it possible to generalize about ethics in peace negotiations when settings, periods, and contexts differ? One interviewee states that

> "there are no general cases, there are only specific cases" (Expert 11)

and that he can only draw from the experiences in which he has directly been involved. Other informants argue the opposite, underlining that there is much to learn from conflicts and negotiations that have taken place in settings other than one's own:

> "I think it is really important to be able to to overcome this idea that every conflict is so special and so unique. […] And there is a point in talking to people in different national settings and very different conflict settings because some issues in the negotiations will be very, very, very, very similar to some of the things that I've just said, you know, the question of whether to negotiate at all. The question of how to relate to the counterpart. The question of how to deal with differences within your own group and past potential

> spoilers and sabotage on all sides. So, I think there are issues that are that are more similar than different between conflicts" (Expert 14).

This interviewee mentions different ethical considerations that she sees coming up similarly in different negotiation contexts. Those include questions on whether to negotiate, relationships and differences within and between the counterparts, and trust-building (Expert 14). Also, Expert 13, who claims that generalizations are possible, albeit difficult, refers to trust-building issues as an example of issues that can be generalized.

A last controversy regarding the role of ethics and the context of peace negotiations relates to issues of the Global South/Global North. One informant criticizes Western approaches and norms, such as liberal peacebuilding or inclusion, being imposed onto non-Western contexts, trumping local approaches (Expert 4). That is mainly the case in negotiations involving third-party mediators. As the current trends show, more than 80% of the cases of peace negotiations involve third parties (Navarro Milián et al., 2021, p. 8). However, this number does not include information about the local background of the mediator (Global South/North). Thus, it is difficult to say how far Western third-party mediators impact peace negotiations in an ethically challenging or problematic way, even though the interview informant argues that way.

This subchapter shows that the role of ethics depends on the broader context and time period of a negotiation process. Thus, specific cases and the changing of global politics matter. However, some experts emphasize that certain ethical issues are relevant across different cases. Identifying these, and balancing the general role of ethics and the role of a changing context, is challenging. The following chapter attempts to do exactly this by mapping the main ethical considerations that experts identify in peace negotiations.

# 8 Main Ethical Considerations in Peace Negotiations

This chapter builds on the previous chapter, which analyzed and presented experts' understanding of the role of ethics in peace negotiations. It moves further to the second research question referring to the main ethical considerations that experts identify as relevant for negotiating parties in peace negotiations. Those ethical considerations are categorized into five dimensions in accordance with the situated holism framework (*positions*, *participants*,

*practices*, *procedures*, and *principles*) (Lidén & Syse, 2021). A further categorization into inductive themes divides the subchapters.

Before analyzing and presenting, it is important to stress that the five dimensions and, thus, the themes and ethical considerations are interdependent and interconnected. As explained in the introduction to the framework (chapter 4), the categorization is constructed, and all ethical questions, in practice, are related to all five dimensions. Therefore, the presentation and analysis focus on the substance, not the categories themselves. Additionally, it includes reflections on different angles of the ethical considerations, which imply their mapping in several dimensions and offer topic links. The exercise of relating ethical considerations to all five dimensions is necessary as it clarifies the limitations of the analysis framework. It also illustrates that ethical challenges always imply several perspectives: What seems right from a perspective of positions might be unethical from a participants' perspective or impossible from a practical point of view.

A table illustrating the final stage of the analysis process is attached in the Appendix (E Main Ethical Considerations). It gives an overview of the last stage of the analysis, illustrating the main ethical considerations, underlying themes, topic links, and where the dimensions overlap.

## *8.1 Positions*

Before signing an agreement, the negotiating parties reflect on whether the agreement accommodates their *positions*, that is, their claims and demands. The positions of the participants of peace negotiations are strategic but also involve several ethical considerations. Those relate, for example, to peace and justice, asking whether or how far negotiating parties can compromise on positions of justice and peace for the sake of reaching an agreement. Compromising justice and peace is a balancing act, describing a dilemma: "when the two options are to either succeed at an imperfect deal or fail at a perfect deal, neither are optimal" (Jensehaugen, 2022, p. 5).

Considerations revolving around positions also touch on mandate and representation issues that negotiating parties face. It is, for example, not unusual for several armed groups to become one umbrella negotiating party in a peace process.[6] Then, many different positions are collected within 'one' negotiating party, leading to ethical challenges regarding the negotiators' mandate and the different groups' representation. How to balance the different demands of the groups and ensure they are equally represented in the negotiations?

The following subchapters explore the interviewees' perspectives on these themes.

### 8.1.1 Peace and Justice

Peace and justice considerations account for the largest amount of data collected in the interviews. This illustrates the topic's relevance and that the negotiating parties' positions and claims hinge on their definition of justice and peace. Reflecting on positions of justice and peace includes strategic concerns, weighing up which demands are likely to be met and, thus, make the peace process efficient and successful. However, they include a number of ethical challenges as well. The following subchapters present and analyze ethical considerations regarding compromises on justice for the sake of peace, the ethical dimension of violence during negotiations, and the transition from war to peace.

#### 8.1.1.1 Compromising on Justice in the Name of Peace

Reaching a peace agreement always includes compromises. Negotiating parties need to compromise on many aspects, including peace and justice. So, they need to ask themselves how much they can compromise on justice and peace in the name of peace (Expert 4). Which claims and demands to put first? Are there any baselines or red lines negotiating parties cannot compromise about (Expert 7)? Is it ethical to make agreements that lead to less violence but unjust societal circumstances (Expert 8, Expert 11)? Does the end justify the means (Expert 5)? Is it better to bend legal systems to include parties to reach an agreement or to continue with violence (Expert 8, Expert 14)? These questions were raised by six of the ten

[6] This was, for example, the case in Guatemala where four different guerilla organizations (the Rebel Armed Forces (FAR), the Revolutionary Organization of Armed People (ORPA), the Guerilla Army of the Poor (EGP) and the Guatemalan Party of Labor (PGT)) united under one command (the Guatemalan National Revolutionary Union (URNG)) during the war in 1980. This united front existed further throughout the peace negotiations (Hauge, 2003).

interviewees. Two interviewees reflect further on them, including the dimension of the outcome of negotiations.

> "[…] differing notions of, you know, of what norms and values they're trying to push and claims to justice, redress of grievances and what have you. And here one of the ethical, I think, considerations is to what extent in the name of peace they can actually compromise on these issues? So, I mean, we often talk about the justice stability from the perspective of interveners, but I think that there is a real ethical dilemma for the negotiating parties, particularly for those negotiating parties which come to the table in a weaker position. Because they're pressured to make compromises, which they often for ethical reasons, having to do with, you know, the way in which they see themselves as representative, et cetera, of communities they have difficulty making. And I do think that it becomes a problem when - and that's going to be kind of it an aside - but when negotiators and some of the negotiators and some of the mediators are more interested in an expedient outcome. Because that does not allow the possibility of actually delving into these issues and puts pressure for quick solutions to very complex problems" (Expert 4).

> "Maybe even for, you know, transcending certain principles for the sake of, in the name of everything personalized through in their own body and soul and and implement it for for the greater good and - So, there is, I mean, one could label it as a solution driven endeavor and which which makes some of these persons maybe even go beyond what they would dare to do otherwise - that's what I meant before - assuming implying that the end justifies the means" (Expert 5).

These quotes illustrate a link between positions on justice and peace and the outcome of peace negotiations. They reflect on challenges arising when negotiations become too outcome-driven and do not allow for ethical discussions about peace and justice. Instead, it pressures the negotiating parties to move forward and agree to quick compromises to which they would usually not have agreed. These reflections are highly interesting as the literature's focus on ethics is often related to efficiency and the outcome of negotiations.

Another consideration framed in the interviews is whether it is ethical to make agreements that lead to less violence but unjust societal circumstances (Expert 8, Expert 11). This widens the reflections to issues of representation and participation: How to reach an agreement that is ethical for the greater society? And in which ways to consider those affected by such an

agreement who are not present in the negotiations? While these questions include positioning of the negotiating parties, they could similarly be categorized in the dimension of *participants*.

One informant reflects on the implications of compromising on justice and peace from the perspective of the conflict party that causes the violence (armed groups). The ethical considerations are, here, not only linked to societal good but to the difficulty of compromising on definitions of justice and peace generally. In order to conduct negotiations successfully, it is significant to take the positions and understandings of both parties seriously. The armed group's possible ethical challenge related to peace and justice can be framed like this:

> "And on the other hand, for an armed group which have been fighting for many years, they often in my experience, have a very articulated view on their own history, background and, you know, the military campaign that have been driving them, and the injustice they've been fighting etc., somewhat separate from reality as seen it from the from the outside, but they also understand that they will need to compromise that this in some way a betrayal , not to democracy, but a betrayal to, you know, their their ideas and the sacrifice that they and their comrades have been have been undergoing for years and maybe decades" (Expert 8).

Justice can, thus, also be a reason to continue violence. This tradeoff of stopping the fighting for the sake of justice makes sense to parties when negotiations promise more justice than violence.

Another ethical angle on the question of compromising on justice for the sake of peace can be the question of the second worst or less bad outcome: Is it better to strive for a less bad outcome than no agreement and a worse outcome? Two interviewees take up this issue by relating it to questions about letting go of principles by agreeing to a deal that involves a bad outcome. The first interviewee compares the situation in Ukraine with agreements between Czechoslovakia and Germany in the Second World War. The second interviewee talks about the issue less drastically, questioning a gender issue she experienced in negotiations.

> "And so, the Ukrainians, ethically and politically are very aware that a bad deal might be preferable to no deal and but that a deal means various things that are a little bit like Czechoslovakia with Hitler in 1938. You know, it might involve at least some de facto

> acceptance of a very basic outrage against the international system. You know that a part of the territory should live under the occupying invasion force of a neighboring country. So anyway, so I think, the, at least the negotiators I am most familiar with at the moment are very aware, at least of the ethical and slash political tradeoff between what you might think of as minimum standards in international law and the real alternative to not making any deal at all" (Expert 11).

> "There were some issues that we had to let go, to the extent that we felt that we did not do enough, but meaning in that sense that we might not have fulfilled some of the expectations also of the other groups, for instance, gender issues" (Expert 7).

As illustrated in this chapter, the data material includes diverse reflections on ethical considerations related to compromising on peace and justice. The challenge of compromising in peace negotiations is a strategic concern weighing up which positions a negotiating party wants to emphasize or can let go of. However, compromising and the overarching questions of peace and justice involve an ethical dimension, including, amongst others, dilemmas of red lines, definitions of justice and peace, and the tradeoff of violence and justice or less bad outcomes. The following subchapter explores the role of violence during negotiations.

#### 8.1.1.2 Violence During Negotiations

As mentioned before, peace negotiations are an endeavor to trade violence for peaceful agreements. However, in most cases, violent conflict occurs when negotiations begin. Violent action and fighting during negotiations are, thus, an issue to debate in many negotiations. Violence can be used strategically to support or spoil negotiations. Moreover, it includes an ethical dimension asking whether it is right to continue fighting while negotiating.

Violent conflicts imply a certain urgency to stop the violence; thus, the discussion involves debates on implementing ceasefires. Four interviewees raise this topic as an ethical consideration during the interviews mentioning that – even though this seems counter-intuitive – stopping the violence and implementing a ceasefire as soon as possible is not always in the interest of the conflict parties (Expert 4, Expert 5, Expert 8, Expert 17). This is the case as conflict parties regard their reasons for violence as just. One informant puts it like this:

> “this idea about stopping the fighting as quickly as possible could be seen as not adequate by parties in the conflict, and I think we witness this now at another more general level in regard to discussion in Ukraine. I mean, when, I mean, I'm not a mediator in Ukraine, but I'm talking with different people about it. And that and you do find many, many actors who think it is now legitimate and even ethically justified to fight. […] So, I'm now not taking side on one or the other, but I mention this to underline the point that, you know, stopping violence as soon as possible by any possible means may not be, also from an ethical point of view, the first priority in the sense of conflict parties” (Expert 5).

Another reason for parties hesitating to stop violent conflict during negotiations could be the fear of a ceasefire causing more harm than good in the long run. Possible spoilers could lower the trust between the parties and generally decrease the (public) support of the peace process. With that, they could have a contrary effect than anticipated. One informant explains:

> “another example, which I've been faced with many times is ceasefire, you know, we have to have an early ceasefire because people are dying in the conflict. And then of course, it's very difficult to tell people that - oh, I think that's a bad idea. We need to allow this conflict to continue for some time because if you impose a ceasefire now, you will lose legitimacy in parts of the of the - the process will lose legitimacy in parts of the population. So, you need to let the conflict continue for some time while the parties negotiate solutions, which they can present then in order for - And because of those results they can present to the public, it's easier for everyone to understand that we need the ceasefire. […]in many places, many places […] the voices for an immediate cease on violence is very strong. But it's really counterproductive” (Expert 8).

> “But there's also always a risk to that because you have ceasefires that are limited in time and probably also negotiated very quickly, where you have have limited verification mechanisms. That's often a recipe for a breach of that ceasefire, and that will often lead to the opposite of what you want. You will have one failed early ceasefire, it will be more difficult to get the good negotiated ceasefire later on. So, it's yeah, it’s complicated” (Expert 8).

Another interviewee reflects further on a possible way of handling the ethical implications of violence during negotiations. He proposes that negotiating parties blank out the fact of violence on the ground from the negotiations in order to

> "negotiate […] as if we're not fighting […] we negotiated as if there's, as if there is no war" (Expert 17).

That may seem ethically wrong as it invites escapist negotiations. However, it can instead function as a sort of ethical pragmatism that focuses on the actual process and avoids negotiations being pushed or controlled by current violent outbreaks. In this way, the political negotiations are put to the center, making them lead and control the use of violence on the ground in the long term. He claims that – with the political negotiations in focus – violence will naturally decrease over time as faith in the peace process increases:

> "But here, the more, the more interesting point, which I think, which is a big one is how you actually coordinate in the negotiations the political agenda of negotiations with what happens in the battlefield, […]. - in my view, it's always better, I emphasize this is not an absolute rule, but it's always better to let the political negotiation lead and set the pace and behind this make decisions on the use of force" (Expert 17).

> "But then, as agreements piled on each other, […] then naturally the intensity of hostilities went down because everyone starts to understand this is actually serious, this is actually moving forward. And as everyone knows, nobody wants to be the last dead man in the battlefield, so naturally, the temperature starts going down. Why? Because the negotiations are moving forward" (Expert 17).

Considerations around the tradeoff of violence for justice and peaceful agreements include several ethical perspectives. The awareness that ending violence as soon as possible is not necessarily in the interest of negotiating parties is central to understanding the ethical dimension of justice, peace, and violence. It illustrates that negotiating parties' positions are often more concerned with questions of justice than violence. Thus, the reflections on the political process of negotiations and the danger of violence on the ground overruling this process are insightful.

Implications regarding the transitioning from a violent past to a peaceful future are discussed in the next subchapter.

#### 8.1.1.3 Transitioning from War to Peace

Peace negotiations aim to transition from a violent conflict to a peaceful agreement. Therefore, they describe the tension between the past and future, between ending the war and

setting the terms for a peaceful future. This tension includes ethical perspectives and challenges related to questions of peace and justice during the process. In what way must the consequences of the conflict be included in the negotiations? That involves, for example, a perspective of transitional justice on victims' inclusion, accountability issues, and questions of amnesty versus no impunity. It also includes the challenge of balancing the urgency of violent conflict and the need for comprehensive agreements, which are complex and time-consuming.

One interviewee highlights this tension especially: How can negotiations transform society and individuals for the future while holding participants of violent conflict accountable for their past actions? He says:

> "there's another tension. Which is the tension between - if you want to think about this ethically - between a person being accountable for the crimes you may have committed in the past in a negotiation versus a person being given the opportunity […] to transform himself. And if you like, earn the trust of society. And bring these two things into balance. And when I say transform himself, I'm thinking mostly about the issue of allowing that person to participate in politics, by the way, you cannot do a negotiation with a guerilla unless the deal is that they're going to transform themselves into something else. They're not going to jump off a cliff. They're going to become a political party. But this this immediately comes into tension with this idea of accountability. How to do those two things at the same time, it's almost impossible" (Expert 17).

The interviewee explains that one way of dealing with this ethical challenge is by being aware of legal restrictions and human rights statutes. This awareness can, for example, be translated to including victims in the negotiations. Victims' inclusion can be a practical and concrete way of addressing justice, truth, the past, and related accountability issues. Addressing those can lead to more comprehensive peace agreements than blanket amnesty. The informant describes a practical way of including victims' rights in the negotiations. His reflections make clear that those questions are as related to the dimension of *procedures* (agenda, strategy, quick solutions versus comprehensive agreements) and *principles* (agree on principles) as *positions* (compromising in the name of peace):

> "The first thing we did, our first suggestion was to agree on a set of principles. Of how to navigate this, of shared principles. So. we've actually managed to do this fairly quickly. And we actually made this public after about two weeks, said, OK, we're going to run

> this, the negotiation around the victims guided by these 10 points. And this included, first of all, the acknowledgment of the victims, acknowledgement is, as you know, a very big thing. Number two, acknowledgment of responsibility, a commitment to acknowledge responsibility. […] And the third was, honoring victims' rights, truth, justice and reparations and guaranteeing that there's no impunity" (Expert 17).

Interestingly, including victims in the negotiations also has another dimension: It takes responsibility from the representatives of the conflict parties towards the victims as bereaved individuals and substantial issues of reparation and transformation. With this, the peace process receives another level of legitimacy.

> "But it also, and I've seen this, it also is a very effective way of trying to protect a peace process. You sort of push the victims in front of you. It's not about us. It's not about us trying to divide up a cake and this table, it's about giving, providing rights to the victims. That's what we're doing. And how dare you criticize us" (Expert 8).

The interviews show that negotiating parties must reflect on the tensions of transitioning from a past of conflict to a peaceful future and that those, especially related to amnesty and accountability questions, include ethical questions throughout the terms of negotiations.

#### 8.1.1.4 Concluding Reflections on Peace and Justice

The ethical considerations that experts identify revolving around peace and justice are numerous and diverse. This research has categorized them into the dimension of *positions* following the situated holism framework (Lidén & Syse, 2021). However, as explained earlier, the framework emphasizes that each ethical question relates to all dimensions, depending on the perspective the question takes. Therefore, the pentagon illustration (Figure 4) summarizes the different ethical considerations discussed in this chapter and shows how they hinge on the remaining four dimensions (*participants, practices, procedures,* and *principles*).

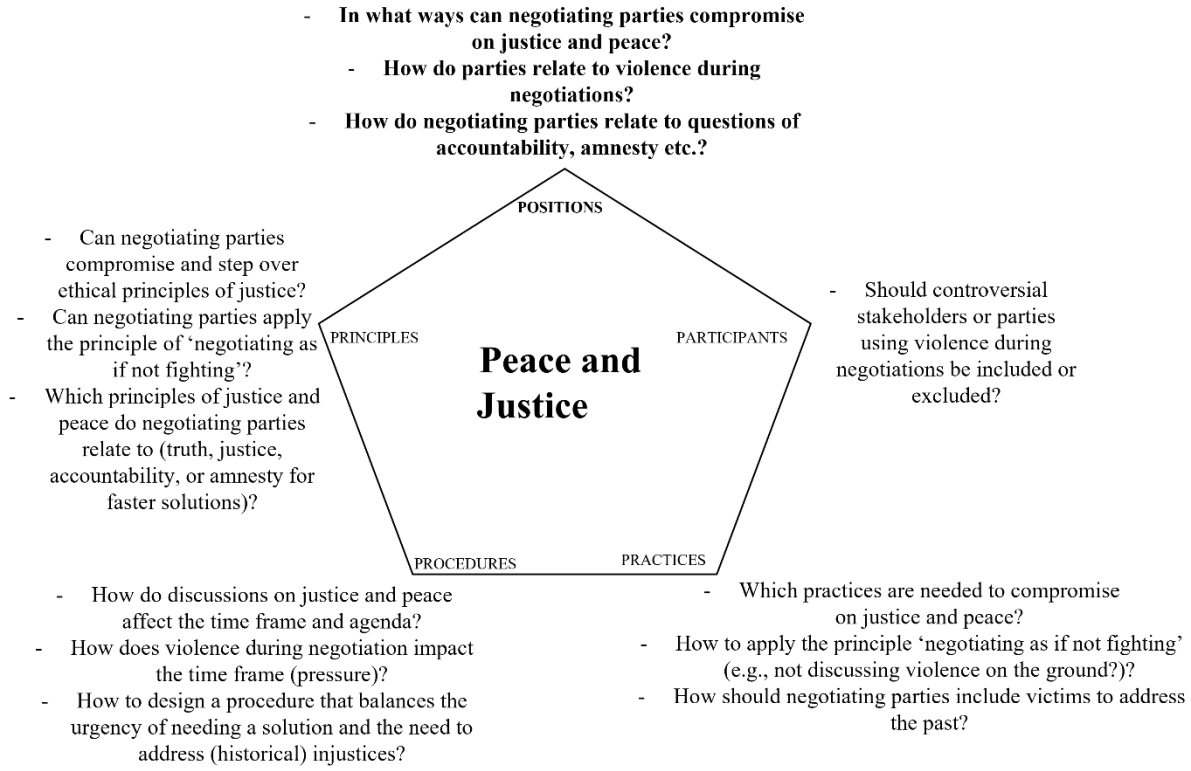


*Figure 4: Pentagon 1. Ethical considerations of justice and peace as they relate to all five dimensions of the situated holism framework.*

So could ethical considerations regarding peace and justice similarly be discussed by reflecting on the inclusion or exclusion of violent actors (*participants*) or agreeing upon and practically applying the principle of 'negotiating as if not fighting' (*principles*). Violence during negotiations might also increase the pressure on negotiations and, thus, lead to an updated time frame (*procedures*). Lastly, it includes practical questions of, for example, how to include victims in the negotiations (*practices*).

### 8.1.2 Mandate and Representation

The parties' positions are deeply related to their mandate and negotiators' representative role in peace negotiations. Balancing the limitations of one's mandate and the back and forth that negotiations demand is a stretch. A broad spectrum of representation also makes it ethically challenging for a negotiating party to accommodate all demands and opinions.

Negotiators often come to the table with already fixed minimum and maximum positions. This is common as a party consists of many people needing to agree on their claims, demands,

and red lines before entering negotiations. Doing so is a common strategy for ensuring that one does not lose one's positions or preferences. Two informants reflect on it:

> "you represent one of the sides and before coming, before engaging with the other side, you've already discussed what to say, your minimum and maximum negotiating positions. And therefore, yes, there's there's a technically […] technically, negotiations are supposed to be about hearing from the other and then mulling over each other's positions and then making decisions on that on that basis, on those basis. However, realistically, if you want to finish something before coming to the table before coming to the peace talks, you have a set position. […] So basically, what they're trying to do is to steer conversations or steer realizations towards your preference, your side's preference. So, those things are are pretty basic in in in negotiations, especially one where an entire bureaucracy from one end is involved and on the other end" (Expert 16).

> "When we face them at the table, we have certain parameters that was already processed within the government because the president don't propose anything that the concerned Cabinet Secretary has not agreed to, which meant that we've already done our groundwork with all of these cabinet secretaries -Whether it's a tax issue or it's a transportation, regulatory issues relating to transportation, mining, etc., etc. everything we've already processed that government official concerns, so that when the president convenes everybody together with his cabinet and we discuss the issues on the table and we make our proposal, the president will either have to say yes or no or modify it in front of the whole cabinet. Of course, there will be still be a lot of discussion, the legal issues and all of that. So, when I go to the negotiating table, I have these set parameters" (Expert 7).

Even though set positions are common, one can argue that they are against the very definition of negotiations. Negotiations should be shaped by listening, arguing, and going back and forth between the different positions at the negotiating table, the own conflict party, and the public that negotiators represent (Expert 16). Thus, it is an ethical question whether it is right to enter negotiations with fixed mandates.

Negotiations imply a certain urgency regarding ending the conflict. To reach agreements more rapidly, negotiators often need to stretch their mandate and support outcomes that cross their original positions (Expert 16). With that, the question of fixed mandates is continued to the point of crossing them. When or how far can negotiators cross their mandate? Three

interviewees argue that the red line for crossing a given mandate is when negotiators violate their commitments and, thus, will not be chosen as representatives further on. Therefore, it is only visible retrospectively where mandates have been crossed too far.

> "So, it's a, it's a tricky balancing act between wanting to decide on matters quickly, which means you are able to make judgment calls on the occasion itself, on the occasion of the negotiations or staying or keeping true to the instructions of your code and code principles. Which means you'll have to go back and forth because you would have heard about the position of the other only in the in the occasion of the meeting" (Expert 16).

> "And at the end of the day, it's unavoidable to make a call that may not be entirely, you know, 100 percent consistent with the original mandate. And that's the the only, your only evidence that you have not crossed over your authority so much is when they allow you to go back in the next negotiation scheduled" (Expert 16).

> "So, in terms of the negotiation in general, you know, there is an ethic about observing commitments, not signing something with the intention of like, you know, completely violating or transgressing your own commitments" (Expert 4).

> "But there were times when we took the risk and we said among ourselves, like, what's the worst thing that can happen if we already sort of agree to this kind of framing in the text – because a peace agreement is a text – the worst thing that can happen is that we will be fired, and are we ready for that? And we just said, for us, yes" (Expert 7).

The subchapter shows that negotiators grapple with their mandate. The reflections illustrate that they need to weigh up when set positions are necessary to ensure that specific positions are not lost throughout the process and when crossing a mandate serves the negotiations. These questions are challenging as negotiators need to balance the process, the urgency of an outcome, the relationship with the counterpart, and the positions of the own party and the public simultaneously. Doing so entails strategic and ethical concerns.

The questions arising are categorized into the dimension of *positions* as negotiators must deal with balancing set and flexible positions simultaneously. However, questions regarding mandate and representation are related to the other remaining dimensions. The pentagon illustration (Figure 5) shows this by including perspectives that the dimensions of *participants, practices, procedures,* and *principles* could entail.

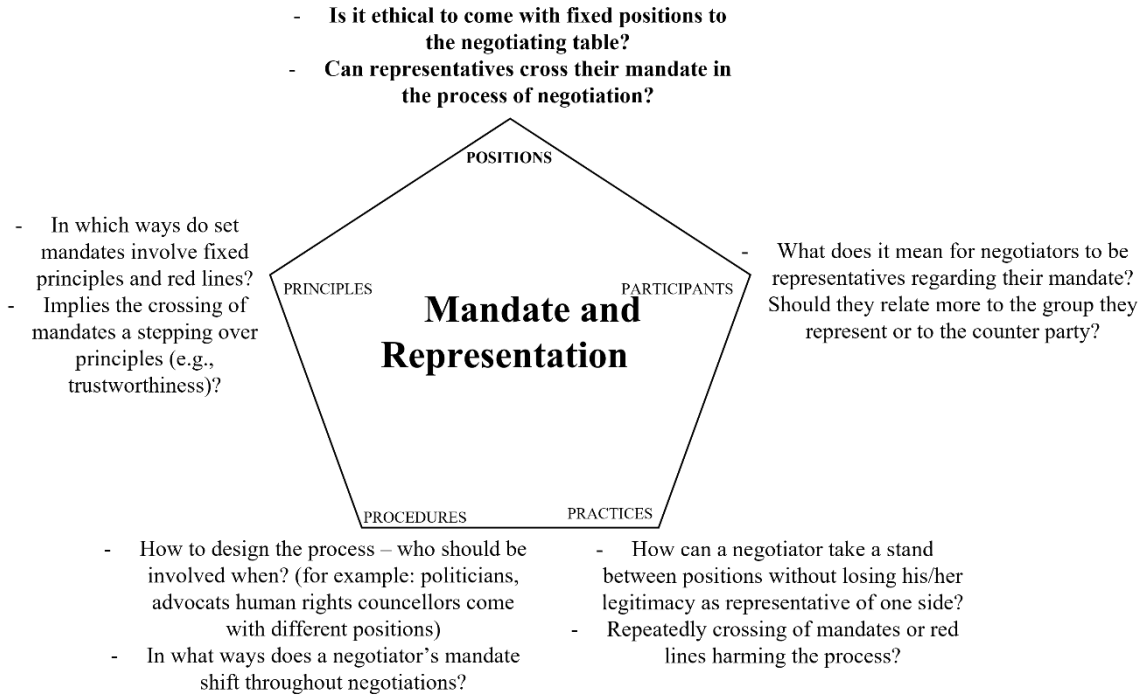


*Figure 5: Pentagon 2. Ethical considerations of mandate and representation as they relate to all five dimensions of the situated holism framework.*

Questions related to fixed mandates and their crossing are simultaneously questions of *principles* and *positions*. This is the case, as fixed mandates often stem from fixed principles and red lines that inform the parties' positions. The crossing of mandates entails a practical dimension (*practices*) as well since crossing them repeatedly can harm trust and make negotiations and negotiating parties unreliable. As negotiators act as representatives, they need to be aware that their actions influence not only the peace process itself but also the public perception of the process and them as negotiators. Therefore, the dimension of *participants*, which will be discussed in the next subchapter, needs to be considered.

## *8.2 Participants*

The central actors in each peace negotiation are its participants. However, *who* is to participate in peace negotiations? Who are the conflict parties, and what other groups or organizations, like women groups, victims, or the public, should be included? And: Should one exclude controversial stakeholders that, for example, international organizations designated as terrorists, as initially was the case with the Taliban in the Afghanistan negotiations (Jensehaugen et al., 2022)? These and more are questions of inclusion and exclusion. When the main questions of inclusion are settled, the participants of negotiations

need to deal with issues of mandate and representation. Those were discussed from a positions' perspective above, shedding light on considerations arising due to fixed positions/mandates. However, when posed from the perspective of the participants, we can ask in which ways the negotiators' role as representatives affect peace negotiations. Also, the tension between representation and individual interest emerges: What role do negotiators as individuals and their political intentions play in the negotiation process?

Questions revolving around the participants of peace negotiations touching on inclusion and representation are highly strategic. However, the interviews show that there are many ethical implications that negotiators need to consider when making strategic decisions on how to go about the negotiation process. These are explored in the following subchapters.

### 8.2.1 Inclusion

There can only be a certain number of participants participating in a peace negotiation process to make negotiations feasible. Therefore, we need to ask: Who should participate as main negotiating parties? In which ways should the public be included? And how to balance the tension between inclusion and efficiency? These questions and their related ethical dimension are explored further on.

#### 8.2.1.1 Legitimate Parties and Controversial Stakeholders

In some cases, identifying the legitimate negotiating parties is relatively simple. In other cases, it is not that clear, especially when there are several layers of conflict. The interviewees reflect on the legitimacy of parties as an ethical issue, as it often includes a public justification of why one particular group is included.

> "In the beginning to some of the key cabinet officials, I mean, I had the notation of all the questions that they asked us in our initial briefings and these are very, very basic, like are we talking to the right group?" (Expert 7).

> "Actually, that always comes up […] in public engagements. Why are you only talking to them? Why are we only listening to their concerns? How about the marginalized, the other marginalized sectors?" (Expert 16).

Another question regarding the inclusion of parties relates to controversial stakeholders. Is it ethical to include them in the negotiations? Moreover, is it, for example, ethical to violate

legal regulations in order to include such stakeholders? Who might be considered a controversial stakeholder is highly dependent on the specifics of a conflict. In one case, it can be the adherents of a certain religion; in another, it can be an illegal armed group. Five interviewees (Expert 4, Expert 7, Expert 11, Expert 14, Expert 15, Expert 17) include this challenge; two formulate the ethical dimension of it as follows:

> "is it worse to continue with violence than bending the rules to bring someone into the system? But I know that this dilemma between peace and justice and especially in [country], has been very hard to swallow for several sectors in society, and it has also been electorally abused" (Expert 14).

> "At the table itself, once you're at the table itself, there's a huge ethical dilemma of who you talk to because you're never talking to your best friends or people who have high moral standards necessarily. Or maybe they have done stuff that they think is morally defensible, but you actually don't accept it. […] And then an ethical question also comes in whether, you know, who do you want to talk to? What, what, what - How did you how do you address the other, the counterparty? How, what, what, what, what, how deep can a cleavage be in order for you to still be able to reach out and shake someone's hand and sit down and accept the humanity of the other person and hope there's something you can agree on? So, that that was, that was a question that I posed to myself for instance, when there were occasions at which we had to sit down and have dinner to, you know, melt the ice and, you know, gain some human contact with the other side, with people who I knew, as I said, had been involved in really awful stuff" (Expert 14).

> "when parties find themselves forced to be sitting at the table with somebody or, you know, with someone who they know has committed heinous crimes. And you can see that, you know, you can see they're cringing and they will argue with actually very often in strategic terms but you can see in their emotions when they talk about it that there's more than just the strategic. There is, you know, a revulsion […]" (Expert 4).

An additional challenge in including controversial stakeholders can be the reaction of the broader public. This possible reaction can harm the negotiations, as two of the interviewees explain:

> "both sides have to understand that this is precisely an agreement between two parties. So, this basic posture, and if you like ethic, has to be observed and if you're the

> government, […] you are actually going to pay a price and sometimes but a high price for doing this because people say, why are you sitting down talking to this terrorists? And this became actually much harder after 9/11. And why, and then some of our friends in the military would say, well, why are you, why are you behaving as we were the same as they? Why do you have this kind of binatural approach?" (Expert 17).

> "Like if this gets very controversial, because it's very controversial, there's public consensus on this matter remains divided. In fact, it's very unpopular. It was very unpopular to negotiate with [specific group], an armed group. I mean, that was the dominant bias, not only because they were an armed group, but they were [specific religion]" (Expert 7).

Another informant argues that the inclusion of controversial stakeholders is nevertheless relevant. That is especially true when those actors lead a violent movement in a conflict. He says that including them could decrease violence and increase social good in the long term.

> "I think it has no purpose. I mean. Every time, every time that that I saw the decision not to open a dialogue with someone because we are legitimizing that, I mean that dictatorship or that regime continues. I mean. For years. And sometimes and create a more defensive attitude […]. I mean, I think that dialogue even, even if you don't want to make open dialogue, but but you you should never broke the channels of communication. And especially with people who is, with dictators who are killing people, I mean. Never. Because you are closing yourself the possibility to stop the killing or this or or [???] a suffering of of hundreds of people" (Expert 15).

While including controversial groups in negotiations could reduce violent conflict, it has implications for the future. One interviewee states that it is evident that these actors will not disappear after a peace process but will transition to political positions.

> "I knew, and people who have been involved in the negotiations in [country] knew that, that the desired outcome was to have people formally wearing weapons against the […] state to be part of civil society as a political party, as a civil society member, as a leader, as as an activist, whatever, I mean, it was clear that that was the desired outcome. The desired outcome for people at the negotiating table was not, as it had been for previous governments, for instance, to define full submission or total elimination of the counterparty. […] So, just for people who actually negotiate, I think it's ethically clear

> that that it's a negotiation. So, you need to make concessions and you need to, you know, make sure that the other side finds an attractive solution to the situation that they are in. And that solution entails being offered political positions, or, as I said, many maybe reduced punishment as as in fact happened in the case of [country]" (Expert 14).

Identifying the legitimate parties and deciding about including or excluding controversial stakeholders is a challenge in peace negotiations. The chapter illustrates the ethical considerations the informants relate to it. According to them, inclusion should ensure that negotiations progress and violence decreases. However, negotiators must be aware of the implications inclusion/exclusion entail. The following subchapter elaborates on issues of inclusion regarding the public.

#### 8.2.1.2 Inclusion of the Public

The question of who should be included at different levels of a negotiation process is vital. An ethical implication to this is, for example, whether it is right to make agreements that affect those not part of the negotiations. Taking this ethical consideration further, one may ask whom a peace agreement is for: Does it serve single negotiators, the public good, or reparation measurements for victims? Four interviewees raise these points. Most stress the ethical challenge of making agreements affecting those not represented at the table. One informant (Expert 17), however, includes an optimistic perspective by offering an example where the awareness of this issue led to a more comprehensive and inclusive agreement for all citizens.

> "So, in [country], who says there should be peace even if it means no girls in school? Well, who asked, who asked the girls in school - they're not at the table" (Expert 11).

> "So, primarily when I came in, I was told that they were all - before our time, it was an all male panel on the side of the [negotiating party] and we could already imagine how the negotiations when it comes to the interests of particular to women, even amongst their ranks, would go" (Expert 16).

> "the ethical dimension of the the public good and thinking about, you know, how all of this is going to create something that works or doesn't, because in many ways you're supposed to be at the table, all of you, because there are people suffering that you want,

you know, to help. And if you end up creating something which is only going to further the suffering, there is a collective ethical issue" (Expert 4).

"important ideas about what is justice in terms of institutions about reciprocity and institutions in a kind of synchronized way, actually delivering for all in this broad sense. And this is actually what we were doing. And I describe this. So, there was an ethic - if you like in that sense, there is a kind of political ethical dimension to the content of the agreement because the agreement was about also the rights of all [citizens], in our view. And we said so expressly" (Expert 17).

One interviewee discusses why or whether the public should generally be included in peace negotiations. He states that the inclusion of the public is relevant as it leads to a feeling of participation, making peace negotiations and outcomes more sustainable.

"I've come up with this possibly silly sounding phrase, but I quite like it, which is to say that the peace is actually a sandwich. And that means that you have to work on both dimensions at the same time, the top down, the lead negotiation and the bottom-up participation of the communities in what's actually going to happen and you need to coordinate this over time. If you are going to be successful, and if your process is going to be sustainable" (Expert 17).

"it's the political dimension of participation and ownership. And again, our view was that our model was one of incremental participation. There was no participation in the secret phase, in the public phase there was participation through this forum, but the very important message was that: […] almost everything on this very long agreement had mechanisms that included very robust participation to decide and how to do implementation. So, so I could always say credibly that, you know, in [location of the negotiations] we are agreeing on what we're going to do, but how are we going to do this is something that has to be decided by the people on the ground" (Expert 17).

Two informants elaborate on the conduction of a referendum as a concrete instrument of public inclusion (Expert 15, Expert 17). Referendums can be linked to public acceptance, legitimacy, and participation. They can be supportive tools reducing the power of single negotiators.

The right balance between inclusion and exclusion is crucial as it ensures negotiations to be efficient and come to an outcome. Considerations regarding this balance are discussed in the following subchapter.

#### 8.2.1.3 Inclusivity versus Efficiency

> "Who do you include in that dialogue or negotiation? Then you easily go and get into the tension of inclusivity versus effectiveness" (Expert 8).

Negotiations need to be as inclusive as possible and as exclusive as necessary. Only then do they ensure the necessary legitimization while moving forward, leading to an outcome. Balancing inclusivity and efficiency is a fundamental and well-known ethical challenge in peace negotiations (von Burg, 2015, p. 4). The more inclusive a process, the more complex it naturally gets, as all participants add different positions and perspectives. Simultaneously, a more inclusive process is said to lead to a more comprehensive peace agreement. As mentioned previously, peace negotiations are described by a certain pressure and urgency due to violent conflict. Thus, how inclusive a process should be and whether it is more important to end a conflict quickly or to negotiate a comprehensive agreement depends on the context. Two informants reflect on this topic (Expert 16, Expert 14). Expert 14 argues for inclusivity, saying that peace agreements are more than a simple solution to political violence but need to address deeper societal issues to lead to a social transformation. Expert 16, however, focuses on the limitations of inclusivity, saying:

> "We can try our best to be more inclusive, but we will always miss some interests out and that will always, always come back to haunt us in the latter parts of the of the process. Whether that is before an agreement is signed or after when we are already implementing. So, there is always that consciousness that not everybody is going to be accommodated. […] It's it's and it's not, though it's not the process does not involve an issue that is stagnant, it's constantly evolving and therefore at any given time, things are changing and fast moving. So that will always be the case that interests, voices, opinions are left out in the process" (Expert 16).

This interview quote clarifies that negotiating parties need to be aware of the limits of inclusion and work with issues coming up throughout negotiations. It illustrates that negotiations are not straightforward but that controversial topics or practices may reappear. At the same time, it involves acknowledging some sort of ethical pragmatism, accepting that not

all possible participants can be included and part of the process. Otherwise, the process will become self-serving and not lead to any agreement. Then a process would be inclusive but not efficient. Conversely, processes that exclude many can become efficient but often lose support in the broader society. Therefore, peace negotiations demand a balance of inclusion and exclusion.

#### 8.2.1.4 Concluding Reflections on Inclusion

Decisions regarding the inclusion or exclusion of negotiating parties, specific stakeholders, or the public are strategic undertakings affecting the process of peace negotiations in many ways. They fall into the category of *participants*, describing who the participating actors are. However, they similarly hinge on the other four dimensions of the situated holism framework. The pentagon (Figure 6) illustrates this.

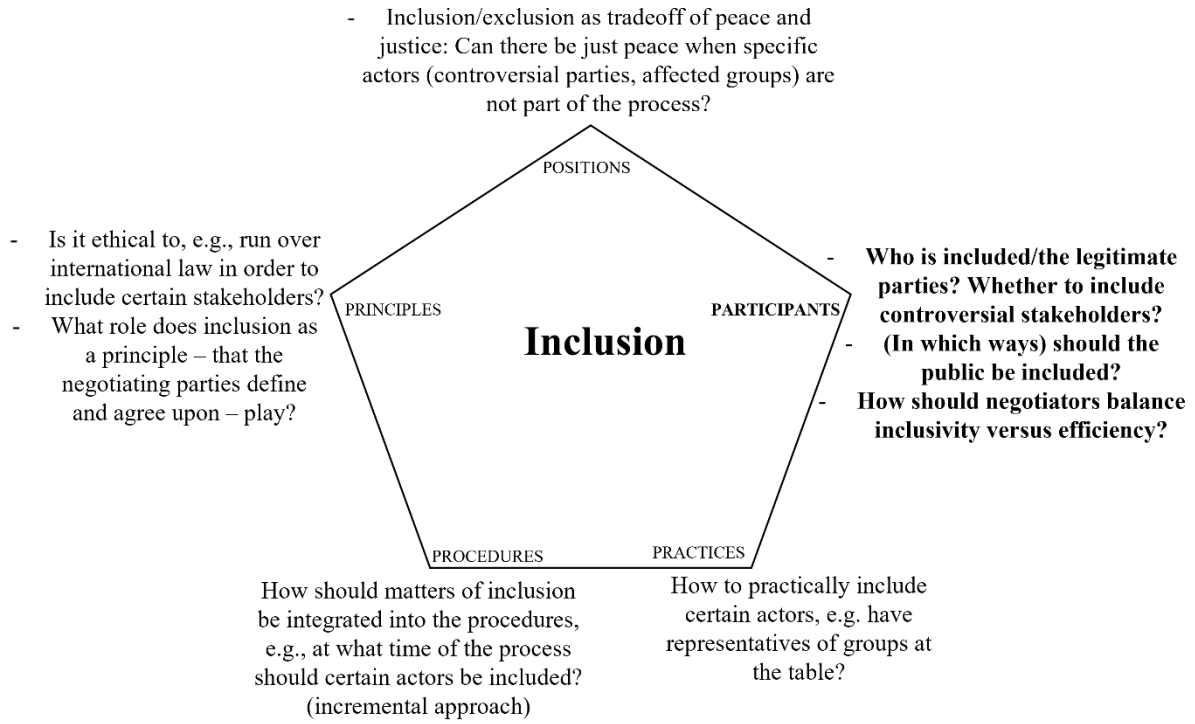


*Figure 6: Pentagon 3. Ethical considerations of inclusion as they relate to all five dimensions of the situated holism framework.*

Adding participants to a negotiation process increases the number of *positions* in the form of demands and claims. However, the exclusion of stakeholders implies an ethical dimension of peace and justice: Can the outcome be ethical when specific actors are excluded from the process? This is a relevant question, especially when the negotiation outcome negatively

affects those excluded. However, when negotiating parties decide to include several stakeholders or the public, it is a question of how this affects the *procedures* and, for example, the timeline. It also relates to the dimension of *practices*, asking which inclusion tools one chooses. Should representatives of certain groups be invited to the table, or should the finalized agreement be legitimized through a referendum? Lastly, inclusion issues fall into the category of *principles* when, e.g., asking whether it is ethical to overrule international law in order to include certain stakeholders.

The following subchapters move from inclusion issues to the negotiator's role as a representative in peace negotiations.

### 8.2.2 Representation

Negotiators represent their own party and the broader public in a violent conflict. The informants elaborate on general challenges of the representative role of negotiators and, especially, discuss in which ways personal interests can interfere with this role.

#### 8.2.2.1 Negotiators as Representatives

A fundamental question in all peace negotiations is what it means for a negotiator to be a representative. That includes, e.g., whom a negotiator represents, how s*he handles his/her representative function, and whether negotiators should be chosen due to their negotiation skills or their representative role to the public. All these dimensions imply an ethical perspective on which two informants elaborate.

> "Who do you represent? Now you were the chair of the government panel and you were there on behalf of the government. But when you come into issues that are contested, maybe different people within the government feel differently about this. Or of course, in your case, you also represent the people. There are many, many interests out there. You mentioned, for instance, groups that were preoccupied with gender issues and gender justice. So, when you when you sit there […] But but ethically speaking, who who do you represent? And not least when you come to questions where you have to take a stand, which may be controversial" (Expert 7).

> "One thing that one seems to come across and which could be called an ethical challenge is who do you represent? Because if you sit at the negotiating table and you have different opinions in your own population, if you are the government side or in your own group -

> Who you represent there at the table? Whose interests do you represent and not least who should you listen to and who should you just ignore? That's a challenge" (Expert 8).

Thus, the question of representation entails representing the larger population/group behind the conflict party and representing the views within the conflict party.

One interviewee argues that representation can succeed practically by applying

> "inclusive consultations mechanisms in society and or you can in combination with that have a big negotiation delegation or panel which is inclusive in its composition" (Expert 8).

This quote illustrates the vital link between questions of representation and inclusion.

While the two earlier quoted interviewees (Expert 7, Expert 8) understand representation as an ethical challenge, a third interviewee (Expert 14) questions the relevance of discussing representation per se.

> "I was I'm not sure about representing anyone, really. […] So, so in that sense, I, the representation issue, I think I think, the only the only actor that that that a negotiation team represents really is the government and the government was elected by a majority of the voters. But it's clear in any society that there's a lot of people who even even if they voted for someone, will not be in agreement with negotiations or that there are significant sectors in society that are not in agreement with negotiations" (Expert 14).

Expert 14 relates to the government negotiating party; thus, representation is given by being elected in government. However, she acknowledges that voting for a government does not necessarily imply the support of negotiation endeavors. In line with her argument, she claims that negotiators should not be chosen due to representation criteria but to personal abilities and negotiation skills. She links this to the aim of negotiations which she describes as ending violence and coming to an agreement. Considering this, representation issues are not central:

> "I think to me to make sure that that is the point of a negotiation, you know, to end violence is critical for any team. So, and it's even more important, I think, as I said, than representing anyone there" (Expert 14).

Even though the interviewee's arguments regarding ethics and representation are reasonable, they are one-sided, not considering representation issues of a non-state conflict party. Thus, the argument is valid in some cases but not in others. Contrary to the view of Expert 14, another interviewee involved on the governmental side of peace negotiations experienced representation as a central ethical consideration (Expert 7). Experts, thus, have contradicting views on the relevance of representation. The following chapter explores representation issues further, discussing in which ways individual interest interferes with representation.

#### 8.2.2.2 Representation and Individual Interest

One concrete angle that representation issues can take involves challenges regarding negotiators' individual interests, for example, those linked to political power or personal convictions. One interviewee reflecting on that says:

> "what is predominant in these people is, are their interest. Their needs, their fears. Of course, they have, they have a model for understanding the situation, the world. But but the way, I mean, the the triggers for them to make decisions usually are not ethical considerations, usually are evaluations based on fear, most of the time. […] it's very usual that they think a lot about themselves. How they are seeing, how they can keep power, how they will be seeing in the future, the self-image of of themselves is is very, very relevant" (Expert 15).

Taking this argument further, individual interest is related to a negotiator's role as a representative revolving around the interests of the group of representation. How can a negotiator balance these two, ensuring negotiations are not only self-serving endeavors? This entails an ethical consideration that one informant frames:

> "the issue of rewards that representatives at the table might get in return for their compromises, and the rewards I'm thinking of are things like, you know, positions and power, but also there are all kinds of other rewards, you know, brown envelopes and what have you. Which was a series of ethical dilemmas in terms of, you know, the representativeness, their individual interest versus, you know, their interest as representatives of a collective" (Expert 4).

In a later statement, the same interviewee directly connects the issue of rewards and interests to the question of inclusion and of negotiators crossing mandates. Another interviewee states that

> "when you are working in conflict, there are no clear, clear-cut situations" (Expert 15)

and that the mandate a representative holds only is related to winning the negotiations. However, winning the negotiations can mean different things to the people a negotiator represents. Expert 4 emphasizes a negotiator's main representation task:

> "there's the ethical issue of representation of your base. And so, what compromise? How much you know you need to go back to your base before making certain types of compromises? How to negotiate not just, you know, benefits for the people who are at the table, but making sure that, you know there is a trickle-down effect. And that's something that we see a lot, you know, where, you know, armed groups will have new leaders who become ministers, but there's nothing for the foot soldiers, for example" (Expert 4).

The quote emphasizes that the interviewee understands the representative function of a negotiator, mainly as ensuring that those who are not present benefit from the result just as much as those present. With this, she speaks up against the self-interest of negotiators. However, the interviewees report that self-interest is common among negotiators and categorize this as an ethical challenge.

#### 8.2.2.3 Concluding Reflections on Representation

My research categorizes questions of representation into the dimension of *participants* – and, as earlier discussed, *positions*. However, the reality of peace negotiations does not clear-cut on ethical considerations of representation relating to only these two dimensions. Thus, the pentagon figure (Figure 7) shows the connections to the remaining dimensions.

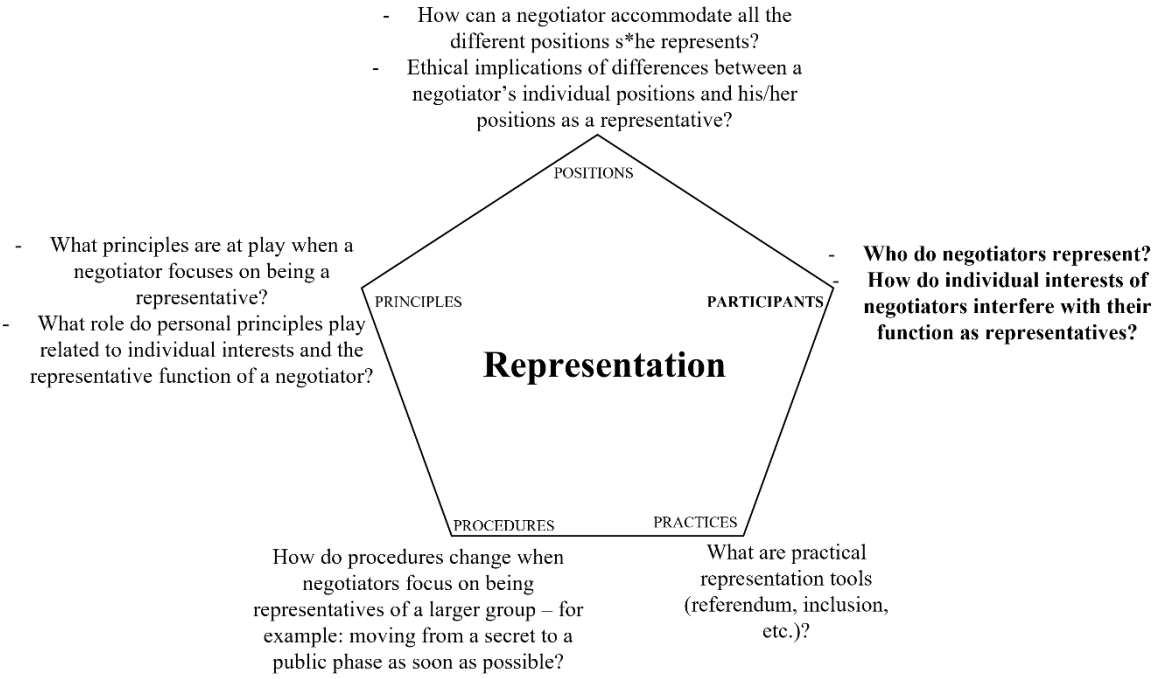


*Figure 7: Pentagon 4. Ethical considerations of representation as they relate to all five dimensions of the situated holism framework.*

A negotiator's representative function compels him/her to accommodate several *positions* at once: the conflict parties', the wider public's, and his/her individual ones. Additionally, a negotiator's focus on representation affects the *procedures* of peace negotiations by, for example, deciding on the degree of secrecy/transparency of a process. A perspective of *principles* would entail a distinction of and reflection on the principles relevant for the negotiator as an individual, his/her negotiating party, and the broader public. Lastly, ethical considerations of representation are also a matter of *practices* when, for example, asking for practical representation tools.

Further ethical implications that relate to the dimension of practices are explored in the following subchapters.

## 8.3 Practices

Ultimately, peace negotiations are practical undertakings. Thus, it is necessary to examine the practical component by asking for the behavior and actions of the negotiating parties, namely their *practices*. Those include, for example, ethical considerations reflecting on the implementation of positional/procedural/participational/principled decisions ('how to?'). Such practices can either support the negotiations or harm them. Ethical implications of practices

can reach from negotiators behaving untrustworthy, 'selling' peace agreements to the public, to positive examples of negotiating parties establishing practices of communicating with the public and media in one voice in order to increase faith in the process and each other. In line with these examples, the following subchapters are divided into ethically critical practices, possibly harmful, and ethically positive practices, possibly supportive.

### 8.3.1 Ethically Critical Practices

The interviews include reflections on ethically critical practices in peace negotiations. Those were especially related to the public or behavior between the conflict parties. Is it ethical to be dishonest toward the public in order to make an agreement look better than it is if that creates a pathway to peace? And what is the difference between unethical practices and negotiating tactics?

One interviewee especially elaborates on the challenge of dishonest practices of negotiators. He explains that these stem from inclusion issues as it is commonly only a few leaders making agreements not always supported by the broader constituencies. Negotiators' attempts to pursue such agreements can lead to dishonest actions toward the public. The informant explains:

> "At least in my experience, the peace deals in serious consequence are not made by delegated authorities. They they tend to be made by the principals. […] you know, in the end there is there is an arrangement made between leaders, where so it, what - so it doesn't count exactly in that way, but where it often comes up is what what did their constituencies expect either their elite constituencies or their wider constituencies? What did they expect and what did they get? And what was traded off for that? And of course, it's one of the weaknesses of any more inclusive system and a democratic system or other forms of inclusive systems in negotiation is that the constituency not negotiating often does not accept the the compromises that are inherent in the logic of a negotiation. And so there is some level of dishonesty in selling it to those constituencies" (Expert 11).

> "So, so, I think it is - version of what you say is a permanent ethical challenge, the structure of the deal making process massively incentivizes and maybe even necessitates very high levels of dishonesty with mandating authorities and the more those mandating authorities are the public, the harder it gets" (Expert 11).

Another interviewee similarly mentions the ethical challenge of ‘window dressing’ (Expert 8). With that, he means that, in order to gain public support, processes and agreements are often framed as nicer than they are. Also, he relates this to inclusion issues, mentioning that few leaders usually drive peace negotiations.

Other ethically critical considerations are linked to whether certain practices are exploitative and unethical or simply negotiation tactics. An important factor here is, for example, the power relationship between the two parties. The more unequal this relationship is, e.g., between a state party and an illegal armed group, the more likely exploitative behavior is. One interviewee describes her experiences as a negotiator clarifying that principles of partnership should shape the relationship between the parties:

> “It was clientelistic in the approach or toward the armed group, meaning like you pamper the armed group, you give them every little thing they need, just to easen your way. And then you, you sort of get them into your politics, precisely, and that's what happened. You know, like with the previous chair of the [negotiating party], he'd asked for an airplane, or he'd bring too many people in the talks, everybody will stay in hotels. He got used to that kind of, he got used to that kind of pampering. And it was abuse, basically. And then he always wanted more in that sense, that were more personalistic, rather than something that was really essential to the course that they were fighting for. And government also wanted them to be by their side, the previous government played it that way, by to sort of get his loyalty and all that. But from as far as the president's principal stood and my own thinking about it, this should be built on the issues, the justness of the issues, the correctness of the issues, and not something that is just going to feed sort of to the extent that you, you, you want to bribe them or something like that. I mean, bribery is not exactly the right word. It's really, it's a partnership rather than a patron-client relationship that you want to build” (Expert 7).

In this case, the relationship between the parties was exploitative as one side abused the other in the urgency of violent conflict. Unequal power relationships can also lead to the exploitation of principles, such as human rights or humanitarian law. Then the stronger party uses those against the weaker negotiating party. Expert 8 reflects on this:

> “And I think often for at least in in in processes which are asymmetric, where you have state party on the weaker - At least in terms of what is called... - "power?" -

> ...bureaucratic -"formal, institutional, yea" - you see that the weaker party very often is, you know, afraid of being handled by the other parties and that […] the international humanitarian law and human rights instruments being weaponized against them in the talks" (Expert 8).

Also, this example links ethically critical practices to dishonesty. Here, dishonesty is not directed toward the public but toward the other negotiating party. Expert 11 gives a concrete example of a case where a negotiating party positioned itself against its honest opinions to be heard internationally. It is questionable how long such made-up positions hold, and valid to ask whether it is ethical to dress up actual positions and interests, maybe even with ethical or religious principles or frameworks. According to the same expert, doing so could be reasoned by supporting the positive development of the process (Expert 11). In other cases, as portrayed by Expert 8, however, it is simply a matter of political self-interest:

> "obviously, other considerations that are driving them, you know, issues for legitimacy could be, you know, upcoming elections, stuff like that which should normally not be, you know, the driving force of getting people into into dialogue. So that this is something I've seen very often, so that complete parties, you know, what is it, alternative or competing agendas, portraying to the public back home and to the national community that they are indeed aiming for dialogue and a negotiated settlement, but where their option A is really continued armed conflict after having reached some benefits of entering into the into dialogue" (Expert 8).

Another interviewee formulates the core of the ethical issue of unethical behavior more generally relating it to trust-building between the parties:

> "And then part of the, I mean, the whole question of, is this other part is sincere? Although in some texts it is said that sincerity might not be 100 percent there at the beginning, it's something that is precisely encouraged and developed, right? So, you you start in a process where there's a lot of skepticism, there's a lot of mistrust and maybe even insincerity as to what is achieved, and that's what you try to break down. And but if that's not breaken down, then it just goes on being uncivil the way you describe it, where people just keep behaving badly, and sometimes just acting up, actually, you know, just acting up. To sort of sort of provoke and all that like, so, for instance, provocation was not part of our strategy at all. Yeah. But I would think it would be a negotiating strategy or it could be, depends on the outcome that you want to achieve. Like if you don't really

> want to get anywhere or you you're you're actually finding a reason to go back to war with them. I mean, then that's part of the whole equation, and then therefore which part is ethical and which is real, just real unethical - how do you say? - amoral in the sense of realpolitik" (Expert 7).

However, later in the interview, the same informant defends questionable practices, claiming that there is a difference between exploitative behavior and negotiation tactics. For her, negotiation tactics are necessary. She, therefore, does not experience any ethical challenges regarding not being completely honest or postponing important topics to stretch the timeline of a negotiation process.

> "I won't say exactly these are ethical issues, they are negotiating tactics. Like, you don't put all your cards on the table right away, right? You need to barter later on. […] So, because we kept some cards to ourselves, so that we can use these cards later on when we have to give up something and we can pull it. I mean, this negotiation, is that unethical? We were not exactly lying. We will just be dragging our feet. Or maybe we will be putting it, sort of, be at the end the list. And then, you know, it's. But you do all of that. And I think, they were also good. I mean, my counterpart always had the poker face, it was very hard to read because his members will go off in different directions. And we didn't really know what was the mandate coming from their own central committee and how far they will go down. So we were actually reading each other. So ethical issues, of course, the question of do you lie in a negotiation? Do you lie about some things, I would say you asked that question, is that, was that a lie? Was that a half lie, a white lie? We had, I mean, there are times when you had to hold off and sort of be vague about certain things and maybe even -Yeah, I mean, yes, we had to, we had to sometimes say no, even though we were actually going to say yes eventually because we wanted to keep that there. So it is that ethical? Is that unethical? It's a bargaining strategy" (Expert 7).

Differentiating between negotiation tactics and exploitative behavior is difficult as it is deeply case- and context-dependent. That is because principles, understandings of standards, and (in)appropriate behavior differ depending on culture, religion, and conflict setting (Expert 7).

Negotiation behavior is closely related to a negotiator's virtues and practices. Ethically challenging behavior is, thus, sorted into the dimension of *practices*. However, depending on the perspective of departure, it also raises ethical questions falling into the other four dimensions. That is illustrated in the pentagon below (Figure 8).

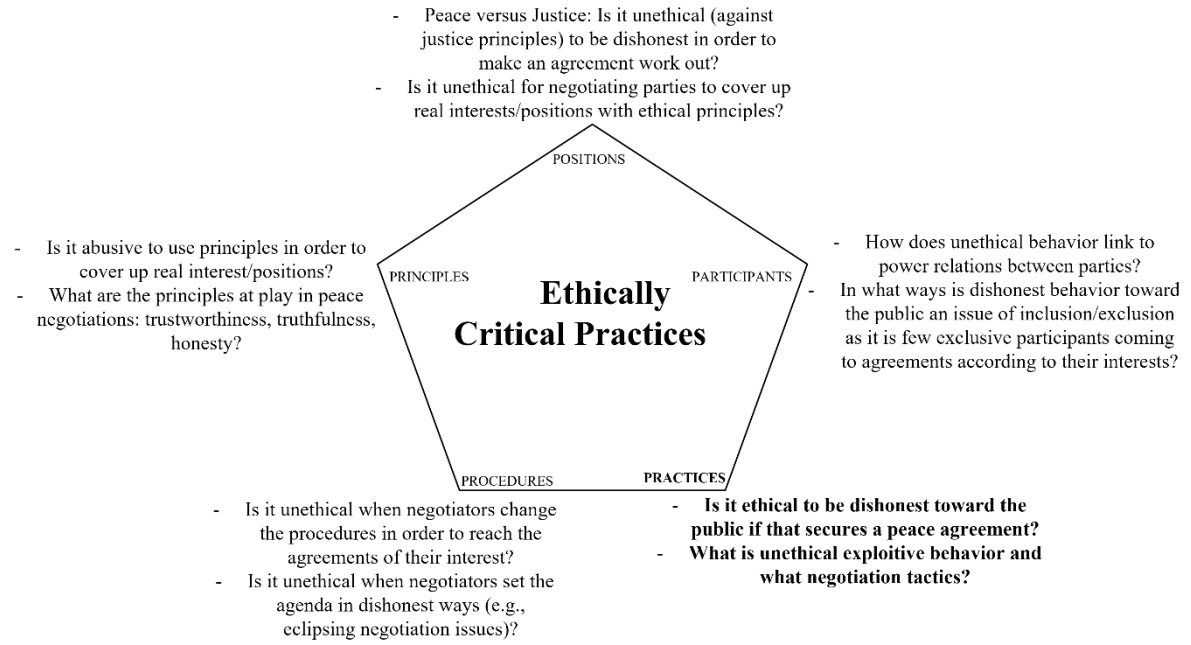


*Figure 8: Pentagon 5. Ethical considerations of ethically critical practices as they relate to all five dimensions of the situated holism framework.*

As the interviewees emphasize, many practical challenges occurring in peace negotiations are linked to inclusion issues. Therefore, they are similar questions of *participants*, asking: How inclusive do peace negotiations need to be to avoid dishonest practices of negotiators toward the public? However, every practice is caused by certain positions. Some ethically challenging practices could, thus, also be categorized into *positions* relating to justice versus peace: Is it ethical to cloak interests/positions in specific principles in order to reach an agreement? The latter question leads to the dimensions of *principles:* What principles are at the core of peace negotiations – and do they support ethical or unethical practices? Lastly, ethically challenging practices can affect the *procedures*. So could, for example, those who set the agenda make unethical choices, eclipsing relevant negotiation issues to tailor the negotiations to their individual interests.

The practices of peace negotiators can, however, also support the negotiation process and increase ethical accountability. The following subchapter delves into experts' perspectives regarding ethically supportive practices.

### 8.3.2 Ethically Supportive Practices

While negotiators can abuse their power by applying unethical practices, their practices can, similarly, support the nature of peace negotiations. With ethically supportive practices, I mean

all types of practices – also strategic ones – that make negotiations more feasible without resting on exploitative principles or behavior like untrustworthiness, dishonesty, or power abuse.

Three interviewees (Expert 14, Expert 16, Expert 17) connect ethical practices that promote negotiations with trust-building and trustworthy relationships between the negotiating parties. Two of them speak about the importance of timing in order to achieve confidence. Trust-building also depends on the representative role of negotiators being observed in their behavior toward other participants. That increases pressure on negotiators to build trust with their counterpart while ensuring their party/group of representation does not get a wrong impression. Here, practices come down to concrete, practical behavior like handshaking or smiling. One interviewee elaborates on ethical considerations related to trust-building:

> "It is very important. It is also, you know. I think there is a time for everything. I think you cannot, you cannot expect people to build trust from the first - I mean, you have to have built some trust in order to sit down. That's for sure. But after that, I think negotiations and negotiators are very aware that they're being watched. So, building trust what for some may mean building trust, for instance, shake someone's hand. - That is that is a very important first step that is not necessarily done from the beginning because it means that there might be a photographer close by. Someone observing you was feeling annoyed by the fact that you might be smiling too brightly, you know, I mean that so, so, stuff that pertains to the domain of building trust may be read politically very differently by people who observe you. So, that it's not only your personal fears, but it's also the fact and there the issue of representation comes in, of course, that that that you are going to be observed. So, so, so, you want to make sure you that you're not too cozy. And that you're not viewed as too cozy with your counterpart, both by your own people and by the counterpart. So, they also also don't feel, you know, they have you in their pocket. So, it's a very difficult combination of strategic behavior with building trust with with making sure that whoever is watching you doesn't get the wrong impression and so on. So, so. So, it is difficult. However, of course, in the process, trust needs to be built because otherwise you will not make significant advances" (Expert 14).

The quote emphasizes that trust-building is significant, despite its challenges. However, one can discuss the relevance of a negotiator's trust-building behavior compared to substantial issues and 'material' transformation like economic and social change:

> "this idea that reconciliation was basically basically about, you know, antagonists giving a good handshake and maybe hugging and, you know, smiling for a picture. But of course, that is not enough. People expect things to change, they expect some transformation. They expect their suffering to be addressed. They expect stuff like what you mentioned, some some form of economic development that that will just change the conditions that made violence possible in the first place. So, so it is something, although it sounds very ethereal. I think reconciliation is very material" (Expert 14).

In line with the material aspect of peace negotiations, two informants refer to experiences of negotiations that did not focus on people but rather on the substance or the process. As negotiators, they experienced this as helpful in order to build trust and establish a common aim or interest:

> "People confidentiality communicate, which makes the negotiation possible, and which would show, which at the same time become a major major source of trust-building. One is always asked Oh, how do you build trust? And my short answer is: The point is not to trust the people, is to trust the process and the results of the process. And by observing these rules, you end up creating precedents of shared behavior, which actually is what makes the negotiation possible" (Expert 17).

> "In the beginning, when I came in, it was more all the issues talking about only the formal subject matters of the negotiations. But eventually we were already familiar with the personal circumstances of the others, we were already able to form and establish friendships and relationships. So, it became easier to to agree to things because as I said earlier, there was already an understanding or at least an appreciation that we were only doing, or what we were only being strong on issues and not hard on people. So, it's not something personal, it's really just something that we had to do as part of our responsibilities […] And for us, it wasn't so much as treating each other as, you know, you're from the side and you're from that side. It was about at some point in negotiations, it was about the common interest to build peace in the country. It sounds so cheesy, but really, that's what kept the relationship going (Expert 16).

The interviewees illustrate that practical behavior serving the establishment of a positive relationship between the negotiating parties – if only related to a common goal or trust in the process – is highly relevant. The behavior of the negotiating parties impacts the peace negotiation process and, with that, the outcome and result. Supportive behavior

comes down to practical actions and is, therefore, sorted into the dimension of *practices*. However, the practices of peace negotiations have implications for the *participants*, *procedures*, *principles*, and *positions*. The different dimensions are, thus, interconnected and interdependent, as visible in Figure 9.

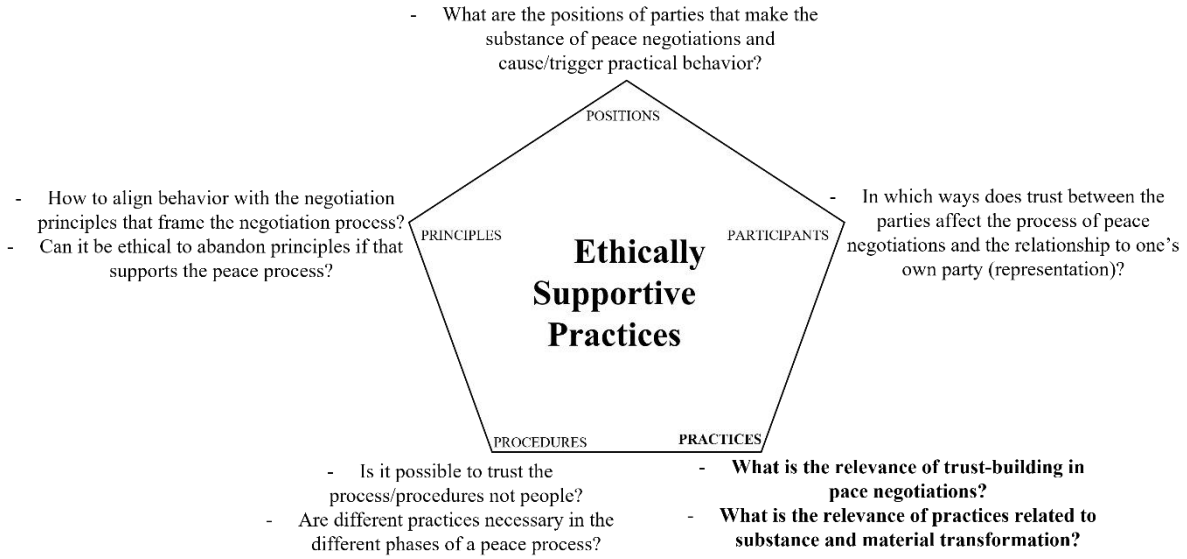


*Figure 9: Pentagon 6. Ethical considerations of ethically supportive practices as they relate to all five dimensions of the situated holism framework.*

It is, for example, possible to discuss questions of trust-building practices from the *participants'* perspective, asking how trust affects the process and the relationship between and within the negotiating parties. Additionally, it is relevant to reflect on the cause for the practices of negotiators, which usually lies in their *positions*. When rooting ethical considerations of practices in the dimension of *principles*, one can ask whether it, for example, could be ethical to practically overrule negotiation principles to secure a peace agreement. Lastly, ethically supportive practices could also be approached from a *procedural* perspective: Is it possible to build trust in the process rather than in people? What different practices entail the different stages of a peace process?

The following subchapters analyze the procedures of peace negotiations by exploring ethical considerations that experts address.

## *8.4 Procedures*

Every peace process needs to be designed, which means it needs to be structured according to an agenda, format, timing, negotiation framework, and process phases. These topics are implied in the *procedures* of negotiations. Before structuring the process, however, one needs to ask whether to negotiate at all. Is the conflict 'ripe' for negotiations? And if yes, what is the right timing and setup? Are there situations when negotiations should be stopped? What role does the negotiation framework and the different stages of a process play?

Overall, these considerations can be understood as pragmatic and practical. The informants' reflections, however, show that those practical questions include an ethical dimension. For example, sticking to procedural rules and following simple agreements, like beginning at a certain time, impacts how the negotiators perceive the negotiation process and the counterpart. Keeping procedural rules is a matter of respect and of building trust between the parties. It is said to increase faith in the negotiations, making them more likely to succeed. With that, staying true to a negotiation framework is a strategic concern that can be ethically reasoned. Another ethical challenge related to the procedures is including issues of the past and historical injustice in the agenda without risking failing the negotiations or making them stagnate.

The following subchapters present ethical considerations regarding when to negotiate and the negotiation framework and process phases.

### 8.4.1 When to Negotiate

Peace processes need to evolve, and negotiations are not the right instrument for every conflict. Therefore, the question of when to negotiate includes questions such as whether to negotiate at all, when a conflict is 'ripe' for negotiations, and when to stop negotiating during a process, for example, due to unethical practices. The question of whether to negotiate is of ethical nature as it speaks to the ethical concern of ending violence on the one hand and negotiations containing ethical challenges on the other. Whether or when negotiations are ethically sustainable depends on the political situation of a conflict. Three informants reflect on ethical considerations of whether to negotiate:

> “One first very general question is whether you need to negotiate at all. And to me, there is an ethical obligation to end violence. So, to me, if negotiations face a reasonable, have a reasonable expectation that they will actually lead to ending violence, then I as a citizen and I as a government, have an ethical duty to to seek that. So, so I think there's one very initial question is whether it's ethically sustainable not to negotiate when you're, when you have the possibility of ending violence” (Expert 14).

> “So, I do think there's an ethical question as to whether you engage in negotiations. And this is not a small thing because we also have to remember that, at least so far as our discussion is concerned, we are talking about internal armed conflicts, internal armed conflicts, and I underline that because that there's a big difference in every sense, for me, because if you're talking about an internal conflict as a government, you have a particular obligation to both your whole population, you have constitutional obligations, [???] of protection and various other things, and you have to make a decision whether it is the right thing to negotiate or not. Because you can actually sometimes do more damage by engaging negotiations” (Expert 17).

> “at some point in the negotiation, there might also be an ethical question of whether negotiations should be continued or whether they are serving to actually make conflict protracted” (Expert 14).

> “One of my big frustrations is that this is a field in which people equate walking out of the table as a failure. But sometimes ethically, it's much better in many ways to say, let's suspend it, it's not working then, you know, signing on something which we know is going to create more suffering. And then just basically blaming the suffering on whoever ends up being the first to shoot a bullet” (Expert 4).

Additionally, one interviewee with negotiation experience brings up a case that illustrates the tension between upholding the state of the art of the political setting and the beginning of negotiations. He points out that negotiations come with political costs and that it is an ethical consideration whether one is willing to pay these in order to end violent conflict:

> “At the same time, from a political point of view, engaging in negotiations, there's a cost to be paid. So, in the case of [name], in my view, […] [the president] actually saw the right moment to negotiate and he went for it at a time when it was actually politically not, uh, the most intelligent thing to do. Because people were happy with the state of things. […] And yet the president saw that this was the right thing to do and that if you are the

> president of the country, your your priorities actually to protect life. And this was the best way of achieving it. So, in my view, that was as well as a political and strategic, there was also a kind of ethical decision, if you like, which was to give priority to ending the war and protecting people's lives" (Expert 17).

The informant brings up that engaging in negotiations might not always be right. Linking negotiations to the obligation to stop violent conflict, he emphasizes that the aim of a peace process is not the actual engagement in negotiations but the reduction of violence. However, this perspective mainly represents government parties. Others, such as armed groups, are possibly more concerned with the obligation to pursue justice than with reducing violence. Thus, whether engaging in negotiations appears meaningful, ethical, and sustainable depends on the positions and background of the conflict parties and the broader conflict setting.

Another interviewee brings in an ethical challenge that can be addressed across conflicts: The unpredictability of negotiations. That means whether negotiations appear correct might change as the peace process turns in non-predictable directions.

> "I am aware of all sorts of considerations, you know, regarding these issues of ripeness and when you can actually sit down to negotiate with someone with a reasonable expectation that negotiations will be, will be, will be fruitful. Of course, I also know that you never know the outcome when you sit down. You may have all sorts of reasons why you think it's it's, a conflict is ripe and you have reasonable expectations for negotiations to end something. But then also, we all know that negotiations are not as predictable as we would wish. That's why they are negotiations" (Expert 14).

The subchapter illustrates that negotiating parties encounter whether and when to negotiate as ethically challenging. Also, the decision to negotiation depends on the context and framing of a negotiation situation and can, thus, change during a process. That relates to the negotiation framework and different process phases discussed in the next subchapter.

The posed ethical questions regarding whether or when to negotiate are of procedural nature and, thus, categorized into the dimension of *procedures*. Nevertheless, as the five dimensions are interconnected, procedural questions hinge on questions of *positions, principles, participants,* and *practices*. Figure 10 illustrates this.

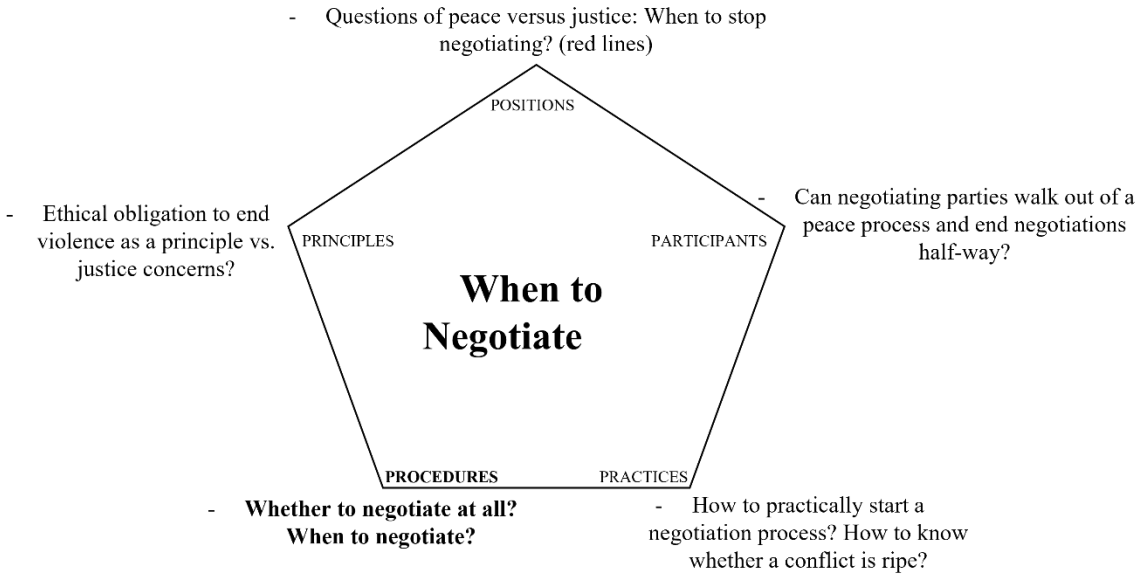


*Figure 10: Pentagon 7. Ethical considerations of when to negotiate as they relate to all five dimensions of the situated holism framework.*

The procedural starting point of negotiations, whether to negotiate, includes several implications related to *participants*: If one should start negotiations, with whom? And can negotiating parties leave negotiations when it violates their negotiation rules? The latter question could simultaneously be a question of *principles* (negotiation/ground rules) or *positions* asking about red lines in peace negotiations. *Principles* also offer a reason for negotiating or not – that could be the ethical obligation to end violence or the ethical obligation to pursue justice. Initiating or stopping peace negotiations always entails a number of practical questions (*practices*).

The following subchapter further reflects ethical considerations regarding the procedural aspect of the negotiation framework and process phases.

### 8.4.2 The Negotiation Framework and Process Phases

Negotiations occur within a specific procedural framework which is different in each process and changes according to the stages of a process. The informants elaborate on relevant ethical considerations across different cases touching on the agenda, timing, location, and negotiation setting. Most relevant, however, were reflections around breaking the rules or overruling a negotiation framework: What does it mean to break the rules of negotiations? What are the implications of it? Is the keeping of a schedule an ethical endeavor? In which ways does breaking the negotiation framework serve or harm the negotiation process?

One informant reflects on the implications of keeping the schedule and basic negotiation framework, relating it to trust-building. A second interviewee illustrates ethical pragmatism related to following rules and agendas. Her perspective is highly consequentialist, calculating behavior and rule-breaking's positive or negative implications.

> "so, what I mean includes some very basic, simple procedural stuff, which you could also associate with ideas of respect and dignity and trust-building like, for example, you want to be on a schedule, you want to be punctual. I remember at the very beginning when we started the secret talks we agreed that we would start at 8:30 a.m. This is a very small thing. You know, somebody might think it means nothing but actually it meant a lot. The fact that you were there at 08:30 sharp, you made sure you didn't make the other guys wait and vice versa. There was this kind of shared understanding that if we're going to do something as difficult as this, we had to observe these very simple rules" (Expert 17).

> "I would say is two things actually: a very classical, realistic, consequentialist, utilitarian approach. So, what kind of problems do I get when I ignore ethical problems, for instance? Yeah. So, when I just behave unfair? Yeah, very classical. So, I will get some kind of tit for tat game. I will I will get a sanction, so I will try to at least follow the rules. Yes. And for those questions, it's very important, what do people think about what their assumptions are, how the rules are, and yeah, and what kind of problems they will face when they do this or that. So, I think that's that's one set of questions. And it's deeply consequentialist, so it's deeply and interactional question. So, what kind of costs? Yeah. Not idealistic, but what kind of costs will I face?" (Expert 13).

These quotes emphasize the value of keeping true to the agreed negotiation frameworks. However, even though obeying standard rules builds trust, in some contexts, it can be ethical to break rules that constrict negotiation possibilities. One informant shares first-hand experience regarding that:

> "But there were formal procedures that were adopted along the way and because […] it was the [negotiation party] who kept saying that this is the way it's done. And we were trying to break that. We were trying to break that, because we thought this was constrictive. So, we were - is that breaking the rules as they say it, because they - or is that trying to transform the whole process?" (Expert 7).

Another interviewee emphasizes that the negotiation format changes according to the stages of the process. Therefore, rule-breaking is natural as the rules and standards set in a negotiation framework do not necessarily hold throughout the negotiation process. She says there are a

> "bunch of process rules that get negotiated at the beginning and that are supposed to frame the process, but more often than not, they get negotiated and then somebody is going to shelve them and they're going to be distorted. And so, in that sense, you know, there is an ethical issue there" (Expert 4).

In order to develop a negotiation framework that changes in accordance with the process phases, several interviewees emphasize the need for an incremental approach. According to two informants, the awareness of a changing process and the following of the process phases can decrease the possibilities of failed negotiations:

> "So, the way to protect against that and to hedge against this likelihood of failure was by being very methodological in the approach, very rigorous, […] by following what I call an incremental approach" (Expert 17).

> "the problems that the negotiators, that the parties usually have is that they jump from the problem to the solution that they imagine. And and usually that jump is, simplifies a lot of things. That are much more complex or could be much more complex" (Expert 15).

More experts mention the necessity for negotiations to follow the phases of a process. They associate considerations and ethical conditions regarding trust-building, setting rules, and addressing historical injustices/grievances with pre-negotiations or the first phase of negotiations (Expert 4, Expert 7, Expert 8, Expert 15). However, they do not agree on the timing, relevance, or more specific questions and principles like secrecy and transparency regarding such a phase.

Another interviewee takes the question of procedures, rules, and negotiation frameworks to a more abstract level. He claims that the process affects the outcome and the impact of the outcome of negotiations. Thus, he reflects on the separation of process and outcome and the role of the negotiation procedures:

> "And so the question would then be, you know, would a separation or a more, a strong weight and another handling of ethical issue impact on the way how to achieve a result? Or would it maybe also impact on the type of results which will be achieved? Can we at all think now of different results? I mean, stopping the fighting and so is - should be the result anyway. But of course, it's not only about the substance of result you get, it's also about the way you get to the result, which will have an impact on the impact of the result" (Expert 5).

Focusing on the procedures of negotiations independent of a possible outcome can be pragmatically helpful in making negotiations possible: It can help parties to focus on the process, showing that engaging in negotiations as such does not mean losing one's position or giving in. However, as another informant illustrates, there are certain limitations to a procedural focus:

> "there's no way you can reach an agreement unless you acknowledge that this is done by both sides, but it doesn't mean that we think we have the same responsibility as the [counterpart]. […] - but think about the the problem that is now become for the Ukrainian government. Almost impossible to do anything that looks like you're engaging in negotiations […]. So just the fact that, just the very idea that you sit down and talk to somebody is now seen in Kiev as as a form of either surrender or unacceptable acknowledgment of the Russians and so forth. Because because the situation does not allow them to say, look, this is just a procedural matter, and if we're going to sort this out, we need to talk to those people. It doesn't mean that we agree with them on anything. So, it's really a very serious thing" (Expert 17).

The negotiation framework has the core function of holding the negotiations together in its different process phases. It is, first and foremost, a matter of *procedures*. However, it combines practical questions of timing and location (*practices*) with positional questions like the substance of the agenda (*positions*). The pentagon illustration (Figure 11) shows how ethical considerations of the framework and process phases relate to all five dimensions.

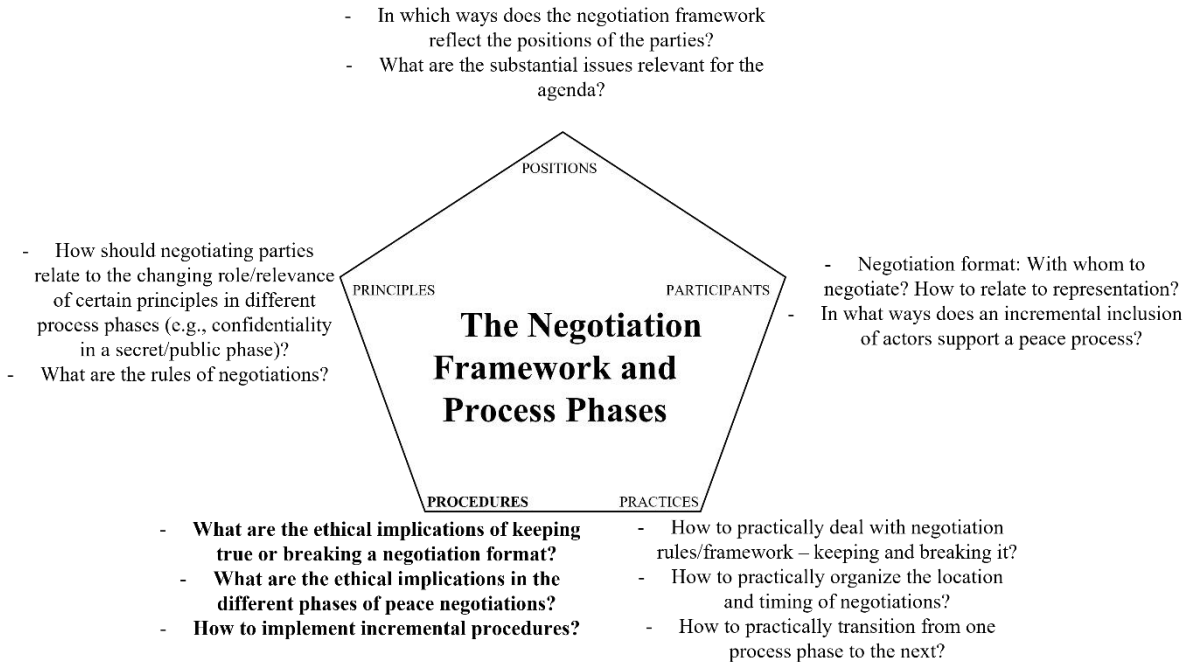


*Figure 11: Pentagon 8. Ethical considerations of the negotiation framework and process phases as they relate to all five dimensions of the situated holism framework.*

When thinking about the process phases from the perspective of *participants*, one could reflect on an incremental approach toward inclusion. That means the inclusion of actors such as nongovernmental organizations, women groups, or the public increases during negotiations. However, the phases of a process are highly dependent on the *positions* of conflict parties: In which phase are specific demands and claims accommodated? Process phases, and for example, the transition from one stage to the next, hinge on *practices* as the conduction of peace negotiations ultimately depends on concrete practices such as the organization of and decision for a venue. Lastly, the phases of peace negotiations can also be reflected in the dimension of *principles*. One example would be that the relevance of principles changes throughout the negotiation stages. While confidentiality has a higher value in a secret phase, it is less important in a (later) public stage.

The following subchapter explores ethical considerations that experts raise related to the principles of peace negotiations.

## *8.5 Principles*

When entering a peace process, the conflict parties agree to *principles* as a basis for negotiations. Such principles are of ethical concern and can either be of legal nature or stem from political, religious, or humanist approaches. These approaches comprise an ethical nature by setting a presumed to be 'right' framework. The chapter is divided into two sub-themes: the legal framework and principles and rules. The legal framework of peace negotiations raises ethical questions when, for example, asking whether it is possible to accommodate agreements or negotiation formats that exceed a country's constitution involved in conflict or international law. A concrete example of this ethical challenge would be the negotiations between Israel and Palestine. At least twice in history, UN resolutions, which are legally binding for member states, allowed mediation only to occur between governments (1948) or states (1975). Palestine was "not represented by any internationally recognized government and thus simply fell outside that point of reference" (Jensehaugen, 2022, p. 5). Therefore, it got excluded from the negotiations. To exclude one of the significant conflict parties is ethically highly critical. Another ethical implication relates to principles and rules: How to handle when these compete? This was, for example, a major issue in the case of the Guatemala peace process (Hauge, 2022, pp. 9–10).

### 8.5.1 The Legal Framework of Negotiations

Four out of ten informants take up legal issues related to the constitution framing specific peace negotiations. Two interviewees describe negotiating parties' challenges experiencing the constitution as restricting negotiations by limiting the possibilities of peace agreements. They say:

> "So, we we had to we had to think of how to keep true to the interpretation of the Supreme Court. In that sense, it's still the negotiations portion, we are not compelled to disclose as publicly everything that happens there, but also we cannot, we cannot also be as as wide-ranging in our negotiating positions or the Supreme Court said we had a keep to the constitution, so everything that we did had to be constitutional. And of course, as as one negotiating with the bureaucracy, with state authorities, the revolutionary group wanted something more creative, like more open. The Constitution is always, is always a given deterrent to the hopes and aspirations of a marginalized sector. So, we've always been told that we cannot be, we cannot have the Constitution as a starting point. But on

> our side in the government, we cannot go beyond the Constitution because of that Supreme Court ruling, or at least we cannot promise something that is not allowed in the Constitution. So, things like that. Those things are also sort of limited what we were able to put forward as options in the negotiations" (Expert 16).

> "And then also the the basic principle, the right to self-determination, for self-governance, for instance, within, of course as far as government is concerned, within the framework of national sovereignty and territorial integrity. And that was in the beginning a very naughty issue within the constitutional framework, which they wouldn't say, or which- because they're an armed group and they said they were outside of the constitutional framework, and the Constitution is our problem because it's not enough" (Expert 7).

However, one interviewee raises the opposite perspective on legal frameworks. He argues that referring to a constitution and international law also implies a guarantee, creating a safe framework on which the negotiating parties can rely.

> "I have two experiences, as I said, with guidelines and where there, You know, territorial integrity and state sovereignty, have been, you know, guiding principles, respect for the constitution, I've seen that in many processes where the current constitution is, even if you have been fighting the state, you recognize that the constitution includes some guarantees for you, so that's - as several processes really been sort of a framework for the talks" (Expert 8).

> "But there are some some sort of, you know, or international crimes, for example, is something that most parties recognize that they need to sort of orient themselves in relation to. So that's sort of boxes things in there, which is helpful, I guess. And then I've seen - Because it's a reality, if we move outside of this frame, it will have consequences for the process and for us personally, potentially. That puts a frame on things" (Expert 8).

Another interesting question about legal frameworks is how much focus there should be on legal principles compared to others. One interviewee describes a case where all lawyers were asked to leave the negotiation table so that the negotiations could focus on principles and not solely on language issues regarding the constitution and statutes. She reports:

> "So, there was a time when we were all of the lawyers in the room were booted out because of that, because it was getting too legalistic, it was getting too technical. And then you were, it was obvious that you were all only focusing on the language so that it

> accommodates both our desires. And that's not what you want in a peace agreement. You want a peace agreement that is a common ground for both and with a common, with some level some degree of common reason. Of course, again, it cannot be perfect or a 100 percent overlapping understanding, but there was that instant" (Expert 16).

Another interviewee's thoughts add a different perspective to the addressed ethical consideration, mentioning that legal frameworks can also be abused to avoid discussing the substance or principles. That would be the opposite approach of what Expert 16 illustrates.

> "And I've seen attempts by my parties to sort of insist on including international humanitarian law, human rights, security council resolutions into a peace peace process early on, unsuccessfully. […] And then you have amongst government representatives that have initially been advocating for including such references, have also understood that that would, there's a risk of that would sort of, it would be an easy - what is it called - an easy escape at the table, if you don't want to discuss the topic at hand you'll discuss the you know, the resolution [Number], the wording and the commas in Security Council resolution or in the Declaration of Human Rights or whatever. So, so no, I've seen attempts but not successful ones" (Expert 8).

The interviews show that peace negotiations must fit legal frameworks while accommodating substantial issues based on broader principles. Experts experience this balance as an ethical challenge. Additionally, legal principles can be used to provide a safe framework, and they can be perceived as restrictive or misused to undermine the negotiation process.

My analysis categorizes the legal framework of negotiations into *principles*. However, it also relates to the dimensions of *participants, practices, positions,* and *procedures,* as illustrated in Figure 12.

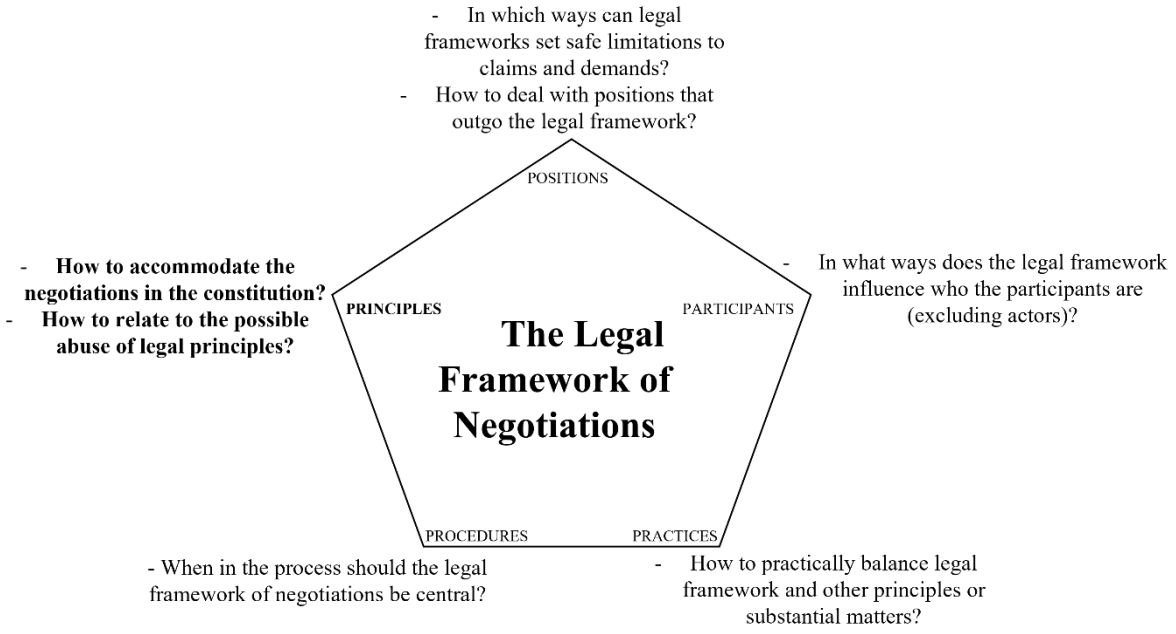


*Figure 12: Pentagon 9. Ethical considerations of the legal framework of negotiations as they relate to all five dimensions of the situated holism framework.*

As discussed in the introduction of the dimension of principles, legal frameworks can have implications for whom the *participants* are, especially relating to controversial actors (for example, exclusion mechanisms in the case of Israel/Palestine). Furthermore, so does the discussion about legal frameworks serving as a guarantee or limiting negotiations hinge on questions of *positions*: In which ways can legal frameworks be guarantees, limiting claims and demands of parties? And how to deal with positions that go beyond the legal framework? When focusing on implementation aspects ('how to'), many ethical considerations, such as balancing substance and principles of law, become a question of *practices*. Lastly, one needs to reflect on legal frameworks as part of the *procedures* of peace negotiations: When in the process should legal issues be discussed and emphasized?

The following subchapters explore ethical considerations experts identify related to principles and rules besides law issues.

### 8.5.2 Principles and Rules

Peace processes are packed with principles and rules influencing the process of negotiations and their outcome. The conflict parties need to agree to some, such as basic ground rules or negotiation rules. That implies strategic and ethical considerations. Besides basic negotiation rules, there are further implicit and explicit, settled and unsettled, and definitional and non-

definitional principles inherent in negotiations. Due to culture, religion, or personal background, principles that are implicitly essential for one party might not be so for the other. An overflood of competing principles can complicate negotiations. Therefore, they can become a matter of prioritization.

The following two subchapters present and analyze experts' perspectives on ethical considerations regarding negotiation rules and competing principles.

#### 8.5.2.1 Negotiation Rules

> "what you might call the ethics of the negotiation in the negotiation. Which are, which I would summarize as both sides observing a shared set of rules about how to go about the negotiation in every sense" (Expert 17).

This quote already includes the central conditions of negotiation rules: As they are shared, the parties need to agree on and obey them. Ethical questions regarding negotiation rules include: Are there basic rules or ground rules that negotiations should follow? Are there baselines for those rules or principles on which negotiations should be based? And what sort of rules or principles would these be?

Five interviewees mention negotiation rules (Expert 4, Expert 5, Expert 7, Expert 8, and Expert 17), two of them reflect on baselines (Expert 5) or bottom lines (Expert 7). Where those go is context-dependent, as the type of conflict, situation, conflict parties, and negotiations highlight different principles and rules. One interviewee elaborates on this:

> "Now, the points you mentioned [inclusion, representation of women or minorities], I think, personally I think there are no baselines, yea. Um, the baselines are are the parties. I mean, I'm not saying these are not important issues for, for political development, and I'm not saying these are not also important human rights related issues, but I don't think a mediation process is the place to, well, to to bring this in. - as long as it is not one of the core aspects of the conflict, then it's something else" (Expert 5).

Two interviewees share experiences of ground rules in peace negotiations. One reports from experiences as a third-party mediator (Expert 8), the other from a conflict party's perspective (Expert 7). The first interviewee admits that estimating how the negotiations would have been different without established ground rules is difficult. The second interviewee relates to

standard UN procedures and questions whether it is worth to use time to discuss ground rules. She adds that negotiations change over time and, thus, also the rules do. That relates to the previous procedural discussions about different phases or stages of a negotiation process.

> "I have experience from and through processes where we have as a mediator, we have sort of written down the ground rules for the parties, you know, shared our ideas of what the ground rules should be and afterwards, in those two cases, that's also included a paragraph of language. -"Yeah" - That they should address each other around every topic in a respectful language. Of course, all the names. Which has been relatively useful. Of course, I don't know what the case would have been without those guidelines" (Expert 8).

> "if you look at process design the way, for instance, even my experience in the UN, they will be very methodical about this. - "Yeah"- designing the process, doing the protocols, ground rules, etc. I think - it depends. On the one hand, you might use a lot of time, just tell me about the ground rules. And then you already create an acrimonious environment, just agreeing on the ground rules. Right? On the other hand, there are things that have to evolve along the way. And there are things that have to be changed along the way. […] But, so my take is that, No, it's not necessarily the case that you have formal written rules" (Expert 7).

Two informants offer specific examples of basic rules they experience as necessary or helpful across peace negotiations. They include basic respect, no dehumanization, no false promises, reliability, respect for the chair/hierarchy in the panel, and social media restrictions. Many of those rules are linked to *practices* and negotiation *procedures*. They include logical behavior that makes negotiations practically feasible (one speaks at a time) and ethical, respectful behavior (not violating hierarchy rules).

> "To me, ethics end up ends up being wrapped with considerations of basic respect and basic rules of, you know, mediation and negotiation in terms of not dehumanizing in terms of not dismissing in many ways, even though you might not be able to really appreciate it, but not dismissing, the suffering of the other side issues like that, you know? Respect in terms of…" (Expert 4).

> "and one of the guidelines was 'Don't believe' something along, -Don't promise what you can't deliver' and 'deliver what you promise'. And I say this is a very important starting point that we are there not to make false promises, and we did repeat these messages

> several times, especially under very difficult circumstances where they thought that we should be - they wanted more and you couldn't really commit to anything beyond the parameters that the government has. But that was the whole framework and my own, my own respecting on that was, that this is not patronage politics" (Expert 7).

> "You might have some procedures, like one of the procedures is, no other panel member can speak without asking the permission of his or her chair. Why? Because otherwise too many people are speaking at the same time. So, it's a chair sort of police, polices his own ranks and when when that is violated, that's insulting your chair, and that's also sort of being behaving unethically. Or on social media, you cannot text, you cannot. And that's one thing we found out. One of them was texting on social media, posting a FB post that one member of our team happened to read while we were negotiating. […] So, we did, when we when this was discovered, then we sort of really said we should have some rules on this" (Expert 7).

As mentioned throughout the chapter, ethical considerations regarding negotiation rules link the different dimensions, including *principles*, *procedures*, and *practices.* The relation to all five dimensions is discussed further in the reflection chapter (8.5.2.3).

The following subchapter explores considerations relevant to competing principles.

#### 8.5.2.2 Competing Principles

> "But yes, we had to deal with different, say cultures et cetera, maybe different standards of what might be appropriate, inappropriate behavior. But of course, a behavior is just the manifest part" (Expert 7).

Peace negotiations are full of ethical principles and standards. Three interviewees share experiences of competing principles arising in peace negotiations stemming from different worldviews or differences in negotiation goals or substance. Prioritizing those entails ethical challenges. Two interviewees acknowledge these challenges and stress that it is crucial to normalize them. Knowledge and acceptance of ethical challenges and competing principles can prepare negotiators and help them set priorities beforehand. The second interviewee proposes a sort of 'ethical pragmatism', which includes an open-mindedness for ethical grey zones and pragmatic compromises. They explain:

> "And particularly of intervening into conflicts because it's part of the whole endeavor to see that normally they are competing mutually exclusive goals when you intervene, that that's that's that's part of the game you at the same time want to save the lives but do not, for instance, violate norms. So, you would want not want to kill the aggressor just for saving the victim. Yeah, So, you have those dilemmas, you know, if they are everywhere and it's because of the complex set up of conflicts and that you have lots of imperatives that are competing - in any conflict. And this is something I think that has to be normalized and this can be done by research and by policy and. And I think that that would help a lot" (Expert 13).

> "I would just, you know, make sure people know they once entering the world of negotiations, there will be many grey areas. So, so, one one one invitation would be to abstain from maximalism, you know, from this idea that it's all or nothing and it's all good or all bad. So, So, this, I guess, I guess, requires I don't know how to call this, but I would, I would say, some ethical pragmatism, I guess. It may sound strange, but that is that is what I feel is needed because you cannot go in there, you know, seeking perfect submission by the counterpart or imposing your own point of view. And you know that you'll you'll have to you have to make concessions and that it may be, that may raise ethical concerns - for some. So that would be the main thing, you know, just be prepared for many grey areas and make sure that you know what your ultimate goal is and also make sure what your red lines are. I mean, what are you willing to negotiate? What are you not willing to negotiate, both ethically and also legally" (Expert 14).

Competing ethical principles relate to culture, religion, and competing goals or positions arise in peace negotiations. The interviewees acknowledge these and, thus, vote for a specific preparedness to support negotiators in handling those.

#### 8.5.2.3 Concluding Reflections on Principles and Rules

Principles and rules are inherent in peace negotiations, whether explicit or implicit, conscious or unconscious. The point of departure in the presentation and analysis here is the dimension of *principles*. However, principles and rules hinge on the remaining dimensions of the situated holism framework. That is illustrated in the pentagon below (Figure 13).

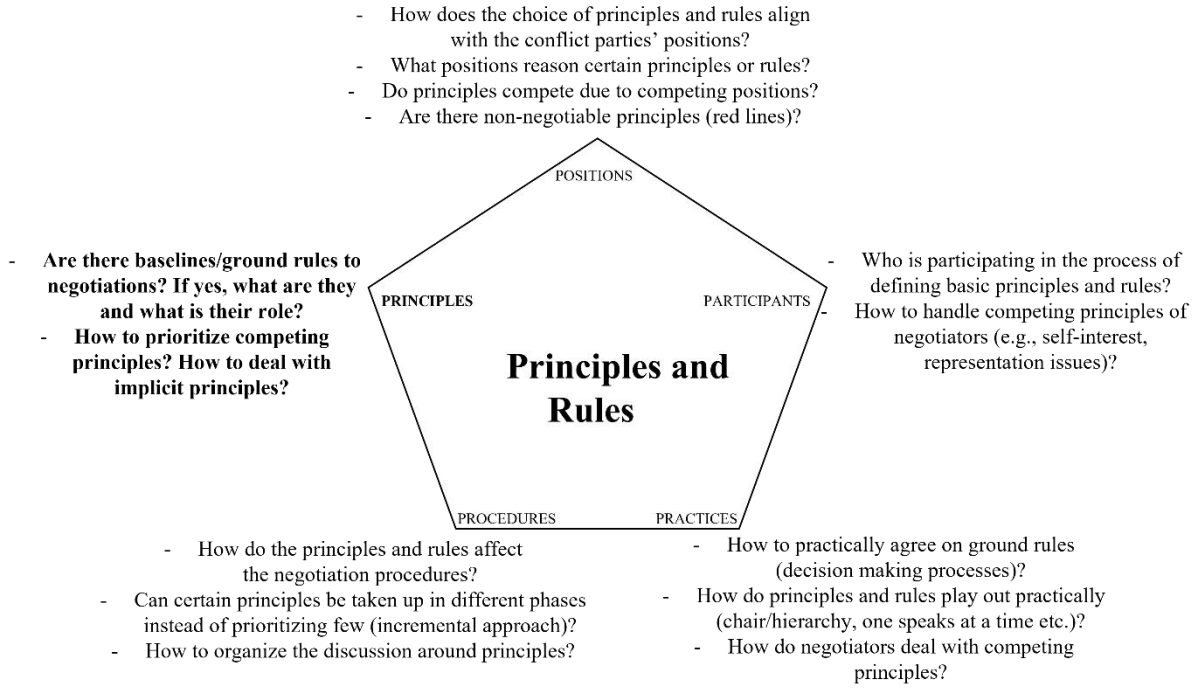


*Figure 13: Pentagon 10. Ethical considerations of principles and rules as they relate to all five dimensions of the situated holism framework.*

Principles and rules of negotiations can be discussed from the perspective of *participants*, raising ethical questions on competing principles as negotiators want to accommodate both their self-interest and the interest of the group they represent. It also asks which actors are included in the process of deciding the ground rules. The decision-making process is, however, an example of a question of *practices*: How to agree on principles/ground rules? Furthermore, the rules and principles inherent in negotiations affect the *procedures*: Can certain principles be highlighted at different stages of a process, or is it necessary to prioritize and eclipse some? How should a discussion on principles and rules be organized? And at what time in the process should it take place? Lastly, principles and ground rules can be discussed from the perspective of *positions*. Does the choice of rules and principles mirror the parties' positions? And do these compete as positions compete? Are there principles or rules conflict parties cannot negotiate (red lines)?

Principles and rules are of immediate ethical concern. However, they cannot be the starting point of this analysis discussing whether, for example, human rights, principles of equality, or trustworthiness should be the premise of peace negotiations. That would be misleading and emphasize negotiations being principled endeavors. Nevertheless, principles and the ethical

dimension of such principles are relevant. Thus, the chapter reflects on the role and challenges of principles in peace negotiations while acknowledging that they rarely work independently but only come to life concerning the participants' positions, practices, and procedures.

# 9 Summary

The presentation and analysis of the data material shows that experts have varying perceptions of the role of ethics in peace negotiations. The way they categorize, talk about, and name ethics differs. However, common themes and main ethical considerations can be identified.

Many interviewees did not frame their experience in an ethical context before but emphasized that they found it meaningful to reflect on it during the interview. The analysis illustrates experts' diverse approaches to ethics: Some emphasize the need to approach ethics as broadly as possible to prevent ethical limitations, while others underline consequentialist or deontological approaches. Again, others focus on the pragmatic role of ethics or frame ethics as questions. Still, others discuss ethics around the need for minimum ethical standards.

Some experts emphasize and criticize that the space for systematizing, reflecting, and discussing ethics in peace negotiations is limited. That is reasoned differently: Negotiators easily relate ethics to constraints and concessions. Therefore, some prefer not to include ethical considerations understanding these as limiting their possibilities in peace negotiations and impacting their strong positions. Other experts argue that ethics is out-of-favor and easily subordinated to power and strategic positions. They emphasize that legal issues, efficiency, and rational principles are more relevant than ethics. However, many experts stress that peace negotiations are multilayered, containing all those dimensions and principles simultaneously. Still, other informants reflect on the asymmetry of peace negotiations, putting more weight on the outcome than the process. The interviewees emphasize, however, that the process impacts the result, even though an ethical process does not necessarily lead to an ethical outcome. Similarly, some argue that explicitly addressing ethics does not necessarily make a negotiation process more ethical when not accompanied by actions and mutual acknowledgment of both conflict parties. This refers to the usage of ethical language due to a lack of positional leverage or situations in which only one party considers ethical parameters in negotiations.

The data results in experts' varied understanding of ethics, emphasizing that it is necessary to consider a multitude of factors: We can neither analyze the process of peace negotiations wholly separated from its outcome nor discuss ethics without acknowledging the role of strategy, power, political realism, and rational positions. Additionally, the different roles ethics takes in differing contexts of violent conflict and the changing global politics need to be taken into account.

These different perspectives are intertwined and inform peace negotiations simultaneously. It is, thus, impossible to draw a clear line, abstracting ethics completely. The elaboration and teasing out of it in this thesis only serve to offer a language and balance out the one-sided investigations found in literature so far. However, the interviewees emphasize that ethics is an equal parameter relevant to the process of peace negotiations. Still, ethical reflections in the empirical reality of peace negotiations are seldom. Some experts argue that this contributes to the difficulties peace negotiations entail. Thus, discussing ethics, contributing to the development of a normative debate in peace and conflict, and acknowledging ethical challenges inherent for conflict parties in peace negotiations without removing other central parameters or concerns, is highly relevant.

The second research question explores the ethical parameter by mapping the main ethical considerations in peace negotiations. These stretch over the stages of peace negotiations and involve all five dimensions proposed in the situated holism framework (*positions, participants, practices, procedures,* and *principles*). The themes in which the ethical considerations were categorized and presented give an overview of the central issues experts identify as ethical concerns. They comprise ethical perspectives on justice and peace, representation and mandate, inclusion/exclusion, ethically critical or supportive practices, when to negotiate, the negotiation framework and process phases, legal frameworks, and principles and rules. Some leading topics arise across the different themes connecting the different ethical considerations. They revolve around dimensions of justice, red lines, the aim of negotiations, the urgency of negotiations (ending violence), the comprehensiveness of agreements, representation and mandate of negotiators, inclusion and exclusion of (controversial) stakeholders and the public, the legitimacy of the negotiations, tensions between principles like accountability and reconciliation, the agenda, format, and timeline, baselines and ground rules.

The analysis of the interviews reveals that every stage and issue involved in the process of peace negotiations comes with a multitude of ethical considerations and questions. As expressed in the first part of the analysis, negotiations can include only a limited number of issues to keep moving forward. In order to balance the urgency of violent conflict and the need for comprehensive agreements, experts hold that negotiators cannot consider all (ethical) issues (for example, by crossing or stretching their mandate) or need to sequence ethical considerations wisely (for example, by adapting an incremental approach regarding questions of inclusion, justice, and accountability). The uncertainty of the outcome and the constant development of the process make such choices ethically and strategically difficult and risky. Often the right ethical choice is only visible retrospectively. Thus, to understand the ethical challenges peace negotiators face, it is necessary to recognize how a situation looks at a certain point in the process. This research aims to make this information accessible on a more general level by investigating relevant ethical considerations of the process. Simultaneously, it is necessary to stress that the concrete context of cases impacts the framing of ethical considerations. Even though the main ethical questions that experts identify are relevant across cases, there cannot be a final mapping of *all* ethical considerations. The presentation and analysis of this thesis lays out one possible way of illustrating and mapping the ethics of peace negotiations. Nevertheless, as the presentation emphasizes, the empirical reality of peace negotiations exceeds the artificially created dimensions and themes applied in this analysis. To make this visible, the analysis and presentation chapter includes reflections on the interconnectedness and interdependence of the five dimensions of the situated holism framework. Thus, the mapping this research provides is not final, intending to create a starting point for a critical discussion on ethics in peace negotiations.

# PART IV: DISCUSSION AND CONCLUSION

The fourth and last part of the thesis discusses the research results against the existing research, literature, and theories within the field of ethics in peace and conflict. A general conclusion, including further reflections on the limitations and strengths of the research and possible future research, follows this discussion.

# 10 Discussion of the Research Results

This chapter discusses the empirical findings of my research against existing literature and theory introduced in part I. The state of the art set by Hellmüller's research on mediators as norm entrepreneurs and Albin's framework of ethics in international negotiations (Albin, 2001) is central. The situated holism framework (Lidén & Syse, 2021) serves as a backdrop, stressing the necessity to put the results into the broader context of ethics in peace and conflict.

The chapter is structured around the two research questions of the thesis.

## *10.1 The Role of Ethics in Peace Negotiations*

My research results regarding the role of ethics in peace negotiations show that participants of peace negotiations consciously or unconsciously bring their personal or institutional normative framework and reflections to the negotiation table (chapter 7.1)[7]. The interviewed experts also illustrate ethics as equal to material or humanitarian parameters that can suffer with decreasing standards (chapter 7.2). These results echo literature and previous research, such as Hellmüller, Palmiano Federer, and Zeller (2015, p. 3) and Turner and Wählisch (2021, p. 1), who report a normative turn in the current trends of peace mediation. That is also in line with the ideational turn in international relations (Goetschel, 2020, p. 528; Haynes, 2013; Hellmüller et al., 2017, p. 7; Hellmüller et al., 2020, 347pp; Wiener, 2020, 10). While the discipline has been blind to normative perspectives (including religion and ethics generally), is has become more open to them after the Cold War. Similarly, one could argue that peace

[7] In the following I will refer back to where the research material in question is discussed by giving the chapter and section number.

negotiations and mediation have been blind to the normative dimension of peace negotiations (Goetschel, 2020, p. 528; Haynes, 2013; Hellmüller et al., 2017, p. 7; Hellmüller et al., 2020, 347pp; Wiener, 2020, 10).

Many interviewees of this research stress that they did not contextualize their experience within an ethical framework before engaging in the interview. However, my research results (chapters 7.3 and 8), current trends, and previous research in peace mediation report normative issues being at stake. This contrast challenges the translation of the normative perspective, as discussed in the theoretical discipline, into an explicit implementation in peace negotiations. Therefore, we need to ask: Who brings in this normative perspective? This thesis and previous research detect mainly western actors and peace support organizations doing so (chapter 7.5, Hellmüller et al., 2020, p. 346). The analysis of this research and the grouping of the interviews also make that visible. For both research questions, those interviews were chosen that included the most information for answering the respective question. An analysis of the constellation of interviewees in the groups shows that the group discussing the role of ethics (group one, research question one) includes more experts with experience from peace support organizations, academia, or mediation. Accordingly, this group includes fewer voices from the Global South. The experts with first-hand experience as negotiators did not reflect on the role of ethics in an abstract way. They were much more able to put their finger on concrete ethical considerations inherent in peace negotiations (research question two). That shows that they experience that ethics plays a role of ethics in peace negotiations but do not relate to it or formulate it explicitly. In line with that, the group discussing the main ethical considerations had a more even mix of negotiators, mediators, academics, and experts representing peace support organizations from the Global North and the Global South. That indicates that, even though ethics is detected as a critical parameter in the empirical reality throughout the interviews and across the interview groups used in the analysis, the explicit implementation of the normative turn, as reported in current trends and the literature, needs to be analyzed critically. It also points toward a relation between the perspective on ethics and personal background, culture, and professional experience.

However, the same results can be interpreted differently when considering that Hellmüller, Palmiano Federer, and Zeller (2015, p. 7) describe an increase of non-definitional and unsettled norms unrelated to the definition of peace negotiations and the substantial core

issues of the conflict. Instead of discussing the explicit implementation of the normative turn or pointing to the relation between ethics and personal background/experience, one could refer to further research results that show us how western approaches often get imposed on non-western contexts, thereby creating ethical challenges (chapter 7.5). Those challenges are mainly related to the role of third-party mediators coming from western organizations and inserting their liberal peacebuilding paradigm, containing norms like inclusion, into a specific negotiation process. This might be the case even when these norms are not central to the context or conflict. This research finding can be related to Hutchings' request to decolonize the field of ethics in international relations and moveo twards a pluriversal ethics (Hutchings, 2019, p. 115pp). The pluriversal ethics approach calls for coexistence and collaboration, and for avoiding the subsumption of all ethical categories under 'western' paradigms. It argues that the ethical framework of non-western actors needs to be recognized. With that, it can be used as an argument to strengthen the recognition of the perspective of the negotiating parties – instead of third-party mediators or the international community – in the case of peace negotiations.

The results of this research show a strong ambivalence regarding the role of ethics in peace negotiations. While the results acknowledge ethics as an equal parameter (chapter 7.2), they simultaneously stress the prevalence of power and rationalist or realist positions (chapter 7.4). Some interviewees advocate a realist, rationalist, and static perspective on ethics. They understand strategy and power as a counterweight to ethical perspectives. In line with Hellmüller's understanding of rationalism, these results within my research point to no link between the construction of interest and normative factors (Hellmüller et al., 2020, p. 348), ascribing norms "little or no independent explanatory power" (Björkdahl, 2002, p. 11). Further results relate to a partly consequentialist understanding of ethics, which one interviewee categorizes as classical, utilitarian, or realist (chapter 7.1). According to Dower, realist understandings point to an amoral position, which claims that ethics is generally irrelevant in war and peace. That is supported by such arguments as, for example, the lack of shared values enforcing standardized rules as well as the world's insecurity, which justifies that each country acts with regard to self-interest above all else (Dower, 2009, p. 10). Besides self-interest, realism also emphasizes the importance of power, understanding peace, accordingly, as a "bi-product of an international balance of power" (Amstutz, 2013, p. 49). Amstutz further characterizes realism as giving priority to consequentialist ethics (Amstutz,

2013, p. 48). The understanding of ethics as irrelevant and the accompanying emphasis on power of some interviewees align with realist positions, as described by Dower and Amstutz. However, the same interviewees point to several ethical considerations inherent in peace negotiations at other points in the interview. This shows that they experience an ethical dimension at play in the empirical reality of peace negotiations. Therefore, their position cannot be understood as entirely realist. Interestingly, Amstutz creates the approach of 'principled realism', which combines realism and idealism. His understanding of idealism is based on liberalism and mainly characterized by (1) a positive view of human nature and international political life, (2) rule-based ethics aiming for consistent morality, and (3) a priority given to human rights and constitutional structures (Amstutz, 2013, p. 54pp). Principled realism is, thus, a middle way linking the predominance of power, as inherent in realism, with an idealist understanding of morality (Amstutz, 2013, p. 60pp). Principled realism describes very well the positions of some interviewees according to the results of this research: combining a realist point of departure with a general understanding of ethics at play when it comes to rules, human rights, and constitutions. Even though these experts do not understand ethics as the main parameter (thus leaning toward realist positions), they acknowledge that peace negotiations are permeated by an ethical dimension (thus incorporating idealist positions). These interviewees discuss, for example, possibilities of minimum ethical standards that make reaching an agreement still possible. Also, a consequentialist understanding of ethics in peace negotiations fits this combinational approach. The interviewed experts consider peace negotiations to be asymmetric, prioritizing the result over the process. Thus, the data material underlines that the ethics of the process is never an end but functions as a means in the bigger picture of a peace process. Simultaneously, the empirical findings (chapter 7.2) and Albin and Druckman's research (2017, p. 111) hold that the process *does* impact the result. The emphasis on the outcome of peace negotiations clarifies that ethics in a peace process cannot be self-standing; the role of ethics is to support reaching a peace agreement. Discussing the ethics of the process entirely independently from the outcome of peace negotiations is, thus, impossible.

Even though some interviewees argue for separating rational and strategic positions from ethical ones, many paint a multilayered, ambivalent, and intertwined picture of peace negotiations, holding that strategic positions can entail an ethical dimension (chapters 7.2 and 7.4). This fits Albin, who points out that even positions viewed as self-interested can include

ethical reasoning (Albin, 2019, p. 55). Interviewees holding such positions do not focus on offering determined or 'right' answers but shift toward a contextual reflective practice, reflecting Hutchings' pluriversal approach. Such an approach challenges "cosmopolitan global ethical frameworks" (Hutchings, 2019, p. 118) and emphasizes the need to recognize the diversity of worlds and ideas (Hutchings, 2019, p. 116, 121). Given the research findings, a continuation of this approach would – with emphasis on the need for recognition of diversity – encourage acknowledging the ambivalence of ethical and non-ethical parameters within peace negotiations that arise from the different worldviews of the participants.

Further results of this and previous research describe how the actors participating in peace negotiations come to the negotiation table holding a multitude of explicit and implicit normative principles (chapter 7.2, Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7). According to Albin (2019, p. 56), an overload of different principles leads to a pick-and-choose situation where parties endorse those that best fit their normative standard and negotiation interest. Even though previous research shows that the normative turn in peace mediation is *per se* evaluated positively (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 7), it can increase the lack of understanding and coherence among the actors of peace negotiations (Turner & Wählisch, 2021, p. 2). Albin argues that ethical considerations lose their positive impact on negotiations when they "become subject of negotiation themselves" (Albin, 2001, p. 35) and, thus, complicate the process. Therefore, both previous literature and this research emphasize that putting an overflood of ethical considerations at the center of peace negotiations is not helpful. In order to reach an agreement, peace negotiations need to prioritize which substantial issues and norms can be included for a process to move forward (Hellmüller, Palmiano Federer, & Zeller, 2015, 7pp.; chapter 7.2). However, prioritizing certain ethical aspects or norms can be challenging. The collected data in my research proposes a possible prioritization by only including such ethical considerations or principles that relate to the core of a conflict's context and substance (chapter 7.2). Hellmüller's research states that mediators often prioritize both process- and content-related norms. Thus, norms-prioritization is often not a question of 'either-or' but of the right sequencing in the different stages of the process (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 10). This point is captured in the second research question as it reflects ethical considerations that experts mention regarding the procedures and principles of peace negotiations (chapters 8.4 and 8.5). Here the research results stress the need for reflection on timing, suggesting an incremental

approach: when should specific issues, ethical questions, and principles be included/highlighted?

Additionally, the sequencing of norms presumes particular attention and awareness from participants regarding the role of ethics. Informants interviewed for this project mention the need for participants to be cautious about the changing role of ethics throughout a negotiation process (chapter 7.2). This implies the need for an explicit role of ethics, which is, according to this research, often not present in peace negotiations. A lack of ethical language or vocabulary in the field (chapter 7.3) and a focus on power, strategy, and efficiency (chapter 7.4) lead to an overall implicit role of ethics. Nevertheless, as the experts' reflections regarding the second research question illustrate, ethics is constantly present, leading to a multitude of ethical considerations in peace negotiations.

## *10.2 The Main Ethical Considerations in Peace Negotiations*

In investigating the second research question, my thesis analyzes and systematizes the main ethical considerations that experts identify in peace negotiations by applying the situated holism framework (Lidén & Syse, 2021). The following discusses how ethical considerations found in this research relate to the broader debate on ethics in peace and conflict. It includes relevant literature on ethics in war and peace, ethics in international negotiations and mediation, policy work on mediation, and international ethics. The discussion follows the five dimensions of the situated holism framework.

Research results regarding the dimension of *positions* identify ethical considerations revolving around the question of justice versus peace as relevant. It also discusses ethical challenges regarding violence during negotiations and tensions of transitioning from war to peace. Theory and discussions in the broader debates on ethics in peace and conflict revolve around just war, transitional justice, the persecution of war criminals, and reparation. These debates seem to be either forward-looking, focusing on the outcome of peace negotiations (Elster, 2004; Murithi, 2009; Philpott, 2015; Pring, 2017), or backward-looking, discussing questions of justice in war and the just cause of war (Lang et al., 2013). As discussed by Lidén and Syse (2021, p. 7), some debates on 'just peace' claim that the different dimensions of justice, such as reconciliation and the restoration of broken societies, and retribution and the persecution of war criminals, contradict each other (Zartman & Kremenyuk, 2005).

Philpott (2015), however, argues that there is no contradiction between these dimensions of justice. Also, the results of my research show that negotiators grapple with accommodating different justice dimensions during a negotiation process (chapters 8.1.1.1 and 8.1.1.3). This ethical challenge relates to compromising while attempting to accommodate one's own party's and the broader society's needs. It, thus, relates to questions of inclusion or exclusion of certain stakeholders or the public (dimension of participants, chapter 8.2.1). Despite the similarity of this perspective to Philpott's argument against the contradiction of different dimensions of justice (chapter 8.1.1.3), Philpott's study focuses on the outcome and not on the ethical challenges of the terms of peace negotiations. Thus, as Lidén and Syse (2021) point out, the just war and just peace tradition lacks a theory of just negotiations. The research at hand, therefore, continues the previous literature by offering ethical perspectives regarding the process of peace negotiations.

This research's results overlap with relevant policy papers, such as the UN Guidance for Effective Mediation (2012). The balancing of urgency and the need for comprehensive agreements, framed by the UN guidance in light of the well-'preparedness' of a third-party mediator, appears in my research as part of the discussion of violence during negotiations and the handling of the past and future of conflicts (accountability, amnesty, transitional justice, etc.) (chapters 8.1.1.2 and 8.1.1.3). It suggests that the ethical dilemma of balancing a degree of urgency and the need for complex and time-consuming comprehensive agreements does affect negotiators just as much as third parties (chapters 8.1.1.1 and 8.1.1.2; also reflected in the dimension of participants, chapter 8.2.1.3). Being prepared to meet this dilemma and reacting flexibly to a changing negotiation process is critical for all participants. Along the same lines, the UN's principle of 'quality peace agreements' with its focus on the outcome of peace negotiations gets addressed.

The dimension of *participants* mainly discusses ethical considerations regarding inclusion and exclusion. That is a widely debated topic. According to the distinction between process- and content-related norms, the responsibility for inclusion falls under process-related norms. With that, it is often understood to be under the authority of a third-party mediator (Hellmüller, Palmiano Federer, & Zeller, 2015, pp. 5–6). This fits the UN's policy paper on Effective Mediation (2012), which explicitly states that identifying the needed level of inclusion is a task of a third-party mediator. However, the results of my research show that conflict parties

constantly grapple with it (chapter 8.2.1). Several informants underline, for example, that it is necessary to admit to and handle the ethical challenge that a negotiation process and agreement cannot accommodate everyone (chapters 8.2.1.2 and 8.2.1.3). However, as Hellmüller, Palmiano Federer, and Zeller (2015, p. 6) clarify, for that reason, the parties' consent is necessary. This means that mediators must constantly build legitimacy with the conflict parties in order to uphold their agency (Hellmüller et al., 2017, p. 15). This point increases the negotiating parties' authority and ownership, as emphasized in this research and mentioned in the UN guidance document (2012) (principle of 'national ownership').

Furthermore, broader debates usually argue for inclusivity as making negotiations more effective and increasing an outcome's durability. The current research expands on these points, showing that questions of inclusion and exclusion are not reducible to the outcome of negotiations (chapters 8.2.1, 8.1.1.1, and 7.2). Common is also the relation to the liberal peacebuilding paradigm, considering liberal norms like inclusion or gender equality as 'good', increasing the durability of peace, and illiberal norms as 'bad' (Hellmüller et al., 2020, p. 346; Palmiano Federer, 2019). While academia commonly argues in favor of inclusion, practitioners have divided opinions. While some experience a too-inclusive process as complicating, others stress that a more inclusive process increases the legitimacy of negotiations (von Burg, 2015, p. 4). Exactly this stretch of opinions is reflected in the results at hand (chapter 8.2.1). Hellmüller (2020) underpins the latter in her research on normative rationales for participation in the case of the Syrian Peace Process.

Another debate revolves around the inclusion of controversial stakeholders (chapter 8.2.1.1). These questions refer to the discussion on restoration versus retribution and, thus, reflect the ethical dimension of positions regarding justice and peace inherent in negotiations (dimension of positions, chapter 8.1.1). The ethical debate draws on constructivist approaches, discussing whether the inclusion of controversial stakeholders is a question of 'good' versus 'bad' norms or of the situational incompatibility of good norms (Nathan, 2020). In international negotiations, questions of legitimate parties have been "relatively undisputed as long as matters of state security and other government affairs dominated" (Albin, 2001, p. 27). This reflects a classic paradigm with states as the only legitimate participants of negotiations. Albin recommends a re-examination of this since negotiations move to new areas. The results of this research recommend the same but for another reason: the shift from interstate to

intrastate conflicts. This shift leads to the involvement of whole societies and multiple actors in conflict situations (Turner & Wählisch, 2021, p. 1), drastically changing the question of participation.

The research results related to the dimension of participants include discussing ethical considerations regarding representation (chapter 8.2.2). Albin claims that representation raises ethical issues "for it can prejudice the course of negotiations and prevent a balanced outcome" (Albin, 2001, p. 27). However, as every party usually chooses its representatives freely, representation issues are therefore considered a minor challenge. Nonetheless, my research results detect representation issues, especially regarding individual interest, as a significant ethical consideration (chapter 8.2.2.2). Ethical challenges linked to individual interest include the exploitation of the representative function in order to uphold one's political power, status, or personal convictions. This challenge aligns with political realist positions, according to Dower (2009, p. 10). It holds that negotiators, first and foremost, are driven by power and self-interest.

Regarding the dimension of *procedures*, the distinction between process- and content-related norms is important. As process-related norms, ethical challenges regarding procedures are traditionally a third party's responsibility (Hellmüller, Palmiano Federer, & Zeller, 2015, p. 6). My research, however, finds that these questions and related ethical considerations are equally central for the conflict parties since they pay the cost for (failed) negotiations. A strong focus of this research's results lies in the ethical challenge of whether or when to negotiate (chapter 8.4.1). However, the broader debates on normativity in international negotiations and mediation presume that negotiations are suitable and that the respective situation is 'ripe' for negotiations. My research indicates that the step from a conflict to negotiations is large and accompanied by political costs. Thus, the question of when or whether to negotiate is vital. However, neither Albin (2001) nor Helmüller et al. (2020) include this point in their research or discussion on international ethics, presuming negotiations/mediation as the right method. Regarding procedures, Albin focuses solely on the negotiation framework, discussing just mechanisms for agreeing and the structure of negotiations. In international negotiations, the normative negotiation framework commonly relies on previous multilateral agreements, making fair procedures more likely (Albin, 2001, pp. 29–30). Peace negotiations are built around a less clear negotiation framework, especially

after the shift toward intrastate negotiations (Lidén & Syse, 2021, p. 4; Turner & Wählisch, 2021, p. 1). This is primarily a question of the legal framework relevant to the dimension of principles (chapter 8.5.1). The research results underline the importance of a clear negotiation framework. They also emphasize the ethical relevance of the different stages of a process (chapter 8.4.2). Similarly, the debate on ethics in international negotiations recognizes that multiple ethical considerations are at play in all phases of a negotiation process (Albin, 2001, pp. 24–25; Druckman & Wagner, 2017, p. 16)".

Relating to the dimension of *practices*, the research results presented in this thesis mainly revolve around ethical considerations regarding the practical implementation of issues and the behavior of negotiating parties. With that, they refer to the negotiation format, describing, for example, the practice of keeping true to the framework as ethically supportive. However, the discussion of why keeping true to a negotiation format is evident to some parties but not to others can be understood in light of the division between settled and unsettled norms (Hellmüller, Palmiano Federer, & Zeller, 2015, pp. 5–6): While, for example, being on time can be a settled norm for some parties, it can be unsettled for others. Such differences lead to practical ethical challenges and influence the negotiation process and the trust-building between the conflict parties (chapter 8.3.2; also reflected in the dimension of principles, chapter 8.5.2.2).

The research results reflect especially the fine line between negotiation tactics and unethical, dishonest behavior. These are often related to power inequalities (chapter 8.3.1). The broader negotiation literature refers to such issues, if at all, solely in discussions on a 'just outcome'. Albin, however, addresses power issues as relevant since "the process and its outcome may largely mirror their respective power or lack of it. […] Moreover, the stronger side may have acquired its bargaining strength by exploiting the other party's resources" (Albin, 2001, p. 28). Some argue that one should not allow such power inequalities to be reflected in the starting positions, key negotiation issues, or negotiation tactics (Albin, 2001, p. 28, referring to Gauthier, 1986). However, my research indicates that this is impossible and exactly describes the ethical challenge at hand. The broader discussion on ethics in international mediation and negotiations is likely to give the responsibility for shifting weight in the direction of a more symmetrical situation to third parties (Albin, 2001, pp. 28–29). HD's mediation guidelines similarly discuss power inequalities and ethical challenges regarding

practices and negotiation tactics ('asymmetry', 'discussion denial', and 'disruptive personalities') (Slim, 2007). In line with my research, Albin emphasizes that the tactical usage of ethical arguments is widespread. Also, "some opportunity to 'bluff' about positions, alternative solutions, and the costs involved in making particular concessions" (Albin, 2001, p. 34) is as common in international negotiations as in peace negotiations (chapter 8.3.1).

Lastly, the research results related to the dimension of *principles* include ethical considerations concerning negotiation rules and legal frameworks. The shifting relevance of the legal framework due to an increase in intrastate conflicts has already been mentioned. In contrast to this prominent debate, the research results presented in my thesis focus more on ethical challenges regarding the need to accommodate agreements to the constitution of a country involved in peace negotiations than on questions of international law (chapter 8.5.1). Another relevant dimension regarding principles deals with negotiation rules and competing principles (chapter 8.5.2). Ethical challenges regarding negotiation rules can be linked to the discussion on settled- and non-settled norms (Hellmüller, Palmiano Federer, & Zeller, 2015, pp. 5–6) when, for example, discussing the differing relevance of norms (e.g., being on time to respect rules regarding the schedule) for different conflict parties (chapter 8.5.2.2; also reflected in the dimension of practices, chapter 8.3.2). Additionally, Albin describes challenges regarding rules when "some parties do not have a chance to take part in the selection of the rules or are disadvantaged by them" (Albin, 2001, p. 31). This reflects the research results, which, besides other points, reflect on questions of participation in defining the rules (chapter 8.5.2). Another issue is the competition of several principles at stake. As discussed earlier, both the research at hand and previous debates on international mediation suggest prioritizing principles according to definitional norms and the core issues of a conflict (chapter 7.2, Hellmüller, Palmiano Federer, & Zeller, 2015, p. 6).

As illustrated, much of the research results of this thesis align with ongoing debates in international negotiations and mediation. It, however, encompasses previous findings, theoretical insights, and policy work. While those debates mainly revolve around ethical issues regarding *positions* and *participants*, my research shows that ethics is also at stake regarding less-discussed dimensions such as *practices*, *procedures*, and *principles*. So, the research results deepen the ongoing debates by addressing broader perspectives, sorting, and comparing them according to ethical considerations identified by experts with diverse case

experience in peace negotiations. It also builds on them as it shifts focus from the widely discussed role of third-party mediators and the outcome of peace processes to ethical considerations essential for conflict parties during negotiations.

To end this discussion, I want to reflect on the strengths and weaknesses of the situated holism framework, given the research results. On the whole, the application of the framework as an analytical research tool has worked well. It captures relevant aspects, making it possible to categorize the ethical considerations discussed in the interviews. An overall strength of the framework is its flexibility in usage: It is applicable to investigate the ethical dimension of all sorts of conflict resolution methods and can be applied both retrospectively and prospectively. Retrospectively, it serves to analyze past negotiation processes; prospectively, it can be used to elaborate on possible ethical considerations in preparation for future negotiations. In this research, it was used as a tool on a general basis, serving to map the main ethical considerations inherent across peace negotiation processes. The framework is developed with a focus on the terms of negotiation processes. However, I would argue that it could be used similarly to investigate ethical considerations of negotiations regarding the outcome or durability of agreements. Situated holism works with a diversified theoretical background. The framework's flexibility and simplicity make the application of existing theories possible. Another critical aspect of the framework is its situatedness, which ensures that the ethical dimension of peace negotiations is related to the specific features of a conflict and the broader (geo-)political context. Thereby it prevents abstract or one-sided discussions. The current research, both the investigation of the role of ethics and the main ethical considerations, stresses that there is a multitude of ethical concerns related to political realist approaches in peace negotiations. The situated holism framework does not explicitly refer to these dimensions and distances itself from entirely realist positions in its theoretical background. However, as the empirical reality includes them – or at least a form of 'principled realism' – they should be accommodated. Therefore, the framework could benefit from integrating these issues more directly, perhaps by adding another dimension called 'power'. This would possibly enhance the debate on ethics regarding political realism, power, and (self-)interest in peace negotiations. However, the existing framework, which does not abstract 'power' as a separate dimension, makes clear that political realist approaches to ethics are relevant to all five dimensions and permeate the overall process of peace negotiations.

# 11 General Conclusion

This chapter closes the thesis, answering the research questions by setting up the research results in response to them. After that, it discusses the limitations and strengths of the research and recommends relevant future research.

## *11.1 Summary and Results of the Research in Response to the Research Questions*

My study asks about the role of ethics and the main ethical considerations inherent in peace negotiations, according to experts. And it answers: While experts understand ethics as relevant in peace negotiations, their understanding of its role varies and is inseparable from other factors such as strategy, power, or interest. Experts identify relevant ethical considerations in all phases of negotiations related to all the dimensions and the substantial, practical, and procedural questions that negotiating parties face throughout a peace process. They range from issues regarding peace and justice, representation, participation, and questions of initiating or stopping negotiations, to the negotiation framework, negotiation behavior, tactics, and the role of (legal) principles and rules.

The multifaceted and varying role of ethics in peace negotiations can be explained by reference to the fact that experts relate to ethics differently. They have differing views on how relevant ethics is and when and in which ways it comes to play a role in peace negotiations. The experts do not always have a language for ethics and criticize the limited space for discussing it. The research results show that ethics is not always explicit but constantly present as an equal parameter in the empirical reality of peace negotiations. The literature does reflect a normative turn in peace and conflict, discussing norms in mediation and international negotiations. However, it has largely missed the ethical debates relevant to peace negotiations and the negotiating parties, which is what this thesis addresses. While the theoretical should always relate to the empirical reality, it is also important that the empirical reality adapts and explicitly works on the implications of the broader normative development in the field. Here, the study – and practice – of negotiations has a long way to go. The space for ethics in peace negotiations needs to be further developed and framed. However, it is necessary to emphasize that an abstraction of ethics from other parameters determining peace

negotiations should be avoided and that ethics should not be seen as an end in itself or as a final goal. More precisely, the theoretical isolation or abstraction of ethics in a thesis such as this is only a means to distinguishing between different aspects of peace negotiations in order to make their interconnectedness visible. The thesis, thus, explores the role of ethics besides other essential parameters such as context, outcome or result orientation, efficiency, power, and strategic or tactical claims. It does not argue that those parameters are not central or irrelevant. Instead, it states that strategic arguments can also be ethical or ethically reasoned. Thus, it emphasizes that these parameters – ethical and non-ethical – do not stand alone but must be seen and interpreted in relation to each other.

According to the interviewed experts, the main ethical considerations relevant for negotiating parties permeate all dimensions and stages of peace negotiations. The experts discuss, for example, the dimension of justice during a process: How may one compromise on substance and principles while moving forward with negotiations that are (sufficiently) just? How can one accommodate the different positions found within a conflict party and among the broader public? How should one tackle the tension between accountability and reconciliation? This last question is also discussed concerning the inclusion or exclusion of controversial stakeholders and the balancing of inclusion and efficiency. While experts understand too-inclusive processes as becoming complicated and time-consuming (conflicting with the sense of urgency to end violent conflict), they simultaneously increase the legitimacy of negotiations. Even though inclusion issues are often understood as being under the authority of mediators (and, thus, falling under process-related norms), the experts in my research emphasize that those issues raise essential ethical considerations for negotiating parties. The research of this thesis reflects the relevance of ethical questions of participation, such as who the legitimate parties are; these questions being especially relevant as more conflicts are intrastate rather than interstate. Further, the experts argue that representation issues, especially regarding the individual interest(s) of leading negotiators, include significant quandaries and call for ethical attention.

The results of my research underline that experts experience several ethical concerns related to the process and the procedures of peace negotiations. These deal not least with the question of when to negotiate, indicating that negotiations are not always the right method for conflict resolution, and that they carry (political) costs. When deciding to initiate peace negotiations,

the experts underline the need for clear negotiation frameworks. These have, however, become less clear since the increase in intrastate conflicts, which decreases the impact of international law. Further, experts reflect on ethics regarding the phases of negotiations since participants often wish to 'jump to quick solutions'. Balancing urgency and the need for comprehensive agreements highlights the need to structure negotiations along process phases.

According to the experts consulted for this study, ethical considerations in peace negotiations also relate to the practical implementation of issues and the behavior of negotiating parties. They mention such concerns as keeping true to a negotiation format as well as ethical aspects of negotiation tactics. In some contexts, negotiation tactics are seen as arising mainly due to power inequalities, while in other contexts, the experts simply frame negotiation tactics as necessary without necessarily involving ethical questions.

Lastly, my research maps ethical considerations regarding the legal framework, negotiation rules, and competing principles. In intrastate conflicts, legal frameworks are mainly related to the specific countries' constitution, which experts experience as both a limit and a guarantee in peace negotiations. Regarding negotiation rules, the experts reflect on possible ethical baselines and different principles due to a difference in the settled/unsettled norms of the negotiating parties. According to experts, competing principles include significant ethical considerations. They suggest that only those principles that relate to the core substance of a conflict should be included.

This study is a continuation of a broader debate on ethics in peace and conflict that often highlights the role of third-party mediators, the role of the outcome of negotiations, and matters of power, strategy, or political realism. My research findings contribute to this field by offering the reflections of experts about the role of ethics in the process of negotiations from the perspective of the conflict parties. It also emphasizes that ethical considerations are relevant to all stages and dimensions of negotiations and, thus, have a tangible impact on peace negotiations.

The research shows that experts see the role of ethics in peace negotiations as multifaceted and diverse. One could therefore refer to it – as in the title of this thesis – in plural, as 'roles' of ethics. They discuss ethics according to their experience from negotiation settings and 'fill' the described themes with different narratives. Thus, the ethical roles and considerations in

peace negotiations include multiple realities and perspectives. The analysis highlights those different viewpoints by including diverse ethical questions and emphasizing where the themes and dimensions differentiate, interconnect, and overlap.

## *11.2 Reflections on Limitations, Strengths, and Suggestions for Future Research*

I want to close by returning to the main limitations of my research. As discussed in the methods chapter, the main limitations are related to the fact that my thesis discusses concrete issues in general terms. Those limits restrict the thesis but, at the same time, also constitute its strength.

The research withdraws from the temptation of making a valued general case for ethics as giving concrete ethical advice, drawing red lines, or judging the totalities of rights or wrongs in peace negotiations. In order to do that, one's reflections must be connected to the context and broader political setting of each case. The reflections cannot take place in isolation and on a general basis. The thesis is true to this format and takes the different cases seriously. It does not attempt to answer all the ethical challenges posed, but rather to build the field from below, thereby increasing the possibilities of properly understanding the role(s) of ethics in peace negotiations. It 'listens to' and maps out the field, thereby aiming to create a trustworthy picture of the reality of how peace negotiations and mediation are experienced and described. One interviewee frames peace processes like this:

> "I don't think there is any, of course, any such thing as efficient mediation, right? Mediation is, mediation requires stamina, mediation is messy, mediation is sprawling, slow, lots and lots of setbacks. I mean, it is a grand exercise in frustration, and one should expect that" (Expert 3).

This quote illustrates the reality of peace mediation but also of peace negotiations and the broader field of peace and conflict. It is messy, unpredictable, and frustrating. It requires endurance. In that way, the thesis describes peace negotiations as serious meeting points of human beings, with these serious meeting points naturally involving ethical considerations. It asks about the role of ethics in peace negotiations and the main ethical considerations; and it answers: Ethics is significant and plays a multifaceted role depending on case and experience.

The number of ethical considerations that experts identify in peace negotiations is innumerable. However, connecting themes and ethical considerations inherent in peace negotiations across cases have become visible throughout the project. Nonetheless, some points that informants make, and the discussion of possible reactions to these ethical challenges, are highly dependent on the broader context and seeing of the concrete negotiation process in question.

Thus, I want to suggest that these limitations have been useful and have contributed positively to the design of the thesis. It is within the humble acceptance of the untidy political realities in which peace negotiations take place and the trustworthy answering of the research questions that the thesis finds its recommendations for future research.

A lot of the collected data material remains unused. That is, first and foremost, the case as the thesis selected two groups covering only 12 out of 17 interviews discussing solely the conflict parties' perspectives. It could be relevant to work further with all the interviews, to understand the patterns and ways in which the conversations developed, and to analyze the answers of experts given their background and experience in more detail regarding their case, current situation, and biography. Analyzing and interpreting the material according to different research questions and theories would generate new perspectives and arguments. This could also lead to an explicit investigation of peace mediation and ethical considerations relevant to third parties. There is an overall need to discuss and compare more detailed ethical considerations significant for peace negotiators and mediators. The existing research and literature have not discussed those roles relating to each other. Doing so would increase the understanding of different viewpoints and inform the perspectives of the international community and peace support organizations.

My research contains a general discussion of concrete issues regarding the role(s) of ethics in peace negotiations. At the same time, it focuses on not generalizing in order to stay true to the specific format of different peace negotiations. Considering the unpredictability of the realities in which peace negotiations occur comes with a loss of certainties. However, it also creates the opportunity to go deeper into specific ethical considerations or cases. It generates the opportunity to research and discuss comparative approaches to ethical challenges. That

would carry new insights articulating multiple realities concerning the concrete aspects of peace negotiations and mediation.

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# APPENDIX

## A Information Letter to the Participants

### Information about participation in the FAIR project

#### Would you like to participate in the FAIR project?

We invite you to contribute to a research project by helping us learn about types of ethical problems and dilemmas that conflict parties and third-party mediators are faced with in peace negotiations. The project is called On Fair Terms: The Ethics of Peace Negotiations and Mediation (FAIR). It concentrates on the terms of negotiations rather than on the outcome. With the 'terms' we mean the aim and scope, parties, procedures and normative rules that constitute the negotiations.

In addition to forming a basis for research, we will use the interviews as a source of information when drafting a guidance document on ethical considerations in peace negotiations. The draft will be subject to further consultations and then disseminated to relevant actors. You will be invited to comment on a consolidated version and to figure on a list of contributors upon your acceptance.

Your contribution would be very valuable to us. You are contacted because we consider you an expert in one or more cases of peace negotiations and/or mediation – based on practical experience or scholarly research. We do not expect you to be an expert in ethics or to have considered the ethical dimension of peace negotiations previously.

#### Who is responsible?

The project is carried out by researchers at the Peace Research Institute Oslo (PRIO) in Norway and funded by the Research Council of Norway. The project website on www.prio.org contains more information. The project is led by Research Professor Henrik Syse. Contact person at PRIO for the interviews is Senior Researcher Kristoffer Lidén (Kristoffer@prio.org), +47 9011 2493. MA student [NAME (email address)] will participate in the interviews and use the findings for [her/his] MA thesis at the MF Norwegian School of Theology, Religion and Society. MF is responsible for the data management in her thesis.

#### What does participation entail?

We would like to interview you online for about an hour, using Microsoft Teams. The interviews will be open-ended conversations structured by a set of overarching questions.

We encourage you to talk about ethical problems and solutions in a generalised language, avoiding classified or sensitive details and potentially using hypothetical examples when needed. We also encourage you not to convey sensitive personal information about political, religious or philosophical convictions.

We will talk with many people in order to learn from different perspectives, but we will not reveal who has said what.

### How will the information we collect be used?

We take care to ensure that what you tell us remains confidential. The interviews will be recorded for internal use only. They will be stored in a secure domain and deleted upon transcription unless we agree otherwise.

The information we collect is handled in accordance with the data protection requirements in Norway (the General Data Protection Regulation and the Personal Data Act). The transcriptions will be stored in a 'Dropbox for business' that only the authorized individuals can access. Your name and contact details will be stored separately, away from the other information.

When we publish what we have learned from the research, we will not use your name, photo, address, or other information that can easily identify you, unless you eventually give your explicit consent to a concrete proposition.

When this project ends (by the end of 2023), we will delete the information and your contact details from our archives.

### What is our legal basis for processing your personal data?

Our handling of your personal data is based on that this research is carried out in the public interest.

### What are your rights?

Your participation is completely voluntary. Even after agreeing to take part, you can withdraw at any time, without giving a reason and without any negative consequences.

For as long as you can be identified in the data, you have the right to object to the processing of your personal data, obtain information about the personal data held about you; ask for personal data about you to be corrected; and request that personal data about you be erased. To do so, use the contact details provided above. You can also complain to the Data Protection Officer (the Norwegian Research Data Centre, dpo@prio.org, +47 5558 2117). You also have the right to lodge a complaint with the Norwegian Data Protection Authority.

## B Interview Guide for Expert Interviews

On Fair Terms: Ethics of Peace Negotiations and Mediation (FAIR)

Introduction to the project: Our goal with this project is to map out ethical considerations and questions as they relate to the process of peace negotiations, including peace mediation. Hence, we do not start from a focus on the ethics of the outcome of negotiations (amnesty, democracy, power sharing etc.) but on the very negotiations of the outcome. Relevant aspects

of negotiation processes include what the aim and scope are, who should be included as parties, which procedures that are adopted and which rules or norms that premise the negotiations.

We encourage you to talk about ethical questions in a generalized language, avoiding classified or sensitive details from the examples you give and potentially using hypothetical examples instead.

We wish to structure this as an open-ended conversation guided by some of the following six thematic questions:

1. What are the main ethical considerations in the process of peace negotiations that you can think of, given your own experience with this field? We will focus on the topic of peace mediation in a separate question, so please think of negotiations from the perspective of the conflict parties.

2. Why do you think these ethical questions arise in peace negotiations?

3. Do you have any thoughts on how these ethical questions should be addressed by the conflict parties?

4. If we now concentrate on the role of mediators in peace negotiations – what are the main ethical considerations, you can think of in this regard?

5. Why do these questions arise?

6. How should peace mediators address these ethical questions?

You are most welcome to ask what we mean by the questions, and we will probably ask follow-up questions in response to your answers.

## C Approval Letter from NSD

Behandlingen av personopplysninger er vurdert av NSD. Vurderingen er:

Det er vår vurdering at behandlingen vil være i samsvar med personvernlovgivningen så fremt den gjennomføres i tråd med det som er dokumentert i meldeskjemaet 27.09.2022 med vedlegg, samt i meldingsdialogen mellom innmelder og NSD. Behandlingen kan starte.

TYPE OPPLYSNINGER OG VARIGHET

Prosjektet vil behandle alminnelige personopplysninger frem til 30.06.2023.

LOVLIG GRUNNLAG

Prosjektet vil behandle overnevnte kategorier av personopplysninger med grunnlag i at oppgaven er nødvendig for å utføre en oppgave i allmennhetens interesse og for formål knyttet til vitenskapelig forskning.

Lovlig grunnlag for behandlingen av alminnelige personopplysninger er dermed at den er nødvendig for å utføre en oppgave i allmennhetens interesse, jf. personvernforordningen art. 6 nr. 1 bokstav e, samt for formål knyttet til vitenskapelig forskning, jf. personopplysningsloven § 8, jf. personvernforordningen art. 6 nr. 3 bokstav b.

Behandlingen er omfattet av nødvendige garantier for å sikre den registrertes rettigheter og friheter, jf. personvernforordningen art. 89 nr. 1.

PERSONVERNPRINSIPPER

NSD vurderer at den planlagte behandlingen av personopplysninger vil følge prinsippene i personvernforordningen:

om lovlighet, rettferdighet og åpenhet (art. 5.1 a), ved at den registrerte får tilfredsstillende informasjon/ved at prosjektet oppfyller kravet om nødvendige garantier formålsbegrensning (art. 5.1 b), ved at personopplysninger samles inn for spesifikke, uttrykkelig angitte og berettigede formål, og ikke viderebehandles til nye uforenlige formål dataminimering (art. 5.1 c), ved at det kun behandles opplysninger som er adekvate, relevante og nødvendige for formålet med prosjektet lagringsbegrensning (art. 5.1 e), ved at personopplysningene ikke lagres lengre enn nødvendig for å oppfylle formålet

DE REGISTRERTES RETTIGHETER

NSD vurderer at informasjonen om behandlingen som de registrerte vil motta oppfyller lovens krav til form og innhold, jf. art. 12.1 og art. 14.

Så lenge de registrerte kan identifiseres i datamaterialet vil de ha følgende rettigheter: innsyn (art. 15), retting (art. 16), sletting (art. 17), begrensning (art. 18) og protest (art. 21).

Vi minner om at hvis en registrert tar kontakt om sine rettigheter, har behandlingsansvarlig institusjon plikt til å svare innen en måned.

FØLG DIN INSTITUSJONS RETNINGSLINJER

NSD legger til grunn at behandlingen oppfyller kravene i personvernforordningen om riktighet (art. 5.1 d), integritet og konfidensialitet (art. 5.1. f) og sikkerhet (art. 32).

Teams og Dropbox er databehandler i prosjektet. NSD legger til grunn at behandlingen oppfyller kravene til bruk av databehandler, jf. art 28 og 29.

For å forsikre dere om at kravene oppfylles, må dere følge interne retningslinjer og/eller rådføre dere med behandlingsansvarlig institusjon.

MELD VESENTLIGE ENDRINGER

Dersom det skjer vesentlige endringer i behandlingen av personopplysninger, kan det være nødvendig å melde dette til NSD ved å oppdatere meldeskjemaet. Før du melder inn en endring, oppfordrer vi deg til å lese om hvilke type endringer det er nødvendig å melde: nsd.no/personverntjenester/fylle-ut-meldeskjema-for-personopplysninger/melde-endringer-i-meldeskjema

Du må vente på svar fra NSD før endringen gjennomføres.

OPPFØLGING AV PROSJEKTET

NSD vil følge opp ved planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet.

# D List of Interview Participants

**Group 1 Referring to Research Question One: How do experts talk about ethics?**

| Expert | Third-Party Mediation Experience | Negotiating Party Experience | Academic Experience | Peace Support Organization Experience | Sex | Global South / North (GL/GN) |
|---|---|---|---|---|---|---|
| Expert 4 | X | | X | | f | GN |
| Expert 5 | | | X | X | m | GN |
| Expert 7 | X | X | | | f | GS |
| Expert 8 | X | | | X | m | GN |
| Expert 10 | X | | X | | m | GS |
| Expert 11 | | | | X | m | GN |
| Expert 12 | | | | X | m | GN |
| Expert 13 | X | | X | | f | GN |
| Expert 14 | | X | X | | f | GS |

**Group 2 Referring to Research Question Two: What are the main ethical considerations that experts identify in peace negotiations?**

| Expert Number | Third-Party Mediation Experience | Negotiating Party Experience | Academic Experience | Peace Support Organization Experience | Sex | Global South / North (GL/GN) |
|---|---|---|---|---|---|---|
| Expert 4 | X | | X | | f | GN |
| Expert 5 | | | X | X | m | GN |
| Expert 7 | X | X | | | f | GS |
| Expert 8 | X | | | X | m | GN |
| Expert 11 | | | | X | m | GN |
| Expert 13 | X | | X | | f | GN |
| Expert 14 | | X | X | | f | GS |
| Expert 15 | X | | X | | m | GS |

| | | | | | | |
|---|---|---|---|---|---|---|
| Expert 16 | | X | X | | f | GS |
| Expert 17 | | X | | X | m | GS |

## E Main Ethical Considerations

**POSITIONS**

| **Themes** | **Ethical Considerations/Questions** | **P-dimensions overlap** | **Topic links** |
|---|---|---|---|
| Peace and Justice | Compromising on Justice in the Name of Peace<br>- To what extent in the name of peace can the parties actually compromise on issues of peace and justice?<br>- Is it ethical to make agreements that lead to less violence but unjust societal circumstances?<br>- Is it worse to continue with violence than bending the rules to bring someone into the system?<br>- Does the end justify the means?<br>- How can negotiations serve justice? (Differing concepts of justice, Historical (in)justice)<br>- Is it better to strive for a less bad outcome than no agreement (and worse outcome)?<br>- Giving up on principles? | Positions, Participants (Inclusion issue, controversial stakeholders), Principles (stepping over / compromise on ethical principles to reach an agreement, less bad agreement) | Peace vs. Justice<br>Red lines<br>Baselines<br>Agenda<br>Goal of negotiations<br>Starting points |
| | Violence During Negotiations<br>- Can you fight while you negotiate (urgency of stopping the violence)?<br>- Should one implement a ceasefire? | Positions, Practices (negotiate as if you're not fighting, practice of ceasefire), Principles (negotiate as if not fighting) | Peace vs. justice<br>Ceasefire (spoilers, trust-building)<br>Urgency<br>Baselines |

| | | | |
|---|---|---|---|
| | | | Red lines |
| | Transitioning from War to Peace<br><br>- Tension between accountability and forgiveness – controversial stakeholders role in society<br>- How to handle the in between past and future? (transitional justice)<br>- In which ways should consequences of the conflict be included in the negotiations? (for example: victims inclusion, accountability, amnesty vs. no impunity) | Positions (compromising in the name of peace), Participation (Inclusion), Principles (what sort of principles are at play? Truth, justice, accountability, etc.), Practices (bring victims to the table), Procedures (finish as quick as possible or comprehensive agreement?) | Peace vs. Justice<br><br>Urgency vs. comprehensive agreements |
| Mandate and Re-presentation | Set Mandates and the Crossing of Mandates<br><br>- Is it ethical to have a fixed position/mandate before entering negotiations? (against the definition of negotiation?)<br>- Keep your mandate or stretch it for getting to an agreement? How far can you cross your mandate?<br>- What to prioritize: Urgency or keeping true to the negotiation format (going back and forth)? | Positions, Principles (fixed principles = red lines?), Procedures (timeline), Practices (step over mandate, balancing decisions) | Mandate<br><br>Representation<br><br>Timeline<br><br>Agenda, Format<br><br>Red lines (ceasefire, trust-building) |

**PARTICIPANTS**

| **Themes** | **Ethical Considerations/Questions** | **P-dimensions overlap** | **Topic links** |
|---|---|---|---|
| Inclusion and Exclusion | Legitimate Parties and Controversial Stakeholders<br><br>- Who is the right/legitimate (counter)party to negotiate with?<br>- Should controversial stakeholders/actors be included | Participants, Positions (question of red lines), Practices (do not break channel with violent parties). | Inclusion<br><br>Accountability<br><br>Urgency<br><br>Compre-hensiveness of |

| | | | |
|---|---|---|---|
| | in negotiations? (Is it ethical to, for example, run over the ICC and violate international law (negotiate with terrorists) in order to reach an agreement?) | Principles | the agreement<br><br>Legitimacy |
| | Inclusion of the Public<br><br>- Is it ethical to make agreements which affect those who are not at the table?<br>- Who is the agreement for? (public good) (victims inclusion, representation)<br>- Which role should the international community play in peace negotiations?<br>- How to/Should one include the public into the peace agreement?<br>- Should one put the peace agreement to a referendum? | Participants, Practices, Principles, Positions (justice, reciprocity), Practices (victims' inclusion), Procedures (knowing about having a referendum changes the procedures?) | Inclusion<br><br>Representation<br><br>Mandate<br><br>Third parties<br><br>Referendum<br><br>Politics |
| | Inclusivity versus Efficiency | Participation, Practices (inclusive practices vs leaving out opinions / interests), Principles (inclusion as principle) | |
| Representation | Negotiators as Representatives<br><br>- Who to represent as a negotiator?<br>- Should negotiators be chosen due to their negotiation skills or their representing role? | Participants, Principles (law, congress) | Representation |
| | Representation and Individual Interest<br><br>- How to balance individual interest (political power/personal convictions) vs. interests as a representative in negotiations? | Participation, Positions (relation power/interest, justice – political status/rewards), Principles | Representation<br>Mandate<br>Politics<br><br>Ownership |

**PRACTICES**

| **Themes** | **Ethical Considerations/Questions** | **P-dimensions overlap** | **Topic links** |
|---|---|---|---|
| Ethically Critical Practices | Dishonest Practices Toward the Public<br>- Who makes the deal? ('selling' dishonest deals to public/ constituencies) | Practices, Principles, Participation (inclusion, mandate) | Representation<br>Mandate<br>Urgency |
| | Unethical Behavior and Negotiation Tactics<br>- Exploitative behavior vs. partnership between the parties<br>- Unethical or negotiation tactics?<br>- Is it ethical to use ethical (religious) principles/ frameworks to cloak real interest and positions? | Practices (virtue ethics), Participants (power relationship between parties), Principles, Positions | Gameplay<br>Unequal power relations |
| Ethically Supportive Practices | - How to build trust? Relevance of trust-building?<br>- What role does official behavior of the parties play in peace negotiations (handshaking, smiling, etc.) in relation to 'material' transformation (economically, change of conditions, addressing of suffering)? | Practices, Procedures (trust-building in the first phase?, trust in the process not in people), Participants, Principles (rules) | Trust-building |

**PROCEDURES**

| **Themes** | **Ethical Considerations/Questions** | **P-dimensions overlap** | **Topic links** |
|---|---|---|---|
| When to Negotiate? | - Whether to negotiate at all?<br>- When is a conflict "ripe" (political setting)?<br>- When to stop negotiating during a peace process? (when one side is game playing or using | Positions, Procedure (begin negotiating? when to stop, have red lines in the agenda?), Principles (ethical obligation to end violence) | Peace versus Justice<br>Red lines<br>Agenda |

| | | | |
|---|---|---|---|
| | unethical practices?) | | |
| The Negotiation Framework and Process Phases | - How important is it to stick to the agenda/schedule?<br>- How can practical frameworks support ethical negotiations? How can such frameworks make it possible to get to the negotiation table?<br>- In which ways do the framework and procedures influence the result of peace negotiations?<br>- What can decrease possibilities of failed negotiations? Different ethical questions at stake at different times of the process (for ex. trust-building at the beginning)<br>- Problem of parties jumping from problems to solutions without going through the whole process<br>- Should there be a secret phase? (how long keep negotiations confidential?)<br>- What to be (ethically) aware of when moving the negotiations from a secret phase to a public phase? (accountability for the public, representation issue)<br>- How to deal with grievance and perspectives on history? (first phase of the negotiations)<br>- Peace negotiations as part of a peace process – stages of a process | Procedures, Principles, Practices (jumping from problem to solution, 2+2 rule, UN chose victims), Participants (inclusion of the public) | Trust-building<br>Inclusion<br>Incremental<br>Accountability<br>Politics<br>Representation<br>Justice versus Peace<br>Agenda |

**PRINCIPLES**

| **Themes** | **Ethical Considerations/Questions** | **P-dimensions overlap** | **Topic links** |
|---|---|---|---|
| Legal | - How much focus on | Principles, Positions, | Frames and |

| | | | |
|---|---|---|---|
| Framework | principles/legal issues and how much on that the agreement is a common ground for both?<br>- legal issues/constitution as frame and limits | participants | Red lines |
| Principles and Rules | Negotiation Rules<br>- Are there basic rules negotiations should follow? Baselines?<br>- What rules should negotiations follow and who should be included to decide on them?<br>- Pre-negotiations determining rules? | Principles, Procedures, Practices (logical behavior supporting negotiations) | Inclusion<br>Ground rules<br>Stages/Phases |
| | Competing Principles<br>- Competing principles leading to dilemmas, grey zones<br>- Principles differing from culture to culture | Principles, Participation (individual vs representation), Practices (eye-looking, handshaking) | |