

Procedural Justice, Problem Solving, and Negotiation Outcomes

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Abstract:

Building on content analysis of negotiator statements that compared the process and outcome in multiple international, intergovernmental negotiations, this study further assesses the existence of procedural justice in eleven negotiations, to compare three categories of variables: process, procedural justice and outcome. The research asks whether procedural justice, problem solving processes and integrative outcomes are correlated, and whether procedural justice is a mediating influence between the other two variables. In addition, duration of the agreement was included as a fourth variable for some analyses. A question of interest is whether procedural justice also mediates the relationship between problem solving and duration.

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Extended Abstract

Introduction

Many participants attributed the bitter atmosphere in which the December 2009 Copenhagen Climate Change Conference concluded to a lack of transparency and inclusiveness in the negotiation process for the “Copenhagen Accord” (IISD 2009). Immediately following the meeting, the UN Secretary-General called for an examination of the Copenhagen negotiation process (2009), with an eye to learning lessons for the next round of climate change talks, and representatives from key states have vowed that negotiations leading to the Mexico Climate Change Conference in November 2010 will need to be more transparent and inclusive (BASIC Group 2010). What influence could increased transparency and inclusiveness have on these talks? This paper offers a systematic analysis of the role that transparency, inclusiveness and other aspects of procedural justice have on international negotiation processes, to contribute to the evaluation of the Copenhagen process and efforts to move the talks forward.

Hollander-Blumoff and Tyler (2008) find that procedural justice encourages the acceptance of negotiated agreements and leads to the opportunity for increased integrative bargaining, but their research involves bilateral negotiations among student subjects. The present research reviews eleven international negotiations to assess whether these findings hold up in international, intergovernmental settings. The study relies on U.S. negotiators’ reports on discussions with their counterparts, printed in the *Foreign Relations of the United States* series of declassified Department of State material, as a primary data source. Building on content analysis of negotiator statements that compared the process and outcome in these cases (Wagner 2008), this study further assesses the existence of procedural justice in each negotiation, to compare three categories of variables: process, procedural justice and outcome. The research asks whether procedural justice, problem solving processes and integrative outcomes are correlated, and whether procedural justice is a mediating influence between the other two variables. In addition, duration of the agreement was included as a fourth variable for some analyses. A question of interest is whether procedural justice also mediates the relationship between problem solving and duration.

The Cases and Method

All of the cases are historical and were selected on the basis of adequate data on the statements made by negotiators from the U.S. State Department’s *Foreign Relations of the United States* series. This bound compendium contains declassified cables to and from U.S. embassies, State Department memos and other written records regarding U.S. foreign affairs. Additional material was gathered from the U.S. Archives to supplement these data. The length of the negotiation influenced our decision regarding adequate data as did the quality of record keeping. The sample is not random, but no case was rejected because it did not confirm the hypothesis. An attempt was made to avoid a selection bias in choosing the cases for analysis. The table below presents the negotiating parties, issue under discussion and years during which the negotiators met for each of the eleven cases examined.

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Parties	Topic	Dates
US-Turkey	Trade	1938-1939
US-UK-Switzerland	Trade	1942
US-Mexico	River Water Division	1942-1944
US-Portugal	Airfield Tenancy	1946
US-France-UK-Benelux	London Conference (future of Germany)	1948
US-France-UK-Germany	Basic Law for Federal Republic of Germany	1948-1949
US-Iran	Aid to Iran	1950
US-Saudi Arabia	Airfield Tenancy	1950-1951
US-Japan	Administrative Agreement	1951-1952
US-Republic of China	Mutual Security Treaty	1954
US-USSR-UK-France-Austria	Austrian State Treaty	1946-1955

The cases had been analyzed previously using content analysis to determine whether problem solving or bargaining dominated the negotiation process in each case, and to what extent the outcome reflected an integrated, compromise or asymmetrical distribution of value (Wagner 2008). Coding schemes developed originally by Walcott and Hopmann (1978; see also Hopmann, 2002) provided bases for the codes that were developed to match negotiator statements with the theorized negotiation processes. After coding each statement and outcome article, the percentage of negotiator statements that reflect each process type and the percentage of agreed articles that reflect each outcome type were calculated for each process and outcome variable.

The main coding was conducted prior to in-depth evaluations of the cases to minimize any accompanying biases. A second coder was not informed of the study's objectives before coding randomly selected meetings and ten percent of the outcome articles from the cases. The first and second coders' appraisals of whether a statement was problem solving or bargaining matched on 73 percent of the coded statements, with a categorizing reliability of .79 and reliability of the unitizing process of .05 (Guetzkow 1950). The first and second coders' appraisals of whether an outcome article was integrative or represented a compromise or asymmetrical arrangement matched at a rate of 91 percent, with a categorizing reliability of .98 (Guetzkow 1950).

Using a coding system developed and applied to peace agreements by Albin and Druckman (2010), the present research adds evaluations for four types of procedural justice to the previous process and outcome assessments. The procedural justice types cover transparency (drawing on Heald 2006), fair representation (drawing on Thibaut and Walker 1976), fair treatment and fair play (drawing on Lind and Tyler 1988), and voluntary agreement (drawing on Barry 1996, and Albin 2001) in a negotiation process.

A first analysis consisted of performing correlations and factor analyses among the scores for procedural justice, process, and type of outcome. A second analysis examined mediation effects using the regression-based Sobel's z test (Barron and Kenney, 1986). This statistical procedure assesses the extent to which procedural justice mediates the relationship between

problem solving processes and outcomes, on the one hand, and between processes and durability of the agreements (number of years in force without violations) on the other.

Summary of Findings

The analysis shows that more procedural justice principles characterized the cases in which problem solving processes predominated than those in which bargaining processes were more prevalent (18 versus 10). Results from a factor analysis shows a correlated cluster for problem solving process, integrative outcome and procedural justice variables, with these three variables accounting for 47% of the variance. Also confirming this relationship, these variables negatively correlate with bargaining, compromise and asymmetrical outcomes. These findings confirm the expected correlational relationship between problem solving process, integrative outcome and procedural justice, supporting the earlier results reported by Hollander-Blumoff and Tyler (2008). We also found that procedural justice statements occurred primarily during the first phase of the negotiations.

The data are then used to investigate causal relationships between the variables. A borderline significant Sobel's z ($p < .09$, one-tailed) indicates a modest mediating effect for procedural justice in the relationship between problem solving processes and integrative outcomes. A significant Sobel's z ($p < .025$, one-tailed) indicates that procedural justice mediates the relationship between problem solving processes and the duration of the agreements. Thus, procedural justice variables play a role in outcomes, particularly with regard to the longevity of the negotiated agreement. This result extends research on distributive justice, where mediating effects were also reported for duration of the agreements (Druckman and Albin, 2010). Broader implications of this set of findings for the relevance of justice in a variety of types of negotiations will be further developed and discussed in the presentation.

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