

# Reaching Constructive Compromise: Steps, Tactics, and Strategies

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## Abstract

The history of war and conflicts is as old as human history itself. Along with it always existed attempts to find ways and means to reconcile conflicting parties and reach peace. In today's world, more than ever, where war and conflicts are everyday occurrence is imperative to find faster and reliable ways how to resolve conflicts. Reaching a constructive compromise is extremely difficult (very often even the implementation phase creates additional hitches) as the parties involved pretend or believe that all of their demands for peace deal are rational and thus should be fulfilled. While one party may have expertise in negotiation process itself, the other may be unwittingly unprepared, and believing that honesty and fairness will result in impartial peace deal. This is, unfortunately, not always so. The aim of this paper, besides targeting these types of naïve perceptions, is to inspire others to be fully prepared prior entering negotiation process. The negotiation strategy, along with steps and tactics is the fundament of this research. History of negotiations teaches us that often the strong and more prepared side tends to win more than the weak and unprepared one in a negotiation process. Yet studying and exploring the approach to reach a constructive compromise is essential and conducive even if you happen to find yourself as the weaker party vis-à-vis a stronger opposing rival. The

purpose of this study is to analyse the implications of negotiating strategies in the course of reaching the eventual constructive compromise. Throughout, this paper has endeavoured to answer numerous but distinct issues related to the topic and offer a balanced analysis on the arguments explored. The study also delves into some international conflicts (resolved and unresolved) examining them in light of potential constructive compromise. Finally the study ends up by concluding that constructive compromise strategy that focuses, above all, on creativity, analytical ability and rationality requires often, enormous time and efforts to reach desired result, but ends fully justify means.

**Key Words:** Conflicts, Compromise, Strategy, BATNA, ZOPA.

## 1. Introduction

Conflicts, wars and disputes along with negotiations to bring peace, calm and tranquillity are as old as history itself. Conflicts have the tendency to be viewed from a negative angle. However, the reality shows that conflicts may bring new prospects for peaceful relations among hostile nations, productive business opportunities in trade and commercial industry and above all brings hope for cooperation and partnership between conflicting parties. Peace, reconciliation and prospects can be achieved through the negotiation instrument, the aim of which is reaching practical deal where all parties feel as winners. The strategy to achieve a constructive compromise is usually complex to design (and often equally difficult to be implemented) but imperative to bridge the gaps and attain a deal.

The core discussion is the role and the effect of strategies in reaching constructive compromise, along with its challenges and opportunities. It starts with the brief introduction about the conflict facets along with the need and importance of negotiation. Then it follows with the strategies for constructive compromise that are divided in five parts: strategy preparation, formulation, goal clarification, focus and behaviour during negotiation and finally closure of negotiation process. Above all, it argues that, although there are a number of challenges encountered in the path towards reaching a practical deal, still more attempts should be made. The study also presents associated negotiation tactics, discusses the opportunities of constructive compromise, analysis certain conflict case studies and offers recommendations.

## 2. Conflicts and constructive compromise

Conflicts among individuals, nations, cultures are an unavoidable fact of life. Conflicts should not be understood only in context of armed conflicts or war between nations, but also between employees in their workplace, among businesses in their strive to beat competition and survive, internal political crisis at the national level and in other spheres where distinct goals meet at uncompromising end. While there is a tendency that as a result of conflicts relationships between parties may be weakened, this should not necessarily be viewed that way. Often, when conflicts occur and negotiations result in a practical deal, the relationship tends to strengthen, as there is an understanding that there is a room for mutual benefits to be obtained. Constructive compromise creates a new reality that all sides feel that they all won.

The constructive compromise, therefore, can be defined as a negotiation approach in which the parties work hard towards an outcome so that all parties gain from it. The constructive compromise strategy, unlike win-lose approach that where a party focuses on demonstrating or using power to win,<sup>1</sup> aims on building common beneficial agreements and is attained through the process of (usually) difficult negotiations which seeks to succeed through understanding the reality of opportunities to be gained, through sacrifices offered. The end-result of the so called win-win outcome tends to create a sense of encouragement for the parties concerned and negotiations end with satisfying result.

In order for a constructive compromise to take place and shape, the negotiations are critical. Negotiations can be defined as communication among two or more parties who have encountered a challenge, for which they are keen to find and consent on a particular solution suitable to all the parties affected. Horacio Falcao defines negotiations as a “process that happens whenever at least one person is trying to get another to do or not to do something for him or her.”<sup>2</sup> Negotiations are not only important, but imperative and should be utilised at a very early stage to avoid tensions reaching uncontrollable scale. Since conflicts are part of everyday life, so appear to be negotiations in attempt to resolve them. Angelique Pinet and

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<sup>1</sup> Falcao, H., *Value Negotiation: How to Finally Get the Win-Win Right* (Pearson, Jurong, 2012) p. 65.

<sup>2</sup> *Ibid*, p. 13.

Peter Sander in their recent book emphasized the importance of negotiations and the way negotiations are all around us when they said:

“Not only must we do our own negotiating, but negotiating has become a constant way of life for most of us...We negotiate for new jobs, new projects, raises, flexible work schedules and travel arrangements...Rare is a day when you aren't in some kind of negotiation...”<sup>3</sup>

Achieving compromise, however, denotes increased understanding that conflicts are part of everyday life, need to be resolved when surfaced, and often there are more benefits to be obtained than one can imagine, yet, shrewdness is required. John Mariotti, President & CEO, The Enterprise Group, wisely said: “You don't get what you deserve, you get what you negotiate”<sup>4</sup>

Negotiations should aim at preventing future conflicts recurring between conflicting sides or preventing new conflict taking place, when negotiations act as preventive measure. Reaching a constructive compromise in conflicts and disputes is a service to human development, ethical in nature and encouragement to scholars working on conflict management and resolution. Besides, successful conflict resolution and subsequent constructive compromise boosts cohesion of parties involved bringing renewed trust that can result in stronger respect for each-other in their separate paths of attaining own objectives without undermining the objectives of others. Finally, conflicts or disputes drive parties into deep examination and evaluation of their objectives, helping out in understanding challenges and benefits that result in refinement of their focus path. Conflicts, therefore, are an unavoidable development in the of course of relationship evolution and should not necessarily be treated with scepticism.

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<sup>3</sup> Pinet A., and Sander P., *The Only Negotiation Book You'll Ever Need* (F+W Media, Avon, 2013), p. 21.

<sup>4</sup> Mariotti J., *You Don't Get What You Deserve – You Get What You Negotiate*, in <https://www.openforum.com/articles/you-dont-get-what-you-deserveyou-get-what-you-negotiate/> [Accessed on: July 18, 2013].

### 3. Strategies for constructive compromise

The strategies for constructive compromise, while being positive and conducive for parties involved, they are difficult to prepare, as they require lots of time to allot comprehensive analysis, plan and design in efforts to reach the desired aim. Such strategy tends to focus on parties attaining their key objectives with no party feeling embarrassed because it lost more than it gained. Prior to entering the negotiation process one must be firm and confident about the strategy to take on. Ultimately, constructive compromise outcome creates conditions for parties to reconcile in order to develop or resume a long-term relationship long after the settlement is over. Below, pragmatic strategies (and related tactics) for negotiations aiming at achieving the desired constructive compromise are discussed.

### 4. Strategy preparation

Prior to negotiation process, a professional negotiating team needs to be fully prepared and plan the course of action for the due process. Initially, they should clarify the goals that are indispensable. Examining what is Best Alternative to a Negotiated Agreement (BATNA)<sup>5</sup> and Worst Alternative to a Negotiated Agreement (WATNA)<sup>6</sup> is very crucial. Part of plan is also the decision whether to start with key issues or with the less sensitive ones. It is general practice, however, to first tackle soft issues to create an atmosphere of mutual understanding, leaving the challenging issues at the end of process. Being fully prepared and having a professional team<sup>7</sup> is conducive to the productive outcome. Psychological preparation is imperative in order to be fully focused and attentive in understanding the course of the process. Relaxing, positive and controlled smiling image can improve the climate. Initial encounter should also be used to test grounds and how close

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<sup>5</sup> Fisher, R. and Ury W. *Getting to Yes: Negotiating Agreement Without Giving In* Second Edition (Random House, London 1991), Chap. 3.

<sup>6</sup> Training on demand, *Negotiating Skills* in: [http://www.trainingondemand.co.nz/\\_literature\\_69123/Negotiation\\_Fundamental\\_Skills\\_Participant\\_Workbook](http://www.trainingondemand.co.nz/_literature_69123/Negotiation_Fundamental_Skills_Participant_Workbook) [Accessed on: July 22, 2013].

<sup>7</sup> Having a professional team with extensive experience is vital during the whole negotiation process. They bring impetus, self-discipline leadership and control during all stages of the process. See Training on demand, *Negotiating Skills* in: [http://www.trainingondemand.co.nz/\\_literature\\_69123/Negotiation\\_Fundamental\\_Skills\\_Participant\\_Workbook](http://www.trainingondemand.co.nz/_literature_69123/Negotiation_Fundamental_Skills_Participant_Workbook) [Accessed on: July 22, 2013].

you can get. The strategy designed (the composition of negotiating package) should be crystal clear in the head of any negotiator, and ready (at any time) to be presented and elaborated in details. Having no full confidence in strategy designed may reduce chances of attaining a practical deal.

### 5. Formulation of strategy

The formulation of strategy should target three different versions: ideal, realistic or acceptable.<sup>8</sup> Naturally the parties present their *ideal* version first, in order to show level of flexibility for potential changes. Yet, it is wise not to show any indication that you are ready to go a very long way to reach an agreement. Therefore, the *realistic* version should be presented as the last acceptable one, as it contains realistic picture of solving the challenge or challenges. If the two former versions proved not feasible to reach an accord, then the party (half-heartedly) presents the final *acceptable* version, which ought to form basis for constructive compromise. However one must be still prepared to answer more difficult questions that ought to follow for further concessions before final deal is reached.

Setting the agenda is important, and the structure of topics to be discussed should be organised in a way that suits party's priorities. Even though the aim of most negotiating parties is to reach a constructive compromise, the party should have a proactive approach and be prepared for any scenario, even for, what to do if no agreement is reached! Psychological preparation should, indeed, make a party feel unsurprised if no deal is attained.

As mentioned earlier, developing BATNA is important in order to design a frame and build a strategy. BATNA<sup>9</sup>, a widely used approach and terminology in the negotiations (in theory and practice), is developed by two Harvard University scholars, Roger Fisher and William Ury. This refers to an alternative action that is to be taken once recommended agreement among the parties result in an inadequate accord or when an accord cannot be reached at all.<sup>10</sup> Fisher and Ury explain that BATNA

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<sup>8</sup> France S., *The Definitive Executive Assistant and Managerial Handbook*, (Kogan Page, London, 2012) p. 181, 240.

<sup>9</sup> Fisher, R., and Ury W., *Getting to Yes: Negotiating Agreement Without Giving In* Second Edition (Random House, London 1991), pp. 97-107.

<sup>10</sup> Ibid.

“...is the only standard which can protect you both from accepting terms that are too unfavourable and from rejecting terms that would be in your interest to accept. Your BATNA not only is a better measure but also has the advantage of being flexible enough to permit exploration of imaginative solutions”.<sup>11</sup>

Therefore, a party involved should normally not agree to a worse outcome than its BATNA and each party should be clear about their BATNA, otherwise the overall process may be viewed from a confused angle that will, naturally, not be productive to negotiation process. The more constructive your BATNA is the more power you ought to attain in the process itself.

Besides, focusing on their own BATNA, parties involved should take time in analysing the BATNA of the opposing side in the negotiation. This would give extra power and knowledge to understand the point of view of the party or parties implicated in negotiating process and compare the alternatives on how close is the potential deal likely to be reached.

## **6. Goal's clarification and rationalization**

The negotiating party's goals need to be clarified, ready to be presented and elaborated in persuasive manner. Providing the other parties with adequate and accurate information that supports the argument is crucial to sincerity and professional conduct. While in business negotiations one could generate financial statements documenting the reasons behind a particular interest, in political-ethnic disputes one can provide data and information in great detail regarding consequences of war and dispute that can be used as rationale for the case presented. Asking questions for every unclear detail or deed is important to understand the point of view and the goal of the opposing side.

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<sup>11</sup> Ibid, p. 100.

## 7. Focus and behaviour to detect disposition and direction of negotiations

During the negotiation process, Fisher and Ury suggest that one should focus on problems, not on people<sup>12</sup> and on interest, not on positions.<sup>13</sup> In addition one must think forward, and avoid discussion about the hostile history that brought sides to the negotiating table. Attempts should be made to do utmost to develop alternatives that lead to constructive compromise. Identifying the Zone of Possible Agreement (ZOPA) may take time but it is crucial as one can detect the zone where an agreement can be achieved and all the sides can consent to. Through ZOPA the parties involved get to know the options available and limits in order to facilitate the process of setting priorities. Identification of ZOPA can subsequently shape the nature of forthcoming steps.

Once ZOPA is identified then an agreement may be possible. However, if party's stand indicates that they do not have a ZOPA then no agreement can be achieved. The ZOPA can be identified when the parties involved (at a particular stage) present 'bottom line' positions. If it is sensed that there is an overlap among 'bottom line' positions of parties involved, then there is a real likelihood for an agreement to be achieved, otherwise the process may be bound to fail. Maintaining a rigid 'bottom line' can have two folded repercussions. First, it may prevent a party from accepting an unfavourable deal, and moreover, it may lock the mind from developing creative solutions that may be contributing to optimal deal.

In addition, the focus, during the negotiations, should not be only on verbal but also on non-verbal behaviour, thus understanding the meaning of certain non-verbal ways of behaviour is important. Henry Calero in his famous book on nonverbal communication notes that:

“While a facial expression won't describe objective facts in technical detail, it does say a lot what a person thinks about his or her position in negotiation or argument. And knowing that can help you a lot.”<sup>14</sup>

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<sup>12</sup> Fisher, R., and Ury W., *Getting to Yes: Negotiating Agreement Without Giving In* Second Edition (Random House), London 1991, p. 17.

<sup>13</sup> *Ibid*, p. 40.

<sup>14</sup> Calero H.J., *The Power of Nonverbal Communication* (Silver Lake Publishing, Aberdeen, 2005) p. 74.



For instance, when one speaks slow and keeps his or her eye contact firm, signifies that he or she is concentrated, confident to what is saying and is under full control. At this point one must listen even more carefully to understand his or her line of thinking. This mostly occurs at the beginning of the process when the sides are fresh and decisive, while presenting their point of view.

On the other hand, repeating the same statements while avoiding eye contact and evading answering of key questions usually signifies the side's level of unpreparedness, resulting possibly in potential embarrassment. In such a scenario in order to soothe the situation, it is advisable that the other negotiating party show certain level of empathy and understanding without affecting course of constructive compromise. The empathy with negotiating party should be controlled, so that the party, who is feeling potential embarrassment, should not be led to believing that they are on the losing side, as subsequently may result in party rejecting potential practical deal.<sup>15</sup> However, if one senses that interlocutor is crossing moral negotiation boundaries (making irrational deeds and demands), then no compromise is likely to be achieved. A wise negotiator does not attempt to win over his partners, but take control of process with the aim of leading to a constructive compromise.

## **8. Improve personal relations**

In order to achieve a mutually beneficial agreement, negotiators should attempt to approach each other in a positive and friendly manner with the goal of negotiation being the agreement. Concessions should aim at creating productive atmosphere where trust and confidence prevail over doubtfulness, scepticism and uncertainty. Even though full trust may be utopic, still showing some signs of empathy and behaving somewhat flexibly may advance chances to reach a practical deal. Therefore, showing signs of understanding for the position of the negotiating party is important to soften environment and increase trust. Talking short but concise is also highly valued, and sincerity is the best guiding principle.

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<sup>15</sup> One must be attentive as interlocutors may want their problem to be transferred to you, so that you keep dealing with their problem and subsequently offer new concessions to them.

Working towards personal relations with the opposite negotiating party may result in relaxation of tones, subsequently their negotiating positions. Thus, once personal relations reach a decent level then one can anticipate somewhat smoother outcome. Negotiator's wisdom should be oriented towards pro-activeness, creativeness and offering balanced alternative. This may be difficult to achieve but it requires meticulous preparations, practical communication, show respect for negotiating party and their position in order for the presented realistic alternatives be given serious considerations.

If such constructive attempts would not yield results then, it is wise to offer a new alternative, still on mutual interests, and indicate positive traits and merits of the opposite negotiating side. The strategy, however, will not endure in an environment that does not encourage and promote open communication<sup>16</sup> between parties. The open communication is a key to learning and understanding the needs of the other parties involved. The North Carolina State University research paper emphasises the importance of open communication as it "allows for enhanced creativity in the actions negotiators take and the decisions they make."<sup>17</sup>Therefore, it is extremely hard to endeavour and develop innovative and pragmatic solutions without having a clear knowledge of what are the needs of the party concerned.

Therefore, testing the environment, putting smart questions and offering right answers (when questions are asked) is imperative to improve the negotiating atmosphere and bring closer the focus of the other party's viewpoint. Building bridges denotes closing the gap between the parties, but as negotiation gets close to the end being careful about potential traps that may be involved and use vigilance to avoid them, is seriously recommended.

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<sup>16</sup> North Carolina State University (2005) *Negotiation and Collaborative problem solving* in <http://www.ncsu.edu/nrli/decision-making/projects/documents/NegotiationCollaborativeProblemSolving.pdf> [Accessed on: July 19, 2013].

<sup>17</sup> *Ibid*, p. 3.

## 9. Presentation of image – attentiveness and sincerity

Keeping relaxed<sup>18</sup> but attentive image is important in order not to show emotions during all stages of negotiations. Be ready for any surprise, such as withdrawal at the last stage when one thinks that reaching the deal is imminent. This could be a tactical move from the interlocutors in order to gain further concessions. In such circumstances one could undoubtedly be shocked but should not be angry or show such emotions. If such conduct repeats in forthcoming rounds then one can conclude that the party is using threatening tactics and constructive compromise is not on the horizon.

One must bear in mind, however, that once one side present with confidence (or intentionally claims) a particular reality, then that is hard to change. Very often the parties involved in negotiations are not altruistic in the view regarding the outcome of the process itself. They may claim to be generous but they are rigid in the requests for potential outcome and see the negotiation process as win-lose approach. The parties during a negotiation process aim to protect themselves from a potential unfavourable deal, with an intention of using all the available assets to reaching the most favourable outcome. They look for agreement without giving in.

If the party senses that discussions are to lead to a deadlock, then, attacking or challenging the partner's wrong assumptions and proving that they have inaccurate thinking is the right recipe. This could be done professionally (without insults) by demonstrating in great detail partner's flawed assumption. Yet agreeing to some of negotiating partner's concession, as long as they don't touch the bottom line positions is a key that leads to a constructive compromise. Bluffing should never be practiced as it may lead to a distrusting atmosphere while modesty and sincerity<sup>19</sup> makes a negotiator look more convincing and practical.

## 10. The need for the Third party

Certain conflicts are complex and take time to reach an agreement. Often in complicated negotiations the Third party is recommended, as parties distrust each other and a constructive compromise seems not on the

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<sup>18</sup> One should be able to control stress and associated tensions especially during complex negotiations.

<sup>19</sup> Ury, W. *The power of a positive No: Save the deal save the relationship and still say No* (Bantam Book, New York, 2008) pp. 113, 182, 228.

prospect. In such situations, where a party fails to convince the other party to move away from positional bargaining, then it is productive to call a mediator or arbitrator, conciliator or perhaps a consultant.<sup>20</sup> Third party, thus, is invited once parties reach an impasse, or maybe a further assistance and expertise is needed. Among the first steps is looking for ways to grasp data and information on the reality and the perception of reality from all the parties involved. Then, the third party (a mediator in most cases) should undertake a comprehensive analysis and look for potential ZOPA and finally offer BATNA in form of a package agreement.

Negotiating a package agreement means balancing concessions on key issues resulting in a constructive compromise, with parties being pleased with the final outcome. Such way of negotiations is rather difficult and requires smart leadership, wisdom, courage and careful planning in order to generate constructive compromise. What third party does is, help both sides organise their thoughts in order to reach mutually beneficial deal. One expects from the mediator, for instance, to act reasonably and convince sides that making irrational demands will affect the path of negotiation. A mediator should be able, however, to convince both sides that short-term objectives must not deter attainment of long term aims. Yet, one must admit and comprehend the mediator's negotiation limits, because in certain cases there is no ZOPA, and no party is willing to soften bottom line positions, thus no constructive compromise is to be achieved.

## 11. Concluding part of negotiations

Most of negotiations have a tendency to conclude with agreements. At the end of negotiations, once the agreement has been reached, a verbal summary is advisable on what parties have agreed upon, mostly a review on main points to make sure that the agreement is understood. Consequently writing of the draft agreement follows, to be concluded with signatures from both negotiating parties.

At times, however, implementing the practical deal reached, on the ground, proves challenging. This occurs due to the fact that communities feel that unjust deal has been agreed while ignoring their concerns for sensitive issues to be given more serious consideration. Nevertheless,

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<sup>20</sup> De Janasz S., Dowd K., Schneider B., *Interpersonal Skills in Organizations* (McGraw-Hill, New York, 2008), Chap. 9.

concluding negotiations with constructive compromise means bringing the negotiation parties closer, gives fresh sense of trust and creates conditions for collaboration that will ultimately improve the climate for implementing the deal on the ground.

As one can notice negotiation process is multifaceted, thus very difficult to manage, even more so when the sides have totally conflicting views. However, attempts should be made towards reaching a well-balanced agreement, where all sides feel that negotiations were productive. Finally convincing communities on the ground that the compromise reached is in mutual interest and offering practical opportunities to live and hope, by promising care and support for the future may be the best recipe.

## **12. Negotiator's important qualities**

Negotiators should be shrewd, creative and proactive and be able to manage process of negotiation in different situations. They should have skills and attributes conducive to negotiation management, such planning, organising, leading and controlling the overall negotiation process. Smart negotiators have tendency to focus on objective criteria, valuable standards, and concept of fair play. Besides, traits such as integrity, empathy and patience are also very important.

A good negotiator should sense the direction of negotiations and overcome deadlock. Besides he or she should be a strategic and fast thinker like for instance anticipating potential aggressive tactics by the opposing party, but refraining from retaliating in the same manner. Being a good listener, sincere, having sense of humour is equally important, but having stamina (physical and intellectual resistance to achieve the desired results) and self-discipline<sup>21</sup> is imperative for successful negotiations. Naturally, it is very difficult for a negotiator to possess all these qualities, however, they tend to be worth developing in order to improve negotiation skills and tactics and achieve satisfactory results.

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<sup>21</sup> Capacity to carry out and conclude tasks and attain goals without the need for outside motivation and direction.

### **13. The importance of constructive compromise**

Once a party enters the negotiation process with a strategy for constructive compromise, shows the other side that it truly cares on their objectives and is ready and determined to conclude the process with parties feeling satisfied. However, professional negotiators are sceptic with regards to strategy whereby all the parties involved perceive they have won from the process of negotiations. They have tendency to believe that in any case one party will leave with 'better' and 'bigger' gains. While it is hard to find a barometer that measures precisely who won more, the mutual satisfaction that derives at the end of the process is an indicator that constructive compromise has been reached.

The constructive compromise does not mean that parties involved in negotiations will all walk out being extremely happy with the outcome. Naturally, once one is implicated in the negotiation process he or she should be aware that certain objective are to be sacrificed for the sake of compromise (if the aim is compromise), which inevitably signifies that no total win is to be attained. The strategy for constructive compromise requires a distinct frame of mind, patience and flexibility for common cause.

Reaching a constructive compromise entails integrative and pragmatic bargaining, focus beyond straightforward issues in order to understand and think on long-term necessities of all parties concerned. This, inevitably, indicates that a party is to sacrifice the minor issues, understand that the long-term negotiation deals are more productive than the attainment of the short-term aims. All in all, the constructive compromise strategy entails a proactive approach that centres on creativity, analytical ability, and rationality, all of which require enormous amount of time and efforts to reach desired result.

### **14. Some lessons from history of conflict and peace negotiations**

#### **14.1. Second World War**

Negotiating a business or financial deal is different from negotiating a political settlement. While in business finding ZOPA or BATNA may be easier, post conflict political negotiations are rather difficult especially when pain and sufferings of war are fresh in the minds of those who were hurt or terrorised. Analysing the aftermath of Second World War in

European context of reaching lasting peace was not easy, after tens of millions of innocent human deaths, enormous destruction and poverty throughout Europe.

Yet, ZOPA for the European powers (despite long time enmities among them, namely between Germany and France) was the idea to revive Europe, while containing and preventing Soviet Union to further expand its territory or influence. At the time European victorious powers along with the USA believed that this is also the best alternative, a package which compromised even reconciliation of former bitter enemies Germany, France and Britain. The European peace process was followed, with the idea of opening up markets gradually and later moving towards essential integration. The European Coal and Steel Community (ECSC), European Community up to current EU is a peace story of an enormous success. The steps to reach to current shape and structure of the European Union were slow but firm as there was common courage and determination to forget past hostilities and move forward and develop together.

#### 14.2. Northern Ireland conflict

Another peace success story could be considered the Northern Ireland peace treaty. The 1998 Good Friday Agreement laid the foundations for the final peace accord. Now the oldest<sup>22</sup> known world conflict was finally resolved through a long and difficult negotiation process and often to be considered a model of success.<sup>23</sup> Initially the ZOPA was considered to be the free cross-border interaction between communities, despite anger and hostilities between sides (Catholics and Protestants) as well as long walls built dividing communities.

Cross-border interaction, however, facilitated communication and paved the way for economic, social and cultural interaction acting as catalyst for 'strengthening relationship and provide powerful hindrance for violence.'<sup>24</sup> Complex negotiations were also assisted and supported by the EU who also injected €1.5 billion in three different peace programmes between 1989

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<sup>22</sup> The conflict between the two main religious groups, British supported Protestants and the Irish Catholics, has been going on since seventeenth century, being up to decade ago the oldest unresolved conflict in the world.

<sup>23</sup> Aljazeera Report,(Allison, M) *Peace in Northern Ireland: A model of success?* in: <http://www.aljazeera.com/indepth/opinion/2012/08/201281292223454712.html> [Accessed on: October 30, 2014].

<sup>24</sup> Power, M. *Building Peace in Northern Ireland*, Liverpool University Press, Liverpool, 2011, p. 8.

and 2013.<sup>25</sup> Mike Allison notes that the success is Northern Ireland peace process is visible but still there is more work to be done when he remarks

Economically, Northern Ireland must find a way to sustain itself as it cannot count on millions of British pounds indefinitely....[and] ...agreement left open the possibility that the people of Northern Ireland could vote to change the country's political status at a future date.<sup>26</sup>

### 14.3. Palestinian - Israeli conflict negotiation

Unlike the previous conflicts discussed that were eventually resolved bringing functional peace, the most popular (or at least the most debated) conflict of the last several decades remains unresolved. The Palestinian-Israeli conflict, despite massive international media attention, enormous efforts by the mediators, still there is a deadlock, as simply there is no room for ZOPA. Both sides, Palestinians and Israelis appear to keep firm to their opposing stance, leaving no opportunity for possible agreement. In this case, since peace process naturally should benefit both sides, paradoxically<sup>27</sup> one should look on BATNA for possible solution.

One must keep in mind that Palestine already obtained non-member UN observer status in 2012<sup>28</sup> and the number of EU members who recognised the Palestinian state is beginning to rise.<sup>29</sup> These developments and time factor

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<sup>25</sup> Ibid, 195.

<sup>26</sup> Aljazeera Report, (Allison, M) *Peace in Northern Ireland: A model of success?* in: <http://www.aljazeera.com/indepth/opinion/2012/08/201281292223454712.html> [Accessed on: October 30, 2014].

<sup>27</sup> Normally, the parties in the conflict can proceed with BATNA only after they have identified ZOPA. However, once the mediators do not find ZOPA in a particular conflict case, (after years or decades of attempts) then it is advisable for mediators to propose a BATNA based on international law and moral ethics. Should this proposition gains approval internationally, would be wise to convince and pressure the parties in the conflict until they endorse it.

<sup>28</sup> UN Homepage, *General Assembly Votes Overwhelmingly to Accord Palestine 'Non-Member Observer State' Status in United Nations* in: <http://www.un.org/press/en/2012/ga11317.doc.htm> [Accessed on: October 30, 2014].

<sup>29</sup> Time Magazine *Sweden Becomes the First E. U. Member to Recognize a Palestinian State* in <http://time.com/3547418/sweden-becomes-the-first-e-u-member-to-recognize-the-state-of-palestine/> [Accessed on: October 30, 2014]. Three countries for former Soviet bloc but now member of the union (Hungary, Poland and Slovakia) recognised Palestine before



do not go in Israel's favour. Therefore, at current situation, the only viable resolution for this conflict would be proposing a solution through utilising of International Law and valid UN Security Resolution 242, which embraces 1967 borders, all of this packaged with financial aid. This may be difficult to achieve but very likely would be conducive to the entire region and further. Delaying attempts to propose a solution will inevitably mean no security for the region, no investments and more deaths and destruction.

#### 14.4. Kosovo-Serbia Conflict

The Kosovo-Serbia conflict surfaced in the international media spotlight in the late 1990s, although the conflict is much older. Nearly a decade after 1999 Kosovo war, the country declared independence (February 2008) receiving by now over 100 recognition from all parts of the world<sup>30</sup> but it is not yet a UN member, and the negotiations are ongoing. The "bottom line" position during these negotiations is sovereignty for Kosovo side, while non-recognition for the Serbian side. Therefore, the common approach where "Serbia says that the Albanians can have virtually anything they want except full independence; Albanians say that everything is negotiable except independence"<sup>31</sup> puts mediators in uncomfortable position. The zone of possible agreement in this case is negotiating some technical issues that do not necessarily effect their respective constitutions. However, since normalization of the relations between all the countries of the region is now a pre-condition for the EU integration,<sup>32</sup> both Kosovo and Serbia are doing utmost to find a reasonable agreement. Nevertheless, there are no important shifts in bottom lines, which means that parties are not yet in position for final compromise.

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joining the E. U. bloc Besides Croatia is also likely to recognise Palestinian state. See: Daily Sabah *Croatia likely to recognize Palestine as a state* in <http://www.dailysabah.com/mideast/2014/10/24/croatia-likely-to-recognize-palestine-as-a-state/> [Accessed on: October 30, 2014].

<sup>30</sup> Kosovothankyou.com (2014), *Who recognized Kosova as an independent state*, in <http://kosovothankyou.com/> [Accessed on: October 13, 2014].

<sup>31</sup> Tim Judah, *Kosovo Sets Out on Road to Independence*, The Independent, Oct. 24, 2005 in: <http://www.independent.co.uk/news/world/europe/kosovo-sets-out-on-road-to-independence-8027471.html> [Accessed on: July 5, 2014].

<sup>32</sup> European Parliament (April 2013), *Serbia, Kosovo, Montenegro: reforms and good neighbourly relations needed*, in <http://www.europarl.europa.eu/news/en/pressroom/content/20130412IPR07197/html/Serbia-Kosovo-Montenegro-reforms-and-good-neighbourly-relations-needed> [Accessed on: July 22, 2014].

One must admit, however, that the European Union is well placed to mediate and offer reasonable recommendations in order to reach a constructive compromise. There have been a number of technical agreements under discussion (like energy and telecommunications)<sup>33</sup> but not all of them seemed to be implemented, even though both sides agreed to. In Kosovo-Serbia case the EU has both sticks and carrots, while both Kosovo and Serbia are not in an adequate position to say no, when push comes to shove. Both countries cannot afford isolation and that would hinder EU's continuous financial injection in their respective countries. Kosovo and Serbia consented to EU best alternative to a negotiated agreement in April 2013. The EU's BATNA is normalizing the neighbourly relations, not asking Serbia to recognise Kosovo, but to remove obstructions for Kosovo to join various organizations as well as removing the Serbian state institutions in the North of Kosovo.<sup>34</sup> Kosovo on the other hand agreed that the North of Kosovo (mainly populated by the Serbs) has a more privileged treatment vis-à-vis other Serbian municipalities in Kosovo, and to organize elections in the whole territory of Kosovo. Such recommendations by the EU do affect both countries' constitution and remains to be seen how they can be implemented on the ground and what are the associated reactions of people affected by it. After all, no matter what the reflection may be, the constructive compromise is the only game in town, and as such should be given more importance rather than just considering a mere pre-condition for the EU integration. Kosovo independence is a fact and so far has proved to be fairly successful story of multinational cohabitation, even though challenges have existed but now are gradually subsiding.

Success in negotiation is, however, never guaranteed, but attempts towards it should be made. Indeed, even in very unfavourable circumstances, mediators should not be discouraged, but endeavour to offer new creative ideas for solution, which in turn could refresh the negotiation environment, leading to possible compromise. Peace success stories of former conflict cases discussed and others could be used as a model for future conflict resolution, offering hope that huge sacrifices for peace and reconciliation are very likely to be abundantly rewarded.

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<sup>33</sup> European Public Affairs site (June 2013) *Kudos to the Kosovo-Serbia Agreement* in: <http://www.europeanpublicaffairs.eu/kudos-to-the-kosovo-serbia-agreement/> [Accessed on: July 19, 2014].

<sup>34</sup> *Ibid.*

## 15. Conclusion

This study addresses empirically the interplay among three dimensions in the context of the strategies for constructive compromise – negotiation management, challenges and opportunities vis-à-vis hostilities and war. This research offers a broad examination on strategies to reach the constructive compromise. The study argues that negotiators should be shrewd, act wisely, be focused and sacrifice short term aims to reach long-term mutually beneficial agreements. Besides, this research paper notes that flexibility, not the rigidity, is usually the way towards developing trust between parties and relaxing climate in the course of achieving constructive compromise. In addition, the study offers a brief analysis of selected conflicts that concluded with peace accords and some with ongoing negotiations in the light of persistent challenges to achieve a practical deal.

All in all the work raises several questions about various subject matters crucial to the negotiation process, offers recommendations to various situations that may arise and elaborates on the importance of efforts towards attaining a constructive compromise.

Ultimately, one can conclude that shaping the multifaceted strategy for constructive compromise in needed manner, may not be easy due to existence of various challenges in the path of arriving at a functional accord. However, this should not prevent negotiators endeavour and explore ways towards achieving desired results. The outcomes of such strategy still may, sometimes cause short-term discomfort, but very likely will restore confidence and offer a bright prospect for the common future.

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